HOUSE OF REPRESENTATIVES—*Wednesday, January 27, 1988*

The House met at 2 p.m.

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

We thank You, gracious God, for the opportunities of a new day. May we have the vision to dream the dreams of justice and understanding and the enthusiasm to labor for our goals. Guided by Your spirit, O God, and encouraged by Your abiding presence, may each of us discover our own responsibilities by doing the work of righteousness in our own day and time. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

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

S. 1193. An act to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, HI.

The message also announced that pursuant to Public Law 99-624, the Chair on behalf of the President pro tempore, appoints Mr. HEFLIN, Mr. EXON, and Mr. DOLE, to the Eisenhower Centennial Commission.

The message also announced that pursuant to Public Law 81-754, as amended by Public Law 93-536, the Chair on behalf of the Vice President, appoints Mr. SARBANES to the National Historical Publications and Records Commission.

CONGRESSIONAL STAFF SHRINKING

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

Mrs. SCHROEDER. Mr. Speaker, 2 weeks ago the Washington Post printed an op-ed essay by an ex-Republican staffer from the other body "Memo to Congress: Fire Half Your Staff."

His thesis was simple: Congressional staff have proliferated and this has contributed to a meddlesome Congress.

His facts were wrong: Since January 1981, legislative branch staff has dropped 7.2 percent while executive branch staff, where he is now employed, has grown 6.6 percent.

House employment alone dropped to 11,360 in 1986-87 from 11,570 in 1981-82.

Looking at in it another way: In 1981 there were 14 congressional staffers for every 1,000 in the executive branch. In 1987 the ratio was only 12.5 per 1,000.

One hundred years ago, by the way, there were 36 congressional staffers per 1,000 executive branch staffers, almost triple the ratio today. Bring back the good old days.

DIESEL FUEL EXCISE TAX COLLECTION BILL

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

Mrs. SMITH of Nebraska. Mr. Speaker, today I am introducing legislation to correct an injustice tucked away in the 1987 Budget Reconciliation Act.

Slipped into that law is a subtle change to the Tax Code that will require wholesalers to collect the diesel fuel excise tax rather than the retailers.

Off-highway users, such as farmers and ranchers, are exempt from the diesel fuel tax, but they will now have to pay it and then apply for a refund.

This will cost off-road diesel fuel users undue hardship. The law allows farmers to claim a refund or a tax credit but only after the damage has been done.

Most importantly, the new policy will significantly increase up-front fuel costs. Increasing such up-front outlays will intensify the cash-flow problems of many farm operations. And certainly, it makes no sense to burden farmers with the added paperwork that will be necessary to keep track of a tax they paid but do not owe in the first place.

Congress changed the collection procedure to prevent cheating. But this change is incredibly unfair to the majority of those who have purchased and used fuel within the law.

My bill would easily and simply correct the problem, and, in doing so will not reduce the amount of diesel fuel excise taxes the Federal Government collects.

My bill is a commonsense technical correction that would remove one of the coals Congress put in the farmer's Christmas stocking.

At a time when America's farmers and ranchers are starting to "get back on their feet," this is not the time to put an additional burden on agriculture.

FBI INVESTIGATION OF U.S. GROUPS OPPOSED TO REAGAN'S CENTRAL AMERICAN POLICIES

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

Mr. GLICKMAN. Mr. Speaker, this morning, the Wichita Eagle-Beacon newspaper printed a Boston Globe story that revealed that the FBI conducted a massive campaign of surveillance and infiltration of U.S. groups opposed to the Reagan administration's policies in Central America. This investigation, which began as an investigation of allegations of one group's activities, a group called Cispes seem to have gotten completely out of control and eventually reached mainstream labor and religious organizations such as the United Steelworkers, the American Federation of Teachers, the Catholic Church and groups meeting at Wichita State University. What is most alarming about these revelations is that the common thread linking these organizations was the belief that our involvement in Nicaragua and other countries in Central America is wrong.

A teletype from the New Orleans field office in 1983 said:

It is imperative at this time to formulate some plan of action against Cispes and, specifically, against individuals (deletion) who defiantly display their contempt for the U.S. Government by making speeches and propagandizing their cause.

Our most important constitutional right, which goes to the core of our democracy, is that we have the freedom to hold and express our beliefs without harassment by the Government. The fact that many of us disagree with the Reagan administration's policy toward Nicaragua, or that the Sisters of Charity—one of the groups named in the FBI documents—disagree, should not subject us to suspicion and investigation by the FBI, which is supposed to protect the very rights we exercise.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ORTEGA IS USING THE PEACE PROCESS TO ELIMINATE THE CONTRAS

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

Mr. DREIER of California. Mr. Speaker, 8½ years ago, July 1979, Daniel Ortega and the Sandinistas, who had overthrown that horribly repressive dictator, Anastasio Somoza, made a four-point promise to the Organization of American States and to the people of Nicaragua. They promised free and fair elections, an end to human rights violations, a nonaligned foreign policy, and political pluralism.

Mr. Speaker, we have noticed that just 2 weeks before this critically important vote, which we in the Congress are going to face next week, Daniel Ortega has reaffirmed the promise for the exact same thing. It appears that Ortega is using the peace process to eliminate the Contras. We know full well that it is the existence of the democratic resistance, which has provided the pressure on the Sandinistas to negotiate.

We hope and pray that this very balanced package, which is going to be closely monitored by the Congress, will be implemented. Less than $40 million is the least that we can do, Mr. Speaker.

PRESIDENT REAGAN'S REQUEST FOR AID TO THE CONTRAS WILL KILL THE PEACE PROCESS

(Mr. AUCOIN asked and was given permission to address the House for 1 minute.)

Mr. AUCOIN. Mr. Speaker, Ronald Reagan is saying that warfighting aid to the Contras has forced Nicaragua to the bargaining table and will keep them there.

That's pure baloney. The President knows it. And this Congress shouldn't swallow it.

Six straight years of spending on the Contras did nothing to create this peace process. This process was started—without any help from this administration—by the President of Costa Rica.

President Arias won approval of a plan for peace involving all five nations in Central America. For his efforts, he won the Nobel Peace Prize.

So it was this man who brought the Sandinistas to the table—not the gun barrels of Contra rifles which have been aimed more often at civilians than soldiers inside Nicaragua.

What now does Mr. Arias ask of the United States? What do the other three Central American Presidents, whom we call "our democratic friends," ask of America?

To disapprove new aid to the Contras. Because aid in any form is aid to a standing army. Based in Honduras, for the purpose of overthrowing a neighboring government.

That's a violation of the peace agreement. It'll kill the peace process.

I urge my colleagues to defeat this aid because we have a choice between a peaceful settlement or a major escalation of the war that my colleagues will live to regret.

LET'S NEGOTIATE A UNITED STATES-MEXICO FREE TRADE AGREEMENT

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

Mr. KOLBE. Mr. Speaker, in his State of the Union Address, President Reagan called for the day "when the free flow of trade * * * unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the United States-Canadian border so long has been—a meeting place, rather than a dividing line."

With a commitment from Congress, I believe we have the opportunity—if we will but seize it—to forge a North American Economic Community to rival that of Western Europe. The free trade agreement with Canada was a crucial step forward. Now is the time to carry the momentum southward to America's third largest trade partner, the Republic of Mexico.

Next week, I will introduce a concurrent resolution expressing the sense of the Congress that the President and our trade representatives should negotiate a free trade agreement with Mexico. Under such an agreement, duties imposed by both countries on each other's imports will be mutually reduced and eliminated. My resolution sets a target date of 5 years for the agreement to take effect—depending, of course, on the status of negotiations, the discretion of the President, and the approval of Congress.

Now more than ever, the time is ripe for a major breakthrough in United States-Mexico trade. Since Mexico's accession to the GATT, the General Agreement on Tariffs and Trade, a little more than a year ago, tariffs and licensing requirements on hundreds of United States products have been lifted. Last November, the United States and Mexico concluded the most sweeping trade agreement in our history, covering everything from steel and textiles to computers and copyrights.

These are but two events in what many are calling Mexico's "second revolution." A decade ago, 75 percent of Mexico's imports, by value, were covered by licensing requirements. Now, less than 25 percent are covered; those remaining are being phased out. Tariffs are being lifted in accordance with GATT requirements. Hundreds of government-owned industries have been sold to private investors. Without exaggeration, Mexico has made more progress toward free trade in the last 4 years than in the previous four decades.

Next month, President Reagan will meet with Mexican President de la Madrid to chart the future course of United States-Mexico relations. Congress can help frame their agenda—and recognize the progress achieved by both nations—by calling for a United States-Mexico free trade agreement. Working together, the United States, Mexico and Canada can transform our continent into the most productive job-machine the world has ever known.

Millions of American workers and their families already depend on trade with Mexico for their livelihood. We owe it to them, and to future generations, to open Mexico's markets and bring our collective strengths to bear on the increasingly competitive global economy. I hope my colleagues will support this legislation. The prosperity of a continent depends on it.

OUTRAGEOUS PERVERSION OF JUSTICE IN EL SALVADOR

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

Mr. OBEY. Mr. Speaker, yesterday in and outrageous perversion of justice, a military court in El Salvador ruled that under the terms of the amnesty program in that country, the killers of four U.S. Marines will be released. I have talked this morning to the family of one of those U.S. Marines, and I think it is that Marine Patrick Kwiatkowski is from my home town, and I went to high school with his mother. I just have to say that I think it is safe to say that this family shares the outrage of many Americans, that a country which receives as much money as it does from the United States is engaged in the process of perverting the amnesty process by releasing these killers. I think it is important for people to understand that if El Salvador goes ahead with this decision, they will lose $18 million of their aid under the terms of an amendment which we installed in the continuing resolution this last December.

Mr. Speaker, I have been in contact with the White House, the State Department, and our Embassy in El Salvador. I appreciate the interest of all of them, and I ask all of them to renew their efforts to assure that this perversion of justice does not take place, and the killers of those four American marines ought to remain in jail.

THE CONTINUING RESOLUTION: THE GIPPER WON'T SIGN IT AND THE BUDGET CLOCK IS RUNNING

(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, three cheers for the Gipper! In response to universal disgust over the fiscal year 1988 continuing resolution, President Reagan announced in his State of the Union Address that he won't sign another CR if Congress sends him one. The stage is set to make fiscal year 1989 the year of responsible budget practices.

The President isn't bluffing. He has in hand a letter I sent to him on December 22, signed by 147 Members promising to uphold his veto. So, the situation is simple—this year we must debate, vote and send up 13 separate appropriations bills. Foreign aid, defense, agriculture and all the rest must all come to the floor and have their day in the Sun. They will stand before this body on their own merits, and the Congress will work its will. And that, Mr. Speaker, is as it should be.

To avoid the CR is to avoid the shame which befell us last December. But we must get moving now. The President's budget will be before us soon and time is short. We must analyze and draw upon his efforts and report our own budget resolution on time. Then the authorizers and appropriators must roll up their sleeves and get to work. We must let the Senate know that procrastination on their side of the rotunda will not be tolerated either.

Mr. Speaker, there is no reason we can't send the President 13 appropriation bills separately and on time. Let us see this not as a battle with the Executive, but as a challenge to ourselves to prove to the Nation and the world our basic competence as the world's greatest legislative body.

□ 1415

CONTRA AID

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

Mr. KLECZKA. Mr. Speaker, the Central American peace plan clearly offers us the best hope for promoting peace and pluralism in Nicaragua.

As a result of the peace process, the Nicaraguan Government has lifted some restrictions on basic political liberties. Most important, the 6-year-old state of emergency and the special tribunals for political crimes have been suspended. The major opposition newspaper, La Prensa, is also now being published again.

President Ortega has also offered to take additional steps to accept wider political dissent. Opposition radio stations will be allowed to broadcast news again. Ortega has also vowed to release over 3,300 political prisoners and to open direct negotiations with the Contras. He has even offered to permit the Contras to form their own political party.

Are these proposals serious? I don't know! However, it will be impossible to tell prior to the Contra vote scheduled for February 3. But one thing is certain. Voting for any form of Contra aid now will certainly kill these peace initiatives, thus killing the best chance we have for promoting democracy in Nicaragua. I urge my colleagues to vote no on the President's $36 million request until we can judge the sincerity of Nicaragua's recent reforms.

Mr. Speaker, to conclude my remarks, I include the following editorial from the January 12, 1988 issue which eloquently addresses this subject:

[From the Milwaukee Journal, Jan. 12, 1988]

ARIAS PEACE PLAN NEEDS U.S. HELP

A little more than five months after its birth, the Arias plan for peace in Central America is languishing, the innocent victim of inaction and hypocrisy. If the plan dies, many people in Central America are likely to die along with it, for the plan is the only evident alternative to continued war, poverty and injustice in the region.

The plan, named for its architect, Costa Rican President Oscar Arias, was signed by five Central American leaders on Aug. 7. Its principal goal is peace and justice in Nicaragua, and it requires the Sandinista government there, as well as the other four countries, to foster democracy. It also requires an end to outside help to rebel groups, notably the contras seeking the overthrow of Nicaragua's government. The five signatories will meet Friday, by which time the plan is supposed to be in place.

In reality, it hasn't been fully implemented. True, the Sandinistas have taken significant steps toward compliance—for instance, they have allowed the re-opening of an opposition newspaper and a banned radio station, permitted the return of exiled dissidents and released some political prisoners. However, they have failed to make other moves required by the Arias formula, such as lifting the state of emergency that curtails civil liberties.

For its part, the United States has proclaimed support of the plan but appears to have worked diligently to kill it, seeking further aid to the contra rebels. Not only does such aid violate the Arias plan; it gives the Sandinistas a gold-plated excuse to perpetuate Nicaragua's state of emergency, and of course the U.S. aid fuels the war that kills innocent people.

On Friday, the five signatories are likely to extend the deadline for the plan. But as one diplomat said, "From the moment deadlines are extended, the process begins to die, just like Contadora"—an allusion to an earlier peace plan that failed to survive. The signatories must do more than extend deadlines and risk killing momentum; they need to increase the heat on the Sandinstas and the U.S. to comply with the plan.

They need to remind Congress, for example, that seven years of U.S.-funded war have failed to produce either peace or democracy in Nicaragua, whereas five months of diplomacy under the Arias plan have produced significant movement. That should rebut claims that more war is the key to a successful strategy in Central America. Congress should demand that the administration support a policy of Central American peace, not war.

RESTORING PREFERENTIAL TAX TREATMENT FOR CAPITAL GAINS

(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, with the idea in mind that we need to further assist small business, I introduced a bill today that will restore the preferential tax treatment for capital gains. This measure will help foster the formation of capital, and that in turn will mean more economic growth through expansion and more jobs.

My bill would reinstate special long-term capital gains exclusions similar to the exclusions that were provided prior to the Tax Reform Act of 1986. The new exclusions would also apply to all capital assets, as defined in section 1221 of the Internal Revenue Code of 1954, and to those assets qualifying for capital gains treatment under section 1231 of the Code.

My legislation would not establish a 25-percent exclusion when taxpayers hold that asset for at least 2 years, but less than 5 years. A more favorable exclusion of 50 percent would be provided for assets held longer than 5 years.

To try to get some stability back into the management of our money, give some incentives to taking risks, to stimulate risk-taking and entrepreneurship, and to say that we are going to reward extraordinary risk-taking with extraordinary gain, that is the way America has helped to create wealth rather than to allow the Congress to continue to figure ways to redistribute the wealth.

Mr. Speaker, we need to reward substantial risk-taking with substantial benefits. In the end, this will mean more prosperity for all Americans.

DISDAIN FOR LAW NOTED IN THE IRAN-CONTRA AFFAIR

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

Mr. VISCLOSKY. Mr. Speaker, I rise to express my grave reservations over the continuation of Contra aid. The policy of providing funds to the Contras has been characterized by a number of elements, including a disdain for the law.

As noted in the report of the congressional committee investigating the Iran-Contra affair:

Officials viewed the law not as setting boundaries for their actions, but raising impediments to their goals. When the goals and the law collided, the law gave way.

When Congress enacted the Boland amendment, cutting off funds for the war in Nicaragua, administration officials raised funds for the Contras from other sources—foreign governments, the Iran arms sales, and private individuals; and the NSC staff controlled the expenditures of these funds through power over the Enterprise. Conducting the covert program in Nicaragua with funding from the sale of U.S. Government property and contributions raised by Government officials was a flagrant violation of the Appropriations Clause of the Constitution.

Mr. Speaker, an element that has been missing in the Contra program has been that of success. I urge my colleagues to deny further Contra funding. It will insure conflict, not peace.

FURTHER CONTRA AID WOULD CONTINUE PRESSURE ON ORTEGA

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

Mr. SMITH of Texas. Mr. Speaker, freedom is never free.

It must be constantly nurtured, cultivated, and supported. It must be paid for, and sacrifices must be made.

That is one reason why, since Ronald Reagan became President 7 years ago, not a single square foot of land has fallen into Communist hands.

But next week that record will face a grave test.

The fact is indisputable: The threat of the Communist Sandinista regime in Nicaragua is twice as close to the Rio Grande, as that Texas border is to the well of this House.

And if we fail to approve the request the President submitted today, we will be practicing "the politics of retreat, complacency and doubt," to use the phrase of Senator ALBERT GORE a Democratic candidate for President.

Some of my colleagues say even this minimal aid would undermine the tenuous peace process under way in Central America.

But haven't the prospects for peace been undermined much more by the $450 million the Soviet Union poured into Nicaragua just in the last year?

The Soviets realize it takes both money and determination to make their toehold in the region.

But many in this House appear reluctant to spend less than one-tenth of 1 percent of our national defense budget to combat the major Communist threat in our hemisphere.

If we do not stand up for democracy in Nicaragua—in our own continent—then where will we stand up for democracy?

Sending $36 million to the Contras may not be enough to win the war in Nicaragua. But it will be enough to continue the steady pressure on President Ortega to negotiate and accept democratic reform.

INTRODUCTION OF FEDERAL TORT CLAIMS ACT AMENDMENTS

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

Mr. OWENS of Utah. Mr. Speaker, today, I am introducing a bill to amend the Federal Tort Claims Act [FTCA] to allow victims of Government negligence the ability to sue the Federal Government for damages.

When Congress enacted the FTCA, it thought that it was abolishing the sovereign immunity doctrine—the outdated doctrine based on the ancient adage, "the King can do no wrong." The FTCA was supposed to hold the Government liable for its negligent acts.

While the FTCA was to hold the Government liable for its negligence, Congress did not want the courts second guessing the executive branch's policy decisions; such an intrusion might violate the separation of powers. As a result, Congress provided a limited exemption for acts that fell under the Government's "discretionary function."

A growing number of district and circuit courts have been interpreting the discretionary function exception so broadly that it has almost swallowed the whole of the Federal Tort Claims Act and, in essence, reinstated the sovereign immunity doctrine.

In the most recent case, Allen versus U.S., 1,200 victims living downwind from the nuclear test sites were denied compensation even though the Federal Government was negligent in monitoring testing results and negligent in failing to warn people of the danger they faced from radiation. Tenth Circuit Judge McKay, in his concurrence, stated:

The FTCA is largely a false promise in all but 'fender benders' and perhaps some cases involving medical malpractice by government doctors.

In Begay versus United States, the Ninth Circuit denied 200 Navajo Indian uranium miners compensation even though Federal agencies were negligent in failing to establish and enforce radiation safety standards when the dangers were first discovered and negligent in failing to warn the miners of the dangers of radiation exposure to their bodies. The court held that the Government's actions fell within discretionary functions. The court stated:

We agree with the district court that this is the type of case that cries out for redress, but the courts are not able to give it; Congress is the appropriate source in this instance.

It is in the executive branch's discretion to decide whether to engage in uranium mining and above ground nuclear testing, and therefore, it should not be liable for these decisions. But the Federal Government should be liable for their negligence in carrying out these policy decisions.

The judges in both the Allen and Begay cases, as well as other judges, have called on Congress to amend the FTCA; they have been bound by precedence to continue the broad interpretation of the discretionary clause. Congress must act. My bill, today, heeds these judges' calls and will, if enacted, put substantive relief into the Federal Tort Claims Act.

This bill amends the FTCA to delineate between policy formulation and implementation; the courts still would not be able to second guess the executive branch's policy decisions, but the Government would be held liable for the negligent acts it commits in carrying out those decisions. This approach has been advocated by a number of legal scholars.

My bill would not be retroactive, but it would allow future victims to have their day in court; victims should not have to shoulder the burdensome medical expenses for the Federal Government's negligent acts.

The King can and has done wrong, and he should be liable for his negligence.

DAN RATHER'S CONDUCT IN BUSH INTERVIEW LABELED "UNPROFESSIONAL"

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

Mr. OXLEY. Mr. Speaker, like many Americans, I am outraged by the manner in which Dan Rather conducted his interview with Vice President BUSH just prior to the President's State of the Union speech. To say that Mr. Rather's conduct last Monday evening was unprofessional is an understatement. In our society, where the media are entrusted with great responsibility, there is simply no excuse for Mr. Rather's conduct or the CBS news department defense of it.

The objectivity and trustworthiness of the media are crucial in a democracy, especially in an important Presidential election year. Dan Rather's bait-and-switch tactics, that is his extension of an invitation to the Vice President to do a live campaign profile and then ambushing him with "Contra aid" and "arms for hostages" accusations, completely undermined these cornerstones of journalistic pro-

fessionalism and amounted to nothing less than a public mugging.

The Vice President, relying on the integrity of the media, put his trust in Mr. Rather and the CBS network; it was a trust sadly misplaced.

Mr. BUSH correctly stated that Dan Rather was dwelling on mistakes of the past, not reporting news. Rather built his reputation on hard-line reporting, uncovering the bottom line. What CBS and Dan Rather did in this interview was not hard-line reporting nor was it simply reporting the news. It was an embarrassing display of the abuse of a sacred public trust in responsible journalism. Can any of us imagine such a scene with Walter Cronkite or Chet Huntley? Of course not.

The arrogance of Mr. Rather and other media elites should not go unchallenged. Rather says he was "persistent"—most Americans say he was "obnoxious."

NEW LEGISLATION WOULD ADDRESS POTENTIAL ABUSES OF DAIRY TERMINATION PROGRAM

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

Mr. OLIN. Mr. Speaker, we have an obligation to our dairy farmers and our constituents to assure that the Dairy Termination Program is free of abuse.

That program cost $1.8 billion. It required those who participated to have their animals slaughtered or exported and to keep themselves and their dairy facilities out of dairying for 5 years.

The Office of Inspector General has found two potentially major opportunities for abuse. Some leased properties and some properties removed from the control of the producer through bankruptcy or foreclosure could be put back in production before the 5-year period expired.

Today I am introducing a bill to extend penalties to anyone who produces milk on—or makes available for milk production—any facility under DTP restrictions. It also requires the USDA to request voluntary DTP compliance from owners of leased facilities.

Mr. Speaker, we cannot squander the assessments from our dairy farmers or the taxes of our constituents. We must keep these properties out of production. I welcome the support of my colleagues in this effort.

As you recall, under the DTP nearly 14,000 milk producers agreed to go out of the dairy business for 5 years. The prohibition against milk production extended to both the producer and the facilities. In a very early audit of the contracts, the Office of Inspector General discovered that there were two potentially major areas of abuse of the 5-year prohibition against the use of DTP-idled dairy facilities.

First, facilities removed from the producer's control through foreclosure or bankruptcy could be returned to production by a subsequent owner. Although the Farmers Home Administration has agreed not to sell DTP properties in its inventory back into production, there is no restriction on other interim holders or subsequent buyers of such property.

Second, contracts were awarded to some producers using leased facilities. In many cases, there either was no formal lease or lease which would expire well before the 5-year production prohibition was lifted. Nothing guarantees that the owner will not lease the facility right back into production when the current lease expires.

My bill is an attempt to lessen abuse potential. It extends the application of penalties to anyone who produces milk on—or makes available for milk production—any facility under DPT restrictions. It also requires the USDA to contact the owners of leased facilities under DTP restrictions to request voluntary compliance with the DTP contract.

The 5-year clock of prohibition on some of these facilities will not wind down until August 31, 1992. That poses a very real opportunity for undermining the primary purpose of the DTP—to reduce production by idling dairy facilities. We must do all that we can to assure that assessments imposed on our remaining dairy farmers and the taxes paid by all of our constituents are not squandered away in payments when the facilities are being returned prematurely to milk production.

Join me as a cosponsor. Let's make good our promise to our constituents that the DTP would not only kill cows and retire dairymen, but it also would reduce production by idling dairy facilities.

JAPAN CONTINUES SLAUGHTER OF WHALES

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

Mr. RAVENEL. Mr. Speaker, today several minke whales in the Antarctic will probably meet a bloody end as Japanese harpooners posing as scientists shoot explosive tipped projectiles into their bodies.

In 1972 when it became obvious that several species of whales had been hunted to the verge of extinction, it became the position of our Government that commercial whaling should cease. Every administration since has pursued this goal. Finally in 1982, the International Whaling Commission voted for an international moratorium to begin in 1986. When it became obvious that Japan had no intention of observing the moratorium, our Government negotiated an agreement with Japan. In exchange for a pledge to observe the moratorium, Japan was given a couple of additional whaling seasons and they slaughtered over 6,000 whales. Japan's Antarctic whaling was to end last April. On December 23, the Japanese fleet sailed again to continue their whale killing.

Shame on you Japan. Shame on you.

MORE VIOLENCE IN COLOMBIA RELATED TO DRUG TRAFFICKING

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

Mr. GILMAN. Mr. Speaker, anyone who was not aware of the ruthlessness of narcotics traffickers received a rude awakening this week.

Carlos Moauro Hoyos, Colombia's chief prosecutor, was brutally murdered this week by the drug traffickers he had vowed to oppose. He is the third Colombian attorney general victimized by these arrogant criminals.

Our House Select Committee on Narcotics has been reporting the violence that has become a day-to-day occurence in Colombia.

Colombian drug traffickers announced this week a "total war" on officials who try to extradite them to the United States to face criminal charges.

They are terrorizing and intimidating the entire Colombian Government and its citizenry.

Mr. Speaker, a worldwide full scale war against these drug traffickers and their deadly product is the only way we will succeed in eradicating the menace of drug abuse and narcotics trafficking.

Courageous men and women who will follow in Mr. Hoyos' footsteps need to know that they enjoy our Nation's full support, in addition to our prayers.

□ 1430

LESSON FROM THE IRAN-CONTRA AFFAIR

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, there are many valuable lessons to be derived from the Iran-Contra affair—lessons that are applicable to the current debate over continued aid to the Contras. Let me share with you the following passage from the "Report of the Congressional Committees Investigating the Iran-Contra Affair":

In a Constitutional democracy, it is not true, as one official maintained, that "when you take the King's shilling, you do the King's bidding." The idea of monarchy was rejected here 200 years ago and since then, the law—not any official or ideology—has been paramount. For not instilling this precept in his staff, for failing to take care that the law reigned supreme, the President bears the responsibility.

Fifty years ago, Supreme Court Justice Louis Brandeis observed: "Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law, it invites every man to become a law unto himself, it invites anarchy."

The Iran-Contra affair demonstrated this administration's total lack of respect for the law. As a nation that strives to set a good example for the rest of world, our credibility has been seriously damaged. The President's request for more aid to the Contras, at such a critical time in the fragile peace process, once again sets a bad example. This request shows a total lack of respect for the peace process, a lack of respect for the hard work and resolve of the Central American leaders, a lack of respect for the people of Central America. This is not the example we should be setting.

ADMINISTRATION'S "ASSURANCES" REGARDING CONTRA AID

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

Mr. CROCKETT. Mr. Speaker, in case my colleagues have forgotten the history of this administration's "assurances" to this Congress regarding Contra aid, I would like to read a particularly telling excerpt from the bipartisan report of the Iran-Contra Committee.

When the press reported in the summer of 1985 that the NSC staff was engaged in raising money and furnishing military support to the Contras, the President *assured* the public that the law was being followed. His National Security Adviser *assured* Committees of Congress that the NSC staff was neither soliciting money nor coordinating military support for the Contras. A year later . . . Adm. Poindexter repeated these *assurances* to Congressional Committees . . . When one of (Gen.) Secord's planes was shot down over Nicaragua . . . the President *assured* the public that the U.S. Government has no connection with the flight . . . And several senior Government officials, including Elliott Abrams, gave similar *assurances* to the congress.

Mr. Speaker, the will of the Central American people for peace was borne out in the Guatemala agreement. We should support the peace process, rather than continue to accept the "assurances" of this administration that all this money for more war is really designed to achieve peace.

OPPOSING CONTRA AID

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

Mr. MINETA. Mr. Speaker, right now, in Central America, there is a faint light of hope shining in the darkness of a wartorn nightmare: it is a hope born of the peace plan which the nations of Central America are struggling to implement.

But rather than heeding the wishes of the Central American leaders who are seeking peace, President Reagan has chosen to sabotage their hopes and their independence.

The President has demanded more money for the Contras, so he can send in the CIA with more weapons, to continue an armed conflict in which everyone loses.

Let there be no doubt: if we send more money to the Contras now we will be harpooning the peace process and only prolonging the bloodshed in Central America. More Contra aid is no insurance policy in Central America: it is a death wish for the peace process.

Mr. Speaker, it's time to put an end to this administration's senseless challenge to reason and responsibility.

It's time to send our diplomats, and not the CIA, to Central America.

FOOD, NOT GUNS, FOR CENTRAL AMERICA

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

Mr. DORGAN of North Dakota. Mr. Speaker, some while ago one of my constituents called and said that he had been listening to the radio, and he said, "You know, I am a Reagan supporter. I have been a Reagan supporter all my life; like what he says, like what he does; but I heard on the radio he wants to send some contraceptives to Central America. I am opposed to that."

I said, "No, you are confused, not contraceptives. He is talking about Contra aid. He is talking about sending guns to Central America."

"Oh, well," he says, "I support that."

I said, "I kind of figured you would."

Why is it this President and his supporters are so insistent on sending more guns to a region that needs food and education and, yes, birth spacing? Why not send food to Central America, to people who are hungry? Why not send health care to Central America, to people who are sick?

Elliott Abrams, the point person for the debate by this administration on Contra aid, you remember Elliott Abrams, he is the fellow who lied to Congress last year and said he lied to us because he was not authorized to tell the truth. He is the point person now for the Contra debate which will culminate with a vote next week. He apparently believes, based on what I heard him say last week on television, that war is really the only answer for resisting communism in Central America.

He does not understand what many of us, I think, understand and what most American people understand, that peace is an alternative and that President Arias and his three fellow presidents in the region have a peace plan put together that has done more in 6 months than this administration's policy have done in 6 years to bring the Sandinistas to the bargaining table and the region to the brink of peace. This is a very pragmatic test. The peace process has produced movement by the Sandinistas, Contra aid has not.

All these leaders ask is something very small of this country. What they ask is for us not to support additional Contra aid in the middle of this peace process. They ask us to give this peace process a chance to work.

It is embarrassing, in my judgment, for this country to be acting in a way that destroys the peace process. This might work. We need to give it every bit of encouragement that we can to give this peace process a chance. That means we should not pass Contra aid in the middle of this process. The aid we do send should complement negotiations, not undercut them. By that, I refer to food, education, and health.

If the peace process breaks down, there is plenty of time for us to discuss alternatives; but frankly, we ought to support President Arias and his neighbors. We owe them that. We owe the people of Central America that. We owe peace that action, in my judgment.

INTRODUCTION OF H.R. 3850, CORRECTING A PROBLEM FOR AMERICA'S FARMERS

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

Mr. JONTZ. Mr. Speaker, I have introduced a bill, H.R. 3850, to correct a problem which we have created for America's farmers.

The Budget Reconciliation Act of 1987 contains a provision requiring farmers to pay excise taxes when purchasing diesel fuel for onfarm use, and then apply for a refund or credit at a later date for the taxes they have paid. This is a dramatic change from the current system under which farmers don't pay this tax to start with, since onfarm use is exempt from the road tax.

America's farmers should not have to pay a diesel fuel tax and then wait for a refund. Under the new law, every time a farmer fills a thousand gallon storage tank he could pay as much as $150 in taxes—money that doesn't belong, and will never belong, to the Government. Yet the Treasury is going to have the use of his money, interest free, for as long as a year. And

in order for a farmer to get his money back, he must fill out yet another IRS form, a requirement which will not be popular.

America's farmers are not dishonest, and should not have to pay hundreds or thousands of dollars every year to the Federal Government, and then file a form for the privilege of getting it back. It is estimated that farmers would pay $420 million every year under this new provision, which many will have to borrow, to meet the requirements of this new law.

Individuals who abuse the law ought to be prosecuted; however, all farmers shouldn't have to be punished for something which can be remedied in another way.

H.R. 3850 which I have introduced calls for agricultural users to be exempt from any initial payment of this excise tax. This legislation is endorsed by the American Agriculture Movement, American Farm Bureau, American Soybean Association, National Farmers Organization, National Farmers Union, and National Grange.

I urge my colleagues to join us in seeking to repeal a tax provision which is unfair to America's farmers by cosponsoring H.R. 3850.

CAN WE BELIEVE THE ADMINISTRATION WANTS PEACE IN CENTRAL AMERICA?

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

Mr. DEFAZIO. Mr. Speaker, 6 years of bombs, bullets and diverted funds, 6 years of maimed and murdered civilians, destroyed clinics, ruined rural development projects, 6 years of stonewalling the movement toward peace in Latin America and undermining our democracy here at home.

Consider this excerpt from the Iran-Contra report:

> In the Iran-Contra affair, officials viewed the law not as setting boundaries for their actions, but raising impediments to their goals. When the goals and the law collided, the law gave way.

Can we believe that this administration is sincere in wanting a negotiated peace?

They tell us more Contra aid will help this process. Can we still believe them? I, for one, do not.

Contra aid is no insurance for the peace in Central America. It is a death sentence for the peace process. Let us not vote a single penny more in aid to the Contras.

HARASSMENT OF BLACK ELECTED OFFICIALS

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

Mr. DYMALLY. Mr. Speaker, I come to the well of the House today to place before this Nation a document which challenges the very basic tenets of constitutional rights and abrogation of duty. As chairman of the Congressional Black Caucus and on behalf of my colleagues—I have transmitted this morning to the chairmen of the House and Senate Judiciary Committees and the House Subcommittee on Civil and Constitutional Rights, an affidavit sworn by an FBI agent which alleges an established official policy of that body to initiate investigations of black elected officials without probable cause.

Such a policy represents the ultimate abuse of power and places at risk more than 6,700 elected officials mandated to serve the people of this Nation. The Congressional Black Caucus and the National Black Caucus of State Legislators call for an immediate investigation into these facts.

Mr. Speaker, the actions alleged in this affidavit are deplorable and we offer them for the record in order that people of conscience everywhere will know the impact of unbridled authority. The Congress of the United States must not allow those empowered to enforce the law to make mockery of the instruments of justice and due process.

[In the U.S. District Court for the Northern District of Georgia, Atlanta Division, Criminal Indictment No. CR87-406-A]

UNITED STATES OF AMERICA *v.* A. REGINALD EAVES

AFFIDAVIT

The undersigned, Hirsch Friedman, having been duly sworn does hereby depose and state that the following is based upon his personal knowledge and is intended for use in connection with the above-captioned case:

1.

I served in the United States Marine Corps during the period of March 1960, through September 1963, and left the service with an honorable discharge. Thereafter, I attended New York University at nights and obtained an A.A.S. (business) degree.

2.

During the period of late 1963 through 1972, I was employed in various capacities in private industry. In 1976, I received a Juris Doctorate degree from John Marshall Law School and was admitted to practice law in the State of Georgia in June 1976.

3.

In February 1979, I was requested to work in an undercover capacity with the Federal Bureau of Investigation (FBI) on a number of occasions. In 1979, I was approached by an Atlanta City official in a criminal case with a proposal whereby he would "fix" the case for the sum of five hundred dollars ($500.00) plus other considerations. The official was an individual named John R. Collicot, a Zoning Inspector for the City of Atlanta.

4.

I advised the FBI of the incident and agreed to work in an undercover investigative capacity with the FBI for purposes of gathering evidence for use in connection with a criminal prosecution of Collicot.

5.

Collicot and others were subjects of audio and video covertly recorded conversations with the undersigned and others. These recorded conversations were highly incriminating and were used by the FBI to persuade Collicot to become a cooperating witness for the government.

6.

Collicot was originally promised that the charges which could be brought against him would be reduced in exchange for his complete cooperation. Collicot agreed to cooperate and participated with the FBI in an extensive program of covertly recorded video and audio tape-recorded conversations with numerous individuals.

7.

The undersigned continued to work with the FBI in an undercover capacity up to and including January 1980, and through June 1982 in an advisory capacity. Throughout a major period of this time, the activities of the undersigned were under the control of Special Agent John C. McAvoy of the FBI, Atlanta office. I worked closely with McAvoy and serveral other Special Agents on a number of investigations. I was routinely admitted to the FBI offices throughout this time and was generally allowed access to FBI records and sources for their investigations. FBI reports regarding investigations in which I was involved were routinely shared with me.

8.

The FBI throughout this time placed a high priority on the investigation of elected and appointed officials in local government. The undersigned understood that this priority was national in scope and not limited solely to the Atlanta office.

9.

Shortly after I began working with the FBI in 1979, I was made aware of an "unofficial" policy of the FBI which was generally referred to by Special Agent John McAvoy as "Fruhmenschen." The purpose of this policy was the routine investigation without probable cause of prominent elected and appointed black officials in major metropolitan areas throughout the United States. I learned from my conversations with special agents of the FBI that the basis for this policy was the assumption by the FBI that Black officials were intellectually and socially incapable of governing major governmental organizations and institutions.

10.

An upshot of the FBI's Fruhmenschen policy in Atlanta was the investigation generally referred to in the Atlanta FBI field office as "Blue Eyes, Green Eyes and Brown Eyes." This investigation specifically referred to: "Blue Eyes," Eldrin Bell, a top-ranking black police official in Atlanta who has blue eyes; "Green Eyes," Maynard Jackson, the black Mayor of Atlanta at the time who has green eyes; and, "Brown Eyes," A. Reginald Eaves, the Defendant in this case who has brown eyes. The investigation had targeted these particular individuals with the aim of prosecuting them if possible al-

though there was no probable cause to have started the investigation.

11.

The Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, Brown Eyes investigation were conducted throughout the period, 1979-1982, that the undersigned worked with the FBI in Atlanta as described herein. During this time, Special Agent John McAvoy was the first supervisor of the Eaves' investigations.

12.

FBI agents and an Atlanta Police detective assigned to work with the FBI would routinely discuss the progress of their investigations with me. I understood that over a dozen indictable cases against white appointed officials and others in the Northern District of Georgia were dropped and investigations discontinued altogether during this period of time while great effort was put forth in connection with the Fruhmenschen policy and pursuit of the "Blue Eyes, Green Eyes, and Brown Eyes" case, notwithstanding the absence of indictable cases against these three particular targets.

13.

In one instance during this period of time, information was received by the FBI that a then sitting Judge in the Appellate System had received the sum of $15,000.00 in exchange for the Judge's vote and the use of his influence in connection with a case then pending before the Court on which he was then a member. This information was considered reliable by the FBI. Special Agent John McAvoy was instructed by his superiors not to pursue an investigation of this matter because it was "too explosive." The Judge involved was white.

14.

Special Agent McAvoy, in the presence of others, routinely made remarks regarding the targets of his investigative efforts which the undersigned took as strictly racist. An example of these remarks used in connection with his investigation of elected and appointed black officials in the Northern District of Georgia would be, "We've got to get the Fruhmenschen!"

15.

In the fall of 1979, the undersigned was approached by an individual named Russell Weiss. Weiss wished to retain the services of the undersigned for assistance in connection with federal charges then pending against him as well as a conviction before District Judge William C. O'Kelley. Weiss had been sentenced to a prison term. The undersigned was advised by Weiss that Weiss understood the undersigned had "connections" within the FBI and that the undersigned might be able to assist Weiss in obtaining a favorable resolution of Weiss' federal problems.

16.

I discussed Weiss with Special Agent John McAvoy who advised me that Weiss might be useful in the Blue Eyes, Green Eyes, Brown Eyes investigation.

17.

Because I was working with the FBI at this time and because I had been retained as a private attorney by Russell Weiss to assist him in pursuing a favorable resolution of other federal criminal charges pending against him at that time, it was necessary for Weiss to formally waive any conflict of interest claim which he might have regarding the representation of the undersigned. In this regard, the undersigned appeared with the attorney handling the Eaves' investigation, and Special Agent John McAvoy before Judge William C. O'Kelley, the Judge who had sentenced Weiss.

18.

At the meeting, Judge William C. O'Kelley reviewed the possible conflict which might exist in connection with the services rendered by the undersigned since the undersigned was then working with the FBI in an undercover capacity. In writing, Weiss had waived any claim which he might have had regarding any possible conflict. At that time, the undersigned and the Assistant United States Attorney requested that Weiss be allowed to assist the FBI pending the appeal of his criminal case in order that he might continue to assist the government in various undercover operations. The Court granted the request provided that it was advised from time to time regarding Mr. Weiss' activities and whether they were of any use to the government.

19.

Russell Weiss was, prior to his conviction, a notorious nightclub owner in Atlanta. Because of that business, Weiss would from time to time have dealings with city and county officials regarding licensing, zoning and other problems. Weiss was directed by McAvoy to offer a bribe to A. Reginald Eaves in exchange for his influence in connection with a licensing matter fabricated for purposes of the attempted bribe. In late 1979, the undersigned, Russell Weiss, Special Agent John McAvoy and another agent traveled to the Fulton County Courthouse, Atlanta, Georgia, the location of the offices for the Commissioners of Fulton County. Weiss was provided with a tape recorder, microphone and transmitter that could broadcast conversations in which he was involved to a receiver which was located in the auto occupied by the undersigned and Special Agent McAvoy. To conceal the transmitter and tape recorder, Weiss was armed by Special Agent McAvoy with a pistol and the equipment was placed behind the holster containing the pistol.

20.

Weiss was able to meet with Commissioner Eaves and in the discussion which followed, Weiss described the artificial licensing problem which he and Special Agent McAvoy had created for purposes of the FBI's planned bribery attempt. When Weiss indicated that he wanted to pay Eaves money for the use of his influence, Eaves refused and stated that he was a public servant and was routinely available to assist taxpayers with any legitimate problem which they might have with the Fulton County Government and spurned the money that was proffered. Mr. Weiss then left Commissioner Eaves office.

21.

Sometime shortly thereafter, the undersigned together with the Assistant United States Attorney handling the cases and Special Agent John McAvoy advised Judge O'Kelley of Mr. Weiss' undercover activities including the one described herein. When Judge O'Kelley was advised that Weiss was permitted to carry a firearm by the FBI, the Judge became outraged and reprimanded both the Assistant United States Attorney and Special Agent McAvoy.

22.

On other occasions in 1979 and 1980, the undersigned, at the direction of Special Agent John McAvoy, made extensive plans for the possible exchange of money for the official influence of Commissioner Eaves, with Commissioner Eaves' brother, Manuel. On each occasion, no evidence was produced to indicate an actual willingness to participate in such conduct.

23.

I told Special Agent John McAvoy that there appeared no basis for believing that Commissioner Eaves was about to break any law involving the abuse of public office, and no basis for pursuing him. In light of that, I asked him why the FBI continued to focus on Eaves. His reply was simply that they would pursue an investigation because Eaves was a Fruhmenschen and would thus have to break the law. McAvoy used Fruhmenschen to describe black people. The undersigned understood from this and from his knowledge of the investigations by the FBI, that the investigation of Eaves and the other black elected and appointed officials in the Northern District of Georgia was based upon suspicion and racial bias and not upon reliable information or evidence.

24.

As far as the undersigned is aware, the Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, and Brown Eyes investigation of the FBI, were ongoing at the time the relationship between the undersigned and the FBI was terminated in 1982.

I have read the foregoing statement and hereby certify that it is true and accurate to the best of my knowledge and belief.

HIRSCH FRIEDMAN.

VETERINARY MEDICINE STUDENTS PAY BACK STUDENT LOANS

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

Mr. NICHOLS. Mr. Speaker, at a time when it is costing the Federal Government more than $1.5 billion in delinquent student loans, I am happy to report that there are two institutions in the Third Congressional District of Alabama which have no default rates.

No one from either the College of Veterinary Medicine at Auburn University or the School of Veterinary Medicine at Tuskegee University has defaulted on their guaranteed student loans.

In fact, according to an article in the December 1, 1987, edition of the Veterinary Medical News from Washington, published by the American Veterinary Medical Association, only 2 percent of the $34.3 million in guaranteed student loans distributed to veterinary medicine students are delinquent.

Mr. Speaker, I am submitting this article from the American Veterinary Medical Association for the RECORD to make other Members of Congress aware of the fact that these students appreciate the benefits the Guaranteed Student Loan Program has provided them to help offset the high cost of a professional education.

VETERINARY MEDICAL—NEWS FROM WASHINGTON

[Volume 11, Number 23, Dec. 1, 1987]

VETERINARY STUDENTS—LOAN DEFAULTS STAY LOW

The veterinary medical profession is maintaining its excellent record in repaying student loans received under the Health Professions Student Loan program. More than $34.3 million in loans are outstanding, with a corresponding delinquency rate of slightly more than 2 percent. A total of 22 veterinary schools and colleges participate in this important source of federal student financial assistance.

Among the 7 health professions, only optometry has a lower default rate. Only 1 veterinary school is on probation because its delinquency rate exceeds the 5 percent limit. The lowest delinquency rate, 0.01 percent, is boasted by 2 schools.

The Guaranteed Student Loan program is the largest single source of financial aid for veterinary students. It has recently received national attention and criticism for enduring high default rates (see *News from Washington*, November 20); however, no veterinary colleges have default rates for those loans that would be high enough to jeopardize their eligibility.

Loan defaults currently cost the federal government more than $1.5 billion each year. Stating that the government should be "paying for students to attend college, not for cleaning up costs of their defaults," Sen. Dan Quayle (R-IN) recently introduced the Student Loan Default Reduction Act. The bill, S 1879, is an even tougher version of the proposal put forth previously by Secretary of Education William Bennett. Under the Quayle plan, guaranteed student loans would be restricted to schools with loan default rates of less than 20 percent and schools would be required to assume a greater degree of responsibility for their students' failure to pay back their loans. No action has been scheduled on the legislation.

NO ACCOUNTABILITY FOR CONTRA AID

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

Mr. DURBIN. Mr. Speaker, some of my colleagues favor Contra aid. Some of my colleagues favor the peace process, but I do not know a single Member of Congress who favors waste of taxpayers' dollars, and the record of Contra aid in this administration is a record of waste and profiteering.

Last year, as a result of a Federal audit, we determined that half of the humanitarian aid we had sent nominally to the Contra forces in Nicaragua ended up in one grocery store in Honduras, a street corner grocery store in Tegucigalpa, owned by the generals in the Honduran army. We were not quite sure we got our money's worth in this humanitarian assistance.

Last year Secretary of State Shultz testified before the House Budget Committee and assured me personally that he could account for the $27 million in Contra aid which American taxpayers sent down there the year before.

□ 1445

I exchanged several letters. I do not have the stack of them to rap on the podium here as the President did with the CR the other night. But I wish my colleagues could see them because as they would read them they would find out the Secretary of State could not provide that information. As the GAO reported, our State Department has shown an utter disregard for spending controls and lack of accountability when it comes to Contra aid.

It is becoming increasingly clear that our Contra aid is being monitored by Johnny Carson's infamous bookkeeper "Loose-Leaf Maurice."

Now the President wants us to throw another $36 million in Contra aid into the dense jungle of waste and profiteering. We cannot afford to waste another penny of the taxpayers' dollars to perpetuate Contra folly in Nicaragua. It is time to give peace a chance and stop squandering tax dollars on the Contra effort.

LEGISLATION TO AMEND LOW LEVEL RADIOACTIVE WASTE POLICY ACT

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

Mr. COLEMAN of Texas. Mr. Speaker, I appreciate the opportunity to address the House in support for legislation I am today introducing which would amend the 1980 Low Level Radioactive Waste Policy Act.

This bill would add a section to current law which delegated to the States responsibility for disposal of low-level radioactive waste within their respective jurisdictions. A majority of the States have formed regional compacts which then assume control over the site selection process for location of waste disposal facilities as well as all other tasks associated with the operation of the disposal facilities. The formation of these regional compacts must be approved by the Congress through legislation.

The State of Texas has elected not to join a regional compact and has created the Texas Low-Level Radioactive Waste Disposal Authority to provide a plan for the disposal of its low-level waste.

The effort of the authority in Texas to select a suitable location for the disposal facility have raised strong concerns among west Texans, the area most likely to play host to such a facility, in that political and budgetary considerations appear to have had more influence in the site selection process than scientific or engineering factors.

At the present time, two locations have been selected, both in Hudspeth County and both in my district. A neighboring county, El Paso, has filed suit against the authority alleging that both sites do not meet the siting criteria spelled out in State law. An injunction has been placed on the authority preventing any further work on these two sites while the Texas Supreme Court decides the merits of the suit. Only last week the Texas court ruled against the county thus clearing the way for the final designation of a site and, in turn, spawning a new cycle of litigation in the State court system.

My legislation would essentially duplicate language which is contained in a 1983 agreement between the United States and Mexico on cooperation for the protection and improvement of the environment in the border area. The agreement, which was signed by the Presidents of both countries, provides generally for mutual cooperation in preventing or reducing sources of pollution in their respective territory which affect the border area of the other. The border area is defined as the area situated 100 kilometers—or 60 miles—on either side of the Rio Grande.

The 1983 agreement, and my bill, recognize the need for both countries to act responsibly in respecting our shared border area environment. Certainly, the location or a low-level disposal facility within the defined area—in this case an international waterway that is fed by several surface and ground water sources, the Rio Grande—violates the intent of the agreement and poses a risk to the natural resource H.R. 791 seeks to protect.

Congress has only recently begun to recognize the need to agressively safeguard against ground water contamination. With this legislation, Congress would be demonstrating an appreciation for the role we all must play in acknowledging the interdependence which so characterizes our border area environment.

Finally, Mr. Speaker, I am aware of the general unwillingness of some within this House to revisit an issue—the disposal of low-level nuclear waste—which many feel has already been disposed of. The situation in Texas underscores, at least in my mind, that Congress cannot afford to duck its ultimate responsibility for the threat posed to our population by problems associated with the disposal of such waste when this problem is the direct result of policies pursued at the Federal level.

I am hopeful that testimony developed during committee consideration of this bill would articulate more clearly the need for a more careful monitoring of the actions of the States in addressing this problem. Just as im-

portant, I also believe that this legislation could serve as a vehicle for the examination of our legal as well as moral reponsibilities in the field of international pollution and its disposal.

FINDINGS AND CONCLUSIONS OF THE IRAN-CONTRA INVESTIGATION

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

Mr. LANCASTER. Mr. Speaker, I, too, wish to share with this body some of the findings and conclusions of the Iran-Contra investigation:

The common ingredients of the Iran and Contra policies were secrecy, deception, and disdain for the law. A small group of senior officials believed that they alone knew what was right. They viewed knowledge of their actions by others in the Government as a threat to their objectives. They told neither the Secretary of State, the Congress nor the American people of their actions. When exposure was threatened, they destroyed official documents and lied to Cabinet officials, to the public, and to elected representatives in Congress. They testified that they even withheld key facts from the President.

The United States Constitution specifies the process by which laws and policy are to be made and executed. Constitutional process is the essence of our democracy and our democratic form of Government is the basis of our strength. Time and again we have learned that a flawed process leads to bad results, and that a lawless process leads to worse.

(Excerpt from the Report of the Congressional Committees Investigating the Iran-Contra Affair, H. Rept. No. 100-433, S. Rept. No. 100-216)

CONTRA AID AND THE IRAN-CONTRA SCANDAL

(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, how can the Reagan administration expect us to believe that they support the Central American peace process when they have shown nothing but contempt for truth in the past? The hearings on the Iran-Contra affair revealed that officials in this administration felt justified lying to Congress and to the American people in order to promote war in that troubled region.

At the hearings held by the special investigating committees, "Col. Oliver North conceded * * * that he had participated in making statements to Congress that were 'false,' 'misleading,' 'evasive and wrong,'" according to the committee's report. Indeed, North proudly declared that he "didn't want to tell Congress anything."

Mr. Speaker, the administration is misleading Congress again when it argues that $36 million in aid to the Contra terrorists will act as insurance for peace. The truth is that more aid to the Contras will be a death certificate for the peace process. The end of the peace plan will insure a prolonged, bloody war in Nicaragua with no foreseeable end. I urge my colleagues to vote against more war. Give peace a chance. Vote "no" to Contra aid.

COAST GUARD CUTS IN THE CONTINUING RESOLUTION

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

Mr. HUGHES. Mr. Speaker, cutting the Federal deficit must continue to be one of Congress' highest priorities. Unfortunately, one of our recent exercises in budget-cutting has yielded disastrous results.

I am talking about the $105 million cut in Coast Guard spending, mandated by the continuing resolution we passed last month which is going to undermine the ability of the Coast Guard to carry out its mission, including a number of critical law enforcement functions.

Indeed, if you are a drug trafficker, you will be delighted to know that your chances of evading detection by the Coast Guard have just doubled. That is because budget cuts will force the Coast Guard to cut routine inspections to 55 percent of fiscal year 1987 levels, and it is routine inspections that have, in the past, resulted in 90 percent—that's 90 percent—of all drug interdictions by the Coast Guard. Just 10 percent of Coast Guard seizures are based on intelligence.

These cuts, coming on the heels of past budget cuts, will also adversely affect other important Coast Guard missions, and result in the cancellation of all routine air and surface patrols, the closing of a number of vital facilities, and the reduction of maintenance, aids to navigation, and readiness training.

Mr. Speaker, meat-ax cuts in a vital Government function such as Coast Guard just don't make sense. It's about time we gave the Coast Guard the resources they need to do their job.

NATIONAL "CHALLENGER" CENTER DAY

Mr. DYMALLY. Mr Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 201) to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. OWENS of Utah). Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from Texas [Mr. BROOKS], the chief sponsor of House Joint Resolution 419, designating January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

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

Mr. Speaker, I would like to express my heartfelt appreciation to my distinguished colleagues, the chairman of the Post Office and Civil Service Committee, and the chairman and ranking minority member of the Census and Population Subcommittee, who have agreed to ask for unanimous consent to pass this legislation.

The survivors of the *Challenger* crew have worked diligently to turn into reality their dream of a National Challenger Center to encourage educational opportunities for all Americans in the fields of space research and science. Congress recognized their efforts last year by approving legislation identical to that being considered today.

Passage of this resolution, Mr. Speaker, will serve not only as a memorial to the brave men and women lost in the *Challenger* accident but will also help in the creation of this lasting, working tribute to their ideals and sacrifices. I encourage my colleagues to support the resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. DYMALLY], the distinguished chairman of the subcommittee.

Mr. DYMALLY. Mr. Speaker, I rise today in support of Senate Joint Resolution 201, a bill to designate January 28, 1988, as "National Challenger Center Day." I commend my colleague, Mr. BROOKS, for sponsoring the House companion measure which honors the crew of the space shuttle *Challenger*.

As we remember the crew of the ill-fated mission, we commemorate their commitment to stimulating the interest and promoting the education of American children in space flight.

In paying tribute to the *Challenger* crew, we must continue to encourage the involvement of all Americans in space research programs of our Nation.

Astronaut Ronald McNair was one of seven historical Americans on that mission, and his memory should prompt a renewed commitment to the participation of minorities in the sciences and technology.

If we are to remain competitive globally into the next century, we must take it upon ourselves now to develop and support programs which encour-

age a higher level of participation by Americans in engineering, computer sciences, physics, and similar fields of study.

Mr. Speaker, I commend the sponsors of this bill and I urge my colleagues to join me in supporting this measure.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, I appreciate the gentleman yielding.

As I did last year, I would like to come forward on this day and commend the sponsor of this resolution for recognizing the contribution of the members of the *Challenger* crew. As we all know, one of the members of that crew was a teacher, Christa McAuliffe. We had looked forward to her participation in that flight as an example of the incredible importance that education plays in this country. It is a horrible irony that it instead highlighted problems in the space program and the need for us to recommit ourselves to improving our educational system as well as the space agency.

So I think it is important we do not forget this day, especially for those of us who are dedicated to improving education in this country. Again I commend the gentleman for introducing this resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I commend the gentleman from Texas [Mr. BROOKS] for introducing this resolution and calling attention to our Nation of the importance of the "National Challenger Center Day" for honoring once again that courageous crew of the space shuttle *Challenger* and what they meant to our Nation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 201

Whereas the crew of the space shuttle Challenger was dedicated to stimulating the interest of American children in space flight and science generally;

Whereas the members of the Challenger crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the Challenger crew and their families is needed;

Whereas an appropriate form for such a tribute would be to expand educational opportunities in science by the creation of a center that will offer children and teachers activities and information derived from American space research; and

Whereas the Challenger Center is the only institution expressly established by the immediate families of the crew of the Challenger for the above-named purposes, and is intended to be the living expression of the Nation's commemoration of the Challenger crew: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1988, is designated as "National Challenger Center Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day—

(1) by resolving that in the course of their regular activities the people of the United States will remember both the Challenger astronauts who died while serving their country, and the importance of the Challenger Center is honoring the accomplishments of the Challenger crew by continuing their goal of the expansion of interest and ability in space and science education; and

(2) with other appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

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

There was no objection.

EULOGY FOR THE HONORABLE DAN DANIEL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. FOLEY. Mr. Speaker, yesterday a very large delegation of this House joined the members of the Virginia delegation from the House and the Senate and a great number of other citizens of Virginia and of the Fifth District of Virginia to express our condolences and sorrow at the death of our late colleague, Dan Daniel.

At that ceremony in Danville, VA, yesterday at his home church, the eulogy was delivered by our colleague, the Honorable BILL NICHOLS of Alabama, in what I think every Member who attended that ceremony will recall as one of the most moving eulogies ever delivered by a Member of this body on behalf of a departed colleague. The gentleman from Alabama [Mr. NICHOLS] expressed the views of all of the Members at our sorrow at Dan Daniel's death.

Mr. Speaker, I include the remarks eulogizing Dan Daniel at this point in the RECORD:

EULOGY GIVEN CONGRESSMAN DAN DANIEL, FUNERAL SERVICES, JANUARY 26, 1988, MOUNT HERMON BAPTIST CHURCH, DANVILLE, VA

Twenty years ago I first met Dan Daniel when the both of us were seeking seats on the House Committee on Armed Services. My name was selected first and so I ranked Dan by a matter of three minutes and one seat and for twenty years we sat side by side on the committee. I admired many things about Dan Daniel, his Virginia pronunciation of "about" and "house" but I especially appreciated his rural background and the hardships he overcame in his early life. He told me of his bout with tuberculosis and I knew that he had found a job as a teenager in the Danville mill. He was proud of his service with the Civilian Conservation Corps and I knew also that he was the only member of the Virginia delegation who never attended college and yet last night the President of the United States, in his State of the Union Message, viewed by millions of Americans paid respect to this son of a Virginia sharecropper.

It is extremely difficult for me to adequately express the deep bonds of friendship, of confidence, of trust that I had for Dan Daniel other than to say that I had no better friend in the entire Congress. He was a man universally liked and respected by his colleagues across party lines and sectional differences for his loyalty, high principles and patriotism. He epitomized the very spirit of his State's founding fathers, of Washington, of Jefferson, of Patrick Henry—he loved this country to the core and his service on the Armed Services Committee reflects the deep devotion that he held for America. But his two decades of service on the Armed Services Committee will be remembered not necessarily for his support of sophisticated, complex and expensive weapons systems, but for his genuine heartfelt concern for people—the men and women who wear the uniform of the United States of America. His leadership in the Congress in behalf of child care facilities, housing, the GI bill, and commissaries has made military living better for hundreds of thousands of American servicemen and women.

Dan's politics reflected the strong conservative views of those constitutents who entrusted the representation of his State and his country to him when he was first elected to Congress in 1968. He had previously served as a member of the Virginia House of Delegates and he was always attentive to the needs of people who had sent him to represent them in Washington.

And Dan Daniel will be remembered by us all as being a devout Christian with the highest moral precepts and at the time of his death was serving as President of our Thursday morning House Prayer Breakfast. He loved to join in the singing of "Amazing Grace" and in planning the program for this year's national prayer breakfast he asked that one of his favorites "How Great Thou Art" be included in the music.

Over Dan's career in the Virginia Assembly and in Congress he received many honors including the service to mankind award, the George Washington Honor Medal, the Croix du Merite from the Republic of France and was National Commander of the American Legion—but I shall remember him for the concern he showed to everyone. He was always courteous to the elevator operators, to the cleaning woman, to the policemen around the Capitol Grounds.

Everything Dan did he did well. He was a fair and impartial presiding chairman of his Subcommittee on Readiness and he was the very best golfer in the entire Congress. Dan Daniel was indeed a "gentleman's gentleman," he was a "legislator's legislator" and he possessed all the many admirable traits which in my judgment made him the outstanding Congressman that he was.

Dan was solid as a rock, as dependable as the changing of the tide, a champion of old fashion discipline and restraint. He was blessed with an abundance of personal warmth and charm and kindness—a man of character and I shall expect him to be in the "cloakrooms of heaven" on vigil for the arrival of his close friends.

So my memories of Dan Daniel will be memories of gratitude—that I knew him and that perhaps a portion of his character may become a part of me.

The words then of St. Paul's second letter to Timothy would seem appropriate "he has fought the good fight, he has finished the race, he has kept the faith."

Dan Daniel will be sorely missed by his many friends in the Congress and he will be missed by the people he so ably represented in his State of Virginia.

So on behalf of the entire Congress, we extend our deepest sympathy to his devoted wife Ruby and to his son, Jimmy and the other members of the Daniel Family.

And "Dan, I am going to miss you". Too!

ADJOURNMENT TO MONDAY, FEBRUARY 1, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, January 28, 1988, it adjourn to meet at noon on Monday, February 1, 1988.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1500

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. OWENS of Utah) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1988.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 11:11 a.m. on Tuesday, January 26, 1988 as follows:

(1) Said to contain a message from the President whereby he transmits the 17th Annual Report of the Department of Transportation;

(2) Said to contain a message from the President whereby he transmits the report on current government activities in the area of research on the so-called "Greenhouse Effect.";

(3) Said to contain a message from the President whereby he transmits the eleventh Annual Report of the National Institute of Building Sciences for 1987;

(4) Said to contain a message from the President whereby he transmits the sixth Annual Report on Alaska's mineral resources; and

(5) Said to contain a message from the President whereby he transmits the sixth Annual Report of the Tourism Policy Council, which covers fiscal year 1987.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—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 Energy and Commerce, the Committee on Merchant Marine and Fisheries, and the Committee on Public Works and Transportation:

(For message see proceedings of the Senate of Tuesday, January 26, 1988, at page 151.)

REPORT ON CURRENT GOVERNMENT ACTIVITIES RELATING TO "GREENHOUSE EFFECT"—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 Science, Space, and Technology:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, at pages 150 and 151.)

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR 1987—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 accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, at page 150.)

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—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 Interior and Insular Affairs:

(For message, see proceedings of the Senate of Tuesday, January 26, 1988, at page 151.)

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—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 Energy and Commerce:

(For message, see proceeding of the Senate of Tuesday, January 26, 1988, at page 150.)

IN TRIBUTE TO DAN DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, I want to elaborate on my previous comments offered in tribute to our good friend and House colleague, Congressman Dan Daniel. I want to underscore my earlier remarks regarding the loss of this distinguished American and loyal servant of the Fifth Congressional District of Virginia.

The House of Representatives has lost a true friend, who has demonstrated, time and time again, his sense of dedication to the principles of democracy and his faith in the system of government that we are responsible for maintaining and protecting. I was privileged to have worked alongside Dan for years in this Chamber. I valued his counsel and respected his thoughtful views. You always had the impression that his stance on an issue—particularly the major decisions we've faced in the House—was based upon sound reason and thorough research.

The citizens of the Fifth Congressional District were fortunate, indeed, to have had Dan represent them for nearly two decades. They depended upon him for leadership and he always responded. He was active in the American Legion, in civic affairs and he made the concerns of his district the business of Congress. Most importantly, he pursued his legis-

lative tasks with a manner and attitude that impressed us all.

He will be greatly missed. I extend my personal sympathy to the family and friends of my friend, Dan Daniel.

REMARKS OF SPEAKER JIM WRIGHT ON THE STATE OF THE UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I would like to take this opportunity to commend to the House the excellent and insightful remarks of our Speaker in response to the President on Monday evening, January 25, 1988. Those remarks are as follows:

REMARKS OF SPEAKER JIM WRIGHT ON THE STATE OF THE UNION, JANUARY 25, 1988

We have indeed made a strong start, and I'll tell you a bit about it.

But first I want to say congratulations to President Reagan for having successfully negotiated the INF treaty with the Soviet Union. We pledge him our support in that endeavor.

Six months ago, President Reagan and I joined together in calling for a new peace plan for Central America. A few days later, the five Central American Presidents agreed to move that peace process forward. They are still actively pursuing it. Mr. President, so long as there is any measurable progress toward solving that conflict at the table, I think you and I should give peace a chance.

In national security and the pursuit of peace, there ought not to be Democrats and Republicans—just Americans.

Congress has supported those goals. We provided some $300 billion last year for our military defenses.

But we know that no democracy can be a first rate military power if it becomes a second rate economic power.

As important as our commitments abroad may be, our first obligation is to the American people—and to their future.

Today is the day America looks at itself in the mirror and asks how we are doing.

Consider the State of our Union with me as we reflect upon five major steps the 100th Congress is taking to build America's future.

House bill number 1, our first legislative act, was the clean water bill, to protect the one precious resource upon which all human life depends. Because nearly one out of every five public water systems are now contaminated by toxic wastes, we cannot delay the clean-up no longer.

Yet President Reagan vetoed this bill. He insisted that we cut back sharply on America's commitment to clean water and a safe environment. Fortunately, Congress overrode that veto.

House bill number 2 was the highway bill, to improve and upgrade the network of highways and bridges on which Americans depend.

Twenty percent of the bridges in this country are unsafe—thousands of them built more than 100 years ago.

President Reagan vetoed this highway bill also. He mistakenly called it a "budget buster." That was absolutely incorrect. This bill doesn't add a penny to the national debt. We pay for these highways with our gasoline taxes that make up the Highway Trust Fund, where billions of dollars lie idle. And so we overrode that veto as well.

House bill number 3 is the trade and jobs bill.

Mr. Reagan said a few days ago in Cleveland not to worry about the trade deficit—that it was a sign of strength. But just ask the local people who worked at Dalton Industries or at the General Motors Plant near Cleveland, both of which just closed. Those people just lost their jobs to the trade deficit—as millions of other Americans have done.

In spite of what the President says, the trade gap has risen sharply every year for the past seven years, and was higher last year than ever in our history. This has made America the number one debtor country in the world. That isn't a sign of strength!

Our bill does two things. It provides incentives for other countries to abandon unfair practices which discriminate against American goods—like deliberate red tape which keeps American import applications permanently "under study" and never acted upon, or like unloading a shipload of 200 American automobiles—just one car a day.

We simply require in this bill that other nations treat our American products on their markets just exactly as we treat their goods on our markets. No better and no worse.

The bill also strengthens our ability to compete. Tools and schools. It will improve our research and development, modernize America's aging industrial plants, and equip America's work force with the skills and knowledge we need—so that unemployed industrial workers aren't forced to settle for lower paying jobs.

We can't build a vibrant economy by just delivering pizzas to each other.

So while this Administration has crossed its fingers and hoped for the best, the Congress has acted. We'll send a bill to the President shortly, and we earnestly hope he signs it.

House bill number 4 is the housing bill. In the last few years the hope of home ownership has become a fading illusion for too many American families.

President Reagan asked that we abolish the Federal Housing Administration and increase the price of houses by charging hidden user fees. But we saved the FHA outlawed user fees, and protected home ownership, not just for an affluent few, but for Americans of average and modest means.

We also passed a farm credit bill to stop the epidemic of family farm foreclosures.

And, for the growing number of men, women and children who have fallen victim to the sad new phenomenon of homelessness, our bill reflects our belief that there is no excuse for *any* American to be abandoned by his country to die of starvation or exposure to the weather.

I have always believed in an eleventh commandment—Thou shalt pass on to your children a better world than you received from your parents—and it is to them, America's children, that the great thrust of our legislative program is dedicated.

House bill number 5 is an education bill. Five year ago, the Administration's own commission produced a chilling report on the sagging quality of American education. The report was called "A Nation at Risk."

The President ignored that warning. In each year of his Presidency, he has called for major cuts in education. Last year he called for a 28% cut. This goes beyond foolhardy. In an age when our children will have to cope with semi-conductors, supercolliders and international competition, America will not survive unless this generation is better educated. Education must be our first priority, so our bill increases our commitment to quality education for the first time in seven years.

And if it is disastrous to equip our young with inadequate learning, it is immoral to burden them with our financial debts. The policies of this administration have added more to the national debt in seven years than all its predecessors added in almost 200 years.

A great nation like ours should not be forced to borrow from foreigners to pay our bills, or to lose twenty-four cents from every one of your tax dollars just to pay interest on the National Debt.

In the year ahead your nation's Congress will complete this agenda that we began last year for a stronger, more humane, and more secure America. And if the President will help, we can do it all on a pay as we go basis, and not just keep adding to the debt.

Mr. President, we all have to work on this together. The ancient scribes wrote, "not thine to finish the task, but neither art thou free to exempt thyself from it." We cannot solve all our problems by January 1989. But that doesn't mean we don't have to try.

BANK ISSUES: DON'T FORGET THE CONSUMERS

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, this second session of the 100th Congress will be a busy one. My colleagues and I must consider many important issues which will undoutedly receive a lot of attention here in Washington as well as around the country. A review of the banking industry coupled with possible changes is among these. I ask my colleagues to bear in mind consumer needs and rights when considering any legislation which might affect the ability of banks to serve all consumers of bank services.

After long, arduous deliberation late in the last session of Congress, we reached an agreement to strive for more fiscal responsibility in Federal spending. Deficit spending, however, is not only an issue in terms of the Federal budget, but has also become a serious problem for individuals in this country. It is my hope that the Congress will adhere to the budget plan not only to decrease the national debt, but also to set an example for the people of this country who have come to rely on credit in a habit of living beyond their means.

While overextension of credit creates a dangerous situation for consumers, the issuers of credit cards are exacerbating the situation by not adequately informing their customers about their credit plans. In not disclosing information on interest rates and other charges, issuers of credit are reaping profit in an unfair and unacceptable manner. Legislation to require that issuers of credit cards disclose interest rates and other charges is essential in providing consumers with the appropriate information to make responsible fiscal deci-

sions. Fairness to consumers is at the heart of this issue, and I intend to work diligently to ensure that such legislation becomes law.

A similar problem exists with regard to home equity loans. In hearings which were held last fall, the need to inform borrowers of fees, rates of interest, and the consequences of defaulting was deemed crucial in protecting consumers. I believe that not providing such information is tantamount to false advertising and must be prevented under the protection of the law.

It is the responsibility of this Congress to consider the effects of banking legislation not only on banking institutions, but also on consumers. I ask that my colleagues remember consumer needs when the House considers banking legislation in this session of Congress. Banking institutions are intended to serve customers in the most efficient and profitable manner possible. This should not be carried to such an extreme, however, the consumers are treated unjustly in the process.

THE IMPACT OF DAIRY PROBLEMS OF CERTAIN ESSENTIAL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 60 minutes.

Mr. JEFFORDS. Mr. Speaker, it will come as no surprise to anyone that I have taken a special order today to talk in this body about what is certainly one of my very favorite subjects, and that is dairy. However, it may be a surprise that I will not talk to any extent about dairy farmers, but rather, about what impact the present dairy situation will have upon very essential nutrition programs in this House. I would not disappoint my dairy supporters who, I am sure, would like me to spend more time on our dairy situation, since we have some problems there, and I intend to take another special order within a couple of weeks to delineate specifically the outcome of the whole herd buyout, as well as certain recommendations which I will be making with respect to program changes in order to take care of some of the problems we have incurred with that bill. So today I want to talk about a subject which, as a result of the present situation in the dairy program, I believe, requires urgent attention.

Two years ago, when Congress put into motion the 1985 farm bill, that required the Secretary of Agriculture to cut the dairy price support if the overall annual dairy surplus was expected to exceed 5 billion pounds.

The USDA recently relied on that authority to implement a 50-cent-per-hundredweight price cut. And, under law, that cut must be implemented and has been implemented, and also a similar cut will be implemented in 1989 and 1990 if the Secretary so believes the surplus will exceed that 5-billion-pound trigger.

Mr. Speaker, I am here before the Members today to call on the administration and the Congress to support legislation increasing that 5-billion-pound trigger. If we do not, this Congress and this administration will soon have to face the next price cut, and we will be in the position of jeopardizing very valuable nutrition programs, including programs helping the elderly, the disabled, and children, as well as the homeless, to whom we would anticipate giving a substantial amount of help from our surpluses.

Let me explain. What tends to be lost in all the debate about dairy surpluses and the cost of the program is that those surpluses have been used for years to feed the hungry. The Government buys surplus milk, butter, and cheese at a cost considerably lower than the market value, the commercial value. Those surpluses are the foundation of programs such as the school lunch program, elderly nutrition programs, and, until this year, the so-called TEFAP, the Temporary Emergency Food Assistance Program, which has provided emergency food for the homeless.

Now, one of the great ironies and tragedies is that even though Congress last year passed our large assistance bill for the homeless, USDA is already planning to eliminate TEFAP this spring. And why? Because despite a dairy surplus well in excess of 5 billion pounds next year, USDA does not expect there to be enough surplus commodities available to support this emergency food program for the homeless at anywhere close to present levels.

Mr. Speaker, in 1985, when we were in conference, I argued that a higher trigger on price cuts was necessary, warning of the possibility of running out of surpluses that sustain valuable nutrition programs. Unfortunately, that warning is coming all too true.

The USDA cut the dairy price support to $10.60, down a full dollar from where it was just about a year ago and almost $3 from where it was in 1981. It did so, as it was not only authorized but told to do under the law, because of an expected surplus exceeding 5 billion pounds. Even at the USDA projected surplus level of 7 billion pounds, about which I have some serious question, the USDA admits it will not have enough surplus commodities to sustain nutrition programs at their current levels or to sustain emergency programs for the homeless at all.

Let me just give the Members a little bit of information on the dairy program, its cost and where that cost goes. Unfortunately, during this budget-cutting period we spend a great deal of time looking at figures without closely examining what the product of those figures is. In this case the dairy program costs of about $1 billion are not costs without a benefit. They are not waste, they are not additional income to dairy farmers. What they are is cost related to certain programs.

Let me just give the Members a brief idea of where those costs are. First of all, we have the donations of the program to the School Lunch Program. This results in about 3.25 billion pounds of milk equivalent that are going to the School Lunch Program. Also we have some 325 million pounds going to the elderly feeding programs, with some additional 4.1 billion pounds going to the child nutrition program and TEFAP, the Temporary Emergency Food Assistance Program, has been utilizing up to 4 billion pounds of milk equivalent. The total money that would be involved here would be well over $1 billion. In other words, that $1 billion which we look at and some people point out as going to dairy farmers and being an unnecessary expense is not really that. It is necessary to do such basic things as to keep our school lunch program operating at its present level. If we were to eliminate it, it is important to remember the result would not be a cut in Government cost but, rather, we would have to look to the commercial markets to supply the additional amount of food we would have to have to replace the School Lunch Program and other feeding programs.

Now, with respect to this situation where we are having inadequate surpluses, we can basically do four things. We can cut back substantially on the Government assistance programs for the needy. If we do that, however, we will be turning our backs basically on our commitment with respect to domestic programs for our many, many people who are in need, either the homeless, the needy, or the people in school lunch programs. This would, of course, be a course which runs counter to the efforts the Congress has already made to reduce poverty and homelessness and hunger.

Under another option, we would make up for the shortfall by purchasing on the open market the remaining commodities needed for the program, but pursuing this option means considerably higher costs, not only for consumers but for the Government. And a government faced with enormous deficit problems can ill afford to have increasing costs in one program, with the increase being greater than the reduction.

Another option is the one I proposed 3 years ago and which the House agreed upon, and one which I am proposing again today. That is to increase the dairy trigger to 7 billion pounds and make the Secretary of Agriculture's authority to cut the support price discretionary and not mandatory. Incidentally, the House bill that did pass here in 1985 did not contain price cuts but, rather, a mandatory

supply program over the 7-billion-pound level. This approach will allow us to maintain our commitment to nutrition programs for the needy without unnecessary cost increases to either Government or to the consumer or to those who are participating in the feeding programs.

If we do not implement these simple changes in the law, we will guarantee the curtailment and probably the eventual demise of most, if not all, of these nutrition programs.

I believe it is important to make the decision discretionary for at least two reasons: First of all, for the reason I have spoken about, to give the Secretary the option as to whether or not he would desire to have a larger surplus to be able to fulfill the commitments that we have to the nutrition programs, but in addition to that, throughout the country we are experiencing regional dislocation because of the low cost of production. This would allow the Secretary, as we await the coming of the 1989 farm bill, the option and the discretion to say we should postpone further price cuts until such time as we can take care of these very substantial regional dislocations which, if they continue and get worse, will result in much higher costs for the consumers in those areas.

□ 1515

Also, of course, in this process as we move forward, we also will be jeopardizing the livelihoods of innumerable American dairy farmers under the present price cut system who will be forced out of business and potentially on to welfare because of support price cuts that will undermine their ability to farm, and this of course also for me personally coming from a State which has seen serious losses in this regard is an important issue.

Advocates of dairy price cuts continually argue that cuts are a sure fire way to reduce the national dairy surplus, and they are right. The lower the support price, the greater chances that more farmers will be driven out of business and milk production reduced.

The issue, therefore, before us is not the effectiveness of that approach, but how far we can afford to go with it and who do we hurt. Since much of the national dairy surplus is used to support Government nutrition programs, in fact all of it, if you look at the total usage in the near future, the question becomes how much can we afford to cut back on the national surplus before our ability to maintain these nutritional programs is undermined?

Thanks to the success of the wholeherd buyout program, overall production has fallen significantly over the last 2 years. We are now at the point where we need to stabilize that production at a level that will allow us to meet our nutritional program obligations, while curbing excess dairy production.

If the surplus level that triggers annual price cuts remains at 5 billion pounds, we will not be able to meet those nutrition program obligations without incurring significantly higher costs to the Government, and the USDA's own figures confirm that, a zero balance in the level of uncommitted surpluses available for use by nutrition programs.

Last year, for instance, some 8.1 billion pounds of surplus dairy products were used for nutrition programs, although USDA only purchased 5.4 billion pounds of surplus that year. The balance was a carry forward of surpluses. Obviously, as we go forward, if we have, we are not going to be able to have enough at the present projections to meet the current level of distribution of 8 billion pounds.

This year, as I said, there is no prior surplus to call upon to meet that shortfall. The USDA projects a 7-billion-pound surplus, and therefore you will have to look to the commercial levels in order to maintain our present program levels.

This situation will get worse in the coming years because the trigger built into the 1985 farm bill, in my estimation for most of the country, is too low. Despite the fact that USDA projects a 1-billion-pound shortfall for 1988, the 50-cent price cut will most likely be triggered in 1989 and possibly in 1990. This will only exacerbate the situation, unless we act.

The House version of the 1985 farm bill contained the 7-billion-pound trigger I had urged, and again point out not through price cuts, but for mandatory supply management programs; but unfortunately we were forced to accept the Senate's 5-billion-pound price cut trigger in order to win final agreement with the administration.

Now that we have had a chance to measure the impact of the price cuts on the surpluses, we must act to raise the trigger to the level required to meet our commitments to the needy.

My proposal would also remove the straitjacket Congress put on the Secretary of Agriculture when it required the Secretary to do this, even though in his own judgment he might have wished to do something else.

I believe we should give the Secretary the discretion. We need to allow him to look at a number of factors, such as our commitments to the needy and changes in production costs, as well as in regional milk market dislocations, which are occurring around the country and the higher consumer prices, when he evaluates whether he wants to make further price cuts and not do it arbitrarily based upon too low a figure, especially when we have increasing production in areas where they do not consume the milk that is produced.

As I mentioned earlier, I just wanted to say that I will be back here again to go over the situation with respect to the milk price support program and the wholeherd buyout in a couple weeks; but in the meantime, I just hope Members, especially those from urban areas for whom I am pleading, will recognize the ramifications on the helpless, the needy and the homeless in this country, are going to be dramatically affected to the tune of hundreds of millions of dollars by virtue of a cutback in the dairy products that will be available for distribution over the years ahead unless we do, as I believe we must do, act to correct what I believe is a very unfortunate inequity.

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. JEFFORDS) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 60 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. PICKETT) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on January 28.

Mr. KLECZKA, for 60 minutes, on February 2 and 3.

Mr. KLECZKA, for 10 minutes, on January 28.

Mr. GONZALEZ, for 60 minutes, on January 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. BOGGS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,089.

(The following Members (at the request of Mr. JEFFORDS) and to include extraneous matter:)

Mr. BUECHNER.

Mr. QUILLEN.

Mr. ROGERS.

Mr. SHUMWAY.

Mr. ARMEY.

Mr. VANDER JAGT.

Mr. SCHAEFER in two instances.

Ms. SNOWE.

Mr. SUNDQUIST.

Mr. BROOMFIELD.
Mr. GILMAN in two instances.
Mr. RINALDO.
Mr. MOLINARI.
Mr. CONTE in two instances.
Mrs. BENTLEY.

(The following Members (at the request of Mr. PICKETT) and to include extraneous matter:)

Mr. ATKINS.
Mr. MONTGOMERY.
Mr. SMITH of Florida.
Mr. ACKERMAN in three instances.
Mr. TRAFICANT.
Mr. FLORIO in two instances.
Mr. FUSTER.
Mr. FRANK.
Mr. YATRON.
Mr. COLEMAN of Texas.
Mr. GARCIA.
Mrs. BOXER.
Mr. LAFALCE.
Mr. MOAKLEY.
Mr. MAVROULES.
Mr. MORRISON of Connecticut in two instances.
Mr. KLECZKA.
Mr. PEPPER.
Mr. LEHMAN of California.
Mr. EDWARDS of California.
Mr. LANTOS in two instances.
Mr. MOODY.
Mr. SOLARZ.
Mr. BENNETT in three instances.
Mr. BORSKI.
Mr. TALLON.
Mr. FASCELL.
Mr. ANDERSON.
Mr. BERMAN in two instances.
Mr. JONES of North Carolina.
Mrs. SCHROEDER.
Mr. WILLIAMS.
Mr. MATSUI.
Mr. LEVINE of California.
Mr. LELAND.
Mr. WYDEN.
Mr. BIAGGI in three instances.
Mr. BATES.

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. 1193. An act to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, HI; to the Committee on Merchant Marine and Fisheries.

S. 1382. An act to amend the National Energy Conservation Policy Act to improve the Federal Energy Management program and for other purposes; to the Committee on Energy and Commerce.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

(Certification of correct printing of hand enrollment of Public Law 100-203 pursuant to section 8004 of this act.)

H.J. Res. 295. Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes.

(Certification of correct printing of hand enrollment of Public Law 100-202 pursuant to section 101(n) of this joint resolution.)

ADJOURNMENT

Mr. JEFFORDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, January 28, 1988, at 11 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, BOB CLEMENT, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 100th Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. BOB CLEMENT, Fifth District, Tennessee.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2756. A letter from the Assistant Secretary of Defense (Legislative Affairs), transmitting a report, signed by Secretary Carlucci, on "Support of NATO Strategy in the 1990's", which focuses on NATO's ability to maintain its deterrent strategy through the 1990s and the implications of the INF Treaty for that strategy, pursuant to Public Laws 100-180, section 1001; to the Committee on Armed Services.

2757. A letter from the Acting Director, Selective Service System, transmitting the agency's semiannual report for the period April 1, 1987 through September 30, 1987, pursuant to 50 U.S.C. app. 460(g); to the Committee on Armed Services.

2758. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-131, "District-WMATA Easement Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2759. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-125, "D.C. Health Occupations Revision Act of 1985 Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2760. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-123, "Emergency Shelter Services for Families Reform Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2761. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-126, "D.C. Public Hall Regulation Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2762. A letter from the Director, Agency for International Development, transmitting the 1987 annual report of the private sector revolving fund, pursuant to 22 U.S.C. 2151f(h); to the Committee on Foreign Affairs.

2763. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification which involves the amendment of a manufacturing license agreement to approve the possible sale of S-70A (Military Designation UH-60) helicopters manufactured in the United Kingdom to 18 other countries (Transmittal No. MC-3-88), pursuant to 22 U.S.C. 2753(d)(3) (AECA sec. 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

2764. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Edward Morgan Rowell, of California, Ambassador Extraordinary and Plenipotentiary-designate to Portugal, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2765. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Chester E. Norris, Jr., of Maine, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Equatorial Guinea, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2766. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2767. A letter from the Administrator, Agency for International Development, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2768. A letter from the Assistant Secretary of State for Administration, transmitting the Department's notification of a new system of records, pursuant to 5 U.S.C.

552a(o); to the Committee on Government Operations.

2769. A letter from the Director, National Science Foundation, transmitting an evaluation of the agency's system of internal accounting and administrative control in effect during the year ending December 31, 1987, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2770. A letter from the Director, Institute of Museum Services, transmitting the Institute's report of its activities under the Freedom of Information Act during 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2771. A letter from the Secretary of Health and Human Services, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2772. A letter from the Secretary of Labor, transmitting the Secretary's report on competition in contracting for fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2773. A letter from the Administrator, Veterans Administration, transmitting the Department's notice of a proposal for altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2774. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting notification that the Bureau of Reclamation has approved a deferment of the 1986 construction repayment installment due the United States from Almena Irrigation District No. 5, (District) Pick-Sloan Missouri Basin Program, KS; to the Committee on Interior and Insular Affairs.

2775. A letter from the Attorney General, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar years 1985 and 1986, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

2776. A letter from the Chairman, Administrative Conference of the United States, transmitting the 1986 report of the Administrative Conference for the period January 1, 1986, through December 31, 1986, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

2777. A letter from the Chairman, U.S. Sentencing Commission, transmitting amendments to the sentencing guidelines and commentary which the Commission adopted on December 15, 1987, and January 5, 1988, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

2778. A letter from the Director, Office of Personnel Management, transmitting the 1985 edition of the agency's "Compensation Report", containing statistical and financial information on the Civil Service Retirement System, the Federal Employees Health Benefits Program, the Federal Employees' Group Life Insurance Program, and the pay programs administered by OPM; to the Committee on Post Office and Civil Service.

2779. A letter from the Postmaster General transmitting a copy of the 1987 Comprehensive Statement on Postal Operations which discusses postal programs and policies, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

2780. A letter from the Assistant Secretary of Defense transmitting notification of the decision to convert to contractor performance the computer operations and telecommunications center [TCC] function at Peterson Air Force Base, CO, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Appropriations and Armed Services.

2781. A letter from the Assistant Secretary of Defense transmitting notification of the decision to convert to contractor performance the retail sales warehouse function at Andrews Air Force Base, MD, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Appropriations and Armed Services.

2782. A letter from the Commission on Merchant Marine and Defense transmitting the Commission's second report on Merchant Marine and Defense recommendations, pursuant to 46 U.S.C. app. 1120 nt.; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

2783. A letter from the Secretary of Transportation transmitting the Department's report for 1987 on the recommendations received from the National Transportation Board regarding transportation safety, pursuant to 49 U.S.C. app. 1906 (b); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

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. ASPIN (for himself and Mr. MOODY):

H.R. 3863. A bill to clarify the treatment of certain property under the amendments made by the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. COLEMAN of Texas:

H.R. 3864. A bill to amend the Low-Level Radioactive Waste Policy Act to prescribe that States which are not members of regional compacts for the disposal of nuclear waste may not locate regional disposal facilities within 60 miles of the border with Mexico; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COMBEST (for himself, Mr. SKEEN, Mr. DENNY SMITH, Mr. MARLENEE, Mr. GUNDERSON, Mr. HATCHER, Mr. WORTLEY, Mr. LAGOMARSINO, Mr. BOULTER, Mr. ROBERTS, Mr. PENNY, Mr. COLEMAN of Missouri, Mr. RAY, Mr. DEWINE, Mr. HERGER, Mr. INHOFE, Mr. BARTON of Texas, Mr. GRANDY, Mr. EMERSON, Mr. ARMEY, Mr. MACK, Mr. SCHUETTE, Mr. UPTON, and Mr. ENGLISH):

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm or for other off-highway uses; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 3866. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use on a farm or for other off-highway uses; to the Committee on Ways and Means.

By Mr. FISH (for himself and Mrs. BOXER):

H.R. 3867. A bill to amend the Federal rules of evidence to provide an explicit hearsay exception in certain child abuse cases; to the Committee on the Judiciary.

By Mr. LELAND:

H.R. 3868. A bill to provide increased opportunities for disadvantaged business concerns to participate in procurements made by the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS:

H.R. 3869. A bill to amend the act providing for the establishment of the Tuskegee University National Historic Site, AL, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OLIN:

H.R. 3870. A bill to amend the Agricultural Act of 1949 to establish joint liability for certain breaches of contracts made under the milk production termination program, and for other purposes; to the Committee on Agriculture.

By Mr. OWENS of New York:

H.R. 3871. A bill to amend part B of title IV of the Higher Education Act of 1965, relating to the guaranteed student loan programs, to reduce the high default rate under that program, and to improve debt collection under that program, and for other purposes; to the Committee on Education and Labor.

By Mr. OWENS of Utah (for himself, Mrs. BENTLEY, and Mr. LAFALCE):

H.R. 3872. A bill to amend section 2680(a) of title 28, United States Code, to narrow the discretionary function exception to the Federal Tort Claims Act; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 3873. A bill to create the parental assistance with tuition savings certificate to assist parents in their efforts to save for their children's postsecondary education; to the Committee on Education and Labor.

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for purchases of savings bonds the redemption proceeds of which are used to pay costs of attendance at postsecondary education institutions, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. FASCELL (for himself and Mr. BROOMFIELD) (both by request):

H.J. Res. 439. Joint resolution with respect to the agreement for cooperation between the United States and Japan Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Affairs.

By Mr. HOPKINS:

H.J. Res. 440. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself and Mr. MCCOLLUM):

H.J. Res. 441. Joint resolution designating August 9, 1988, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself, Mr. GUNDERSON, Mrs. LLOYD, Mr. FUSTER, Mr. BOUCHER, Mr. LEHMAN of Florida, Mr. BIAGGI, Ms. OAKAR, Mr. BROOKS, Mr. DYSON, Mr. SMITH of Florida, Mr. TRAXLER, Mr. NEAL, Mrs. BOXER, Mr. CONTE, Mr. SCHULZE, Mr. GONZALEZ, Mr. KONNYU, Mr. LEHMAN of California, Mrs. ROUKEMA, Mr. LAGOMARSINO, Mr. MCHUGH, Mr. NIELSON of Utah, Mrs. COLLINS, Mr. SCHUETTE, Mr. EVANS, Mr. MCGRATH, Mr. HUGHES, Ms. KAPTUR, Mr. LIPINSKI, Mr. HOWARD, Mr. HYDE, Mr.

RITTER, Mr. JONES of Tennessee, Mr. ROWLAND of Georgia, Mr. KOSTMAYER, Mr. DENNY SMITH, Mr. ORTIZ, Mr. JONES of North Carolina, Mr. PETRI, Mr. SUNIA, Mr. DORNAN of California, Mr. DE LUGO, Mr. BLILEY, Mr. TOWNS, Mr. FISH, Mr. WATKINS, Mr. ESPY, Mr. LOWRY of Washington, Mr. FROST, Ms. SLAUGHTER of New York, Ms. PELOSI, Mr. WEISS, Mr. MARTIN of New York, Mr. DEWINE, Mrs. VUCANOVICH, Mrs. BENTLEY, Mr. MCDADE, Mr. FRENZEL, Mr. LEVIN of Michigan, Mr. DAUB, Mr. RODINO, Mr. ROE, Mr. GRAY of Illinois, Mr. SAWYER, Mr. GILMAN, Mr. DWYER of New Jersey, Mr. BOSCO, Mrs. SAIKI, Mr. PORTER, Mr. CHANDLER, Mr. MILLER of Ohio, Mr. SCHUMER, Mr. WYLIE, Mr. GEPHARDT, Mr. OWENS of Utah, Mr. PASHAYAN, Mr. HEFNER, Mr. HERTEL, Mr. PERKINS, Mr. QUILLEN, Mr. HOCHBRUECKNER, Mr. DEFAZIO, Mr. RAVENEL, Mr. WYDEN, Mr. HUTTO, Mr. YOUNG of Alaska, Mr. HATCHER, Mr. SKELTON, Mr. SMITH of New Hampshire, Mr. MILLER of Washington, Mr. PEPPER, Mr. SPENCE, Mr. STAGGERS, Mrs. PATTERSON, Mr. WOLF, and Mr. MATSUI):

H.J. Res. 442. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. HALL of Ohio (for himself, Mr. LELAND, Mr. EMERSON, Mr. BEREUTER, Mr. DORGAN of North Dakota, Mr. GRAY of Pennsylvania, Mr. LEWIS of California, Mr. BRENNAN, Mr. SMITH of New Jersey, Mr. MFUME, Mr. GUNDERSON, Mr. MOAKLEY, Mr. JEFFORDS, Mr. BERMAN, Mr. MCDADE, Mr. BOSCO, Mr. WOLF, Mr. CROCKETT, Mr. DE LUGO, Mr. FAUNTROY, Mr. CLARKE, Mr. GORDON, and Mr. STOKES):

H. Con. Res. 237. Concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people of Ethiopia and other drought-stricken nations in sub-Saharan Africa, and to encourage these officials to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DENNY SMITH (for himself and Mr. FRENZEL):

H. Con. Res. 238. Concurrent resolution calling for a modified freeze on Federal spending in fiscal year 1989; to the Committee on Government Operations.

By Mr. CAMPBELL:

H. Res. 350: Resolution to amend the Rules of the House of Representatives to provide that no bill may contain more than one subject; to the Committee on Rules.

By Mr. WYDEN (for himself, Mr. MARKEY, Mr. RINALDO, Mr. AUCOIN, Mr. DEFAZIO, Mr. ROBERT F. SMITH, and Mr. DENNY SMITH):

H. Res. 351: Resolution urging local telephone operating companies to establish community telephone centers to provide free local service for persons who cannot afford residential telephones; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII:

263. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to the nation of Afghanistan; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 382: Mr. LEHMAN of California and Mr. SAXTON.

H.R. 457: Mr. STAGGERS.

H.R. 458: Mr. ESPY and Mr. KLECZKA.

H.R. 573: Mr. LAFALCE.

H.R. 633: Mr. DORNAN of California.

H.R. 778: Mr. GALLEGLY.

H.R. 911: Mr. TRAFICANT, Mrs. BYRON, Mr. DUNCAN, and Mr. GEJDENSON.

H.R. 956: Mr. SHAYS.

H.R. 1002: Mr. ST GERMAIN and Mr. BROWN of California.

H.R. 1076: Mr. APPLEGATE, Mr. BARNARD, Mr. DAUB, Mr. DIOGUARDI, Mr. GALLO, Mr. JACOBS, Mr. JENKINS, Mr. LEHMAN of California, Mr. QUILLEN, Mr. SHAYS, Mr. SIKORSKI, and Mr. SPENCE.

H.R. 1197: Mr. JONTZ.

H.R. 1303: Mr. DYMALLY, Mr. FAZIO, Mrs. BOXER, Mr. DELLUMS, Mr. MILLER of California, Mr. MARTINEZ, Mr. DIXON, Mr. BATES, Mr. MORRISON of Connecticut, Mr. GEJDENSON, Mr. FAUNTROY, Mr. EVANS, Mr. SAVAGE, Mr. ATKINS, Mr. FORD of Michigan, Mr. WOLPE, Mr. VENTO, Mr. TOWNS, Mr. OWENS of New York, Mr. ACKERMAN, Mr. PEASE, Ms. KAPTUR, Mr. MURPHY, Mr. FORD of Tennessee, Mr. LELAND, Mr. JEFFORDS, Mr. SWIFT, Mr. LOWRY of Washington, Mr. KASTENMEIER, Mr. MFUME, Mr. GARCIA, and Mr. TORRES.

H.R. 1352: Mr. OBERSTAR and Mr. FISH.

H.R. 1620: Mr. GALLO, Mr. CARDIN, and Mr. LANTOS.

H.R. 1736: Mr. COOPER.

H.R. 1770: Mr. COOPER and Mr. STOKES.

H.R. 1785: Mr. RODINO.

H.R. 1966: Mr. FISH.

H.R. 2248: Mr. LEWIS of Florida.

H.R. 2260: Mrs. BOXER, Mr. LELAND, and Mr. AUCOIN.

H.R. 2532: Mr. WELDON and Mr. YATRON.

H.R. 2611: Mr. MCMILLEN of Maryland, Mr. SCHUETTE, Mr. SMITH of Texas, and Mr. MILLER of Washington.

H.R. 2776: Mr. CRAIG and Mr. ESPY.

H.R. 2793: Mr. WORTLEY and Mr. CLINGER.

H.R. 2883: Mr. BONIOR of Michigan, Mr. COURTER, Mr. FROST, Miss SCHNEIDER, Mr. BUSTAMANTE, Mr. KENNEDY, Mr. LEHMAN of Florida, Mr. STOKES, Mr. JACOBS, and Mr. ORTIZ.

H.R. 3044: Mr. ESPY.

H.R. 3045: Mr. ESPY.

H.R. 3071: Mr. BEILENSON, Mr. ATKINS, and Mr. CROCKETT.

H.R. 3119: Mr. TOWNS, Mr. BATES, Mr. MCGRATH, Mr. AKAKA, Mr. FOGLIETTA, and Mr. SMITH of New Hampshire.

H.R. 3130: Mr. FEIGHAN and Mr. SHAW.

H.R. 3250: Mr. CRAIG, Mr. STUMP, Mr. BADHAM, Mr. RUSSO, Mr. BERMAN, and Mr. MURPHY.

H.R. 3312: Mr. SMITH of New Hampshire.

H.R. 3332: Mr. JOHNSON of South Dakota, Mr. COLEMAN of Texas, Mr. FISH, Mr. COYNE, Mr. MATSUI, Mr. SCHUETTE, and Mr. OBEY.

H.R. 3374: Mr. BEREUTER, Mr. WEISS, Mr. WOLPE, Mr. RICHARDSON, Mr. THOMAS A. LUKEN, Mr. ARMEY, Mr. UPTON, Mr. MARTINEZ, and Mr. DOWDY of Mississippi.

H.R. 3410: Mr. CONYERS.

H.R. 3440: Mr. BOSCO.

H.R. 3511: Mr. FORD of Tennessee, Mr. BUSTAMANTE, and Mr. MORRISON of Connecticut.

H.R. 3553: Mr. MANTON, Mr. QUILLEN, Mr. HALL of Texas, Mr. MOAKLEY, and Mr. FAZIO.

H.R. 3562: Mr. ERDREICH, Mr. FLIPPO, Mr. GARCIA, Mr. GRAY of Pennsylvania, Mr. LEWIS of Florida, Mr. MANTON, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MRAZEK, Mr. NICHOLS, Mr. WAXMAN, Mr. DIXON, Mr. HERTEL, Mr. AUCOIN, Mr. NOWAK, Mr. CONTE, Mrs. KENNELLY, Mr. LAFALCE, Mr. GRAY of Illinois, Mr. MCMILLEN of Maryland, Mr. FORD of Michigan, and Mr. LEHMAN of California.

H.R. 3622: Mrs. BOXER, Mr. LUJAN, Mr. FAZIO, Mr. WOLF, and Mr. HOYER.

H.R. 3698: Mr. DAUB and Mr. SHARP.

H.R. 3800: Mr. MCMILLAN of North Carolina.

H.R. 3855: Mr. HOCHBRUECKNER and Mr. MANTON.

H.J. Res. 240: Mr. CHAPPELL, Mr. BAKER, Mr. APPLEGATE, Mr. AKAKA, Mrs. COLLINS, Mr. LANCASTER, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. HARRIS, Mr. BLILEY, Mr. GONZALEZ, Mr. FAZIO, Mr. EVANS, Mr. CARDIN, Ms. PELOSI, Mr. MINETA, Mr. FUSTER, Mr. WYDEN, Mr. DE LA GARZA, Mr. MAZZZOLI, Ms. KAPTUR, Mr. OWENS of Utah, and Mr. FORD of Tennessee.

H.J. Res. 304: Mr. SHAYS and Mr. BUSTAMANTE.

H.J. Res. 339: Mr. RUSSO, Mr. MILLER of Ohio, Mr. SHAW, Mr. ROEMER, and Mr. BRUCE.

H.J. Res. 360: Mr. YOUNG of Florida, Mr. BOUCHER, Mrs. BENTLEY, Mr. STAGGERS, Mr. WEBER, Mr. CARDIN, Mr. GUNDERSON, Mr. BEILENSON, Mr. WOLF, Mr. FRENZEL, Mr. SABO, Mrs. MORELLA, and Mr. SIKORSKI.

H.J. Res. 388: Mr. HAMILTON, Mr. BATEMAN, Mr. FISH, Mr. MAZZOLI, and Mr. MICHEL.

H.J. Res. 391: Mr. WAXMAN, Mrs. BOXER, Mr. LAFALCE, Mr. DE LUGO, Mr. HUGHES, Mrs. SAIKI, Mrs. COLLINS, Mr. MCEWEN, Mr. FLORIO, Mr. RODINO, Mr. TORRICELLI, Mr. SAXTON, Mr. WALGREN, Mr. COYNE, Mr. BUNNING, Mr. GONZALEZ, Mr. RINALDO, Mr. MAZZOLI, Mr. FISH, Mr. COURTER, Mr. VENTO, Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, Mr. MRAZEK, and Mr. MADIGAN.

H.J. Res. 419: Mr. BRYANT, Mr. MCCLOSKEY, Mr. WORTLEY, Mr. LIPINSKI, Ms. PELOSI, and Mr. ROE.

H. Con. Res. 227: Mr. ERDREICH, Mr. GONZALEZ, Mr. HUGHES, Mr. SIKORSKI, and Mr. VENTO.

H. Res. 276. Mr. WHITTEN, Mr. JONTZ, Mr. HOLLOWAY, and Mr. SHUMWAY.

H. Res. 290: Mr. MONTGOMERY, Mr. BUSTAMANTE, Mr. LIPINSKI, Mr. WORTLEY, Mr. BATEMAN, Mr. BADHAM, Mr. COLEMAN of Missouri, Mr. KASICH, Mr. DELAY, Mrs. JOHNSON of Connecticut, Mr. IRELAND, Mr. BUNNING, Mr. LAGOMARSINO, Mr. DAVIS of Illinois, Mr. RHODES, Mrs. COLLINS, Mr. SHAW, Mr. RITTER, Mr. DOWDY of Mississippi, Mr. TAUZIN, Mr. APPLEGATE, Mr. WILSON, Mr. CHAPMAN, Mr. PENNY, Mr. JONES of Tennessee, Mr. BROOMFIELD, Mr. BARNARD, Mr. FAWELL, Mr. COURTER, Mr. GINGRICH, Mr. PORTER, Mr. CHAPPELL, Mr. SKEEN, Mr. LOWERY of California, Mr. ROWLAND of

Georgia, Mr. COOPER, Mr. ENGLISH, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. SWINDALL, and Mr. KYL.

H. Res. 338. Mr. DORNAN of California, Mr. NIELSON of Utah, and Mr. ERDREICH.

PETITIONS, ETC.

Under clause 1 of rule XXII,

114. The SPEAKER presented a petition of the County Legislature, County of Suffolk, Riverhead, NY, relative to the cost-of-living adjustment for retirees; which was referred to the Committee on Government Operations.

SENATE—*Wednesday, January 27, 1988*

The Senate met at 9 a.m. and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

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

Let us pray:

Father in heaven, infected as our American culture is with the spirit of materialism and its worldly wisdom, help us hear and heed the wisdom of Jesus and His prescription for true happiness: "Blessed are the poor in spirit: for theirs is the kingdom of heaven. Blessed are they that mourn: for they shall be comforted. Blessed are the meek: for they shall inherit the earth. Blessed are they which do hunger and thirst after righteousness: for they shall be filled. Blessed are the merciful: for they shall obtain mercy. Blessed are the pure in heart: for they shall see God. Blessed are the peacemakers: for they shall be called the children of God." 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, January 27, 1988.

To the Senate:

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

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his good prayer and for the Scriptures that he quoted. Today, he concentrated on the teachings of Jesus. He told us to be humble. He called attention to the great good that comes from those who are humble, the peacemakers, those who are lowly in spirit, those who are poor. I am glad that the Chaplain recalls these Scriptures to us daily and brings us back away from the precipice of the mad rush of life causing us to focus, as we should focus, on those who are helpless, on those who are homeless, and on those who are indeed in need.

It recalls to my mind a bit of verse which, in that same spirit, reminds us of those who are less fortunate, and what is the real good.

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day,
He toiled in the spirit of brotherhood,
To help and succor as best he could
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader is recognized.

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

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

Mr. BYRD. Mr. President, I reserve the remainder of my time until Mr. PROXMIRE has spoken.

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 9:30 a.m., with Senators permitted to speak for no more than 5 minutes each.

The Chair recognizes Senator PROXMIRE.

IS U.S. ECONOMIC POLICY TORPEDOING OUR NATO ALLIES?

Mr. PROXMIRE. Mr. President, recently the distinguished Senator from Michigan, CARL LEVIN, made an extraordinarily useful contribution to the country's understanding of our national security. Senator LEVIN went right to the heart of the most widely believed myth that bedevils the free world's conventional military strength compared to Communist conventional military strength in Europe. For the first time in years, thanks to Senator LEVIN, we have before us in the Congress a serious attempt to analyze the military strength of NATO and the Warsaw Pact, not just in the simple minded terms of the number of tanks and planes and ships on each side, but in terms of the quality and effectiveness of the conventional military power of NATO and the Warsaw Pact. The Levin study shows that when all factors are considered: The numbers of weapons, the quality of weapons, the readiness on each side, the sustainability of forces, the number and quality of personnel and other factors there may be a very rough balance as of right now. This Senator intends to pursue this analysis by Senator LEVIN in detail in a series of speeches over the next month or so.

Today I will address an element of military strength that is basic, but is rarely considered. Senator LEVIN rightly includes it in his analysis. It is economic and industrial strength. Certainly this goes right to the heart of military power. And it would seem that it represents an advantage and a very big advantage for NATO. In fact, Senator LEVIN so counts it. But there is a troublesome problem here.

The January 25 New York Times reports:

> Western Europe's unemployment picture, which has been exceedingly grim for several years, is expected to grow even grimmer over the next few months, as a result of the dollar's plunge which has made American goods more competitive with European products.

The fall in the value of the dollar and the more recent resultant increase in the volume of American exports has been very good news for America in terms of unemployment, profits, and continued growth in our country. But it is bad news, in fact, very bad news, for our friends and allies in Europe and in the NATO alliance. The New York Times calls the statistics staggering. Europe's jobless rate today is 11 percent. No net new jobs have been created in Europe since 1980. Spain has unemployment of 20 percent, Ire-

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

land 19 percent, Italy more than 14 percent. Even the strongest economy in Europe and the NATO anchor—West Germany—suffered an increase in its jobless rate with an 8.5 percent in November rising to 9.2 percent in December. Unemployment in France is about 11 percent.

What has this to do with West Europe's military strength? In terms of free Europe's capacity to contribute to NATO's military forces the unemployment may not be a significant factor. But think of the danger these economic very bad times could represent politically to the NATO alliance. The European forces supporting NATO have been largely lead by conservative, strongly anti-Communist governments. Those conservative governments contributed the on-the-spot military personnel, the tanks, the artillery, the planes, and the will to make economic sacrifices to provide NATO with the necessary military capability. Europe's growing unemployment could wreck much of that. New governments elected by constituencies protesting the heavy unemployment might turn away from NATO. So-called peace movements or even pro-Communist movements could slow the European military cooperation with NATO.

The strength of the NATO alliance is a consideration that few have associated with the strength of the dollar. But the connection is clear and powerful. Senator LEVIN is right in including the economic and industrial strength of our European allies as a critical element in comparing the military power of the free world compared to the Warsaw Pact. It is essential, however, that we recognize that free European economic strength is not a fixed and given basis for our reliance. It is subject to the variations in western Europe's economic growth and decline. It is subject to the political consequences of that growth or decline. It also hinges on the effect of United States economic policies on Europe—right now and especially our policies toward the value of the dollar. Of course, we should work toward a correction in our woefully adverse balance of trade, including our adverse balance of trade with Europe. But we should move cautiously and with full appreciation of the fact that while a cheaper dollar increases the volume of American exports and diminishes the competition of European imports, it also may enfeeble the military strength and will of our critically important European allies.

GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that editorials in Tennessee newspapers supporting legislation to repeal the Glass-Steagall Act be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Knoxville (TN) News-Sentinel, Nov. 23, 1987]

DEREGULATING BANKS

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-stop financial services is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means that their potential for growth and profitability is limited. Credit the situation to a 54-year-old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

The measure appropriately would erect a wall between a bank holding company's banking and securities subsidiaries. That is necessary to prevent possible underwriting losses from undermining bank deposits, which are guaranteed by the federal government.

A new study by the House Government Operations Committee states that the underwriting business is dominated by five large Wall Street firms, which market 70 percent of all domestic corporate debt. Naturally these firms like the status quo and are lobbying to keep banks off their turf.

However, Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between one-tenth and three-tenths of a percent. That would add up to enormous savings that are worth going after.

[From the Memphis (TN) Commercial Appeal, Nov. 21, 1987]

BANK LAW IS OUTDATED

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate.

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However, Fed Chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between one-tenth and three-tenths of a percent. That would add up to enormous savings that are worth going after.

Mr. PROXMIRE. I thank the gracious majority leader for his generosity in letting me go ahead, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wisconsin for always being here early every morning. He is always here.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time do I have remaining under the leader's time?

The ACTING PRESIDENT pro tempore. The majority leader has 6 minutes 47 seconds remaining.

Mr. BYRD. I thank the Chair. I would like to claim that time now together with recognition under morning business.

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

ARMS CONTROL AND THE ATLANTIC ALLIANCE

Mr. BYRD. Mr. President, action on the INF Treaty, as the country is well aware, has commenced in the Senate, and it is certain to dominate our work, the news, and the attention of our allies, friends, and our chief adversary well into the spring. It will command the substantial energy and resources of the full Senate on this floor for a number of weeks. Such an agreement is well deserving of our attention, for it is the first major arms reduction agreement in nearly a decade.

From preliminary indications and study, I am favorable inclined toward this accord, although its complexity and import merit careful examination. We must consider carefully what this treaty represents and what lessons it will mean for the future. This treaty, whatever its merits and whatever its flaws, represents an attempt to turn back the tactics of intimidation exercised by the very same power which has cosigned this document with the United States. It is a victory for the West because we stood together under pressure by an antagonist over a long period of time.

But now we must answer this question: Where goes the alliance? Is the threat which brought us together somewhat dissipated with the advent of a dynamic, and stylistic new, PR-conscious Soviet leader? Mr. President, the success or failure of the INF Treaty is in its most important respects future oriented. How will NATO behave? How will the Warsaw Pact countries behave? What will the West need to maintain and, if possible, increase our credible deterrence of any Soviet bloc temptation to test us? I offered an amendment to the fiscal year 1988 DOD authorization bill this past September 26, 1987, asking the Secretary of Defense to analyze this question in depth and to provide the Senate with his analysis at the same time as any INF Treaty was submitted to the Senate. My purpose was not only to review this situation anew, but to make the point of the integrated nature of the INF Treaty with the future of NATO. I am pleased that the Secretary was able to produce a sound study along these lines, and I shall share the unclassified version of that report with my colleagues today.

The study addresses the full range of key questions confronting NATO, including the future of the strategy of flexible response, and the modernization of both nuclear and nonnuclear forces in Europe. It clearly recognizes that we must do better, that we must be more efficient, more creative, that we must work more closely in tandem with our allies, and, most importantly, that we must sustain the political will to take whatever steps necessary to ensure the security of our allies and our own national security. The Kremlin will certainly seek to engender an air of euphoria about East-West relations in order to undermine the resolve of NATO citizens to make difficult choices in spending for defense. The Soviets have already been quick to portray NATO modernization measures as circumvention of the INF Treaty and counterproductive to future arms agreements, while, at the same time continuing to improve their own—meaning the Soviets and Warsaw Pact countries—offensive capabilities. The report addresses in detail the tasks ahead of us, and outlines a "framework for a NATO defense program directed toward strengthening flexible response in all of its dimensions."

Mr. President, I commend the Secretary for this study. I intend to follow it up in detail and to discuss its implications with our European allied leaders over the February recess. Going with me on that journey will be the distinguished chairmen of each of the three committees which will be handling the brunt of the work in examining this treaty and its implications. I have reference to Mr. PELL, chairman of the Foreign Relations Committee; Mr. NUNN, chairman of the Armed Services Committee; and Mr. BOREN, chairman of the Intelligence Committee, as well as Mr. WARNER, the distinguished ranking member of the Armed Services Committee and a member of the Intelligence Committee. These Senators will accompany me, we will be examining three broad areas of inquiry; among others: First, to evaluate the candid assessments of European leaders as to the advantages and disadvantages of the INF accord; second, to discuss their assessment—the assessment of European leaders—of Soviet strategy and tactics vis-a-vis NATO during the current period and for the immediate future; and, third, to assess the implications for NATO weapons modernization, planning and arms control strategy in a post-INF treaty environment, assuming the treaty is approved for ratification. In other words, where do we go from there?

We will be meeting with European political leaders, both those in power and those in the opposition, as well as military officials, opinion makers, and experts out of government. I intend to share a comprehensive assessment of my findings upon my return and hope that it will contribute to our understanding of the virtues, and possibly the dangers, of the treaty that we have just begun to consider. The Defense Department report "Support of NATO Strategy in the 1990's," will help to focus the attention of the Senate on the ramifications of treaty enactment for the Western alliance. Does enactment of the treaty bode well for the future of NATO? That, in the final analysis, is an important point in enacting the treaty, in approving the ratification thereof—to make the Western alliance more secure for the coming decades.

Mr. President, I ask unanimous consent that this unclassified report be printed in the RECORD.

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

SUPPORT OF NATO STRATEGY IN THE 1990'S

(A Report to the United States Congress in Compliance With Public Law 100-180)

THE SECRETARY OF DEFENSE,
Washington, DC, January 25, 1988.

To the Congress of the United States:

This Report is in response to requirements in the *National Defense Authorization Act for Fiscal Years 1988-1989*, of December 4, 1987, that I discuss the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s.

Our confidence in maintaining the Alliance's flexible response strategy is explained in President Reagan's January 1988 *National Security Strategy Report*. Before entering into our agreement with the Soviets we made sure that from the standpoint of the military implications of the INF Treaty, NATO's resulting force structure would be fully capable of supporting deterrence—*provided* that we vigorously pursue the necessary modernization, and make effective use of the gains in capability achieved over the last few years.

Consistent with the President's guidance, this report outlines a framework for achieving what the National Security Strategy states must be accomplished to maintain the credibility and viability of NATO forces and strategy. The U.S. is prepared to work in close consultation with our allies to carry out a NATO Defense Program to achieve these objectives.

I am confident that the Congress will support both what we propose, and the INF Treaty.

FRANK C. CARLUCCI.

OVERVIEW

Purpose

The following report concerns U.S. and allied planning for the future security posture of the North Atlantic Treaty Organization.

It responds to the Congressional request (spelled out in the Appendix) that the Secretary of Defense discuss how Intermediate-Range Nuclear Forces (INF) missile reductions fit with NATO objectives and how they relate to the Alliance's flexible response strategy. In so doing, the report reflects consultation with NATO's Supreme Allied Commander, Europe (SACEUR) and the Chairman of the Joint Chiefs of Staff.

It includes seven supporting sections matched to specific questions from the Congress. This Overview discusses these important matters involving flexible response, defense requirements, arms control and developing programs. All involve issues which are integral to the support of NATO and America's overall strategy—aimed at bolstering deterrence, strengthening our alliances, and decreasing Soviet military advantages.

The INF Agreement

The INF Treaty provides for the U.S. and the Soviet Union to eliminate all their ground-launched missile systems with ranges between 500 and 5,500 kilometers, worldwide.

This is a major achievement for NATO and its policy. It not only represents the culmination of years of negotiation with the Soviet Union, but also years of steadfast NATO resolve in maintaining and advancing our shared security interests. At the same time, it should not stimulate a false sense of security nor become an excuse to reduce defense efforts. For decades we have included arms control as one of several measures available to improve our security posture. We have never pursued it as an end in itself.

In 1979, NATO met the rapid expansion in the dangerous nuclear missile threat to Europe with a "dual-track" decision to deploy U.S. PERSHING IIs and Ground-Launched Cruise Missiles (GLCM), and at the same time work to negotiate the reduction of Soviet INF missiles. In the 1980's, the U.S. and NATO also began comprehensive modernization efforts directed toward restoration of badly needed nuclear and conventional capabilities. Together, these initiatives will strengthen our Alliance and will enhance our security, if we are steadfast in pursuing them.

The INF Treaty contributes to NATO security in several ways. First, it will reduce the military threat to Western Europe and Asia. Under its provisions the Soviet Union will eliminate forces capable of delivering over 1600 nuclear warheads. Many of the systems have conventional and chemical warfare capabilities which, of course, will also be eliminated. For this reason, such reductions complement efforts by NATO and other allies to deal with the existing and very serious Soviet advantages in nonnuclear forces.

The removal of a complete class of missile systems will reduce the Soviet Union's ability to strike critical targets throughout Western Europe without recourse to its strategic weapons. In addition to relieving pressures on our own nuclear forces, and related command and control facilities, this should improve NATO's ability to reinforce its conventional forces during wartime by reducing the Soviet threat to air bases, ports, depots, and other facilities essential to that reinforcement effort.

Accompanying this reduction in the Soviet threat is the requirement that our side eliminate forces capable of delivering about 400 nuclear warheads. This will remove a part of our ability to strike targets in Eastern Europe and the Western USSR. Nevertheless, both East and West still will retain robust nuclear and conventional forces and capabilities, including ground-based nuclear systems as well as those carried by aircraft, ships and submarines. Significant risks to us, our allies, and friends in Europe as well as in Asia will remain.

We still have the pressing need to revitalize and strengthen our military capabilities for the 1990s, as was the case prior to the INF Agreement.

The Treaty, in addition to eliminating a category of weapons in which the Soviet Union has enjoyed a significant preponderance, will not impede NATO's ability to maintain and modernize a credible mix of nuclear and conventional forces. The United States will remain prepared to respond to aggression with its full range of forces, including its strategic nuclear arsenal, if necessary. Moreover, British and French independent nuclear forces will not be affected by the Treaty.

A second major way in which the INF Treaty promises to buttress NATO security is by enhancing the credibility of NATO as a whole and showing that our nations have the political will to make—and stand by—the tough decisions necessary to ensure our security, and to preserve our shared values.

The INF Treaty also promotes security by validating sound arms control principles. It affirms the principle of asymmetrical reductions to achieve equal U.S. and Soviet levels, which is now an important precedent for future negotiations in both the strategic nuclear and conventional fields. Moreover, the eliminations are global; they do not simply transfer the Soviet threat from one region of the world to another. And, the agreement does not rely on stated intentions, but rather on a very stringent verification regime.

The Treaty contributes to NATO's objectives. It promises to advance both NATO's military security and its political cohesion.

NATO objectives

In May 1987, the U.S. Joint Chiefs of Staff completed a review of the military significance of arms reductions. They concluded that our security interest would be served by a verifiable agreement to eliminate U.S. and Soviet INF missiles worldwide. That assessment has not changed. However, because of longstanding asymmetries, the INF Treaty must be an integral part of coordinated force planning which is designed to support our strategy. We must ensure the effectiveness and strength of NATO's nuclear and nonnuclear forces as NATO carries out INF reductions. This is a fundamental objective.

The INF Treaty preserves intact NATO's strategy of flexible response as a credible framework for deterring aggression and intimidation. To be effective, flexible response has always required that NATO possess deterrent capabilities that encompass a spectrum of possible responses to aggression. As a part of this overall deterrence posture, NATO maintains a spectrum of nuclear options which would be used to defeat an attack if needed, and to increase the Soviet risks in continuing the aggression.

It remains U.S. and NATO policy to deploy the minimum number of theater nuclear weapons in Europe required to do this job. Though its ground-launched nuclear missiles will be reduced in number, NATO will continue to maintain the forces needed to implement its strategy of flexible response and forward defense. This remains our consistent goal.

NATO military posture

Our military strengths and weaknesses are well-understood by NATO and there is consensus about needed improvements in defense capabilities. The U.S. and NATO also look to arms control where agreements will clearly support our efforts to improve security. In recent times, Congress and this Administration have emphasized armaments cooperation as another means for speeding progress in NATO improvement efforts and for encouraging more acceptance of shared responsibilities.

Our allies, in fact, do more for NATO defense than is commonly recognized, but they can and should do even better. If we are to lower the risks associated with existing and projected conventional imbalances, our European and Canadian allies must find ways to help sustain and go beyond what has been achieved in the past few years. However, our allies are also independent nations, with individual priorities. In the coming months and years, we will all need to do more than perhaps ever before to limit possibilities for weakening our common purpose.

The U.S. commitment to the Alliance mission is clear. We will retain over 300,000 troops and about 4,000 theater nuclear warheads in Europe in support of U.S. and allied forces. An allocation of U.S. Submarine Launched Ballistic Missile (SLBM) warheads remains assigned to SACEUR. U.S. and allied strategic nuclear capabilities should also improve significantly in the 1990s.

Shortcomings in NATO's military posture would have been much more severe had it not been for the greater U.S. investment in defense over the past seven years. However, basic asymmetries still exist because of the Warsaw Pact's geographic advantage in its ability to reinforce land and air forces from the USSR, and the major quantitative advantages it maintains in essentially every category of offensive forces.

Ultimately, the strength of our military posture will depend on whether NATO nations will sustain the political will to take steps necessary to ensure their security. The Kremlin will certainly seek to engender an air of euphoria about East-West relations in order to undermine the resolve of NATO citizens to make difficult choices in spending for defense. The Soviets have already been quick to portray NATO modernization measures as circumvention of the INF Treaty and counterproductive to future arms agreements, while at the same time continuing to improve their own offensive capabilities.

To strengthen our security posture and to maintain the effectiveness of the Alliance as it enters its fifth decade, NATO political and military leaders will have to work harder at not letting our citizens forget the basic lessons we have learned about Soviet respect for strength and how they are prepared to exploit weakness.

NATO plans

The nuclear and conventional modernization and improvement programs which NATO has underway are founded on consistent Alliance policy direction and extensive military planning.

With respect to nuclear forces, these requirements stem most directly from NATO's 1983 decision taken by Defense Ministers at Montebello to modernize NATO's theater nuclear force posture. The program calls for a range of measures to ensure that NATO's nuclear weapons are responsive, survivable, and effective, and on this basis the European nuclear stockpile was also reduced by over 1,400 warheads. NATO must continue with the modernization of its remaining nuclear forces. The NATO modernization programs which have high priority include: development of a dual-capable (nuclear-conventional) longer range follow-on to the LANCE surface-to-surface missile system; development of a tactical stand-off air-to-surface missile (TASM); modernization of nuclear artillery projectiles, dual-capable aircraft, and nuclear bombs; and continued improvement in nuclear security and survivability. None of these programs are constrained by the INF Treaty because the agreement in no way limits systems with ranges below 500 kilometers or dual-capable aircraft.

The NATO Nuclear Planning Group (NPG) is reviewing how the theater nuclear force posture might be further adjusted in light of the security situation following implementation of an INF Agreement.

We will be consulting with our allies in the NPG and will address such adjustments in the U.S. program and budget process. In

this way we will narrow the options and focus on approaches which reinforce stability and NATO's force improvement programs.

With respect to conventional forces, the need for substantial improvements was well established long before the Soviets returned to the INF negotiating table. NATO's current Conventional Defense Improvement (CDI) program is designed to remedy or ameliorate the most critical deficiencies in our Alliance's conventional force posture, including areas relating to reinforcement, Follow-on Forces Attack (FOFA) mission, and the counter-air mission in all its dimensions. Moreover, given the massive Soviet chemical arsenal, modernization of U.S. retaliatory chemical weapons also is crucial to our ability to deter at any level of conflict. In addition to pressing ahead with these and other ongoing programs, we will explore certain adjustments to our conventional force structure as well as new initiatives for strengthening flexible response. For example, we will vigorously pursue the potential of longer range air- and sea-launched cruise missiles for a wide range of missions.

Certainly we can envision conventional forces arms control agreements that could complement—although by no means substitute for—our maintenance of an effective military posture. In that regard, the prospective NATO-Warsaw Pact negotiations designated "Conventional Stability Talks" (CST), are still a priority for NATO.

While Soviet and Warsaw Pact intransigence have stalemated the Mutual and Balanced Force Reduction (MBFR) talks in Vienna, NATO has called for the new CST negotiations to deal with the threat arising from Warsaw Pact advantages in Europe. The new talks would encompass a broader geographic zone than MBFR, from the Atlantic to the Urals. We expect East and West can agree that the goal of these negotiations should be to strengthen security in Europe by establishing a more stable balance of conventional forces at lower levels. Our interest must be in eliminating the Pact's capability for surprise attack and large-scale offensive action.

Although we have already negotiated certain confidence building measures, such as notification and observation of large military exercises, major reductions in Pact offensive capabilities are the only arms control cuts which could improve the basic security situation. NATO's conventional force posture can ill-afford sizeable reductions in its standing forces if it is to defend Alliance territory against a Warsaw Pact surprise attack. Any Warsaw Pact reductions should be large and highly asymmetrical. Small reductions, or less asymmetrical ones, would simply make the conventional force balance worse, and more unstable.

The INF Treaty provides no basis for significant changes in U.S. or Canadian force levels in Europe. These forces are the most tangible, most credible guarantee of the fundamental North American commitment to the defense of Europe. Holding our troop levels more or less constant is essential to providing an incentive for the Soviets to negotiate meaningful reductions and to maintaining and, if possible, improving the current conventional balance.

The INF Treaty heightens awareness of that balance; of persisting NATO deficiencies; of the trends in Soviet force posture; of Soviet lines of communciation and reinforcement advantages; and of the importance of stepping up the momentum behind NATO's force improvement efforts.

Some force adjustments may need to be made and are being considered as a result of the INF Treaty. However, the realities of the basic security situation in Europe exist with or without the INF Treaty. The predominant impact of the INF Treaty, in this regard, is not to exacerbate NATO's problems but rather to high-light the risks of neglecting them.

Strengthening flexible response

NATO's military posture will continue to deter. This is so because it is sufficiently robust to confront a potential aggressor with major uncertainties about the consequences of using or threatening the use of nuclear or conventional forces in an attack against NATO. But this favorable judgment is conditional. It depends upon NATO's ability to act decisively to sustain both nuclear and conventional modernization.

The NATO strategy of Flexible Response is itself a reflection of the inherent strength of the Alliance, and of the profound commitment of its members to the common defense of their citizens and of fundamental shared values. We must build on this foundation and revitalize a sense of shared priorities and responsibilities—unambiguously directed toward the absolute requirement for strengthening Flexible Response. This is our mission.

There are many ways to approach this task. We should welcome proposals which are clearly consistent with our mission. However, we cannot afford a debate about that mission. From the perspective of an accountable NATO Defense Minister, the preferred approach is a direct one. The outlines of such a program, relevant to our security in the 1990s, are quite clear. Its goal is well established. The following is a framework for a NATO Defense Program directed toward strengthening Flexible Response in all of its dimensions:

1. In strengthening Flexible Response we must confront two challenges.

First, NATO's most difficult challenge will continue to be providing adequate resources for defense.

Second, NATO's enduring challenge is exploiting the West's technological edge. We must continue to use quality in offsetting the Warsaw Pact's greater numbers. In meeting this challenge we need greater cooperation among NATO nations in all aspects of our defense programs—from research to production to increased interoperability.

2. Strategic forces must remain the backbone of NATO's deterrent. Therefore, continued modernization of systems comprising this element of the NATO Triad is essential to strengthening Flexible Response.

We are hopeful that such modernization will at some point be complemented by the limits of a strategic arms treaty, ideally achieving the 50 percent mutual reductions we have been seeking. However, we must not make our plans dependent upon such an outcome.

Under President Reagan's Strategic Defense Initiative, we also are researching the feasibility of defenses against all types of missiles—defenses which could strengthen our deterrence of attack against our allies, as well as against us.

3. NATO dual-capable forces and forward defense capability must be strengthened. This requires modernization of tactics, systems, and forces which can provide the best assurance for blocking Warsaw Pact attacks on NATO's front lines; for slowing and halting reinforcing forces; for knocking out critical targets in the enemy's rear areas; and for confronting the Soviets with grave risks if they mass troops for concentrated attack.

Achievement of a modern Follow-on Forces Attack (FOFA) capability complemented by vital offensive and defensive counter-air forces, as well as command and control, and active and passive measures for dealing with the combined air-and-missile threat must remain priority objectives. We must also thoroughly explore technology to deliver systems with modern capacity to strike deeper targets. Conventional Stability Talks (CST) may provide options for reinforcing such a strengthened posture, but in the course of such negotiations our dual-capable systems and critical conventional armaments must be appropriately protected. As in the case of START, we must not make our plans dependent on arms control.

4. NATO initiatives for strengthening our defenses must build upon what has been established in planning improvements and in modernizing our forces over the last few years. We must not slide backward. Our Canadian and European allies must take on a greater share of the responsibility we all have for protecting the gains that have been made and building upon them.

5. We must emphasize a better sense of shared priorities in every aspect of the NATO Defense Program. In so doing, we must ensure that there is sufficient balance in the total program to prevent any decisive weakness from developing for NATO or for the U.S. as a result of emphasis placed on any special interest or single priority. This requires much more long-range strategic and budget planning. The following functional management areas must be a major part of such planning. We will thoroughly coordinate priorities among them, and protect such priorities in defense budgets.

a. We must *first* maintain high-level consultations using the NATO Nuclear Planning Group (NPG) for the development of long-range nuclear policy, strategy, and forces recommendations. The aim must be to most effectively maintain the credibility, survivability, security, and safety of NATO's nuclear and dual-capable forces by implementing our modernization programs while also planning for NATO's future security.

b. *Second*, we must focus (1) on those elements of NATO's Conventional Defense Improvement (CDI) Program which have the best long-term prospects for narrowing the gap in the balance; (2) on those which can most effectively be advanced by NATO arms cooperation that results in fielded, highly leveraged systems; and (3) on those which are appropriate for our Canadian and European partners to carry a greater share of responsibility. In this respect, the U.S. approach should not be limited to NATO alone, but must embrace other allies around the world. In setting specific priorities we will seek to avoid inefficient duplicative efforts among nations, as well as military services. Opportunities will be sought for our allies to take the lead in fielding systems for certain missions.

c. *Third*, in guiding our defense preparations, NATO leaders must be creative and open-minded in identifying and refining all possible low-cost measures which can enhance security. We must develop means for ensuring that plans and tactics achieve the most deterrence for our investment. For example, we should find ways for making better use of terrain for barrier planning, and for planning greater flexibility in defensive operations.

d. *Fourth*, we also must further develop what we call "Competitive Strategies",

which seek to guide our acquisition process so as to align enduring Western strengths against persistent Soviet weaknesses. Initial analysis indicates that investment in areas such as countering air-and-ground penetration and command and control operations could contribute to raising Soviet uncertainties about the Warsaw Pact's ability to successfully conduct offensive operations.

Ultimately, the future of NATO and our democratic institutions is determined by the judgments of our citizens about how best to allocate resources for their security.

This emphasizes how important it is for our political and military leaders to provide our citizens with a straightforward framework which clearly shows how their resources are applied to missions and a strategy which can be directly related to deterrence and their security. The NATO Defense Program outlined above provides a basis for strengthening Flexible Response and for gaining the support of our publics in pursuing prudent choices for the common defense.

There is no safe and easy way to avoid the burdens of assuring our security through adequate military strength. Arms control can help—as the INF Treaty shows—but only if increased security can be demonstrated to be the goal.

NATO Defense Ministers support the need to move ahead with force improvements consistent with the Montebello nuclear modernization framework and with the NATO Conventional Defense Improvement (CDI) initiative. We will move swiftly to work out the specifics in consultation with them. We will also offer the NATO Defense Program we have outlined to help tie together other elements of our planning and management to focus a revitalized sense of mission for NATO.

We will need Congressional support to advance the NATO Defense Program in the years ahead. Even though defense is likely to be confronted with increasingly constrained budgets, we must ensure—and will so encourage the NATO Defense Ministers—that the prioritized elements of an integrated program along these lines are given special attention as they compete with other priorities.

We have already established our NATO Defense Program priorities in the Department of Defense and are proceeding in their refinement. We must now consult with our allies to ensure that we are joined in a newly relevant sense of direction strengthening our security posture. Above all, we need the firm backing of our citizens, here in America and in Europe.

We need to coordinate our effort and more than ever before to deal with the two basic challenges which confront the NATO Defense Program—getting the most from (1) our resources and, (2) from our technology. Modern cooperative armaments management is a major factor in dealing with these challenges.

Cooperative armaments management

Because both the U.S. and our Allies have significant technological capabilities in areas important to the NATO Defense Program, we see increased cooperation in exploiting our collective industrial strengths to develop and field the weapons and other military assets we will need well into the future. We are taking two important steps in that direction. One involves cooperative research and development efforts, including new and continuing activities supported by the NATO Cooperative Research and Development Program, as well as new work to be carried out under the Balanced Technology Initiative (BTI). The second step involves the planned establishment of a NATO Conventional Armaments Planning System (CAPS).

The NATO Cooperative Research and Development Program was established in 1986 to support joint weapons and material development work on an equitable cost-sharing basis by the U.S. and one or more NATO Allies. Important cooperative activities involving precision guided munitions, standoff weapons, sea mines, surveillance and target acquisition applications; target identification, and NATO frigate for the 1990s have been started. Additional efforts related to air-to-air warfare, missile mobility and tactical missile systems, advanced sensors communications systems, battlefield intelligence, surface ship defense, and other areas important to the defense of Europe are currently being devleoped. To date, $445 million has been appropriated for this program.

The Balanced Technology Initiative is another new defense program that is addressing many problems of considerable importance to our NATO Allies. This program was explicitly established to support the development of technologies important to conventional defense. The program was described in detail in a report to Congress submitted in May, 1987. The estimated cost of the planned work described in the report was more than $1.5 billion over a five-year period. As the BTI program continues, we intend to develop cooperative technology development efforts—as opposed to the systems development activities of the NATO Cooperative Research and Development Program—with our NATO Allies.

The NATO Conventional Armaments Planning Systems (CAPS) is intended to increase cooperation in exploiting our collective industrial strengths and provide a framework for developing armaments plans consistent with NATO long-term planning guidelines. As a part of this effort, NATO force planning adjustments will be identified, addressed, and plans will be made to develop and field weapons and other military systems to meet mission needs. NATO has agreed to begin a two-year trial of CAPS beginning in 1988. We strongly support this initiative. CAPS will provide a much improved framework for harmonizing requirements and setting priorities directed toward strengthening Flexible Response.

The activities described above represent only a small segment of the much larger, comprehensive DoD NATO Defense Program. Included in this major defense effort are much of the DoD Science and Technology Program, numerous advanced tactical weapon and platform development programs, conventional and nuclear weapon modernization programs relevant to the European theater, and a significant fraction of ongoing communication, command, control and intelligence work. The program also includes extensive planning and training efforts to enable effective use of all of our developing capabilities. Many of the elements of the NATO Defense Program are described in detail in other sections of this report.

Conclusion

Improved cooperative armaments management is, of course, a major way of contributing to Alliance confidence and cohesion by reinforcing efficient coordination of priorities and demands made on limited resources. We must improve NATO military and political management structures across the board to ensure that we also reinforce a clear sense of shared priority and responsibility. Consultations among the military and political leaders of the Alliance remain key in that regard.

The following sections of this report provide further background on strategy, nuclear forces, and conventional forces considerations which bear on support of the NATO Defense Program and strengthening Flexible Response in the next decade. Management of modern munitions, Follow-on Forces Attack, and counter-air operations is also elaborated. Finally, the views of NATO political and military leaders, so critical to our mission, are summarized. These discussions all reflect our confidence that we have the strategic vision, the technical capacity, and the will to carry out our mission for the 1990's. We see very difficult challenges, but we have defined them, and we are prepared to face them.

SECTION I—FLEXIBLE RESPONSE STRATEGY

NATO strategic concept

The combined military capabilities of NATO exist in order to maintain security by deterring armed attack, the threat of aggression, or intimidation at any level. If deterrence failed NATO forces would seek to deny the enemy's military objectives and terminate any conflict quickly—restoring deterrence at the lowest level of violence consistent with NATO's objectives.

The military force postures of both NATO and the Warsaw Pact consist of three major elements—strategic systems, theater nuclear forces, and conventional forces. On the NATO side the posture is sometimes referred to as the NATO Triad.

By maintaining the ability to execute military options across a spectrum of conflict from conventional defense up to a large scale nuclear response, the NATO forces posture provides for deterrence. Ultimately deterrence depends on the political cohesion of the Alliance, the credibility of the envisaged response, and the willingness of all of its members to share the risks and responsibilities of collection defense.

INF Treaty and NATO strategy

The INF Treaty is fully consistent with NATO's strategic concept. The Treaty's main provisions call for the following:

Elimination of ground-launched INF missiles within three years after the Treaty enters into force.

A ban on all production and flight testing of Treaty-limited systems.

Cessation of all training, repair, storage, or deployment of Treaty-limited items after elimination is completed.

A stringent verification regime, including on-site inspections.

Elimination of a complete class of missiles eliminates Soviet preponderence is those missiles. In addition, Warsaw Pact conventional and chemical warfare capabilities associated with these missiles are eliminated. Although its land-based nuclear missiles are reduced in numbers, NATO will retain the forces with which to implement its strategy of flexible response and forward defense.

Among the elements of the Treaty which directly support our security objectives are the following:

Land/based Long-Range INF Missiles (LRINF): Since the formal talks with the Soviet Union began in November 1981, we have sought to eliminate all U.S. and Soviet missile systems in this category. Achievement of this goal is the main aspect of the INF Agreement.

Land-based Shorter-Range INF Missiles (SRINF): We have also insisted that an INF Agreement must constrain shorter-range land-based INF Missiles to prevent erosion of a LRINF missile accord by Soviet deployment of such systems. The Treaty satisfies this requirement by eliminating all Soviet missiles in this category. The U.S. has no deployed SRINF systems. The Federal Republic of Germany has unilaterally decided to eliminate its PERSHING IA missiles (armed with U.S. nuclear warheads) after elimination of U.S. and Soviet INF missiles has been achieved.

Reductions on a Global Basis: We have long insisted that any limitations on INF Missiles must be worldwide to prevent the transfer of the threat from one region to another. The Soviets have accepted this in the context of global elimination of both longer- and shorter-range U.S. and Soviet INF missiles.

Limits on Only U.S. and Soviet Systems: Throughout the negotiations, we made clear that bilateral agreements between the U.S. and the Soviet Union will not constrain Third Country forces nor affect existing nuclear programs of cooperation with our Allies. The INF Treaty is true to this principle.

No Involvement of Conventional Forces: No U.S. or NATO conventional capabilities are limited. No limits are imposed on dual-capable (nuclear and conventional) aircraft.

NATO policy development

These outcomes will, of course, require policy and planning action to develop detailed target plans, operation concepts, and other actions related to force management. NATO's Nuclear Planning Group (NPG) reviewed the implications of the INF Agreement before it was signed, and has further planning and analysis underway. In this regard, nothing in the INF missile reduction regime suggests any change in fundamental requirements for modernization and improvement which have been long established by the Alliance—prior to, and independent of an INF Agreement. The critical modernization of theater nuclear forces not limited by the Treaty remains a high-priority for NATO. In addition to nuclear planning, some adjustments and changed priorities may prove desirable in NATO's non-nuclear posture. For example, the air defense mission area is certainly no less important as a result of reliance placed on dual-capable aircraft for longer range missions. Support and attention to the Follow-on Forces Attack mission area and associated long-range conventional delivery missions are no less important.

Although many of the Soviet INF systems being eliminated have chemical capabilities, we remain faced with a substantial chemical warfare threat to all of the NATO allies from other Soviet systems. This was a problem before the INF Treaty and will remain a problem independent of the Treaty. In the absence of an adequate modern chemical retaliatory capability we continue to be forced to rely on the threat of nuclear retaliation to deter Soviet chemical attack. With or without the elimination of INF missiles our posture continues to place too much reliance on nuclear weapons to deal with the chemical threat.

Planning for NATO's future

A new challenge that faces NATO in preparing to support its strategy for the 1990s is how to revitalize the coordinated planning that will be essential to successful force modernization in the face of current budgetary problems. We must ensure that Alliance political will is reinforced by U.S. leadership and that allied solidarity remains as strong as it has been. This can be helped with long-range strategic planning, prioritization, and regular consultation—among other things.

The U.S. must offer a clear and coordinated position in such approaches. At the same time, every aspect of activity must be founded on allied participation. National program decisions will be increasingly linked through Alliance planning relationships.

We will need new initiatives to make best use of our strengths, our technology, and our limited resources. The sections of this Report which follow address various structural components which will contribute most importantly toward strengthening Flexible Response in the 1990s.

SECTION II—NUCLEAR FORCES FOR EUROPE

NATO nuclear planning

For 20 years, NATO's Nuclear Planning Group (NPG) has provided a forum for NATO Defense Ministers to discuss and provide strategic direction to the Alliance's nuclear policy and posture. The NPG and its subordinate body, the High-Level Group, worked to help formulate NATO's December 1979 "dual-track" decision on INF deployment and arms control negotiation.

In 1983, the NPG agreed on modernizing NATO's theater nuclear force posture. This included appropriate reductions in NATO's nuclear stockpile in Europe. Specifically, they identified critical modernization needed, independent of the INF Treaty, to maintain a credible deterrent posture. The resulting program is designed to ensure the remaining warheads and their delivery systems will be responsive, survivable, and effective in the modern environment. The associated warhead withdrawals, in conjunction with an earlier reduction of 1,000 warheads, will bring NATO's stockpile in Europe, following INF reductions, to about 4,000 nuclear weapons.

The main elements of this NATO theater nuclear force modernization program are now as follows:

The development of a Follow-on to the LANCE (FOTL) surface-to-surface missile with increased range, improved accuracy, and improved operating characteristics;

The development of a standoff Tactical Air-to-Surface Missile (TASM);

The modernization of NATO's Artillery-Fired Atomic Projectiles (AFAPs); and

The continued modernization of NATO's dual-capable (nuclear-conventional) aircraft and associated nuclear bombs.

In addition to these measures, the modernization program also provides for correction of maldeployment of nuclear capabilities among and within regions; improvements in the survivability of NATO's nuclear forces; and improvements to their command and control.

For the United States, the Secretary of Defense, as a member of NATO's NPG, has consistently joined NATO Ministers in endorsing this Alliance modernization plan and the "Montebello" framework for the implementation of its range of measures. Many are in progress, but decisions are needed on a number of development programs in order to maintain the momentum of this priority NATO effort.

Strategic systems posture

U.S. forces provide the backbone of the strategic deterrent. United Kingdom and French forces are also part of the strategic equation, although France still remains outside of NATO's formal military structure. In addition, the U.S. commits Submarine Launched Ballistic Missile (SLBM) warheads to SACEUR's plans. Continued modernization of strategic systems is essential for support of NATO strategy in the 1990s.

NATO theater nuclear systems posture

The INF Treaty does not place any limits on nuclear missiles above the range of 5,500 kilometers. Also, Sea-launched and Air-launched Cruise Missiles are not limited. Dual-Capable Aircraft (DCA) which carry nuclear and non-nuclear bombs, and Air-to-Surface Missiles (ASM) are not limited. Short-Range Nuclear Forces (SNF) under 500 kilometers range are not limited. This includes ballistic missiles and artillery capable of firing nuclear projectiles—Artillery Fired Atomic Projectiles (AFAP). It does eliminate ground-launched Longer-Range INF (LRINF) including the SS-20, and Shorter-Range INF (SRINF) missiles.

Needed improvements in our conventional capabilities would help deal with the threat posed by Soviet systems in all the foregoing categories. Just as ours, Soviet systems in this category are essentially all dual-capable and as much a part of the conventional balance as the nuclear balance. Most of theirs pose a chemical warfare threat, as well.

With this said, the Soviets are expected to maintain their vast numerical superiority in the SNF category of missile systems for the foreseeable future. In addition to the 70 kilometer Soviet FROG, the greater range SS-1 (SCUD B), SS-21, and follow-on missiles will continue to present a formidable threat to many NATO airfields, command and control centers, and other facilities. We are not planning to try to directly match this Soviet superiority with our own force of dual-capable systems. However, we will give priority attention to the quantity and quality of capabilities we do have available, or might have, and to the modernization of all our systems. We will also give priority to conventional forces mission areas which can help to offset this threat. That includes, in particular, the FOFA and air defense mission areas—including defensive and offensive counter air, survivability measures, and command and control.

At the same time, conventional arms control proposals which might seek to reduce or limit dual-capable armaments also require careful attention in order to protect fundamentally important NATO capabilities which can be conventional as well as nuclear.

Sections III, IV, V, and VI of this Report elaborate on non-nuclear capabilities which address these objectives.

Planning for NATO's future

The NATO Nuclear Planning Group (NPG) is reviewing how NATO's nuclear force posture might best be readjusted in light of the security situation following implementation of an INF Agreement. This review is aimed at ensuring NATO retains an appropriate spectrum of nuclear capabilities and options.

The Secretary of Defense is prepared to ensure a high-priority for all aspects of the NATO "Montebello" modernization framework, as development programs mature and consultations with our allies proceed. The following views will bear on the evolution of this planning. They address specifically (1) Follow-on to LANCE, (2) the Tactical Air-to-Surface Missile, and (3) Artillery-Fired Atomic Projectiles.

1. Follow-on to LANCE

We should seek to lift the Congressional restriction on development of the Army Tactical Missile System (ATACMS) as a nuclear follow-on to LANCE (FOTL), and that we should seek to implement this modernization element. A combination of MLRS and the ATACMS would offer savings in time to develop the program, in force structure, and in overall costs.

2. Tactical Air-to-Surface Missile

We should make development of Tactical Air-to-Surface Missile (TASM) a high priority.

3. Artillery-Fired Atomic Projectiles

We should continue to seek legislation to remove the Congressional restriction limiting further production of modern artillery-fired projectiles (AFAPs), which are required, as a minimum, to replace deployed older weapons.

As we proceed to evaluate specific systems and programs to support the NATO requirement for theater nuclear modernization it is increasingly important that our overall planning with respect to theater nuclear capabilities, NATO conventional forces, and any arms control proposals is coordinated.

In that regard, it is crucial that we improve NATO's conventional forces in areas which can counter Warsaw Pact theater nuclear systems. This strengthens the conventional conponent of the NATO Triad and also helps deal with potent Warsaw Pact dual-capable threats.

Status of systems

Some relevant U.S. programs which bear on consideration of the NATO theater force posture are outlined below. Many of these systems are dual capable, and therefore can contribute to capability needed in a non-nuclear environment. They include LANCE, TASM, AFAPS, Bombs, DCA, Communications, and SLCM. Allied aircraft and other systems are not included.

1. LANCE and Follow-on to LANCE (FOTL)

The LANCE is a dual-capable, liquid-fueled missile. Deployed with U.S. forces in Europe in 1973, it is also assigned to the ground forces of five NATO allies. The FOTL is a development program to offer increased range, improved safety, force structure savings, and improved survivability and reliability. Survivability would be enhanced as compared to LANCE.

The Army Tactical Missile System (ATACMS) is a conventional missile to be fielded for use with the MLRS. There is a Congressional restriction that precludes a nuclear warhead for the missile. However, study of a nuclear ATACMS concept is permitted. This system could be used to fulfill the FOTL requirement. However, this would require funding and immediate lifting of all Congressional restrictions.

2. Tactical Air-to-Surface Missile (TASM)

TASM is a development program to provide both U.S. and allied dual-capable aircraft (DCA) with the capability to attack high value, heavily defended targets throughout the theater. Currently, NATO's DCA can deliver several types of gravity bombs, but have no standoff nuclear delivery capability—that is, the capability to attack targets without having to penetrate enemy air defenses. Development of a TASM compatible with U.S. and Allied DCA would extend the range of target coverage of these aircraft, improve their in-flight survivability, and allow widespread allied participation in NATO's nuclear forces capable of executing longer range missions.

3. Artillery-Fired Atomic Projectile (AFAP)

AFAPs provide a combination of accuracy, low-yield, and responsiveness that could help defeat large enemy force concentrations near friendly troops. They are deployed with ground forces of eight NATO countries. There are currently several types of AFAPs in the NATO stockpile. These include the older 155mm and 8-inch howitzer system projectiles as well as the modern 8-inch AFAP.

Modernized AFAPs provide significant improvements in security, effectiveness and range compared to the older systems. Currently, we are limited in the total number of modernized AFAPs which can be in the U.S. inventory. This is because of legislation placing a ceiling on total production of such new weapons. Due to this restriction a substantial number of the older AFAP systems must be retained indefinitely in the stockpile in order to meet current requirements and deployments.

4. Nuclear Bombs

The Nuclear Bomb Modernization Program involves replacement of older bombs with modernized bombs. It is directed toward improving the overall safety, security, and effectiveness of the nuclear bomb stockpile. This program is funded, but has been slowed due to Congressional cuts in the DoE and DoD budgets.

5. Dual-Capable Aircraft (DCA)

Three U.S. DCA (the F-111, and F-16 and F-15E) are, or will be, available for employment in NATO.

Currently, F-111 aircraft are deployed at two bases in the UK. Additional aircraft are based in the western U.S. All of these continental U.S. (CONUS-based) F-111s could be used in a conventional role; these aircraft also are available for employment by U.S. commanders in other theaters and provide a rotation and reinforcement base for the worldwide F-111 force. The F-111s provide NATO's only conventional interdiction capability at longer ranges.

The F-15E is a new, long-range interdiction fighter-bomber variant of the F-15 air superiority fighter. It will deliver the full range of precision-guided conventional weapons and tactical nuclear weapons in day or night, and under all-weather conditions. The F-15E will begin entering the force in the early 1990s. These aircraft will significantly augment the capabilities of NATO's DCA, albeit at shorter ranges than F/FB-111s.

The F-16 is a multi-role fighter which is capable of performing close air support, interdiction and air superiority tasks. The F-16 has less range than the F-15E. However, like the F-15E, the newest models will have the capability of delivering precision-guided conventional weapons and tactical nuclear weapons by day or night, and under all weather conditions.

6. Command, Control and Communications

A high priority program to strenghten the survivability of nonstrategic nuclear force communications is deployment of MILSTAR (an EHF satellite system).

7. Sea-Launched Cruise Missiles (SLCM)

The U.S. SLCM is a subsonic, winged missile designed for four different configurations: conventional antiship, conventional land-attack, conventional submunition land-attack, and nuclear land-attack. TOMAHAWK variants are capable of being launched from armored box launchers on surface ships, vertical launchers on submarines or surface ships, and torpedo tubes on submarines with the requisite fire control suite. The nuclear variant of the TOMAHAWK Land-attack Missile (TLAM/N) was introduced in 1984.

The mission of TLAM/N is to enhance the U.S. world-wide nuclear deterrent, and deter Soviet nuclear attack on U.S. naval forces. The TLAM/N concept of operations envisions that the system constitutes an important nuclear capability, but one which should not detract from the ability of general purpose naval combatants to execute critical sea control missions in wartime. Ultimately, the responsiveness of the TLAM/N is dependent both upon the degree of prior mission planning and upon coordination in execution.

SECTION III—NON-NUCLEAR FORCES BALANCE

NATO non-nuclear force posture

NATO is a defensive Alliance facing an adversary postured with significant offensive potential. This potential is characterized by in-place force ratios that substantially favor the Warsaw Pact in main battle tanks, artillery, and numerous other categories of capability including dual-capable (nuclear and conventional) missiles and other Warsaw Pact systems. The potential exists for Pact forces to mount an offensive with high relative force ratios that could overwhelm NATO defenses through concentrated attacks at times and places of the attacker's choosing.

NATO nations program conventional forces to successfully counter a limited non-nuclear attack, and to help deter larger non-nuclear attacks by confronting the aggressor with the prospect of non-nuclear hostilities on a scale that would involve a grave risk of escalation to the use of nuclear capabilities. Should aggression occur, NATO's conventional forces are designed to provide a coherent forward defense. They must afford the flexibility necessary for political control and decision-making, under all circumstances.

NATO relies upon the combination of its full range of non-nuclear, nuclear, and dual-capable (nuclear-conventional) capabilities and its flexible response strategy to deter. Risk assessment is ultimately a continuous subjective process that is carried on in the Department of Defense and Alliance planing headquarters, as well as by political authorities. Supporting analytical inputs vary considerably, depending on assumptions about resources, leadership, warning time, training, mobilization, and uncertainties about political decisions as well as the confusion of the battlefield.

Such analysis done in support of force planning and arms control activities does consistently demonstrate the large Soviet advantages in numbers of forces and quantity of armaments. NATO forces are stretched thin, by comparison. Therefore, our focus in evaluating the balance is on (1) what the significant NATO deficiencies are in that regard; and (2) how to prioritize programs to achieve improvements directed at the most critical deficiencies.

The area of conventional capability is quite complex in terms of planning, programming, and budgeting, to say nothing of measuring "the balance". First, many nations are involved in the NATO force planning context. A variety of national capabilities, doctrines, and programs must be fitted into an overall international military structure. Second, for the U.S., planning must cover worldwide requirements and fit into an integrated global strategy, in addition to European Theater needs. Third, planning

involves not only force structure (units, systems, and manpower) but must also provide for a balance of capabilities including the state of readiness of the forces; sustaining them in combat; in some cases, moving them to Europe with reinforcement capabilities; and, finally, investing sufficiently in research and development so that future force structure will be sufficiently modernized to be viable in future environments.

Weighing all these factors, and others, our judgment with regard to NATO forces is that although conventional capabilities have improved over the past few years, major limiting factors remain.

Apart from elimination of certain Soviet INF dual-capable missiles, the INF agreement will not affect the current inventory of conventional force capabilities. However, remaining NATO and Warsaw Pact theater nuclear forces (not banned by the INF Treaty) are essentially all dual-capable (nuclear-conventional). Thus, NATO improvements or Warsaw Pact threats in the nuclear area impact on capabilities in the conventional area, and vice versa. Taking dual capability into account, some adjustments among priorities will prove desirable to accord with the evolving military situation.

Planning for NATO's future

We particularly support current and planned improvement programs in key areas of deficiency and where they provide us leverage. Programs in areas which enhance NATO capability receive high priority in the U.S. Defense Program. To the extent possible, many such programs will be undertaken in cooperation with the allies to take advantage of cost-savings and inter-operability benefits realized through cooperative development, production and logistic support.

NATO Defense Ministers, in pursuing Conventional defense Improvements (CDI), are agreed on planning in accord with nine critical conventional priorities. We are following these baseline priorities carefully, but they will require further refinement and prioritization in planning for the 1990s.

The U.S. must continue its efforts to fulfill security assistance program goals in the Southern Flank Region. These programs support weapons modernization in Greece, Portugal and Turkey as well as help cement cooperative defense arrangements. Security assistance to these NATO allies remains a high priority, even though the programs are under increasing pressure because of overall reductions in the Foreign Assistance Budget.

In reviewing these priorities we also need to consider other factors, for example, the U.S. has a commitment to field ten divisions in Europe within ten days of a mobilization decision. Important to this goal are programs such as POMCUS, strategic lift, host nation support, and unit readiness.

NATO's conventional defense improvements must upgrade NATO's capability to defend both its nuclear and conventional forces. In addition, our chemical modernization program is designed to give NATO a more credible chemical retaliatory capability and reduce our reliance on nuclear weapons to deter a chemical attack. A priority is production of modern binary munitions capable of safe, rapid deployment wherever required. We are also proceeding with important programs to improve our defensive capability for individual and unit protection and decontamination.

We must not seek to further focus well established CDI and other U.S. priorities to ensure we are best investing for the 1990s. In addition to consideration of priorities among these improvements, we intend also to address overall requirements in the context of the recently developed DOD "Competitive Strategy" (CS) initiatives.

Competitive strategies

Work of the first DOD Competitive Strategies Task Force led to a series of recommendations which could improve NATO's military position in relation to the Warsaw Pact. These proposals can complement the CDI and other priorities for strengthening Flexible Response by guiding our acquisition process so as to align enduring strengths against persistent Soviet weaknesses.

Through analysis we are looking for ways to channel long-term military competition into areas where the Soviets function ineffectively and where they obtain minimum results for given costs in time, effort, and money. To enhance deterrence, the recommendations aim at altering the Soviet perception of the correlation of forces and raising the level of Soviet uncertainty about their ability to conduct a successful offensive in the European theater. Should deterrence fail, the proposed programs and strategies would strengthen Flexible Response.

Recommended competitive strategies which we are actively addressing focus on Soviet command and control operations and countering Soviet air and ground penetration capacity. These concepts take advantage of the Soviet requirement for strict time management and maintenance of high tempo operations. NATO advantages in data automation and processing, target acquisition, and intelligence fusion and dissemination can be used to exploit this dependence and provide a springboard for more effective use of NATO's conventional capability.

Soviet lack of success in redressing this program would force them to compete in an arena in which they recognize they have serious weaknesses. Proposals from the Task Force which we are examining in this area offer an improved military capability reflecting a combination of new doctrinal and organizational approaches, innovative operational concepts, existing systems, and emerging technologies. The aim is to channel competition into areas in which we can take advantage of core, long-term strengths enjoyed by the Alliance.

Highlights of four initiatives are as follows:

Countering Soviet Air Operations: The Task force recommended that NATO, led by the United States, enhance its offensive capabilities against Soviet sortie generation by developing a phased attack on the Soviets' main operating bases and air infrastructure led by unmanned aircraft. From a defensive air perspective, the task force recommended measures to strengthen the integrity of NATO's air and ground operations.

Countering Soviet Penetration of NATO Forward Defenses: The Task force recommended developing an asymmetric force capability comprised of an integrated network of long-range, mobile weapons platforms and target acquisition and command and control assets capable of engaging Soviet mobile targets beyond the range of Soviet artillery and Multiple Launcher Rocket Systems.

Stressing the Warsaw Pact Troop Control System: The Task force recommended frustrating Soviet tactical operations by blocking preplanned options. This would force communications to the operational level where a replanning capability exists. By use of direct attack, special operations, and deception, NATO could counter the Pact's ability to devise and execute operational responses.

Countering Soviet Global and Multitheater Operations: Finally, to exploit Soviet aversions to a multitheater, protracted conflict, the task force recommended developing an offensive warfighting capability for conducting large scale joint and combined conventional offensive military campaigns.

As we develop our broad strategic thinking and address the conventional force posture, we must increasingly tie together our strategic perspective focused on flexible response with (1) our approach to conventional and strategic arms control, and (2) the NATO force planning process.

Conventional arms control

For two decades NATO has worked at meaningful conventional arms control in Europe directed toward improving the Alliance security posture. The guiding principle is that the Alliance will not settle for essentially cosmetic outcomes which can result in a false sense of security and no real improvement in stability.

From the beginning, it was on this basis that NATO insisted, first, that the Soviet-proposed European Security Conference (now CSCE) address human rights and other fundamental East-West differences along with building confidence and increasing security in Europe. Second, NATO insisted that before any of its members would participate in such a conference, specific military issues must be addressed. Thus, NATO demanded initiation of talks on Mutual and Balanced Force Reductions (MBFR) in Central Europe. Both negotiations began in the early 1970s.

In the CSCE arena, in 1975, a "Helsinki Accord" was concluded. It contained *inter alia* a security "basket" that required prior notice of certain military maneuvers and encouraged participants to invite observers to such exercises. This was a modest approach to improving stability through confidence-building measures (CBMs).

With respect to the sister MBFR talks, the focus has always been on improving stability at negotiated lower levels of forces. In other words, actual force reductions were the aim, as opposed to confidence-building measures being addressed in CSCE.

By 1986 the Stockholm Conference (Conference on Confidence- and Security-Building Measures and Disarmament in Europe, or CDE), continuing the Helsinki process, reached agreement on a more ambitious, though still modest, package of CBMs. The most significant aspect of this agreement is the inclusion of all Soviet European territory to the Urals. After years of Soviet insistence that Soviet territory must be a sanctuary from the European security equation, that barrier was broken.

This approach to CBMs continues through the CSCE process at the current Vienna Review Conference. NATO countries have agreed that additional confidence-building measures may improve stability. If a balanced outcome at Vienna can be achieved, most importantly including improvement in Soviet human rights performance, it appears that all 35 participating CSCE states will agree to new negotiations in 1988 on more confidence-building measures. We support this.

In the MBFR talks, negotiations have continued for fourteen years. During most of that period the Warsaw Pact refused to discuss current force levels. This meant that there was no way to agree on the size reduction required to reach equal ceilings. In De-

cember 1985, NATO proposed dropping its requirement for agreed data, and advanced the idea of taking small asymmetrical reductions. Determining existing force levels through an exchange of data and verification would follow. Then both sides would later reduce to parity within a defined geographic area in Central Europe. The Soviet Union has not yet seriously responded to this proposal.

Having established the principle that all of Europe "from the Atlantic to the Urals" is subject to military measures, NATO called for conventional arms control negotiations covering forces of both alliances in that wider area in 1986. Indeed, continued Warsaw Pact force buildup and modernization, force restructuring, doctrinal changes and considerable improvement in reinforcement capabilities have made it imperative that Soviet forces in the wider zone be addressed if an agreement on conventional forces is to insure security.

By February 1987, all countries of both alliances began meeting in Vienna to negotiate a mandate for these conventional forces negotiations. They are expected to begin in 1988.

At the mandate discussions, NATO and Warsaw Pact nations have agreed on objectives as follows: "to strengthen stability and security in Europe through the establishment of a stable and secure balance of conventional armed forces, which include conventional armaments and equipment, at lower levels; the elimination of disparities prejudicial to stability and security; and the elimination, as a matter of priority, of the capability for launching surprise attacks and for initiating large-scale offensive action."

Difficult work remains to be done in reaching agreement on armaments and forces subject to negotiation. NATO participants have stated that nuclear weapons will not be included. The Warsaw Pact began by insisting upon inclusion, but their position is no longer clear.

The record of the last fifteen years shows how the U.S. and NATO are committed to working at conventional forces arms control which supports NATO's security interests and improved stability in Europe. Because of the large asymmetries in offensive forces, especially in tanks and artillery, such agreements require substantial reductions in Pact combat capability in forward deployed forces. Small reductions even at favorable ratios would not be in NATO's interest because (a) such reductions do not alter the Warsaw Pact's fundamental advantages, and (b) because they immediately and directly affect NATO's already limited conventional capabilities. The likelihood that the Soviet Union will accept the kind of agreement that protects NATO security interests cannot be predicted. For our part, we will place no reliance on the outcome of such negotiations until it is actually achieved, and a treaty ratified.

Negotiations of this type involve 16 sovereign NATO nations. A Western proposal must be agreed upon by all and take into account a range of security and political concerns. The details of Western proposals are being discussed in a High Level Task Force chaired by NATO's Assistant Secretary General. Not all details have been settled, but there is a remarkable convergence of views. All agree that reductions can help improve stability but cannot in themselves achieve stability. All agree that to be acceptable, reductions must be highly asymmetrical and large on the Warsaw pact side. Moreover, the massive concentration of Soviet invasion forces in Eastern Europe will have to be significantly reduced. All agree that any agreement must be subject to extensive verification measures and other measures that will contribute to stability. Finally, all agree that a negotiated outcome must not weaken our nuclear deterrent capacity.

Our objective is to reduce offensive capabilities, which means the major ground invasion forces of the Warsaw Pact. However, there are substantial risks for NATO in measures in which armaments are involved in such negotiations. Our goal must be strengthened Flexible Response. SACEUR views are an important consideration in our approach to these talks, and are summarized in Section VII.

NATO force planning

U.S. planning and programming, NATO's coordinated planning, and the budget processes of all the NATO members are increasingly interconnected. For the 1990s they must be better structured to respond to Alliance consensus on goals, objectives, and specific programs responsive to strategic guidance.

As we proceed in seeking to exploit NATO strength, we will take care to work within these integrated national and international force planning structures but we will and must address new initiatives and approaches to solving our complex security problem. In so doing, we will want to reduce the danger of using our limited resources inefficiently. This is possible if we: (1) avoid acting without adequate international consultation; and (2) seek to strengthen the established strategic planning and program budgeting systems to make them more responsive to integrated strategic thinking. A simple framework for our NATO Defense Program is key to this.

In order to advance and refine CDI priorities as well as new initiatives based on a NATO strategic framework for the 1990s, we must see that they are coordinated and reflected in specific force proposals by the NATO Military Authorities. NATO Military leaders propose force plans based on the senior NATO Military Committee's Annual Military appreciation, and detailed annual combat-effectiveness reports by each of the three Major NATO Commanders (SACEUR, SACLANT and CINCHAN). NATO force goals for each country, covering a six-year period, are taken into account in those inputs. The goals deemed to be of particular importance for CDI are not "highlighted", and nations have undertaken to make more efforts to implement such "highlighted" goals. The U.S. has been a leader in this process.

We must work to keep this process responsive and modern, tailored to shared sense of priorities throughout NATO and its supporting orgainzation.

SECTION IV—ADVANCED CONVENTIONAL MUNITIONS

Role of advanced conventional munitions (ACM)

Modern technology has permitted great strides in improving conventional system capability and we intend to do more to make best use of our technology. However, in a NATO versus Warsaw Pact confrontation, theater nuclear capabilities form a unique element of the Alliance deterrent. NATO must sustain the capability of forward-based and land-based systems for delivery of nuclear weapons against a wide variety of targets. These include direct defense capabilities with short-range nuclear weapons, nuclear weapons which put massed concentration of Warsaw Pact forces at risk, and weapons which can engage critical targets at longer ranges. At the same time NATO must strengthen its forward conventional forces and give its ground forces greater battle depth and flexibility through modern fire support. It is here that ACM are important, not as substitutes for nuclear fire power.

We believe our allies can cooperate significantly in joint efforts involving ACM in what we call Competitive Strategies. We remain sensitive to NATO's weaknesses and to the Warsaw Pact's established advantages—its quantitative superiority, in particular. However, new opportunities exist for executing Competitive Strategies which attack Soviet weaknesses rather than attempting to match their strengths. ACM can provide options in this regard, but are certainly not an exclusive solution. In any event they have wide application on the modern battlefield.

Allied cost-sharing

Some examples of cooperation among the allies in the application of ACM technology are as follows:

Advanced conventional munitions [ACM]	Sharing allies	Application
Multiple-launched rocket system/terminally guided warhead [MLRS/TGW].	United States, United Kingdom, Federal Republic of Germany, and France.	Antiarmor.
155mm autonomous precision-guided munition [APGM].	Canada, France, Germany, Italy, the Netherlands, Spain, Turkey, and United States.	Antitank.
Modular stand-off weapon [MSOW].	United States, United Kingdom, Federal Republic of Germany, Canada, Italy, and Spain.	Multiple.
Infrared Maverick (65-D)	Italy, Denmark, Germany, the Netherlands, Turkey, and Spain.	Antiarmor.
Antitactical missile [ATM]	Germany and United States	Air defense.
Under the Conference of National Armaments Directors [CNAD], resides cadre group AC/310, that is presently setting up an information center that will contain technical information that NATO ACM engineers/scientists will be able to draw from when designing insensitive/high performance munitions.	France, the Netherlands, United States, United Kingdom, Federal Republic of Germany, and Norway.	All.

Cost-sharing with our NATO allies is already an ongoing, integral aspect of advancing ACM programs. These efforts have been given impetus by FY 86 and subsequent NATO Cooperative Research and Development legislation promoting cooperative programs. NATO allies are actively engaged in cooperative ACM programs that span the acquisition arena from technology through procurement. The potential exists to do more.

Applications

Many types of munitions and systems fall into the general category of ACM. Thus, applications are not restricted to a single mission area. The foregoing table shows that ACM contribute to the Follow-on Forces Attack (FOFA) mission, discussed in Section V; they are part of our modernization of air defense capabilities, discussed in Section VI; and could also be involved in some cases in dual-capable (nuclear-conventional) systems.

Without a doubt ACM contribute in a most important way to the munition, or lethal end of the FOFA capability. However, as is elaborated in Section V, the application

of lethal technology to a target involves advanced sensors, fusion capability, and target acquisition means as much as it does and advanced conventional warhead.

Cost-effectiveness

No general assessment can be made about cost-effectiveness in this area of technology application. It depends on the total concept; strategic and tactical objectives; and on the relative effectiveness of each weapon against specific targets. This becomes more apparent in the discussion of an overall concept employing ACM, such as FOFA, described in Section V.

A potential "effective" application for ACM could focus on a Competitive Strategy based on a "Win Early" concept. Under this concept, if our adversary chooses to strike, our response would be to attack his most vulnerable points using ACM. Our success would be dependent upon our ability to identify critical targets and destroy them through selective application of modern conventional munitions in the early days of the conflict. This solution is directed toward rapid attrition of targets having a high payoff.

If we consider the prospect of converting all of our munitions to ACM, this might well be extremely "cost-effective". However, no sophisticated analysis is needed to show that we could not afford to do this no matter how effective the result. Total ACM substitution of the current US $70B stockpile could well cost hundreds of billions. An affordable option, as called out in a "Win Early" strategy, is to utilize our new modern munitions in a way to allow an early transition to the standard stockpile, thereby limiting the total number of ACMs needed to do the job. This solution envisions significant application of modern munitions during the early days of a conventional conflict in Europe. These modern munitions would attack those enemy targets that pose the greatest threat to the survivability of our delivery systems and maneuver units. By engaging the enemy's critical targets early in the war, we would be able to efficiently transition to the employment of the standard stockpile. As our forces become more survivable and the critical enemy target capabilities are reduced, the mix would shift from the utilization of moden munitions to larger quantities of the standard munition.

Planning for the future

The US approach to Advanced Conventional Munitions is managed through the Department of Defense Conventional Munitions Master Plan (CMMP). This planning offers integration, and coordination for the development and acquisition of conventional munitions. It provides programmatic information and analyses on munitions-target pair, that is, those modern munitions or combinations of modern munitions that have been designed and are best suited to defeat specific target types. The planning activity ensures that critical issues associated with conventional munitions are given high-level attention. It also calls for tradeoff analyses to be conducted between specific ACMs in which one conventional munition is substituted for another with the objective of optimizing our potential on the battlefield.

Development of the Master Plan provides the basis for orchestrating a "Win Early" competitive ammunition strategy and produces a document that addresses the feasibility and cost-effectiveness of applying a proper mix of ACMs to the problem of conventional force imbalance. NATO cooperative programs and opportunities are addressed as part of the overall planning objective.

The CMMP is designed to create an affordable, effective mix of conventional munitions in support of our strategy. The Plan addresses near- to long-term objectives through: (1) procurement and/or product improvement of selected modern munitions; (2) accelerated development and/or preplanned product improvement programs; and (3) acceleration of promising munitions R&D programs which have potential for defeating next generation threats. Output from the Department of Defense Balanced Technology Initiative (BTI) is also used to introduce matured technologies into our conventional munitions, and becomes an integral part of the CMMP.

We anticipate the full implementation of the CMMP by April 1988. It will serve as the basic DoD document to guide and support planning to best utilize conventional munitions of every type to achieve a "Win Early" strategy and support our overall modernization efforts.

SECTION V—FOLLOW-ON FORCES ATTACK

The concept

The aim of Follow-on-Forces Attack (FOFA) is to significantly strengthen NATO's forward defense. The concept employs non-nuclear systems and capabilities, including advanced conventional munitions, to help stop the advance of enemy forces. It is a technical and military approach, in this case, designed to delay, disrupt and destroy enemy forces. The concept calls for an improved posture to engage the aggressor at longer range by integrating advanced and emerging technologies into established conventional forces.

FOFA should be viewed as a targeting strategy that supports an overall requirement to interdict an enemy's capacity to launch and sustain an attack. It is one means by which numerically inferior NATO forces can counter numerically superior opponents. In this regard it is a primary focus of the interdiction campaign. It is not a new concept. NATO has always faced the need to conduct such interdiction operations to restrict an agressor's capacity to introduce forces at the Allies' forward line of defense.

Advances in sensor, microprocessing, communications, and munition technologies now make it possible to develop the capabilities to reduce to manageable proportions the number of enemy forces arriving at NATO's battle lines.

FOFA involves operations which employ air-to-surface and surface-to-surface weapons to attack enemy reinforcements and supporting elements enroute to the forward battle area. We combine acquisition, targeting, C^3I and attack systems to mount an integrated interdiction campaign. The FOFA area of operations stretches from just behind the front lines as far into the enemy's rear as our target acquisition and weapon systems capabilities will permit.

Such technologies are now embodied in systems currently in full-scale development and will be entering the inventory starting in 1989. The Advanced Conventional Munitions programs discussed in Section IV support the advance of the FOFA concept.

Employment of conventionally-armed Sea-Launched Cruise Missiles (SLCM) carried on naval combatants in support of SACEUR missions can also contribute to FOFA operations. Employment of SLCMs as well as Air-Launched Cruise Missiles (ALCMs) and other concepts will be thoroughly explored as part of our Competitive Strategies approach.

U.S. and NATO planning for the future

Complementary planning for the FOFA concept is maturing in the U.S. and the Alliance. SACEUR is now developing an operational concept for FOFA in the 1990s and beyond. NATO also has a Long Term Planning Guideline that provides for coordinating armaments and force planning in support of FOFA. SACEUR is focusing on the need for long-range target acquisition and attack requirements, in the context of a conceptual military framework which ties together the various components and prioritizes them.

Most NATO nations have recognized the need to address new and improved FOFA capabilities, and U.S. leadership has provided an important stimulus. The U.S. is developing joint doctrine for FOFA and coordinating the planning for procurement and fielding of FOFA-related systems in an integrated manner among the services and within the Alliance. The Services have jointly identified contributing systems and are working to expedite fielding of key programs.

FOFA systems

The FOFA concept is essentially operationalized through a "system of systems" approach involving sensors, communications, fusion, munitions, and delivery systems. Some of the programs important to the concept are highlighted below. The systems to support FOFA missions are not being developed as FOFA unique or dedicated elements, but rather are part of our overall effort to modernize conventional capabilities. Many of these systems are being cooperatively developed or produced with our allies. However, the integration of the architecture for special missions characterizing FOFA may eventually require dedicated communications equipment.

The actual numbers and types of systems we procure will depend on further development of the concept of operations for FOFA. This will determine the amount of money dedicated to FOFA in the future. Coordinated planning with regard to all the types of systems outlined below is underway in the Department of Defense, and a full range of delivery system options will be evaluated through Competitive Strategies planning and related analysis. In the interim, the Secretary of Defense is ensuring appropriate funding of the projects, summarized on the following pages, among others, as they relate to supporting the NATO Defense Program.

Sensor systems

Air Force

The advanced Synthetic Aperature Radar System II (ASARS II) is an Air Force theater asset employing a high resolution imaging radar system carried aboard the TR1 aircraft. It collects and processes radar imagery in near real time.

Army

GUARDRAIL Common Sensor combines the GUARDRAIL V (COMINT) with QUICKLOOK (ELINT) and the Communications High Accuracy Airborne Location system (CHAALS) on a single platform, the RC-12K.

Intelligence and Electronic Warfare-Unmanned Air Vehicle (IEW-UAV) is a member of an Army family of UAVs. It consists of an air vehicle with a long loiter capability used for reconnoitering areas deep in enemy territory. It can operate in day or

night and in all weather environments; it includes several different sensor packages.

Joint

Joint Surveillance and Target Attack Radar System (JSTARS) is a multi-mode joint Army/Air Force program, Air Force lead, to provide Moving Target Indicator (MTI) radar surveillance of the Corps area of influence. The single radar system incorporates both wide area (MTI) surveillance and a limited synthetic aperature spot mode radar capability. Cooperative development with our allies is being pursued in both the NATO Air Force and Army Armament Groups.

Communications systems

Air Force

Joint Tactical Information Distribution System (JTIDS) will provide jam resistant secure information distribution. Through advanced access and counter EW measures JTIDS will conduct rapid, reliable C2 and status information distribution.

Army

The Mobile Subscriber Equipment (MSE) provides secure static and mobile communications to Corps and Division level commanders. Army MSE is based upon the French RITA system and was selected by the U.S. Army after an intensive international competition. MSE allows voice/data/facsimile transmissions which are interoperable with the joint Tactical Communication Systems (TRI-TAC) combat net radios, and commercial telephone systems.

The Army Data Distribution System (ADDS) will assist in near real-time information transmissions using the Enhanced Position Location Reporting System (EPLRS) User Unit (EPUU), Joint Tactical Information Distribution System (JTIDS), and Net Control Stations. The combination of EPLRS with JTIDS will capitalize on the previously separated projects to meet the data transfer requirement throughout Division and Corps.

Fusion, correlation, and processing systems

1. Tactical

Air Force

The Battlefield Coordination Element (BCE), in coordination with the Ground Attack Control Center (GACC), will provide air attack planning support to the tactical ground coordinator. The units will coordinate the air attack plan for use of controlled assets, the execution of these plans, and the reporting of the results of the attack.

Army

The Ground Station Module (GSM) for JSTARS and several other sensors will display and report MTI and FTI (Fixed Target Indicator) data on the enemy situation and his movement. Communications with attack coordinators will be provided by JINTACCS, Landline, and FM radio transmission. A downsized GSM will process sensor data for light forces. The Airborne Radar Demonstration System (ARDS) is an active NATO project which will demonstrate interoperability of both British (ASTOR) and French (ORCHIDEE) development systems with the Army's GSM.

Joint

The Limited Operation Capability Europe (LOCE) currently provides intelligence collection, analysis, and distribution to NATO users over secure communications systems, for early warning, situation assessment and targeting activities. Information provided will assist early target nomination for strike or reconnaissance, and support threat analysis.

In 1990, LOCE is to be developed into the Battlefield Information Collection and Exploitation Systems (BICES) and will combine U.S. and NATO fused intelligence in support of the NATO Central Region.

All Source Analysis System/Enemy Situation Correlation Element (ASAS/ENSCE) will provide commanders a near real time detailed picture of enemy positions from the fusion of data gathered by organic, theater, and national sensors. Automated processing of high volume data and interoperability between Army Divisions/Corps and Air Force Wings will allow coordinated deep attack planning.

2. National

Army

Electronic Processing and Dissemination System (EPDS) is a ground-based, computer-assisted Electronic Intelligence (ELINT) correlation facility for theater and national sensors.

Enhanced Tactical User Terminal (ETUT) is a processing and visual display for ELINT and Imagery Intelligence (IMINT) support of the Corps.

Imagery Processing and Dissemination System (IPDS), the operational version of the Digital Imagery Test Bed (CITB), will provide the tactical commander with the capability to receive and exploit digital imagery in near real time from national and theater level sensors.

Tactical Radar Correlator (TRAC) is a direct downlink system receiving radar imagery in digital format from the ASARS II.

The Echelon Above Corps (EAC) test bed is a limited interim, soft copy, digital imagery exploitation capability which has been deployed in advance of fielding the Joint Service Image Processing System (JSIPS) and the Image Processing Dissemination System (IPDS) in Europe.

Weapons systems

1. Penetrators

Air Force

The B-53G, originally designed to perform strategic, intercontinental, high altitude nuclear strikes, has been modified to provide long-range, deep-attack, conventional missions in some scenarios. It provides a platform for conventional ground attack missions with surface attack missiles as well as conventional bombs in standoff and penetrating modes.

The F-15E (a dual-capable aircraft) will perform interdiction and is capable of carrying guided and unguided conventional weapons and dispensers with various submunitions which will allow it to conduct interdiction and other missions.

In a major standardization effort, the F-16 is in use with five of our NATO allies and is coproduced by them. An advanced model of the F-16, the F-16C/D, is a light weight, multi-role aircraft capable of performing air-to-air, and air-to-ground missions. The aircraft's versatility and its munitions capabilities will enable it to conduct FOFA.

The F-111 is a long-range fighter bomber capable of delivering a range of weapons for deep strike and deep interdiction missions, including FOFA operations.

2. Stand-Off

Air Force

Modular Stand-Off Weapon (MSOW): The purpose of the MSOW Program is to build a series of both short- and long-range stand-off weapons to attack fixed and running targets using a modular approach. Weapons built under this approach can attack a variety of targets including airfields, air defense units, hardened C^3 nodes, and armor. MSOW is a major codevelopment effort in which six allied NATO nations are participating. The funding for U.S. participation in this program has recently been reduced dramatically.

TACIT RAINBOW is a missile system designed to attack enemy radars and is capable of loitering for an extended time over a target until the radar goes active. The missile is currently designed to be launched from air platforms. Cooperative opportunities for TACIT RAINBOW have been offered to selected NATO allies to promote achievement of this capability on a broad basis in the NATO Central Region.

Army

LANCE is an Army Surface-to-Surface Missile (SSM) with conventional as well as nuclear capabilities. It is deployed in relatively small numbers.

Multiple Launch Rocket System (MLRS) is a tracked, ground launcher for the basic, guided semi-ballistic missiles. MLRS is to be the launch platform for the Army Tactical Missile System (ATACMS). MLRS is the result of a cooperative development with four NATO nations, and European production is about to begin.

Army Tactical Missile System (ATACMS) is a short-range Surface-to-Surface Missile (SSM) developed to attack area targets deep in the Corps commander's area of responsibility. Launched from an MLRS platform, the missile is designed to carry various submunitions. It will replace LANCE in the latter's conventional role and is a potential candidate for the Follow-On to LANCE in the nuclear role as well. The U.S. has offered this program for NATO codevelopment and coproduction; it has been offered to all U.S. partners in the MLRS Program.

Navy

The U.S. Sea-Launched Cruise Missile (SLCM) is currently budgeted and on schedule. The conventional SLCM, TOMAHAWK Land-Attack Missile (TLAM/C/D) has an extended range, and could contribute significantly to FOFA by providing a conventional deep-attack capability against fixed installations in the Warsaw Pact.

Air Force

Tactical Munitions Dispenser (TMD) is a new general purpose, 1000 lb. class submunition dispenser capable of dispensing SKEET, Boosted Kinetic Energy Penetrator (BKEP), and Combined Effects Munitions (CEM). It is currently available for use with F-15, F-16, F-4 and F-111.

Combined Effects Munitions is a cluster weapons of 202 CEBs. The bomblets consist of armor-penetrating charges, a fragmenting case and a zirconium incendiary.

The Booster Kinetic Energy Penetrator (BKEP) is a runway attack submunition. When configured for in a TMD for the Direct Attack Combined Munition (DAACM) the system consists of eight BLU-106/B BKEP and twenty-four Hunting BH876 area-denial mines.

SKEET or Sensor Fuzed Weapon (SFW) is an antiarmor warhead, dispensed from a Tactical Munitions Dispenser (TMD). After leaving the dispenser, the submunition detects a tank and fires a self-forging armor-piercing plug at the target.

Laser-Guide Bomb consists of a laser guidance kit attached to a MK-84 warhead. The target is designated for an aircraft, using Forward Looking Infrared Radar (FLIR) or

Low-Altitude Night Targeting Infrared Navigation (LANTRIN) targeting pod.

GBU-15/AGM-130 (glider and rocket version) carry MK-84 or I-2000 warheads and are targeted against high value point targets. They are guided either by television or an imaging infrared seeker and deployed from F-4E or F-111 aircraft.

I-2000 Bombs (Improved 2000 lb Bombs) are designed to attack hardened targets such as bridges, bunkers runways, or command posts. Utilizing a redesigned warhead, in a thicker steel casing, they are able to penetrate hardened targets.

Army

Terminally Guided Warhead (TGW) is a submunition for the MLRS rockets; it is designed to search for and destory enemy armor. TGW development is being undertaken in a cooperative project with France, Germany, and the UK.

Anti-Personnel/Anti-Material (APRM) are air dispensed, high explosive fragmentation submunitions designed for release at a designated height above the ground for LANCE and ATACMS. The APAM submunitions are fuzed to burst on contact with the ground.

SECTION VI—NATO AIR DEFENSE

NATO air defense mission area

NATO's counter-air capability—both offensive and defensive—represents an important and flexible firepower capability which can be employed against fixed installations and against attack from the skies. U.S. air and air defense assets provide a major contribution to NATO, and they also comprise capabilities we need to meet our global defense responsibilities. This mission area will receive continuing high priority.

A significant share of the NATO Conventional Defense Improvement (CDI) effort is already aimed at sustaining a modern and robust air defense capability in the face of an increasingly potent Soviet/Warsaw Pact nuclear, conventional and chemical warfare threat.

The INF Treaty will relieve somewhat the missile threat facing NATO, particularly in the rear areas of Western Europe which are beyond the reach of Warsaw Pact short-range missiles, but the otherwise relentless pace of Soviet weapons modernization continues to threaten critical NATO assets. Increased numbers of attack helicopters, new close air support aircraft, and conventionally-armed, dual-capable, short-range missiles are increasing the threat to our forward fighting forces, key defenses, and certain vital assets. We and our NATO allies have given special emphasis to near term practical steps to defend against the threat through both active and passive defenses. Allied planning has also been quite successful in this mission area.

The Warsaw Pact attaches great importance to the rapid achievement of air supremacy in any conflict. One means available to the Pact to assist in achieving this objective is the use of tactical missiles. In the 1990s, NATO will continue to be threatened by the traditional air threat as well as by remaining theater missiles. The Soviet SS-21s, SS-1s (SCUD Bs), FROGS, SLCMs, ALCMs, and Tactical Air-to-Surface Missiles (TASMs) are not limited under the INF Treaty. NATO's ability to defend against the threat depends on a full range of integrated capabilities and their effective employment. These include modern aircraft, air-to-air and air-to-ground munitions, land-based air defense missiles and guns, tactical missile defenses, as well as command and control, survivability and other passive measures, and electronic warfare systems. Research on new systems and capabilities is also critical to protect against an uncertain future. Investment in all of these areas will be important if we are to achieve needed improvements.

Planning for the future

We are embarked on a significant improvement of NATO's Command and Control system that is crucial to the Alliance's future air defense posture. NATO's Airborne Early Warning and Control (NAEW&C) Program is proving to be an exceptional performer in this area. However, impacting on our air defense capability is the lack of a modern system for discriminating between friend and foe in the air; this is being addressed in NATO through the development of NATO Identification System (NIS). With respect to air base defense, we are making marked improvements, but our posture remains uneven among allies and among different categories of bases. Continued priority planning and action are needed for air base defense, recovery, chemical protection, and dispersal.

The NATO capacity for Defensive Counter Air (DCA) operations is being significantly upgraded with U.S. and allied deployments of PATRIOT and other modern surface-to-air missiles, increases in more capable aircraft, and deployment of modern air-to-air munitions. However, Allied command Europe faces shortages in surface-to-air missiles (SAMs) and air defense gun systems. To redress these and future shortcomings, we intend to take advantage of a number of technological and other opportunities for building on advances made to date in our defensive stance.

NATO plans now provide for marked improvements in aircraft and munitions to carry the battle to the enemy by attacking his airfields, other sources of his air power, and his follow-on forces, as outlined in Section V. However, we have not yet advanced sufficiently in NATO's capacity for standoff attack and hard target kills. It is here that a number of emerging technology initiatives could have the potential for significant payoff. We are limited in long-range aircraft and must examine the mix of stand-off and direct attack munitions, aircraft, and missile delivery systems, as well as target acquisition capabilities appropriate to conducting Offensive Counter Air (OCA) missions. We intend to pursue this.

Countering Soviet air operations (involving both missile and aircraft attacks) is among our highest priorities for the future. There are opportunities in this area for exercising competitive strategy operations, in particular. The Secretary of Defense is ensuring appropriate funding of air defense programs as they relate to the NATO Defense Program. Intensive U.S. and NATO planning in this area will continue to be key and an appropriate balance among all areas in the counter air mission area will continue to be important.

Status of NATO air defense improvements

Important ongoing efforts are summarized below:

US bilateral efforts: Active air defense

US/UK RAPIER Initiative: This was the first of several US bilateral agreements with NATO allies for improving active air defenses in NATO Europe. This initial US/UK effort, became known as the "RAPIER role model." Under the terms of the 1981 agreement, the US has procured and the UK is manning, operating, and maintaining 32 RAPIER Short-Range Air Defense (SHORAD) fire units for the point defense of seven US air bases in the UK.

US/FRG PATRIOT/ROLAND Agreement: This initiative provides for Germany to purchase 14 PATRIOT fire units while the US will provide Germany with 14 additional PATRIOT fire units from previously planned US deployments. In return, Germany will man and operate 12 of the 54 US PATRIOT fire units in Germany (providing medium-to-high altitude air defense) and also procure, man, operate, and maintain 27 ROLAND fire units providing short range protection to three US bases. Because of the coverage provided by PATRIOT, six more U.S. bases will also receive air defense coverage.

US/The Netherlands Agreement: In February 1984, the Dutch Government signed an agreement for the purchase of four PATRIOT fire units. They are planned to buy additional missiles and launchers for these fire units. Moreover, the Dutch have an option to purchase an additional two fire units for a total of six; they are currently studying this option. The Dutch have taken delivery of two fire units and will complete delivery of their four fire units in March 1989.

US/Turkish RAPIER Agreement: In November 1984, the US and Turkey agreed to enter into a cooperative air base defense program. The US will procure 14 RAPIER fire units and associated equipment from the UK as an extension of the 1981 US/UK RAPIER Agreement, and Turkey will man, maintain, and operate them. US Air Force and the Turkish Air Force Command have jointly produced a comprehensive Turkish air defense master plan for future air defense C^3 and weapon acquisition in Turkey.

Priorities for active air defense

The PATRIOT Missile System in NATO: NATO's agreed air defense program called for the fielding of PATRIOT fire units by the US and other NATO allies. US deployment began in 1985 and will be completed in the early 1990s. In addition to providing medium-to-high altitude air defense coverage against the traditional air-breathing threat, PATRIOTs will also have a self-defense and a limited capability to defend NATO vital assets against attack by conventionally-armed tactical ballistic missiles.

The Army's Forward Area Air Defense System (FAADS): With the August 1985 decision to cancel the Army's Division Air Defense (DIVAD) gun weapon system, the Army was forced to reassess just how it would meet its air defense requirements in the forward area. A combination of factors—the cancellation of DIVAD, the need to address other air defense deficiencies which were independent of the DIVAD decision, and an increased threat capability led the Army to seek a systemic solution. Following several months of study, the Army established its FAADS approach to the problem. FAADS, as formulated, consists of five elements: a non line-of-sight rear system; a line-of-sight forward heavy system; a line-of-sight rear system; a combined arms element; and finally, the FADD C^2I element (command, control, and sensors). The chosen system for the non-line-of sight missile system is the FOG-M (Fiber Optic Guided Missile). This system has gone into advanced system development. The Army recently held a competitive selection process to choose an "off-of-the-shelf" to fill the line-of-sight forward heavy role. The Air Defense Anti-Tank System (ADATS)

built by Martin Marietta/Oerlikon Buhrle (US/Swiss teaming) was selected and deployment is expected to begin in 1988 and be completed by 1992. Pedestal Mounted STINGER, which is being built by Boeing Aerospace, has been selected as the line-of-sight rear system. FADDS weapons will be added to US corps as an additional or organic capability, providing a capability which does not exist today.

Fighter Aircraft: With the planned deployment of F-15Es to NATO Europe along with NATO's existing US F-111s and allied TORNADOS, capabilities for conducting Offensive Counter Air missions will be greatly increased. Likewise, improvements to US and allied F-16s and a capability to employ the Advanced Medium-Range Air-to-Air Missile (AMRAAM) will serve to improve NATO's traditional Defensive Counter Air operations. Together, these improvements will enhance NATO's ability to gain and maintain a favorable air situation (to conduct offensive and defensive counter-air operations) should the Warsaw Pact choose to attack.

Hawk and the Medium Surface-to-Air Missile (MSAM): The US and several NATO allies maintain the HAWK medium altitude air defense system. HAWK, originally designed in the 1950s, has undergone several Product Improvement Programs (PIPs) to modernize and upgrade its capabilities. The US HAWKs are currently being upgraded by the phase-3 PIP. This PIP improves the reliability, availability, and the maintainability of the HAWKs. Furthermore, phase-3 will enhance the system's mobility and provides the HAWKs with a low altitude multiple engagement capability. The Army has also proposed a plan to further enhance the capability of the HAWK against cruise missiles. Finally, it should be noted that Norway has decided to retain HAWK, but in a modified and upgraded fashion unique to Norway in a system called NOAH—Norwegian Adapted HAWK.

The foregoing highlights do not detail every facet of our priorities in the improvements to NATO's active air defenses, but they do offer an overall picture of some important aspects. The following information highlights other air defense initiatives and passive air defense measures which are priorities in NATO.

Other priorities

UK and French AWACS Purchase: In December 1986, the UK announced plans to purchase six Boeing AWACS aircraft from the US; in 1987 they further announced that they planned to exercise their option for a seventh AWACS aircraft. In February 1987, the French agreed to purchase three AWACS from the US. Further, France has announced that it expects to exercise its option to acquire a fourth AWACS aircraft. Given their compatibility with US AWACS and NATO's 18 Airborne Early Warning & Control (NAEW&C) aircraft, the French and UK AWACS acquistion should greatly enhance NATO's overall capability in this vital area of airborne early warning and control.

The NATO Identification System (NIS): NIS consists of two components: the Direct Sub-System (DSS) component which primarily consists of the Question and Answer (Q&A) component, and the Indirect Sub System (ISS) component. While both components are important, the Q&A component has received the greatest NATO cooperative effort to date as well as the most visibility and public attention. In response to the designation of NIS by the Conference of NATO Armament Directors (CNAD) as a cooperative R&D legislation endeavor (Nunn Amendment), a five nation MOU was signed in October 1987 by representatives of the US, Germany, France, Italy, and the UK. In essence, the MOU provides for cooperation and collaboration on the design and development of the Q&A component. In the US, the Q&A component is referred to as the MARK XV. An October 1987 demonstration and validation of the US, UK, French, and German Q&A components was conducted at the Patuxent River Naval Test Center. This test was highly successful and proved that the systems were compatible and interoperable.

The NATO Air Command and Control System (ACCS): In February 1982, the North Atlantic Council (NAC) tasked the NATO Air Defense Committee (NADC) to undertake a revision of the 1979 Refined Program for Air Defense in Allied Command Europe. The NADC's Panel on Airspace Management and Control Systems (PAMCS) was assigned the task of devising a NATO ACCS Master Plan as part of that revision process. The PAMCS established an ACCS Team to lead and direct the development of the ACCS Master Plan. When fully implemented, the ACCS Master Plan will provide for the total airspace management in NATO, an extremely important undertaking. Of the five volume ACCS Master Plan, Volumes I through IVA have been approved; Volume IVB (the ten regional annexes) are currently out to nations for national staffing. Volume V is the transition-funding plan; it is still being drafted. At the NADC meeting of 17-18 November 1987, national representatives agreed to establishing an Interim ACS Management Organziation under the Defense Support Divison of NATO's International Staff (IS). Therefore, an organization will soon be in place to work the difficult issue of ACCS implementation.

US Bilateral Agreements with NATO Allies: In 1985, USAFE worked out bilateral arrangements with Norway and Denmark for the construction of revetted dispersed aircraft parking at US Collocated Operating Bases (COBs). Under the terms of the agreement, the US would provide material and training for allied teams to manufacture the two-meter square Rapid Runway Repair (RRR) concrete slabs. The allies would then be responsible for manufacturing the slabs and installing them so as to construct dispersed parking pads for US reinforcement aircraft. Additionally, they would install four-meter high reinforced concrete revetments (US provided) on three sides of the parking pad to provide some blast and splinter protection to parked aircraft. USAFE personnel are exploring similar arrangements with Turkey and Italy. The revetted dispersed parking pads offer increased protection to reinforcing aircraft (when hardened aircraft shelters are not available) while at the same time increasing the number and availability of concrete slabs required for RRR should airfield attack occur.

Hardened Aircraft shelters: The NATO goal is to provide hardened aircraft shelters for 100% of the aircraft; however, NATO infrastructure funds will only finance shelters for 70% of the aircraft. To provide sheltering above the 70% level requires funding by the nation involved. For the US, CINCUSAFE has established a policy to shelter 100% of in-place and reinforcing aircraft at US Main Operating Bases (MOBs) and 70% of reinforcing aircraft at collocated operating bases. The Air Force currently has aircraft shelter construction programmed in the FYDP to meet the 100% goal for US MOBs.

Other Passive Measures for NATO Air Defense: The US has been exploring other elements of passive defense with our NATO allies such as the construction of Alternate Launch and Recovery Surfaces (ALARS) for aircraft and the provision of Emergency Landing Strips (ELS) for aircraft; Camouflage; Concealment, and Deception (CCD); Survivable Collective Protection Shelters (SCPS) for chemical/biological warfare protection; Base Recovery After Attack (BRATT) measures to include air base reconnaissance/damage assessment to determine the extent of the damage; Explosive Ordinance Disposal (EOD); Rapid Runway Repair (RRR); and Mobile Aircraft Arresting Systems (MAAS). Camouflage and concealment involve the use of netting to cover equipment and the use of paint to "tone down" runways and structures. Deception includes the use of aircraft decoys and decoys for radar antennas. The U.S. Air Force and Army regularly conduct exercises during which the use of chemical/biological protective clothing and procedures are used and evaluated. The Air Force is engaged in installing SCPS at three US MOBs: Spangdahlem, Bitburg, and Ramstein. Hahn Air Base will be next to receive SCPS. France is also installing its chemical/biological protective shelters, AMF-80, at its air bases. The French have conducted discussions with the Belgians, Dutch, and Canadians trying to win support for use of the France AMF-80 system. To date, only the Canadians have purchased a variant of the France system, AMF-82, for their air bases at Lahr and Baden-Sollingen.

SECTION VII—LEADERS' VIEWS

Confidence in NATO strategy

In their approach to INF, the allies made a solid commitment from which they never deviated. Since 1979 the political and military leaders of NATO in Europe have addressed the Soviet theater nuclear forces buildup directly and unambiguously. In that regard, their actions concerning Alliance security posture speak for themselves.

The decision to deploy INF systems while supporting U.S./Soviet negotiations was taken in the face of considerable political unrest and turmoil which continued to grow for several years. For the European leaders steadfast adherence to this dual-track decision demonstrated the type of political courage so important to the NATO security concept. We should neither presume nor expect anything less in the future.

Both the Ministers of Defense at their December 1987 Defense Planning Committee meeting and the Foreign Ministers at their meeting endorsed the Agreement finally achieved as a result of collective Alliance efforts. The Foreign Ministers said: "We welcome and fully support the Washington INF Treaty. It is fully consistent with the security requirements of the Alliance. It accomplishes an important and longstanding Alliance objective: the elimination of a class of Soviet nuclear weapons threatening the European allies and other regions of the world."

The approach taken in the dual-track process has certainly strengthened NATO because of the confidence demonstrated by the allies in their security policy. NATO ministers, after considering the implications of an INF Agreement, affirmed the viability of NATO's strategy. In November 1987, the Defense Ministers stated that the "strategy

of flexible response will continue to be vital to the security of the Alliance.

Support of modernization

The allies have indicated a clear recognition of the need for modernization of both nuclear and conventional components of NATO's forces in support of the strategy. The issue for the future is how well the U.S. and our allies do in protecting the gains we have made and in building upon them.

Although the real increases in U.S. defense spending exceeded by a wide margin the average growth rates on non-U.S. defense programs in the early through mid-1980s, U.S. spending reflected major efforts to make up for real decreases we experienced in the 1970s. At that time our allies were achieving steady real increases. U.S. real defense spending for the early 1970s through the mid-1980s was equivalent to an annual decline of roughly 1 to 2 percent. Comparable non-U.S. spending for defense was two percent real growth per year.

In the Nuclear Planning Group and its related bodies, our allies have recognized, with us, that NATO must continue to fulfill requirements to modernize and increase the survivability of the nuclear forces remaining after an INF Agreement. Our allies have also recognized that additional adjustments may be necessary to ensure a full spectrum of nuclear deterrent options at all ranges.

Our allies also join in supporting our conviction that coordinated programs to modernize and improve NATO's conventional forces must be revitalized. This was established in NATO's CDI Program to redress key deficiencies in NATO's conventional posture. The European allies have shown generally strong performance in meeting established modernization objectives.

Reports from the EUROGROUP nations indicate they are planning to introduce a wide range of new equipment into their forces in 1988. In that year, 250 main battle tanks, over 1,000 other armored vehicles and over 50 pieces of heavy artillery will be introduced into service. The air forces of those nations will bring 200 new combat aircraft into service in 1988, mostly of the advanced TORNADO and F-16 types. Improvements will continue in existing aircraft, survivability and airfield defense. At sea, the EUROGROUP nations plan to introduce seven escorts, three submarines and five mine-warfare vessels, together with smaller vessels and support ships, as well as 25 new aircraft in a maritime role. Support for new initiatives for the future will certainly be based on the effectiveness of transatlantic consultation.

Conventional arms control

Indications are that most of the allies believe the INF accord signals a breakthrough in arms control and security policy. They, of course, support continuing U.S./Soviet START negotiations, and are committed to planning for Conventional Stability Talks (CST) addressing forces in Europe.

Most allies appear to be intent on NATO management of an allied approach to CST negotiations to ensure that these talks complement NATO force improvement initiatives. NATO military authorities will be consulted by political leaders as we prepare for these negotiations, and throughout their conduct. For this reason, SACEUR's criteria for such negotiations are an important consideration. His current views on this subject are as follows:

Suggestions for initial U.S./Soviet asymmetric reductions have possibilities but need more analysis. All reduction proposals should be accompanied by conventional defense capability improvements.

Soviet efforts to circumscribe Alliance force modernization goals must be firmly resisted. The likehood of a new agreement cannot be determined and will depend on Soviet perceptions and willingness to negotiate.

Further SACEUR views

The NATO commander in Europe, SACEUR, has focused on specific military considerations related to the execution of the flexible response strategy. SACEUR points out the need to differentiate between deterrence of Warsaw Pack agression and NATO's ability to respond flexibly to restore deterrence if the nuclear threshold is crossed. As long as NATO maintains a credible linkage between European-based theater nuclear forces, conventional forces, and strategic systems, and a viable and unquestioned ability to execute military options across a spectrum up to general nuclear response, we will continue to have credible deterrence, according to SACEUR.

SACEUR believes it is critical that NATO continue to field nuclear systems that provide a credible, visible (European land and sea-based) mix of both short- and long-range systems. These systems, he believes, must be capable of holding at risk militarily significant targets of the Warsaw Pact to include those in the USSR.

Fundamentally, SACEUR supports the nuclear modernization and CDI programs upon which NATO is embarked. With respect to nuclear forces modernization, SACEUR cites the need for additional dual-capable aircraft (DCA) of longer range, the development of the tactical air-to-surface missile, the LANCE missile follow-on, and modernized artillery munitions and bombs. Also critical, in his view, is the lifting of current congressional restrictions on the number of modernized artillery munitions and also the restrictions on development of a nuclear follow-on to LANCE. According to SACEUR, a nuclear force containing these systems would maintain target coverage while continuing to provide widespread NATO nation participation and the sharing of burdens and risks.

In advancing technology to achieve improvements in non-nuclear deterrence, SACEUR has pointed out that visible nuclear capability has a deterrent value that conventional systems, however high their technology, cannot match.

In the area of conventional capabilities, SACEUR strongly supports the concept of FOFA which is designed to delay, disrupt, and destroy those forces arriving at the forward edge of the battle area (FEBA) and thereby enhance significantly the integrity of NATO's forward defense.

SACEUR believes that NATO's air defense picture is improving. His view is that there are several programs both in development and procurement to bring air defense capability to an adequate level. Among specific systems and programs in the air defense area evaluated by SACEUR are the following:

The introduction of PATRIOT in the central region starting in 1986 greatly enhances NATO's air defense.

The development of an adapted HAWK for Norway starting in 1987 will improve vital point defense in Norway. Danish deployment of further HAWKS will add to defense of the Danish Islands. The U.S. plans to further enhance the capabilities of its HAWKS with the Product Improvement Program (PIP) phase III. Defense of troops and vital assets is being improved by the introduction of new generations of man-carried and short range weapons like ROLAND, Self Propelled RAPIER, JAVELIN and STINGER.

The provision of aircraft for the NATO Airborne Early Warning (AEW) force is complete. Ground environment tasks are due to be completed in the next two to three years. The decision by the UK to obtain its component of AEW will add considerably to the NATO AEW force. Improved deployment options are planned in the northern region.

APPENDIX

PUBLIC LAW 100-180, NATIONAL DEFENSE AUTHORIZATION ACT, FY 1988-89

TITLE X—MATTERS RELATING TO NATO COUNTRIES AND OTHER ALLIES

PART A.—NATO DETERRENCE, SECTION 1001, REPORT ON REQUIREMENTS FOR MAINTAINING NATO'S STRATEGY OF DETERRENCE

(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress a report regarding the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s. The report shall include a specific discussion of the implications for such deterrence if the United States and the Soviet Union agree to a treaty which requires the elimination of all intermediate-range nuclear force (INF) missiles having a range between 500 and 5,500 kilometers. The report shall be prepared in consultation with the Supreme Allied Commander, Europe, and the Chairman of the Joint Chiefs of Staff.

(b) FORM AND CONTENT OF REPORT.—The Secretary shall submit the report required by subsection (a) in both CLASSIFIED and UNCLASSIFIED forms and shall include in the report the following:

(1) A discussion of the effect that the elimination under an INF Treaty of intermediate-range missiles deployed by the United States and the Soviet Union would likely have on the ability of NATO to remain an effective flexible response strategy and credible deterrence.

(2) The appropriate numbers and types of nuclear weapons and nuclear-capable delivery systems of the United States not limited by the proposed INF Treaty which the Secretary of Defense recommends for deployment in or redeployment to the European theater if an INF Treaty is ratified and enters into force, including a description of any nuclear modernization program the Secretary has recommended or proposes to recommend as necessary to ensure that NATO will be able to maintain a credible and effective military strategy.

(3) A discussion of the balance between the nonnuclear forces of NATO and the Warsaw Pact in the European theater, the likelihood of NATO making significant improvements in that balance over the next few years, the potential effect of conventional force balance alternatives currently under consideration by the United States Government, and the likelihood and potential effect of a new agreement between NATO and the Warsaw Pact limiting nonnuclear forces on that balance.

(4) A discussion of the feasibility and cost-effectiveness of substituting advanced conventional munitions for nuclear weapons currently deployed by NATO, including a discussion of the costs of such weapons and prospects for sharing such cost among NATO allies.

(5) A description of nonnuclear forces that would be needed to support the operational concept of Follow-on Forces Attack (FOFA).

(6) The status of improvements being made in the air defense of NATO in Europe.

(7) A discussion of the views of the leaders of member nations of NATO (other than the United States) and of the Supreme Allied Commander, Europe (SACEUR), on the matters described in paragraphs (1) through (5).

(c) DEADLINE OF REPORT.—The Report required by subsection (a) shall be submitted not later than the earlier of—(1) 90 days after the date of the enactment of this act; or (2) the date on which the President submits to the Senate for its advice and consent a Treaty described in subsection (a).

Mr. BYRD. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader yields the floor.

Mr. EVANS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. EVANS] is recognized.

Mr. EVANS. Thank you, Mr. President,

AVIATION HISTORY

Mr. EVANS. Mr. President, on Monday of this week, aviation leaders gathered in Seattle for two important events. First, to celebrate the rollout of the two newest models of Boeing airliners, the 747-400 and the 737-400; Second to recognize the remarkable career of "T" Wilson on his retirement as chairmen of the board of the Boeing Co.

In all fields of human endeavor, the most enduring legacy is achievement and the most honored tradition is trust. It is this legacy and this tradition that T.A. Wilson leaves to those who will follow him at the helm of the Boeing Co. as he moves into a new career of busy retirement.

"T", as he is known to his friends, was born in Missouri, the home, ironically, of one of Boeing's biggest competitors. During his briliant career, he truly lived the motto of that great State as he showed everyone what first class management talent could accomplish.

The Boeing Co., throughout "T's" career, has been the world's preeminent producer and seller of commercial aircraft. Today, their market share for free world sales continues to exceed 50 percent despite major competitive challenges both at home and abroad. Sales backlogs continue at record breaking levels.

Recently the company was awarded a major contract to build America's Space Station. Thus Boeing continues as a world leader in space, national security and civilian, air transport.

At a time when we are enthralled by a crisis of competitiveness, "T's" efforts at Boeing are a shining example of American industry at its best. Because he insisted on research, he ensured that Boeing would stay on the leading edge of technology. Because he insisted on quality, he ensured that Boeing stayed in the forefront of sales. We can compete as Americans. Just ask "T."

In a career filled with awards, accolades, and successes, three accomplishments stand out. "T" should perhaps be proudest of his contributions to the security of our country through his work on two of the mainstays of our strategic arsenal, the B-52 bomber and the Minuteman ICBM. These two programs are still heralded by military procurement experts as models of public-private partnership.

For his second major achievement, I turn the clock back to the aerospace recession of 1969, a particularly painful time in the State of Washington. I know, I was Governor at the time. Through decisive and innovative management action, "T" preserved Boeing's manufacturing base and laid the groundwork for the immensely successful years which followed.

For his third major achievement, "T" and Boeing received the prestigious Collier Trophy. In the mid-1970's, as foreign government supported efforts to crack the commercial aviation market intensified throughout the world, Boeing, under "T's" leadership, boldly undertook to develop privately a new family of long-range, fuel efficient aircraft: the 757 and 767. The resounding commercial success of these aircraft is a testament to the courageous vision of T.A. Wilson.

Although "T" will be stepping out of the pilot's seat at Boeing, he will still be in a position to advise the new management from his chair at the board of director's table. He will still be in the front row as Boeing moves toward the 21st century as not only a commercial aviation giant, but as a major defense contractor and space technology innovator.

QUORUM CALL

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 called the roll and the following Senators answered to their names:

[Quorum No. 2]

Breaux	Byrd	Evans

The ACTING PRESIDENT pro tempore. A quorum is not present.

The clerk will call the names of absent Senators.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. 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 Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from Pennsylvania [Mr. HEINZ] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 15, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—76

Adams	Fowler	Nunn
Armstrong	Garn	Packwood
Baucus	Glenn	Pell
Bentsen	Graham	Pressler
Biden	Grassley	Proxmire
Bingaman	Harkin	Pryor
Boren	Hatch	Reid
Boschwitz	Hatfield	Riegle
Bradley	Heflin	Rockefeller
Breaux	Hollings	Roth
Bumpers	Humphrey	Rudman
Burdick	Inouye	Sanford
Byrd	Johnston	Sarbanes
Chiles	Kassebaum	Sasser
Conrad	Kennedy	Shelby
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Stafford
Danforth	Leahy	Stennis
Daschle	Levin	Stevens
DeConcini	Lugar	Thurmond
Dixon	McClure	Trible
Dodd	Melcher	Warner
Domenici	Metzenbaum	Wilson
Durenberger	Mikulski	Wirth
Evans	Mitchell	
Ford	Moynihan	

NAYS—15

Bond	Helms	Nickles
Chafee	Karnes	Quayle
Cohen	Kasten	Specter
Gramm	McCain	Symms
Hecht	McConnell	Weicker

NOT VOTING—9

Cochran	Gore	Murkowski
Dole	Heinz	Simon
Exon	Matsunaga	Wallop

So the motion was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the regular order be automatic on every rollcall, at the close of 15 minutes, which is in accordance with the order of the Senate on every rollcall vote today.

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

Mr. BYRD. I thank all Senators.

CIVIL RIGHTS RESTORATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of unfinished business, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

Pending:

(1) Symms Amendment No. 1381, to repeal a certain provision relating to cross ownership of newspapers and television stations.

(2) Nickles Amendment No. 1382 (to Amendment No. 1381), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina, Senator HOLLINGS.

AMENDMENT NO. 1381

Mr. HOLLINGS. Mr. President, with respect to the Senator from Idaho's amendment, relative to repealing the cross-ownership rule, or at least granting waivers, I am pleased that our distinguished colleague from New York is on the floor because he can listen and we will address his concerns.

Mr. BYRD. Mr. President, may we have order in the Senate so Senators can listen to the Senator.

The DEPUTY PRESIDENT pro tempore. The Senate will be in order. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished majority leader. I believe the manager of the bill, Senator KENNEDY, and the author of the amendment, Senator SYMMS, after a few Senators who want to be heard here momentarily, are prepared here to vote.

I say to the Senator from New York [Mr. D'AMATO] that in all the years I have been working in the communications field, frankly, I have been a champion of deregulation. I will never forget the extended arguments we had within the Committee of Commerce and the Subcommittee of Communications when our distinguished friend from Rhode Island, Senator Pastore, was chairman.

He opposed the extension of broadcasting licenses from 3 to 5 years. I supported the extension. I said, after all, we as Senators are given a 6-year license, why shouldn't a broadcaster also get a 5-year license, at least? By retaining the shorter term, all you do is guarantee millions and millions of dollars in payments to Washington lawyers to handle ascertainment and relicensing procedures.

Right to the point, I offered an alternative. I said: Let us put the money in to programming and improving public broadcasts, rather than into a bunch of Washington lawyers' pockets.

So I have been in the vanguard of communications deregulation. With some 9,000 radio stations, we figured, that there was ample competition to maintain discipline within the industry. But with respect to all broadcast properties, we have always insisted at the congressional level on the maintenance of certain fundamental rules to safeguard the public interest, to prevent a concentration of sources of information in a community and to ensure that there is as much diversity as possible.

Accordingly, we have had the fairness doctrine to encourage presentation of alternative opinions, and we have had antitrafficking restrictions to encourage ownership by responsible broadcasters rather than by speculators who see stations as quick-buck opportunities.

We have been struggling, in all candor, with the Reagan FCC. We got along with Dean Burch, who originated this cross-ownership rule during the Nixon administration. We supported Richard Wiley, also a Republican who oversaw the adoption of this rule. So it is not a partisan matter and assuredly not a dark-of-the-night manipulation, as I will soon explain further.

The next Chairman, Mr. Fowler, publicly bragged at his retirement party how he had made Mr. Murdoch wealthy, with this 18-month and 2-year waivers. It was the fattest gift he could possibly give, and we all realized that. But we also realized at the time that we should not be snookered.

Back in 1985, Mr. Murdoch came to the Congress and met with our distinguished colleague, the Senator from Colorado [Mr. WIRTH]. Mr. Murdoch not only assured him in a letter that he was going to adhere to the cross-ownership rule, he also announced through his PR firm that he would adhere to the rule. So enough of this claim that Mr. Murdoch has been given only a short time to come into compliance. The facts are that he has had more than 2 years to comply.

Nevertheless, this past year, as we watched the Reagan FCC and continually heard reports that one of the few rules left on cross-ownership might be repealed, I, together with the distinguished Senator from Hawaii, put in a bill, the Broadcast Improvement Act, S. 1277, within which section 403 reiterated our commitment, not just to the rule, but to all of the cross-ownership provisions.

I remind the Senator from New York that we had a hearing in July and no one appeared at that hearing in opposition to our proposal.

Nonetheless, in the fall, we continually heard reports that he had no intention of selling. Instead, he intended to renege on his commitment to adhere to the cross-ownership rules. He was going to ask for the rule to be repealed. Indeed, such a request was submitted in November by the Freedom of Expression Foundation, and the FCC is well along in its proceeding to eliminate the rule pursuant to that petition.

I relate that to you because, when we discussed this matter at 10:30 in the morning—not the dark of night—and a full week before we voted on it in the continuing resolution—not the last minute—I stated my misgivings about the FCC for having repealed the fairness doctrine and other longstanding rules. I included provisions relating to the noncommercial VHF stations, minority ownership, cellular licensing, provisions that you will find on pages 33 and 34 of the continuing resolution. My focus was not limited to cross-ownership waivers. When the cross-ownership language was inserted, I informed the appropriate Senators, at a regular meeting, the majority and minority Senators, as well as the chairman and ranking member on the House side. I would daresay there were at least four staffers on our side and probably that many or more on the House side. There were 8 to 10 staffers present, so there was nothing resembling a sneak attack or dead-of-the-night maneuver. That is a figment of distorted imaginations.

I am confident Chairman NEAL SMITH on the House side checked it out with his Members and I knew at the time, talking to our distinguished ranking member, Senator RUDMAN of New Hampshire, that he was fully informed.

It was checked off unanimously and thereupon enacted.

The reason the argument is given now that it affects only Murdoch is he is the only one who has a waiver and he wants those waivers extended.

I want to make sure everyone understands why I authored this law. This law serves the useful purpose of ensuring that the intent set forth in the first half of this amendment, that the FCC not modify the existing criteria for permanent waivers, not be evaded through the successive grants of temporary waivers. This applies to any extension of any temporary waiver which is granted, not just the outstanding temporary waivers held by Mr. Murdoch. While Mr. Murdoch's company may be the only one that fits that description today, it is quite likely that others could obtain short waivers and request extensions of those waivers. It is my intention that this law apply in all such cases.

I was not engaged in any conspiracy, although I am delighted to conspire

with the senior Senator from Massachusetts any time he wants to conspire. But this was not an occasion of conspiracy. Rather, he asked me about the cross-ownership issue. I was glad to tell him I was prepared to offer a provision. After all, I and the communications staff were watching, and the Washington lawyers were watching. There are many, many parties in both broadcast and newspaper ownership that are watching this issue very closely. There is a lot of money behind it. They appealed it to the Supreme Court in the 1970's, all on this fanciful pretense of freedom of speech and freedom of the press. The truth of the matter is that Associate Justice Marshall in his decision, which was an 8-to-0 decision—found that the cross-ownership rule actually enhances freedom of the press and freedom of speech, and protects against undue concentration.

So there it is. No one can complain that this is an unfair attack on Murdoch. He has known he was going to have to dispose of these properties for almost 2 years in the case of New York and 1 year in the Boston situation. Yet Mr. Murdoch has assumed the pose that he is somehow the aggrieved party. His media voices have trumpeted his point of view. Meanwhile, I was away most of early January and could not respond. It was assumed that the Senator from Massachusetts handled the cross-ownership provision, and that some kind of personal vendetta between him and Murdoch was involved.

Not so at all. Not so at all. On the contrary, I handled it. I take full responsibility for it and I stand by it today. I only wish we could get beyond the intramurals going on in Boston and New York. I understand the standpoint of the Senator from New York. I told him as I told the open media, that I never had the New York Post in mind.

I say to the Senator from New York I was prepared to bring up the cross-ownership provision in the Appropriations Committee, as I related to Senator INOUYE at the time. I said I had amendments on communications issues. However, Chairman STENNIS was saying no amendments, as the Senator from New York will remember, and I said I guess we would have to wait until we got to conference and put in the communications amendments there. So I had no idea of waiting until the last minute, not informing anybody. What's more, the fact is that the lawyers for Mr. Murdoch are extremely well informed. They know what is going on. They have been very cleverly positioning this thing for an appeal. It is clear that Mr. Murdoch has had no intention of carrying out what he pledged to the Congress some 2 years ago both by letter and by news release.

I hope we will not in an ill-considered fashion here do away with one of the last tried and tested rules that protects the interest of the viewing and listening public in the United States. The electromagnetic spectrum is scarce. It is worth millions of dollars. Yet those who use it pay absolutely nothing for it. They pay negligible fees to cover some of the administrative costs, but that is the extent of it. Television stations are often sold for prices as high as $300 million. One in my home town of Charleston sold this past year for $66 million, even though half of the viewing audience is out in the ocean. I can say with confidence that some $60 million of that $66 million was for the spectrum, and only some $6 million was for the equipment and property.

When you rent grazing lands you pay a fee. When you use other properties, for example cut timber, you pay a fee. Yet here we have the FCC which says let the market forces operate, do not pay any fees, let them come in willy-nilly as they wish, and act as though competition is going to control the industry.

We had concentration of the media in Charleston, SC. The newspaper had to sell a radio station in my home town. So it was here in Washington. Mr. Joe Albritton had to sell the Washington Star. Katherine Graham of the Washington Post had to dispose of a television station. Conscientious business people in South Carolina, in all 50 States, have been complying with this rule without objection. Likewise, initially we had no objection from Mr. Murdoch. Yet rather than conform with his commitment to sell the papers, he has now launched a frontal assault he has come around on the cross-ownership rule through the proxy of his Freedom of Expression Foundation. Through its appeal to the courts, the foundation claims that somehow it is unconstitutional to prevent the FCC from repealing the law. It is up to us in Congress to maintain the law.

This will not change anything but keep the law and the policy intact which has been tried and proven and found constitutional by a unanimous Supreme Court.

Mr. D'AMATO addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Mr. President, let me first take this opportunity to say what I have said privately and sometimes not too privately, that there is no Member of this body for whom I have a greater respect who calls them the way he sees them. Indeed, I have said repeatedly that if the Congress of the United States and if this administration in 1981, rather than engaging in a political exercise, rather than engaging in an exercise of demonstrating its power and at times even going to great lengths to embarrass the Speaker of the House and obtain pyrrhic victories, were to have supported the proposals put forth in good faith in a bipartisan manner by my friend and colleague, the Senator from South Carolina, Senator HOLLINGS, to freeze spending across the board, we would not enjoy a $150 billion plus deficit and worry about what is going to take place 2 months from now when the figures come in and we have to revisit the question of targets, et cetera.

He has the courage to stand and to articulate and take positions that are not just for political expedience or for his own aggrandizement.

Having said that and having had the opportunity for 7-plus years to work with a good friend and colleague, I am forced to disagree as it relates to what has taken place in terms of the passage in the continuing resolution of that provision which no longer will afford the FCC the opportunity as it relates to the fairness doctrine to grant waivers. And let me suggest to my friend that I understand the frustration of dealing with a recalcitrant administration or a commission or a body. Lord knows, we have anguished together on numerous occasions as it relates to the FCC, as it relates to their treatment of the fairness doctrine, as it relates to the minority ownership concepts, and I undertand his outrage. This Senator has had similar experiences, if not with the FCC, certainly with the Nuclear Regulatory Commission, which disregards its own rules, that sets them aside willy-nilly. And I, too, have offered legislation at times to curb their appetite. I have not been successful, and so I understand his feelings for what is a misapplication in many cases of what the spirit and the intent of the Federal communication law should be.

Let me make an appeal, an appeal for fairness, to say that as we look at the 1975 provision which was adopted by the Commission, that rulemaking provision—that was a rule, the expressed policy of which was to say, one, we want to promote the diversity of viewpoints and, secondly, the preservation of competitive advertising markets—that to pass this legislation, this killer legislation that removes from the FCC the ability to grant waivers does not accomplish that.

Now, let us look to the facts, whether they were intended or not. Is this a market that will be enhanced as a result of forcing publisher Rupert Murdoch to make a decision to divest himself of the Post or his media properties? As a practical matter, he is not going to divest himself of ownership of Fox. He is just not going to do it. And what do we have in New York? The New York Times, the Daily News, New York News Day, Staten Island Advance, and the New York Post.

Now, let us look at the circulations of these papers, the profitability of these papers. In every one of these cases we find that every one of the other papers is earning substantially more than the New York Post. And so we have a newspaper that is being subsidized by a publisher and some have indicated to the extent of $15 to $17 million a year. And unless he has that ownership it is unlikely, notwithstanding the offers that have been put forth, that someone is going to continue to subsidize this newspaper indefinitely, as Rupert Murdoch has to date.

What do we accomplish by seeing to it that the FCC has no discretion to look to see whether or not the principle established in 1975 and that was adjudicated and held up, as Senator HOLLINGS has indicated, by the Supreme Court in its decision of 1979 that, yes, indeed, the FCC has the obligation and the authority to see that there is diversity, to see to it that there is a preservation of competitive advertising markets, has been abused?

I suggest to you that as it relates to whether or not the FCC has abused this particular provision, I have failed to see where anyone can demonstrate that they have abused it. I fail to see one case that anyone makes on the floor of this Senate or anyplace else where they can say that the FCC has abused this particular provision, that somehow it flies in the face of competition, fairness, that this is not what the rulemakers in 1975 intended. Indeed, let me point out that there is a community within my same State of New York called Watertown, and there was a newspaper owned by the Johnson family and that same family owned WWNY-TV, the only television station.

By the way let us look and see what New York City has in terms of television stations. It has CBS, it has NBC, it has ABC, it has CNN. Indeed, WOR operates across the river and has crews working in the city, and it has, if anything, the smallest of the stations, channel 5, Fox Television, owned by Murdoch.

Now, I suggest to my colleagues that there is every reason to believe that if a hearing were held, that any responsible, reasonable FCC Commissioner would say that a waiver should be granted. And I have been following the proposed sale. It is not an issue that there is someone ready to buy. The issue is whether or not there is a preservation of competitive advantage, the issue is, are you providing a monopoly as it would have been in the Johnson case in Watertown? Because there the Board refused to extend a waiver and the matter was litigated through the courts. As my friend from Connecticut well knows, the Supreme Court, the final arbiter of these situations, decided that the FCC was within their rights and, furthermore, the fact was that there would not be competition; that you would have, indeed, one common ownership that would control all of the local TV, as well as the printed media, as well as the radio communications. Therefore, pursuant to that decision and under the FCC's cross-ownership rules, they divested themselves of the television and radio properties.

I am not going to go into the fact that the Tribune company has television stations and is grandfathered in, that the New York Times has television stations, radio stations grandfathered in. The fact is that this provision was hastily put forward. I am not going to argue about what has taken place with respect to the operation of the FCC, and I share my colleague's concern that the fairness doctrine, the principles of giving and encouraging minority ownership as it relates to a nation's airways be one that we support.

It is not fair not only to the workers at the New York Post but, more importantly, to the citizens of this Nation. It certainly puts this Congress in the position where it looks like freedom of expression is OK as long as you support my position. Freedom of opinion is all right so long as you do not harpoon me because I am going to suggest that this was a harpoon job. And whoever wants to take the credit for sending that harpoon, take the credit. I do not believe that my colleague from South Carolina for 1 minute believed that this affected any properties outside of Boston. And I know that to be the case because he has indicated that to me. But there were others who were aware of it.

Now, we have 535 Members of this Congress. It is simply not fair that only 1 out of 535 was absolutely aware of the magnitude of this legislation. And it does affect people in my area, but whether it does in New York or any other place really is a secondary issue. It is an issue of fairness. By God, could you imagine if each and every one of us had our opportunity to close or to force to sale or divestiture that news organ that happened to be working us over. I would hate to think what would happen to the people of New York when I got irked or piqued. There would not be any newspapers left.

After all, they have done their job. They have taken me to task, as rightfully they should, and maybe sometimes unfairly in my eyes; and that is why the framers of the Constitution when they came together talked about protection of the press, liberty, and free speech so that we do not have this kind of situation taking place.

I may not have drafted this legislation with the ardor and the fervor of my friend, Senator SYMMS, as it relates to some of the suggestions of the sense of the Senate, et cetera. Certainly, I support the basic overall principle and philosophy to say let us go back to the law of 1975. Let us let the FCC do its job and encourage it to do it in the open and clearly. I support the contention of my friend, Senator HOLLINGS, as it relates to some of their activities in other areas. They have not and it has not been demonstrated that they have applied or failed to apply this doctrine fairly as being established in 1975. Indeed, the Johnson family, notwithstanding their power, notwithstanding their attempts to continue to maintain ownership of the Watertown Times and the local TV station, was forced by this Commission to divest. As the Senator indicated, that basic decision and premise was supported by the Supreme Court. That is not the case here. I would think that if we want to argue this out, then let us do it on the merits of whether or not there should be any waivers of these provisions granted at any time and as it affects this one person. Then let us do it as we are doing it here. Let us do it on the merits, on the record, so that there is no misunderstanding as to what properties are covered.

So while I have the greatest admiration for my dear friend, I would hope that he would reconsider this one provision as it applies in this case and goes far further than even he recognized at the time. Regardless of the outcome, I thank him for his fairness and again I state for the RECORD, I know that FRITZ HOLLINGS has absolutely no idea that the language in the legislation would affect the people of New York, in this case, the oldest newspaper in America, the New York Post.

It certainly does not present any challenge to the fairness doctrine or to the doctrine of diversity. As a matter of fact, many people look forward to it for comic relief. Its flashy headlines will be missed. Its diversity of opinion is something that I believe is good for this Nation, whether or not you agree with their editorial policy or the factual content contained. That is a judgment that the people who purchase and read or choose not to read should be allowed to continue to make.

I yield the floor.

Mr. SYMMS and Mr. WIRTH addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Idaho.

Mr. SYMMS. Mr. President, thank you. I will be very brief.

Mr. President, I have here in my hand the legislative and administrative message that accompanied the President's excellent State of the Union Message Monday night. I want to read very briefly two paragraphs of that.

This administration has sought to promote the free flow of information among individuals by freeing the telecommunications

industry from intrusive Government control. In this "age of information" America risks losing its position as the world's leader in information and telecommunications technology—not because we lack the talent, the resources of the will, but because we have needlessly regulated our telecommunications industry.

It goes on with one paragraph about the fairness doctrine, which is not at issue here, and then another paragraph that says:

One area where the first amendment rights have been dealt a serious blow is the recent codification of the "cross-ownership" rule. This last-minute appendage to the continuing resolution prevents owners of newspapers and broadcast stations from even seeking a waiver of the rules and thus violates their first amendment rights. This change could force the closing of newspapers. I strongly support measures to repeal the legislative cross-ownership restrictions that inhibit rather than change the free market of ideas.

Mr. President, the letter that I have just been passing out here on the floor is a very brief explanation for our colleagues use when they are going to be asked to vote on this amendment very soon, I believe. It just very simply—I call to the attention of my colleagues—explains what the issue will be. Very simply the issue is, should the Senate, by not changing what was done in the continuing resolution, the conference report, force the death of one and possibly of two major American newspapers? As it now stands, the New York Post will be forced to be sold within 45 days following a judgment by the D.C. Court of Appeals. This means that one of the largest newspapers in the country would have to be sold in less time than most of us would normally take to sell our home. This result in my judgment can only chill the exercise of the first amendment rights by the American press. Whatever the motivation of the participants, this is not the procedure by which a fundamentally important decision should be made.

So I urge my colleagues. This is the first opportunity to have an amendment of this sort to correct what I believe was an error that was passed late in December with the rush of Christmas upon us. And I think it would be possible for us to support this amendment and correct what I would consider to be a mistake.

I yield the floor.

Mr. WIRTH addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Colorado.

Mr. WIRTH. Thank you, Mr. President.

I do not want some of the comments that have gone on earlier to go unattended, and I want to make sure we know what the real story of the record is here.

As the Senator from South Carolina pointed out, I had the privilege of chairing the House Subcommittee on Telecommunications for a number of years and spent a great deal of time on this particular situation, the request by Rupert Murdoch for a waiver. This is not a new issue. It has been around for a long time. As has been clearly pointed out, this is not a sneak attack in the middle of the night. This is not an obscure provision tucked away in the recesses of a conference report that nobody knew about.

Anybody who has been watching the history of American broadcasting over the last 3 or 4 years has been acutely aware of the request of Mr. Murdoch for a waiver. In fact he has been granted a waiver and in fact that waiver has been given. Most people have been aware of the fact that it is pretty clear that he was going to come back and ask for a permanent waiver and not the temporary waiver he said he was going to ask for. There is a long history of this. There is nothing new about it whatsoever.

In the earlier comments by my colleague from the State of New York, he talked about fairness. Let us talk about the fairness and the fairness of the situation. The fairness is everybody else in the country has complied with these rules except Rupert Murdoch. That is the situation. Everybody else has complied. Reference was made to what happened here in Washington, what has gone on in South Carolina, what has gone on in Chicago, and what has gone on in a whole variety of places. Everybody else has complied with the cross-ownership rules except this one individual. Who is he to think that he is going to be able to sneak around this set of rules whether he sets up a nonprofit organization, a tax fairness, and advocates his position, whether he goes around with a lot of very high-powered Washington lawyers, or whatever, and that one man is going to be able to obviate these rules. I do not think that is fair whatsoever.

Right in the center of New York, for example, in the State of the earlier speaker, CapCities purchasing ABC complied with the rules. CapCities divested itself of and divested itself very honorably, knowing full well what the rules were going to be. We expected CapCities, an honorable American corporation, which they were, to divest themselves and they did it and did it very, very constructively. Why in the world would we require that of CapCities, ABC, and not require that of Rupert Murdoch, who arrived here from Australia, bought Metromedia, and goes around trying to get us to change the rules?

The one thing I can say for Mr. Murdoch is he did comply with the rules of becoming a citizen of the United States on ownership of Metromedia. We will give him credit for that. I do not think it is fair for him to be going around trying to make the case that he ought to be allowed to have this waiver while nobody else has had it.

Second, argument is made that somehow Mr. Murdoch is going to be allowed at the last minute to divest himself of that property. That is nonsense. The record is clear, and I put all the documentation in the RECORD last night, that Mr. Murdoch knew from the start he was going to have to divest, has known this for at least 3 years, and has not done so.

This is not something he is being required to do, as suggested in the memo handed to us here, that this is a 45-day fire sale, or whatever. Hardly the case. This is something that has been on the docket for more than 3 years. Mr. Murdoch has known that. Everybody else has known that.

In fact, a variety of people years ago went to Mr. Murdoch and said they wanted to buy the New York Post from him and could not get a response from him. What is that? He is so eager to sell the newspaper. Why did he not sell the newspaper?

It goes on to say in this that somehow we are forcing the sale of one of the Nation's largest newspapers. That is not the only alternative. Mr. Murdoch can sell the television station. He does not have to shut down the newspaper. He can sell the television station and get himself out of the cross-ownership bind.

The third point made in this letter, that this is chilling the exercise of first amendment rights by the American press, is a little hyperbole in making a case. But I think the fact of the 8-to-0 Supreme Court decision confirming the cross-ownership rules is certainly a resounding confirmation of that cross-ownership rule as being appropriate for the exercise of first amendment rights, reinforcing the fact that we have to have a lot of diverse choices in a democratic society.

We do not want to allow one or two companies or a handful of individuals to be a bottleneck for the expression of ideas in the United States.

This is not a new issue. Rupert Murdoch has known this for a long time. Everybody else has complied with this rule.

What this issue is about is whether one individual is going to be able to circumvent a clearly laid out set of rules and regulations, whether one individual is going to be able to end-run the intent of the FCC, the intent of Congress; whether one individual, having clearly stated he was going to divest, will be allowed to go back on his word.

I think we want to confirm what is in the continuing resolution, these rules and regulations which are absolutely consistent with what we have done for many years, and we should do that today.

I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). The Senator from New York.

Mr. D'AMATO. Mr. President, this does not force Mr. Murdoch to live up to the law. It is a codification of the rule, 1975, that was put forth, and that was affirmed by the Supreme Court. But it is more than a codification. It takes away the ability to grant the waiver. That is clear. That existed under the law.

When we begin to say that somehow that waiver provision may or may not be exercised as to someone we may or may not like, that is wrong.

If the FCC has abused it, then demonstrate where they have abused it. I have not heard that. My friend from Colorado has not given one example. If you want to say it is an abuse to give him an extension as it relates to a property that is losing $15 million a year—and I heard everybody is going to buy it, from Mr. A to Mr. Z. It is one thing to say you are going to buy it and it is another to put up your money and, if you are going to buy it, to run it as a newspaper. I do not know how many people in this country would run a newspaper and lose $10 or $12 million in a year.

What is it? We do not like him? He is intolerable? He is an ultraconservative? He is an Australian? My family came from Italy. Does it mean because you came from Australia or some other place you are not an American citizen, you are second-class? The greatness of this country is the diversity of its people.

An Australian—you ought to be ashamed of yourself, my colleague, in referring to something like that. He is a U.S. citizen. I resent it. I think it is wrong. It is out of place, absolutely. I wonder if you would take on the New York Times that way. It ought to be interesting to see.

I think it is rather interesting in that the media, even those who do not like Rupert Murdoch and his property, have said that what we have done is wrong, a sneak attack. It is an attack against the very foundations of our Founding Fathers—freedom of the press. It is an abuse of the authority and power we have.

If the FCC rules one way or the other and we do not like it, let us challenge it in court. If you want to say we are taking away their ability to make those decisions, that is what we are doing. We are saying in no way should it be granted under any condition without having the facts. Let him put forth his case. Maybe the FCC will buy it or reject it. Maybe in our analysis we will find it hogwash and will say no longer should the FCC have the ability to grant the waiver, whether it is a temporary or permanent waiver.

We have targeted one person and one person only. This is not a principle of law you are going to apply to everyone, but it should be a principle.

The fact is that I think probably and most likely the FCC would have granted a waiver. Look at the facts: the New York Post losing millions. You have somebody who is willing to operate it. It does not challenge the dominance in terms of news diversity or control or advertising revenues, and certainly the television station does not.

Who are we to say to somebody: "You must sell this one, that one," when the very principle of the law that came about, the rulemaking in 1975, was so that we do not impair that diversity?

We are closing down another avenue, because I expect that within 2 or 3 years, regardless of who purchases this paper, if Murdoch could not make it go, the chances are that no one else will make it go. But that is not the law, and that is not what the law in 1975 was intended to do, to say you must sell. It does not say you must sell. It has granted waivers specifically.

Murdoch has gotten those waivers. Chances are he would get that waiver every 2 years from here on down, and some people may not like it or his editorial policy, and now they choose to take away the discretion that was in the law for the FCC to say whether or not it will grant the waiver. We have removed the discretion from the FCC to grant the waiver.

I think we did it in the dead of night, and there was only 1 Member in 535 in Congress who knew all the implications, and only 5 Members out of 535 in the House and the Senate who even were aware of the provision. Shame on us, but shame on those who have taken advantage of the manner in which we have relied upon each other as it relates to the legislative process.

I yield the floor.

Mr. WEICKER. Mr. President, first, let me express my unbounded admiration for the distinguished junior Senator from New York in eloquently presenting his side of the argument, one that certainly has a great deal of merit.

No. 2, I think it is necessary in any sort of debate of this nature to declare any personal matter that might influence one's decision.

I have to say that I would hope that that is not clouding my own view on the issue as a whole, which I will get to in the second part of my comments. But as one who, by innuendo, has been dragged through the mud by Mr. Murdoch, as one who woke up one morning to read that I had a Communist spy nest in my office because a young intern, unpaid, happened to talk to somebody on the streets of Washington, I can assure you that when it comes to media ownership in the United States, my doubts have nothing to do with his citizenship. I just think he probably is the No. 1 dirt bag owner of any publications or electronic media in this Nation.

I have seen Mr. Murdoch do this to person after person after person, and it has nothing to do with being conservative or liberal. He applies loose standards of language and of terminology to individuals who have caused a great deal of hurt among many, many persons; hurt which is unwarranted. And maybe he has made money, but to me an individual is more important than property.

Second, obviously Murdoch has done well in the United States, and the Senator from New York is absolutely right. That is what this Nation is all about. Obviously he has done well by the policies of the FCC because he has gotten waiver after waiver.

I have not really been able to understand why it is that he continues to go ahead and be excused from the applications of the law.

But the main point that I want to make here today to my colleagues is that the year is 1988. The Grove City decision was handed down in 1984. For 4 years, blacks, women, the elderly, the handicapped have been in the legislative line for their turn on the floor of the U.S. Senate or the House of Representatives, for 4 years, through both Republican and Democratic control of this Chamber. When the Republicans controlled it they tried to ensure that this legislation did not come up; when the Democrats controlled the Senate last year, they were afraid to have the Grove City bill come up because it was going to be controversial. But the bottom line is the same. All the weakest elements of our society have been waiting. Mr. Murdoch has not been waiting. For 4 years he has done very well by this Nation.

I realize we are going to have a lot of amendments to this bill, and I think probably most of them will be relevant to it, and they will be raising points that I disagree with, but that is neither here nor there.

I would hope we could attend to a particular need without clouding it up with extraneous issues.

I did not attend the State of the Union speech because I was with my children that night, but I watched it. Everybody roared with laughter when the President pointed to all the paperwork and procedures that bogged down the whole governmental system.

But what we have before us right now is a perfect example of why that happens. Here we have a valid piece of legislation which has been on hold for 4 years. For 4 years, these most disenfranchised elements of society have waited their turn.

Now is their day, and we have to be concerned with Rupert Murdoch?

So regardless of how we feel about Mr. Murdoch or waivers from the FCC, or media cross-ownership, I would hope that we would go ahead

and table this amendment not on the matter of substance, but on the fact that Mr. Murdoch gets his hearings day in and day out. He has his lawyers before the FCC and in court. He has Fox television and all of its publications with which to voice his opinion. He has a voice. He has the money. He has the opportunity, Whereas, the women, the blacks, the retarded, and the elderly who have been stripped of their constitutional guarantees, are still on the outside looking in.

I do not think this country has anything to apologize for in terms of giving Mr. Murdoch his due. Day after day after day, whether it is his opinion or his money, he has done very well.

The subject matters of this legislation have done very badly in the Nation, in its courts, and in its legislature.

I would hope at the appropriate time that this matter will be tabled for the reason that I have described and so that nobody comes back after me and says, "Well, you know Mr. Murdoch didn't like Weicker so Weicker is flying under false colors," I told you exactly what the problem is I have with Mr. Murdoch so we get that right up front. That is neither here nor there.

Really I have to tell you, I have desperately tried along with Senator KENNEDY, and I might add Senator HATCH, to get this piece of legislation before this body and if we take on every single amendment, and I realize it is our right to do so, and a very important right I might add, but I am asking, I am begging my colleagues to please forbear in this instance and let us get on to the business of Grove City.

Mr. HATCH. Mr. President, will the distinguished Senator yield for a comment?

Mr. SYMMS. Yes.

Mr. HATCH. If I can make this point, I think this matter has been debated at length. I think the distinguished Senator from Massachusetts would like to say a few words, but really the way to get rid of this is to vote on it. I believe we are prepared to go to a vote. If we can do so within the next 5 minutes, I think we can have the vote. If we do not, then the White House has called and asked for some time, and frankly I will have to delay it.

Mr. HOLLINGS. Mr. President, if my distinguished colleague from Idaho will yield, I would not want to cut him off. I am prepared to move to table. The reason I do that is I understand the Nickles amendment is in the second degree. The Symms amendment in the first degree.

So the way to get a direct vote on the Symms amendment is simply to move to table. I am prepared to do that when the Senator agrees. I am not going to do it before he says go ahead and do it.

In the light of what the manager of the bill says, I am ready to vote either now or after he makes his comment.

Mr. SYMMS. I might say, if the Senator will yield——

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. SYMMS. I thank the Chair.

Mr. President, I just want to say one very brief thing about the comments of my good friend from Connecticut.

I think the one point we have to make is that the clock is ticking on what is going to happen with respect to the New York Post and this is an opportunity to settle the issue.

Point No. 2, I would say to my colleagues and the distinguished manager and minority manager, and Senator HOLLINGS, if it would be the preference of the committee to temporarily set this aside and go ahead with the bill I would have no objection to it and maybe we could work out an accommodation on it.

If people are going to just hide behind the civil rights bill and not have a clean vote on this, I am not pushing and do not want to push my colleagues on the issue, but I also have no objection to voting on it because if it is voted down, if it is tabled, then there is an opportunity later in this legislation to bring it up again in another form.

But I would say to my colleagues to remember that the clock is ticking and if they vote on this issue thinking that they can say, "Well, we didn't want to clutter up the Grove City bill," that is not the way that it should be interpreted, and we should vote on this issue for what it is and I think we are all aware of what the issue is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are about to vote, and so I would like to make just a few brief points.

First, there is ample justification for the action we took in the continuing resolution last December to preserve the cross-ownership rule. Rupert Murdoch does not deserve to be the only publisher in America who can buy a television station and keep his newspaper in the same community.

Second, the cross-ownership rule and its emphasis on diversity of viewpoints are more important than ever now, in light of our unsatisfactory experience with the FCC and the repeal of the fairness doctrine. Broadcasters are no longer under the constraints of the fairness doctrine to present opposing viewpoints, and the cross-ownership rule, with its focus on diversity, can help to fill the gap.

Diversity is the issue. Some of our opponents in this debate are confusing monopoly and diversity. No one claims Murdoch has a monopoly in New York City. What he has done is reduce diversity. It's a fundamental first amendment principle, and it's been affirmed and reaffirmed by the Supreme Court. Newspapers should not be able to buy television stations in the same community.

Third, there are serious buyers for the New York Post. No one is trying to close the newspaper. The issue is whether Rupert Murdoch is prepared to obey the law, and become a willing seller. He may be a powerful publisher, but he is not a power unto himself. He should play by the same rules as everyone else.

Fourth, the Senator from Idaho is wrong on the facts. There is no immediate crisis facing the New York Post. The March 6 deadline is no longer in effect. The Court of Appeals for the District of Columbia has stayed any FCC action affecting that newspaper until 45 days after the court rules on Murdoch's legal challenge.

Fifth, with respect to adding this provision to the continuing resolution, the Symms amendment is the height of hypocrisy. As we all know, in closing days of the Senate session last month, dozens of riders were added to the resolution, conferring various special benefits on various special interests. Yet the Senator from Idaho is seeking to repeal the only provision that does not confer a benefit, but that steps on the toe of a special interest.

Make no mistake about it. Whatever Senators may feel about the procedures governing the continuing resolution, the cross-ownership amendment was in the public interest. It was designed to protect the public interest and stiffen the backbone of an FCC about to buckle before the onslaught of a powerful special interest named Rupert Murdoch.

And as Senator HOLLINGS has indicated, the amendment was not added in the dead of night, but in the glow of morning, a full week before final House and Senate action on the conference report. And throughout that week, the Senator from New York, Mr. D'AMATO, was a member of the very conference committee that approved it.

Finally, this amendment does not belong on this important civil rights bill. Many of us in both parties have worked hard to bring this underlying legislation before the Senate, and it should become a vehicle for extraneous riders such as this. I hope the amendment will be resoundingly defeated.

I respond to the Senator from Idaho.

Quite frankly, this legislation will probably take 3 or 4 months before it is ever completed in any event. The House of Representatives has a long and trying hearing and debate to look forward to. I am very hopeful that we

will get this legislation passed within the next 4 or 5 months, but in terms of the relevancy of time, that should not be persuasive in terms of the membership.

I have a brief statement, but to comply with what I understand is going to be absences with a number of Senators on their way to the White House, I would like to get this resolved, and I see my colleague from South Carolina on his feet, hopefully for the purpose of either voting or——

Mr. SYMMS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

Mr. SYMMS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and statement from the mayor of New York.

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

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, January 5, 1988.

Hon. STEVEN D. SYMMS,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR STEVE: I am writing to you about a matter of deep concern—the unconscionable action by Senators Kennedy and Hollings in adding language, in conference, to the appropriations legislation that could spell the end of two major American newspapers and cost 2,000 people their jobs.

This tactic, in circumventing the normal legislative process, undermines our democratic foundations. It is an assault on the freedom of the press and unworthy of the men who perpetrated it. The excuse that the action was directed at the situation in Boston is hardly acceptable. And the decision not to inform New York legislators about language affecting their constituents is, at the very least, a breach of legislative courtesy.

I have detailed my position on this matter in the accompanying statement, and I urge you to support Congressional action to undo the damage.

A personal political vendetta cannot be a justifiable reason for government to force a publisher to sell or close his newspapers. One's feelings about The New York Post or The Boston Herald should play no role in determining government's relationship with their publisher. The FCC has a legitimate role to play in making a determination about broadcast licenses. It should be allowed to play that role.

Aside from the gratuitous assault on the freedom of the press, this episode is a blot on Congress' reputation for fair dealing. The legislative process is tainted, perhaps fatally, when procedures are used to prevent consideration in public of important matters. It is not too late to recognize that a serious mistake was made and to reverse it.

Time is of the essence.

All the best.

Sincerely,

EDWARD I. KOCH, *Mayor.*

THE WORST AMENDMENT

(By Edward I. Koch)

Since the earliest days of journalism, the power of the press has been fighting for survival against the powers of oppression. The Sandinistas, for example, shut down La Prensa. But sometimes the enemy is closer to home.

Last month several members of the United States Senate launched a sneak attack on the First Amendment by furtively passing legislation that forbids the Federal Communications Commission from considering waivers to the rule prohibiting cross-ownership of a newspaper and television station in the same market. The target of this underhanded assault on open government was Rupert Murdoch, owner of the New York Post and WNYW-TV in New York, and the Boston Herald and WFXT-TV in Boston. The purpose of the FCC regulation is to keep one owner from dominating competing news media. The purpose behind sneaking the FCC amendment through Congress was to avoid detection of an outrageous mugging of the public interest.

Instead of debating the issues on the Senate floor, thus giving New York Senators D'Amato and Moynihan a chance to express their opposition, Senator Ernest Hollings of South Carolina acted in the dead of night. He introduced the anti-Murdoch legislation directly to a House-Senate conference committee. By the time our New York delegation discovered that Senator Hollings had short-circuited the legislative process, it was too late.

For some strange reason, however, Senator Hollings did remember to notify Senator Kennedy of Massachusetts that he was introducing a bill "aimed directly" at Rupert Murdoch, who would be forced to sell his papers in Boston and New York. Later it turned out that the trail of ink-stained footsteps led straight to Ted Kennedy's door, and that he himself had encouraged Senator Hollings to do what he did. It's not hard to figure out why. Mr. Murdoch's Boston Herald, like his New York Post, generally supports the conservative end of the political spectrum. The Herald has been a constant critic of the liberal Senator Kennedy. It's not surprising he'd like to see it sold to another owner. What is surprising, however, is that a staunch advocate of liberalism would subvert liberal principles in the name of hidden self-interest.

It has been liberals who most fervently defend the rights of a free press. Voltaire set the standard when he said, "I may disagree with what you say, but I will defend to the death your right to say it." Now we'll find out how many Voltaires we have on Capitol Hill, and among the Presidential candidates.

I happen to like both Rupert Murdoch and the New York Post. There are those who will cynically suggest that I am supporting Murdoch because he supported me. Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress. If a fascist gang broke into the Post and burned the building to the ground, we would be up in arms at this blitzkrieg against the press. Should we be any less concerned if the same result is achieved by secret deals in Washington?

Under previous regulations, the FCC had the latitude to make exceptions to the rule prohibiting one owner from running a broadcasting station and a newspaper in the same area. Such waivers recognized that conditions vary from city to city. In New York City, for example, The New York Times owns WQXR radio. The Daily News and WPIX-TV are both owned by the same company. These cross-ownerships are permitted because they were grandfathered in when the new FCC regulations took effect. Does anyone seriously believe that such ownership in any way constitutes a monopoly of the media? Of course not. We have dozens of radio stations, and dozens of television and cable channels that represent every conceivable facet of public opinion. In such a market, worries about monopoly of the press are unwarranted.

The former FCC rule recognized that hard and fast laws against ownership of a newspaper are likely to be incompatible with the First Amendment of the U.S. Constitution, which guarantees freedom of the press. Waivers were appropriate when local conditions called for them. Rupert Murdoch was appealing for such waivers in New York and Boston. I think he deserves them. New York City has four daily papers to serve a population of over seven million. Among them, the four dailies cover the complete range of news stories and political viewpoints. Were we to lose any one of them, it would be a blow to the entire city.

It should be noted that the Post has been running a large annual deficit. Rupert Murdoch is keeping it going anyway. I think he deserves our thanks and gratitude. If the Post and the Herald succumb to this submarine attack from Washington, thousands of employees could lose their jobs.

I am calling upon every presidential candidate, Democratic and Republican, and upon President Reagan himself, to urge Congress to immediately reconvene and undo this deplorable act. I will support no candidate—in either the primaries or the general election—who does not join in this defense of the First Amendment. I urge others to take the same stand. The Kennedy-Hollings bill has defamed our legislative process and undermined our freedom of the press. The anti-Murdoch bill is a direct attack on a cornerstone of American liberty. It must be repealed. Let the FCC make its determination based on the merits of the case. Senators Kennedy and Hollings should recognize the harm they have done, and lead the effort to overturn their ill-advised legislation. Rupert Murdoch is an American citizen. The fact that he came from Australia does not mean he deserves to be the victim of a kangaroo court in the halls of Congress.

Mr. PACKWOOD. Mr. President, yesterday I spoke briefly about the cross-ownership rules, expressing my concern about the possible connection between the decline in daily newspapers in this country and the current cross-ownership rules. I also indicated my interest in seeing this issue reviewed—by the Federal Communications Commission and by the appropriate committees in Congress. Unfortunately, language in the continuing resolution prevents the FCC from conducting a study of the cross-ownership rules this year.

This Symms amendment repeals this language, allowing the FCC to look into the cross-ownership rules. Mr. President, I support the concept of this amendment because I do believe this issue deserves review. However, I am also a cosponsor and strong sup-

porter of the underlying bill, the Civil Rights Restoration Act. Our goal on this bill is to pass it without substantive amendments. Although the Symms amendment does not specifically address the subject of the Civil Rights bill, I fear if the amendment is adopted at this time, it would send the wrong signal to others who might have amendments that they could offer to this bill.

Therefore, consideration of the Symms amendment at this time is premature. However, if other amendments are adopted to the underlying bill, I would reconsider my vote on this amendment. At this time, I must vote to table the Symms amendment.

Mr. RUDMAN. Mr. President, the Symms amendment would repeal a provision in the 1988 continuing resolution that reaffirms the regulations of the Federal Communications Commission prohibiting the common ownership of a daily newspaper and a television station in a major media market.

I support the common ownership regulations—regulations in effect since 1975. They are designed to prevent the concentration of power in the hands of large corporations or individuals, both to conform with antitrust policy and to provide for a diversification of the sources of public information. However, the current members of the Federal Communications Commission do not seem interested in protecting the public interest in receiving a variety of views and opinions. They proved this last year when they voted to abolish the fairness doctrine.

Senator HOLLINGS has been a leader in the effort to attempt to convince the Commission that it has a responsibility to protect the public interest—not just the interests of a few powerful corporations. When he proposed that we reaffirm existing policy in this area to prevent a repetition of the kind of action the FCC took concerning the fairness doctrine, I agreed. The provision is consistent with my views on antitrust policy and on the need for diversity among the major sources of public information.

Regarding the impact of the provision on the Boston Herald and the New York Post, it's worth noting that the individual who controls these newspapers was well aware of the common ownership regulations when he bought television stations WFXT in Boston and WNYW in New York. Indeed, enforcement of the regulations was waived for 18 months for the Boston station and 24 months for the New York station in order that he have time to comply.

While I support the common ownership regulations and believe they should be retained, I would support a modification to allow waivers to be granted to prevent the closure of a newspaper. The regulations are designed to encourage diversity, not eliminate competition. However, the granting of such waivers should be the exception and not the rule, and should be subject to carefully drafted guidelines.

Mr. KERRY. Mr. President, the issue before us today raises a number of important questions, but none are so basic—or as clear cut—as this: Do the FCC's cross-ownership rules represent an unconstitutional assault on the first amendment protections of the freedom of the press?

The answer, Mr. President, is equally clear. It does not, and a review of the Court opinions on this matter make this perfectly clear.

The Federal Communications Commission's broadcast newspaper cross-ownership restrictions bar the initial licensing or the transfer of newspaper-broadcast combinations where there is a common ownership of a radio or television broadcast station and a daily newspaper located in the same community. These regulations were adopted in 1976 after a rulemaking that began in 1970, and are part of a carefully developed body of policies developed over many years to ensure that the Nation's broadcast spectrum serves the public interest.

The cross-ownership rules were challenged in court immediately after they were published by a group calling itself the National Citizens Committee for Broadcasting. Both the D.C. Circuit Court of Appeals, and the U.S. Supreme Court upheld the cross-ownership rules in no uncertain terms. Both found that the FCC had acted within its authority in imposing the rules, and that, indeed, the rules themselves did not violate the first amendment rights of newspaper publishers. The decision was not even a close call.

The decision bears careful reading. The court noted that in setting its licensing policies the FCC has long acted on the theory that diversification of mass media ownership serves the public interest by promoting the diversity of program and service viewpoints as well as by preserving undue concentration of economic power, and that the cross-ownership restrictions were a reasonable and appropriate means of fulfilling the congressional mandate contained in the 1934 Communications Act to allocate the limited broadcast spectrum in a manner consistent with the public interest.

In rebutting the claims of those who argued that the cross-ownership rules violated freedom of the press, the court pointed to the precedent established in the 1969 case upholding the fairness doctrine—Red Lion Broadcasting Co. versus FCC—when it ruled:

> The contention that the first amendment rights of newspapers are violated by the regulations ignores the fundamental proposition that there is no unabridgable first amendment right to broadcast comparable to the right of every individual to speak, write, or publish.

The court noted that the cross-ownership rules do not prevent a newspaper publisher from broadcasting in another community, nor do they single out newspaper publishers for more stringent treatment than other owners of mass media under various cross-ownership rules. In the words of the court:

> Far from seeking to limit the flow of information, the FCC has acted to enhance the diversity of information heard by the public without on-going government surveillance of the content of speech.

This final point is critical, because the court's rulings on first amendment issues within the context of FCC regulation of the broadcast spectrum have repeatedly emphasized the same point: In light of the physical limitations of the broadcast spectrum—and the fact that there are many more persons who wish to broadcast than may do so—"The right of the viewers and listeners, not the right of the broadcasters * * * is paramount." To again quote the Red Lion case the court has clearly ruled that in these circumstances, the FCC is correctly carrying out the intent of Congress when it insures "the widest possible dissemination of information from diverse and antagonistic sources."

It is important to note that the appeals court—while upholding the FCC's authority in this matter, and the constitutionality of the rules—did note that difficulties could arise when the FCC implemented the rules in a manner which is arbitrary and capricious. And the appeals court found that the "grandfathering" of a large number of existing broadcast-newspaper combination by the FCC when it implemented the rules in 1976 was indeed suspect, and it ordered the Commission to review its rules in this regard.

Thus, the constitutionality of the cross-ownership restrictions could not be more clear: Both courts ruled that the rules are authorized, and do not represent an unconstitutional intrusion of the first amendment. The only matter on which there was any disagreement concerned the perception that the FCC had acted in an arbitrary and capricious fashion by applying the rules to certain parties, while exempting others. Yet this is exactly what is being proposed by those who seek to grant special status to the broadcast licenses held by the News America Corp.

Mr. President, it seems abundantly clear that if we truly seek to preserve the neutrality of these rules—and thereby the constitutional foundation on which they rest—we must insure that they are scrupulously enforced upon one and all to whom they apply.

And Mr. President, there can be no doubt that this, and only this, was the purpose of the amendment which the Senator from Idaho now seeks to repeal.

Mr. President, in my opinion, the compelling and eloquent arguments put forth by the Nation's Highest Court are sufficient to justify the action taken by the distinguished Senator from South Carolina last month, and argue against the amendment before us today.

But so many other issues have been raised in this debate, I feel I must take a few moments to address them now as well.

First, there is the issue of process, and of the so-called "dark of night" in which this issue was allegedly incorporated into the continuing resolution last December. I have heard from many of my constituents over these last several weeks about this issue, and I feel I must set the record straight.

It is true that this issue was not the subject of debate on the floor of the Senate at the time the conference report on the commerce, State, justice appropriations bill was added to the corpus of the continuing resolution. It could have been * * * we were here, the lights were burning, and C-span was televising our proceeding for all to see. But there was no request for debate * * * the matter had been discussed—in broad daylight, in not one but two separate conference committee meetings which were open to, and attended by the public and those who represent their interests before us. The amendment had been discussed, and cleared by both Republican and Democratic House and Senate conferees. For better or worse, Mr. President, that is how we do business in a world of complex issues and precious little time.

I for one would prefer that events would have permitted us to take more time to debate more fully many of the important issues contained in the omnibus spending bill. I would have preferred, for example, that the issue of aid to the Contras be debated more fully—and not lumped into a "take-it-or-leave catch-all bill." I wish we had more debate on the fairness doctrine, which was, unfortunately, removed from the CR that same way that the cross-ownership provision was put in. And there are many other issues as well. But all of us understand this process, and it is disingenuous, I believe, to assert, as this amendment does, that the procedures surrounding the passage of the amendment "arguably constitute a violation of the Senate rules." All Senators know that at such times that the rule is unanimous consent—and that any Senator is always within his right to object—and the record will show that there was no objection to the provision at any time.

Another matter which has been raised is the fear that by virtue of the cross-ownership rules New York and Boston will suffer the loss of two newspapers. This need not be so, and it is becoming more clear each day. First of all, the rules do not require that the newspapers be sold at all; News America can just as easily sell off its broadcast properties in Boston and New York, and keep both papers. Just last year, an independent UHF TV station in Boston, WSBK, changed hands for $150 million—and we can presume that the prices paid for broadcasters in New York are even greater. News American purchased it's New York and Boston broadcasters at prices far below that, so that News America has already profited enormously by virtue of the temporary waiver that granted by the FCC in 1984 and 1985.

What if it choses to retain the profitable station licenses, must the papers fail? Absolutely not. Numerous offers have been made for both publications—the profitable Boston Herald is highly sought-after, and according to Monday's Wall Street Journal, even the money-losing New York Post has had four offers ranging from $30 to $35 million.

Finally, Mr. President, I want to address one last issue—an issue that is troubling indeed, and that is the question of how News America's chairman, Mr. Rupert Murdoch, can explain the 180 degree turnaround in his position of whether he would seek a permanent extension of the 1985 waiver. For more than 3 weeks the American people have been subjected to a tirade against this congressional action by a man who seemed genuinely surprised by the cross-ownership rule, and by the congressional insistence that he would have to abide by it as others have for more then a decade. Thus, I was shocked, Mr. President, when I saw the letter that Mr. Murdoch had written to our distinguished colleague from Colorado, Senator WIRTH, just 2 years ago, in which he stated in no uncertain terms that he shared a commitment to diversity and that he would live within its parameters.

THE CIVIL RIGHTS RESTORATION ACT AND THE NEW YORK POST

Mr. MOYNIHAN. Mr. President, on Tuesday, January 26, we began debate on S. 557, the Civil Rights Restoration Act of 1987. The Congress has been trying to pass this legislation for over 3 years. The bill deserves prompt consideration and should not serve as a vehicle for dealing with totally extraneous matters.

Yesterday Senator SYMMS introduced an amendment repealing the action taken in the continuing resolution prohibiting the Federal Communications Commission from extending any current waivers from its cross ownership rule. The result of this action may be to force the sale or closure of the New York Post, whose current waiver expires on March 6, 1988.

On the first day of the second session Senator D'AMATO and I introduced S. 1999, which would extend the New York Post's current waiver until January 1, 1989, and thereafter return the question of waivers to the jurisdiction of the FCC.

Our purpose is a simple one. To help ensure, if at all possible, the survival of the New York Post, and the jobs of the men and women who work for this paper. The amendment would provide the owner of the Post with the time necessary to find a suitable buyer committed to keeping the paper.

In order to accomplish these goals, legislation must pass the House and Senate and be signed by the President before March 6. The prospects for quick passage of the Civil Rights Restoration Act are uncertain. This legislation is not an appropriate vehicle for dealing with the New York Post's situation. It cannot succeed in time, and only serves to impede our efforts to pass this important civil rights bill.

Mr. HUMPHREY. Mr. President, I support Senator SYMM's amendment to repeal the measure which would selectively prevent the Federal Communications Commission from granting a waiver to preserve the Boston Herald and the New York Post.

Yesterday we heard extensive rationalization of why this targeted action should be regarded as a sound regulatory oversight measure rather than a law abridging freedom of the press. I am unpersuaded. The fact remains, as I understand it, that the only parties affected by the antiwaiver measure are the stations and newspapers operated by Mr. Murdoch.

I am not here to make a brief for Mr. Murdoch or his papers. I would note that they bring a point of view to the markets in which they operate which is decidedly different than that of the orthodox liberal papers with which they compete. They are aggressive, trenchant, and opinionated. That may disturb those who are the targets of their barbs; but that is exactly what the first amendment is all about.

The first amendment is intended to preserve robust, wide-open debate on issues of public concern. But the antiwaiver measure inserted in the last continuing resolution will suppress that robust, wide-open debate in the Boston and New York media markets.

One of Mr. Murdoch's papers, the Boston Herald, is distributed in my State of New Hampshire. I would not want to see the diversity this newspaper adds to my State undercut by legislation which was never actually considered by Congress.

Yesterday, opponents of the repeal amendment invoked the Supreme Court's 1978 decision in ECC versus

National Citizens Committee for Broadcasting as a justification for the anti-Murdoch measure. That decision had upheld the general constitutionality of the FCC's cross-ownership rules. What they failed to note was that the Court made several significant statements in that case which indicate why this targeted repeal of the FCC's waiver power presents a totally different situation. As the Court stated:

The issue before us would be wholly different if the Commission (were) to choose among applicants upon the basis of their political, economic or social views. Here the regulations are not content related; moreover, their purpose and effect is to promote free speech, not to restrict it.

Since the sole victims of the waiver-repeal measure were two newspapers reflecting political views often harshly critical of Members of this body, the question arises as to whether this legislative interference with normal FCC procedures may have been content related.

The Supreme Court made another important qualification in its decision upholding the cross-ownership rules. It went out of its way to stress that "waivers are potentially available from both the prospective and the divestiture rules in cases in which a broadcast station and a co-located newspaper cannot survive without common ownership."

But the measure inserted in the continuing resolution specifically deprived the FCC of the discretion to extend the Murdoch waivers. This action undercuts the very flexibility the Court cited as so important to sustaining the reasonableness of the cross-ownership rules. I think the Supreme Court's 1978 decision highlights the unconstitutionality of the anti-Murdoch measure, rather than demonstrating its validity.

Members of this body are rarely at a loss for words when first amendment rights are allegedly infringed by the two other branches of Government. I suggest that we should be honest enough to recognize that this branch unintentionally and inadvertently infringed on first amendment rights when it passed the antiwaiver provision in the rush to conclude our last session. We can cure this constitutional wrong by adopting the Symms repeal amendment.

Mr. HOLLINGS. Mr. President, the clock is not ticking. The lawyers are ticking and what has happened is they have already got a 45-day delay. They have already defeated the purpose of the waiver. They know how to maneuver the law. I hope they do not know how to manuever this U.S. Senate.

In that light, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is moving to table which amendment?

Mr. HOLLINGS. The Symms amendment.

The PRESIDING OFFICER. The Symms amendment.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina to lay on the table the amendment of the Senator from Idaho [Mr. SYMMS].

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 New Mexico [Mr BINGAMAN], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Kansas [Mr. DOLE] and the Senator from Wyoming [Mr. WALLOP] would each vote nay.

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

The result was announced—yeas 60, nays 30, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—60

Adams	Evans	Moynihan
Baucus	Ford	Nunn
Bentsen	Fowler	Packwood
Biden	Glenn	Pell
Boren	Graham	Proxmire
Boschwitz	Harkin	Pryor
Bradley	Hatfield	Reid
Breaux	Hollings	Riegle
Bumpers	Inouye	Rockefeller
Burdick	Johnston	Rudman
Byrd	Kennedy	Sanford
Chafee	Kerry	Sarbanes
Chiles	Lautenberg	Sasser
Cohen	Leahy	Shelby
Conrad	Levin	Stafford
Cranston	Matsunaga	Stennis
Daschle	Melcher	Stevens
DeConcini	Metzenbaum	Warner
Dodd	Mikulski	Weicker
Durenberger	Mitchell	Wirth

NAYS—30

Armstrong	Hecht	Nickles
Bond	Heinz	Pressler
Cochran	Humphrey	Quayle
D'Amato	Karnes	Roth
Danforth	Kassebaum	Simpson
Dixon	Kasten	Specter
Garn	Lugar	Symms
Gramm	McCain	Thurmond
Grassley	McClure	Trible
Hatch	McConnell	Wilson

NOT VOTING—10

Bingaman	Gore	Simon
Dole	Heflin	Wallop
Domenici	Helms	
Exon	Murkowski	

So the motion to lay on the table amendment No. 1381 was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1384

(Purpose: To ensure that the coverage under this Act does not extend to any part of a religious entity that does not receive Federal financial assistance)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1384.

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

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

The amendment is as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

On page 12 strike out "organization.'." and insert in lieu thereof the following: "organization.

" 'INTERPRETATION

" 'SEC. 909. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

On page 12, line 15, insert "(a)" after the section designation.

On page 14, between lines 11 and 12, insert the following new subsection:

(b) Title V of the Rehabilitation Act of 1973 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 509. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 14, line 13, insert "(a)" after the section designation.

On page 16, between lines 8 and 9, insert the following new subsection:

(b) Title III of the Age Discrimination Act of 1975 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 310. Nothing contained in this Act shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 16, line 11, strike out "section" and insert in lieu thereof "sections".

On page 17, line 22, strike out "assistance.'." and insert in lieu thereof the following: "assistance.

" 'SEC. 607. Nothing contained herein shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

Mr. HATCH. Madam President, one of the most critical issues posed by the expansive drafting of S. 557, and I mean expansive drafting, is the manner in which the bill would impinge on religious liberty. The amendment I have sent to the desk has but one purpose. It would make clear that in the case of churches and synagogues, Federal regulatory jurisdiction would extend over only the program or activity at the church which received the Federal assistance. In the cases of churches and synagogues would be applied in a program-specific manner. As drafted, S. 557 extends regulatory coverage to entire churches and synagogues.

This means that churches or synagogues that accept even a dime of Federal money to assist their community through programs such a shelters for the homeless or hot meal programs for the elderly, will expose even their prayer rooms and ministerial functions to Federal Government regulation.

I do not think anybody looking at this would fail to be concerned about that type of broad, expansive jurisdiction.

This coverage results from paragraph 3(B) of sections 3 through 6. Paragraph 3(B) subjects to coverage "all of the operations of * * * the entire plant or other comparable, geographically separate facility to which federal financial assistance is extended * * * any part of which is extended" such assistance. In the case of a church or synagogue operating a meals for the elderly program in its community room, the church or synagogue is a geographically separate facility. Moveover, because the meals programs would constitute Federal aid, the entire church or synagogue, including its prayer rooms and other purely religious elements, would be subject to the gamut of Federal regulation and its accompanying burdens and restrictions, including: Paperwork, onsite compliance reviews, the need to accommodate persons with contagious diseases, expensive accessibility rules, affirmative action requirements, and much more.

This is serious stuff. This bill impinges on religious liberty as badly as any bill I have seen come before this body, except for its predecessor bills, which, of course, have been estopped up to this time.

Indeed, coverage of these institutions goes even farther. A number of churches and synagogues operate housing for the elderly in the locality where the church is located. The housing is often built with Federal aid; often tenants receive Federal subsidies. Under this bill, not only would the housing project be covered, but also the church or synagogue, even if the latter receives no Federal aid. This is true for two reasons: first, the housing project is an operation of the church and under the language of the bill, whenever any part of the church's operations receive any Federal aid, all of the operations are covered. Second, according to the committee report, the term "geographically separate facility" does not mean just the one building where the Federal aid goes, it means all other buildings related in any way to that building in the same locality or even region.

There are even more ramifications for religious institutions under this particular measure. According to the plain language of this bill, when the church receives Federal social welfare aid to a non-education program and the church or synagogue also conducts an education program, such religious classes and instruction could be subject to title IX. This expands title IX beyond what anybody thought it was prior to the Grove City case in 1984. In fact, S. 557 could be interpreted to require that if the church or synagogue operates an educational program, and Federal aid goes to any part of the church or synagogue, the entire religious institution becomes subject to title IX, which addresses gender discrimination.

Once again, it is important to note that the coverage of churches and synagogues under S. 557 is not a "restoration" of laws. In fact, no evidence was presented to the committee that such broad coverage of our most basic religious institutions existed prior to the Supreme Court ruling in Grove City College versus Bell. Proponents of S. 557 were quite vocal in committee in their defense of this pervasive coverage of religious institutions. These are those who offer the bill here today. However, there is a fundamental difference between a church or synagogue on the one hand and a manufacturer or defense contractor on the other, a distinction which the majority cavalierly ignores.

In the past, Congress has recognized this difference and trodden most cautiously to avoid interfering with the constitutionally acknowledged activities of religious institutions. The proponents of this bill would have us discard such caution and expand the law to impose the Federal Government directly into the operations of the church—and they would do so despite a lack of any allegation of discrimination that would warrant such action.

Certainly, the threat of such regulation provides a tremendous disincentive to churches and synagogues who are currently serving their communities by providing these needed and valued services. Contrary to the views of the proponents of S. 557, I believe the Government should be encouraging religious institutions to assist in the provision of services to their constituents and communities. Churches and synagogues are often best informed about the problems of the needy and are generally in the best location to deliver services to them.

But even more important are the constitutional implications of the coverage of churches and synagogues under S. 557. Let me quote the first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

We must remember that of the rights protected in the first amendment, religion is recognized first, before speech, press, assembly and petition. These rights may be overridden only where their exercise poses a specific and immediate threat, not avoidable by other means, to some supreme public interest. *Thomas* v. *Collins*, 323 U.S. 516, 530-531 (1945); *Wisconsin* v. *Yoder*, 406 U.S. 205, 213 (1972).

William Bentley Ball is one of the greatest authorities on religious freedom in this country and has probably argued more cases before the Supreme Court on these issues than any other person.

As William Bentley Ball stated during the committee hearings on S. 557:

> One of the great reasons for strong protective language in statutes potentially affecting religion is the intolerable burden which may be visited upon a religious body of limited resources while in the toils of an agency blind to all but its own narrow area of "expertise" and *before* the first amendment claim can be aired in court.

Certainly, the free exercise clause of the first amendment is threatened by the broad coverage of churches and synagogues found in S. 557. As the Supreme Court explained in *Abington School District* v. *Schempp*, 374 U.S. 203, 222-223 (1963):

> The free exercise clause * * * withdraws from legislative power, State and Federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority.

Moreover, in *Wisconsin* v. *Yoder*, 406 U.S. 205, 220 (1972), the Court explained:

> A regulation neutral on its face may, in its application, nontheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion.

The area of government regulation that burdens the free exercise of religion has been a difficult and less than clear area of law for the Supreme Court. However, the Court has consistently made clear that religious beliefs are absolutely protected from governmental interference. Moreover, recent cases indicate that the Court is developing a standard of review in the area of government regulation of religiously based conduct that is highly protective of free exercise claims. For example, in *Sherbert* v. *Verner*, 374 U.S. 398 (1963), the Court held that the free exercise clause compels exemption for a Seventh Day Adventist from a requirement of a State unemployment compensation statute. The statute required beneficiaries to be ready to accept suitable employment at anytime. However, Sherbert stated that she could not accept employment involving work on Saturday because Saturday was recognized by her religion as the sabbath. The Court held that the statutory requirement could be applied to her only if it served "a compelling State interest." Similarly, in Wisconsin versus Yoder, the Court held the free exercise clause to compel an exemption from a State compulsory education requirement for Amish children whose religiously based way of life could be threatened by the required 2 years of high school education. The Court found that—

> Only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion.

More recently, in *Corporation of Presiding Bishop* v. *Amos*, 107 S.Ct. 2862 (1987), the Supreme Court upheld the broadening of the exemption in title VII for religious organization from the ban on religious discrimination to include not only employees engaged in religious activities but also those who perform "work connected with the carrying on by such corporation, association, educational institution, or society of its activities." The case involved three employees who worked for church-owned enterprises and who were fired because they failed to meet certain religious requirements. Justice White, writing for the Court found that—

> It is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions.

The Court noted that the free exercise clause required only an exemption for the religious activities of religious organizations. However, the Court recognized that the extension of the exemption to the organizations' secular activities served a legitimate function.

> [I]t is a significant burden on a religious organization to require it, on pain of substantial liability, to predict which of its activities a secular court will consider religious. The line is hardly a bright one and an organization might understandably be concerned that a judge would not understand its religious tenets and sense of mission. Fear of potential liability might affect the way an organization carried out what it understood to be its religious mission.

This concern, expressed by Justice White, is very applicable here. Regulation of even the ministerial functions of a church or synagogue, as required by S. 557, and the resulting fear of potential liability might well affect the way an organization carries out what it understands to be its religious mission. Such regulation might well be found by the Court to be an interference with belief and thereby a violation of the Free Exercise clause. In any case, regulation of the religious activities of a church or synagogue would surely constitute an unacceptable entanglement of church and State that interferes with the ability of religious organizations to carry out their religious missions.

In enacting this legislation, the Senate need not and must not sacrifice religious freedoms in an attempt to strengthen civil rights protection. So I urge the support of my colleagues for this important amendment.

Let me just say a couple more words.

Madam President, I can see where some feel that the churches have nothing to fear because of the religious entanglement aspects of Supreme Court law, but they do because there are all kinds of special interest groups out there that bring these suits, sometimes for no good reason at all, in my opinion, but many times sincerely bring suits to try and impose their will in courts of law, something that they cannot get otherwise within religious institutions. I can see some of the major religious institutions in our society attacked wholesale, at will and finding themselves spending an awful lot of their religious and spiritual time trying to obtain religious and spiritual experiences in courts of law which generally turn out not to be very religious or spiritual. My feeling is that this is a really important reason why this legislation, standing as it presently does, is bad legislation. I think most people out there who think it through will agree with me and I hope that my colleagues will give great consideration to this amendment because I think it makes a very good point.

Mr. KENNEDY. Madam President, will the Senator yield?

Mr. HATCH. Yes.

Mr. KENNEDY. I appreciate the Senator's yielding.

Just in terms of notifying Members, I wonder whether the Senator from Utah would yield to the majority leader for a unanimous-consent request, which I believe the Senator from Utah has agreed to and which I find acceptable.

Mr. HATCH. I yield.

Mr. BYRD. Madam President, what time would the distinguished Senator and our colleagues be willing to agree to so that all Senators would be notified of a vote?

Mr. HATCH. Madam President, I understand there are a number of Senators from this side who are presently at the White House. I believe we could begin to vote at about 10 minutes after 12.

Mr. BYRD. All right.

Madam President, I understand those Senators who are meeting at the White House will be finishing their meeting at noon.

Mr. HATCH. My understanding is they should be over at noon and they would then require time to return to the floor.

Mr. BYRD. I hope the White House will learn, as the Carter White House had to learn, that this Senate has business to do and that when it calls Senators down to the White House and the Senate is in session doing business, it may cause those Senators to miss votes.

I ask unanimous consent that the vote on the pending amendment——

Mr. HATCH. On the pending amendment.

Mr. BYRD. Occur at——

Mr. HATCH. No later than 12:15.

Mr. KENNEDY. Or a motion to table.

Mr. BYRD. On or in relation to this amendment occur no later than 12:15 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. With all remaining time equally divided.

Mr. BYRD. The time to be equally divided between Mr. HATCH and Mr. KENNEDY or their designees.

Mr. THURMOND. I have about 8 minutes on this amendment and have no objection just so I can get that in.

Mr. HATCH. We will work out the time between the two floor managers.

Mr. BYRD. Madam President, I ask unamimous consent that no amendment to the amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, I remind all Senators that this will be a 15-minute rollcall vote. The curtain goes down at the end of the 15 minutes. Senators who are not here when the curtain goes down, of course, will not make the vote.

The PRESIDING OFFICER. I would like to return to the majority leader's unanimous-consent request that a vote occur at 12:15.

Mr. HATCH. 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. Is there objection to the majority leader's request for the vote to occur at 12:15?

Mr. HATCH. As I understand it, the unanimous-consent request includes the time equally divided between now and 12:15.

Mr. BYRD. Yes, it would be equally divided and the vote would occur at no later than 12:15. I think we ought to make it 12:15 and Senators know that they have until 12:30 to get here.

Mr. HATCH. It certainly will not occur before 10 after 12 is what I am saying.

Mr. THURMOND. Madam President, I have no objection as I stated except I want to reserve the right to speak 8 minutes.

Mr. HATCH. If it would be all right with the distinguished floor manager, the distinguished Senator from South Carolina will take the last 8 minutes before the vote.

Mr. KENNEDY. I would be glad to yield whatever time that I have to the Senator from South Carolina.

Mr. HATCH. Just so he knows so he can have a schedule if he can take the last 8 or 10 minutes before the vote.

Mr. KENNEDY. I would like to give him 8 of the last 12 minutes so we have 4 minutes, if necessary, to respond.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Ohio may need.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Will the Senator from Massachusetts be good enough to yield to a couple of questions because I think there is some misunderstanding concerning the applicability of the law as it presently is drafted. I think it might perhaps help if he and I had a colloquy.

Mr. KENNEDY. I welcome the opportunity to yield to the Senator.

Mr. METZENBAUM. I thank the Senator. I have several questions I would like to ask about the impact of S. 557 on religious organizations. Let me assume that a religious organization, a church or diocese or synagogue, receives Federal assistance for a limited purpose. The Federal assistance is to provide assistance to homeless people, to aid refugees or for some other discrete purpose. Under S. 557 will the receipt of such assistance result in coverage of the religious organization in its entirety so that it would be under an obligation not to discriminate in any of its operations?

Mr. KENNEDY. Not under the circumstances that the Senator has described. Coverage of a religious organization is described in sections (3)(a) of the four parts of S. 557—dealing with title VI, title IX, section 504 and the Age Discrimination Act. Section (3)(a) provides for complete coverage of a corporation, partnership or "other private organization" only under two circumstances—neither of which applies to the situation described by the Senator. The first is where assistance is extended to the private organization "as a whole." That would apply where the Federal financial assistance is to bail out a Chrysler or Lockheed Corp., but not where aid is for a particular designated purpose. So, as the committee report says (p. 17):

> A grant to a religious organization to enable it to extend assistance to refugees would not be assistance to the religious organization as a whole if that is only one among a number of activities of the organization.

The second circumstance that results in organizationwide coverage is where the organization is "principally engaged in the business of providing education, health care, housing, social services or parks and recreation." The principal occupation of a church, or a diocese or a synagogue or another religious organization is by definition "religious." So such an organization would not be covered in its entirety even if it conducts one or more programs in education or health care or social services.

Accordingly, a religious organization which receives limited purpose assistance will be covered only as to the "geographically separate" facility—to which the assistance is extended.

As the Senator knows, prior to Grove City we did not draw a distinction between the religious organization and the nonreligious organization. We do draw a distinction between corporations that provide social services whose primary purpose is social services. That is given one requirement, and those whose principal interests are others, such as religious or maybe a private corporation. So what we are basically saying is if you go into a particular parish or a particular synagogue which is receiving money in that particular parish which is a small area in any event, they are providing refugee help and assistance, but they are also providing food assistance, and if they are getting Federal money on refugees they cannot discriminate in that particular parish against the handicapped. That is the limited area.

So we draw a distinction with regard to those institutions that are primarily providing public services, and then within those that are primarily orientated in a different way, a private corporation or a religious group, we say only those particular separated geographical areas that are receiving the assistance would be covered. But we have not drawn a distinction on that prior to Grove City and we never had a problem with it. We never had any kind of issue raised even in the course of the hearings. There was some question with regard to the definition, whether it was sufficiently clear that we were really doing what I just described as what we are doing.

I have a letter here from the U.S. Catholic Conference that says:

> I have been asked by your staff to provide you with a letter concerning one of the three amendments to S. 557, the Civil Rights Restoration Act which the United States Catholic Conference recommended in its testimony before your Committee. That amendment deals with the coverage of church institutions. The Committee Report (S Rep 100-64) accompanying the bill which was approved by the Senate Committee on Labor and Human Resources and is now pending business before the U.S. Senate contains language that addresses the major concerns on institutional coverage which the USCC raised in its testimony. Because of the Committee action, the USCC is no longer seeking such an amendment to the bill.

So I think recognizing again that what this bill is really talking about is the extension of coverage. We are not trying to change what existed prior to the holding in Grove City understanding the historical pattern that existed prior to Grove City, understanding the clarifications that have been made there which have been accepted not only by the Catholic conference but a number of other religious groups. I would hope that we would not further define this in a way which would, I think, undermine the central thrust of the purpose of the legislation.

Mr. HATCH. On this point, would the Senator yield?

Mr. KENNEDY. I would rather wait. I am not going to yield.

Mr. HATCH. It is on this point.

Mr. KENNEDY. I will yield at a time.

Mr. METZENBAUM. I have been waiting patiently to clarify.

Mr. KENNEDY. Then I will come back.

Mr. HATCH. Let us clarify on this point.

Mr. KENNEDY. I do not yield, Madam President.

The PRESIDING OFFICER. The Senator declines to yield. The Senator from Ohio has the floor.

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HATCH. The Senator has misstated even his own bill. It seems to me, is it not——

Mr. KENNEDY. Regular order, Madam President.

Mr. HATCH. Does this Senator not have the right——

Mr. KENNEDY. Regular order.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. I thank the Senator for that clear and cogent explanation. My second question has to do with the application of title VI of the Civil Rights Act of 1964, the law that bars discrimination in the use of Federal funds on grounds of race,

color, or national origin, as that title would be amended by S. 557. Do you see anything in title VI or S. 557 that would impair the ability of a religious organization to prefer members of the religion in services or benefits it provides with Federal funds?

Mr. KENNEDY. No. As the Senator knows, neither title VI nor any of the other Federal funding statutes we are dealing with here bars discrimination on grounds of religion. S. 557 makes no change in this. Thus, it would not be a violation of title VI for a religious organization to prefer members of the religion in its federally assisted activities unless racial discrimination was practiced in determining membership in the religion. That, of course, was the situation in one of the Bob Jones cases.

Mr. METZENBAUM. Yes, of course, and we could not allow religious preference to become a pretext for racial discrimination. To make sure, however, that I fully understand the Senator's answer, permit me to pose a couple of hypotheticals. Let us assume that a Jewish organization operates a hospital or nursing home facility in New York City and Cleveland and that it accords a preference to Jews in admission to the facility. The organization decides to move the facility to a suburban location because most of the Jewish population now resides in the suburbs and the organization believes it can better serve its membership in this way. Would the organization be liable to a racial discrimination charge under title VI on grounds that it was moving from an area with a large racial minority population to one where there were few minority citizens?

Mr. KENNEDY. In answering the Senator's questions, I should make a couple of general observations. The first is that as the Senator knows, S. 557 is intended to deal with issues of coverage raised by the Grove City decision. It does not alter substantive law. The second is that I do not want to be in the position of rendering opinions and decisions in cases as though I were an administrative law judge or a member of the Federal judiciary.

Mr. METZENBAUM. I understand, although I know the Senator would make a very fine judge.

Mr. KENNEDY. I thank the Senator. In any event, I will assume for the purposes of his question that under some circumstances, it might well be a violation of title VI for a public hospital to relocate from city to suburbs where the result of the move would be a significant decrease in health services to minority citizens. But in the situation the Senator describes where it is a religious organization and the reason for the move is to serve better members of the religion, I do not believe title VI would be violated. Again, I add the caveat that the religious preference could not be a pretext for racial discrimination.

Mr. METZENBAUM. Thank you. Here is another hypothetical. Let us say that a Catholic organization receives Federal assistance that it is free to use for a variety of social services purposes. If it used the funds for youth services, for example to deal with school dropouts, it would assist many minority citizens. Instead, it chooses to use the Federal assistance to help older citizens, for example with a meals-on-wheels service. The reason for the organization's decision is to serve its own constituency better, but the result is that many fewer minority citizens derive benefits from the program. Does the Senator believe there is a potential title VI violation?

Mr. KENNEDY. My answer is the same as to the previous question. I do not know whether there is settled law on the question of whether a public agency may in the exercise of its discretion use Federal assistance in ways that serve members of minority groups less well than others. The answer to that question may well depend on the particular facts and circumstances. But I do believe that a private religious organization could make choices to better serve its members even if the outcome were less minority participation. Again, the caveat is that race cannot be a determinant of membership in the religion.

Mr. METZENBAUM. In answering these questions, is the Senator taking into account the regulations promulgated by departments and agencies under title VI which typically say that a recipient may not "utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race * * *"? In other words, is the answer the same whether an effect standard or an intent standard is used under title VI?

Mr. KENNEDY. I am aware that title VI regulations use an effect standard to determine violations and that the Federal courts have upheld the use of an effect standard. Nevertheless, even under an effect standard, defenses of business necessity are permitted as they are under title VII. So, the kinds of religious preferences the Senator describes would not in my judgment become violations of title VI.

Mr. METZENBAUM. One final question. What if a religious organization preferred members of its own religion in hiring employees under a Federal grant. Would that be a title VI violation if few members of the religion were minority citizens?

Mr. KENNEDY. Again, the answer would be "no" provided there is no racial discrimination in determining membership in the religion. I would point out to the Senator, however, that title VII of the 1964 act does in many circumstances prohibit religious discrimination in employment decisions. Accordingly, such a religious preference, might well violate title VII even if it did not violate title VI.

Mr. METZENBAUM. I thank the Senator for his helpful answers. As the Senator knows, the overwhelming majority of religious organizations in this country abhor discrimination on the basis of race, national origins, sex, handicap or age as well as discrimination based on religion. These groups were a bulwark in the enactment of title VI in 1964 and in subsequent civil rights acts. They are strong supporters of S. 557 as well.

I want to point out that there is available a letter indicating tremendous support from just about all of the religious organizations, although I have not checked the list closely, indicating that they urge prompt passage of the measure as introduced and oppose all amendents. That comes on the stationery of the Evangelical Lutheran Church of America, and includes Presbyterian Church, Reform Judaism, Episcopal Church, and a number of others. I ask unanimous consent that the entire letter and entire list be included in the RECORD at this point.

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

EVANGELICAL LUTHERAN
CHURCH IN AMERICA,
Washington, DC, January 26, 1988.

DEAR SENATOR: As representatives of the religious community we cannot ignore the most important civil rights issue to come before Congress in many years—the Civil Rights Restoration Act. We urge prompt passage of this measure as introduced, and oppose all amendents.

You are well aware of the 1984 Supreme Court decision, Grove City College v. Bell. In our view this decision dramatically narrowed the coverage of civil rights enforcement under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. We must not allow this digression to continue unabated. Passage of S. 557 will enable us to put a stop to government subsidized discrimination against women, minorities, the elderly and disabled persons.

We have already waited too long to put a halt to the academic institution that says "No" because of a disabling condition. We have waited too long to stop the federally financed school that says "No" because of race or age. We have waited too long to make sure that women are treated fairly and with equity in every department of the University—not only those receiving direct federal aid. We oppose any attempt to delay this measure by amendent, extended debate, or procedural tactic. The time to act is now.

Incidents at Howard Beach and Forsyth County serve as vivid reminders that the long march for civil rights in this nation is not over. We live in an imperfect society which requires protections under the law for all our people, not only a privileged few.

The measure we urge you to support forges no new ground but simply seeks to restore those protections to all our citizens regardless of race, sex, age or disabling condition.

Passage of the Civil Rights Restoration Act is a high priority for our respective religious groups. We appeal to you to make it a high priority in your work, as well.

Respectfully yours,

Elwyn Ewald, Director, Office for Governmental Affairs, Evangelical Lutheran Church in America

Mary Jane Patterson, Director, Washington Office; George A. Chauncey, Deputy Director, Washington Office, Presbyterian Church (U.S.A.)

Rabbi David Saperstein, Director, Religious Action Center of Reform Judaism

Fr. Robert Brooks; Dr. Betty A. Coats, Staff Officer, Washington Office, Episcopal Church

James A. Hamilton, Director, Washington Office, National Council of Churches of Christ

Rev. Jay Lintner, Director, Washington Office, United Church of Christ

Rev. Robert W. Tiller, Director, Office of Governmental Relations, American Baptist Churches, U.S.A.

Mark J. Pelavin, Washington Representative, American Jewish Congress

Rev. Leland Wilson, Director, Washington Office, Church of the Brethren

Shoshana Riemer, Member, National Legislative Task Force, NA'AMAT/USA

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association of Congregations in North America

David A. Harris, Washington Representative, American Jewish Committee

Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation

Rabbi Joseph Glaser, Executive Vice President, Central Conference of American Rabbis

Dr. John M. Swomley, Jr., President, Americans for Religious Liberty

Rabbi Andrew Baker, Washington Area Director, American Jewish Committee

Isaac Asimov, President, American Humanist Association

Sally Timmel, Director, Washington Office, Church Women United

Herb Blinder, Director, Washington Ethical Action Office, American Ethical Union

Rev. Carol Cole Flanagan, President, Episcopal Women's Caucus

Scott Kaplan, Co-Chairman, Commission on Social Policy, United Synagogue of America

David A. Brody, Director, Washington Office, Anti-Defamation League

Rev. Dr. Donna T. MortonStout, Associate General Secretary, Issue Development and Advocacy, General Board of Church and Society, United Methodist Church.

Mr. METZENBAUM. Madam President, I appreciate the courtesy extended to me by the Senator from Massachusetts. I yield the floor.

Mr. KENNEDY. I would be glad to yield now to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my distinguished colleague from Massachusetts.

I do not think my distinguished colleague has read his own bill because I cannot read it without understanding what it really does mean. I do not think, with all due respect to the National Catholic Conference, they have read the bill either very carefully. If you read under educational—

Mr. KENNEDY. What does the Senator say?

Mr. HATCH. Let me refer to page 10 of the bill.

If you read under "Education Amendments," section 3: "Title IX of the Education Amendments of 1972"—and the other bills are also covered in similar fashion—"is amended by adding at the end the following new section: Interpretation of 'program or activity.' "

Then, section 908: "For the purposes of this title, the term 'program or activity' and 'program' mean all the operations of—" All of them.

I will bring you down to 3(B) on page 12: The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization" which the majority agrees religious institutions are covered by "or sole proprietorship; or (4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3)."

The purpose of this legislation is to ensure that if an entity, public or private, receives $1 of Federal funds, all of the entity is subject to Federal regulation.

So, S. 557 is designed to negate the possibility of program-specific regulation.

If you look at paragraph 3(B) of the operative sections of the bill, that covers all the operations of every private organization which is a geographically separate facility, any part of which is extended Federal financial assistance.

Let us understand that. If the local Catholic church has a food program for the elderly in its basement, literally funded by the Federal Government by $1, that whole Catholic church becomes liable to the rules and regulations of this bill. That is what the language says. You cannot refute the language, no matter what is said here. The church would not qualify under either A-1 or A-2 of this bill, but it would qualify under subparagraph 3.

How can you explain that, if a church would not satisfy the requirements of the definition of subparagraph 3(B)?

I suggest that people who have supported this bill had better start thinking it through. The fact is that it is going to be very intrusive into churches and synagogues and other religious institutions because they are covered under the embracive terms of this statute under the term "private organization." There is no way around it, to be honest with you.

I think churches had better understand that now, because they are going to be faced with problems—lawsuits, compliance reviews, paperwork, bureaucratic ensnarlments—all because they take the time to operate a humble program for the poor in the basement of the church or one congregation of the church or one building of the church.

You cannot say that the language does not say what it says, which is what I think the floor manager has said. He tries to slide it away when he does not read the language of his own bill.

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

Mr. HATCH. I am happy to yield.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. HATCH. I am happy to yield to the distinguished Senator from Georgia.

Mr. FOWLER. I ask this of the Senator from Utah because I was trying to follow the debate and follow his remarks specifically.

Under the bill as cited on page 11, it seems that each paragraph covers a different entity. For example, 2-A on page 11 covers colleges, universities, public systems of higher education. The next paragraph covers local education agencies. But 3-A and 3-B do not refer to religious institutions, do they?

Mr. HATCH. Yes, they do.

In the language of the report of the majority: I think in any reasonable construction of law, the term "corporation, partnership, or other private organization"—"other private organization" would cover almost all religious institutions. There are some churches in partnership. So they are all embraceably covered.

Mr. FOWLER. Will the Senator cite the language in the bill that refers to pages 10 and 11 that would specifically cover religious organizations? It seems to this Senator that the language is clear that it is referring to corporations, yes; educational institutions, yes, entity of States and local communities, yes; but that the language being debated does not refer to a comprehensive religious institution.

Mr. HATCH. Go back to page 10, section 908:

> For the purpose of this title, the term "program or activity" and "program" mean all of the operations of—

If you go to 3-A, that is one aspect of it. But go to 3-B:

> the entire plant or other comparable geographically separate facility to which Federal assistance is extended, in the case of any other corporation, partnership, private organization or sole proprietorship.

Some are partnerships. "Private organization" covers all others, and I do

not think there is a dispute by the majority on that, because they have basically stated that in the bill and in the report. "Or sole proprietorship," which is inclusive of other religious institutions.

It clearly is covered in that language, and it clearly covers the institution if you have something in the basement of the church.

Mr. FOWLER. I appreciate the Senator yielding and having this discussion with me. But in reading the bill, if there is discrimination, if any religion uses the pretext of that religion to discriminate in any of its programs, then all of the title VI material under the Civil Rights Act would apply, regardless of any geographical separation. It seems to me that under the bill, as I read it, there is the limitation to geographical entities. I cannot find the language that seems to disturb the Senator from Utah which says that one program, one federally funded program, in the basement of the church, would cover the whole religious institution. If he can cite that, I would like to know it, because that would concern me.

Mr. HATCH. I think the language does cite that, and I have cited it.

The PRESIDING OFFICER. The Chair informs the Senator from Utah that he now has approximately 7 minutes remaining. He has stated that he desires to reserve time.

Mr. HATCH. I will take 30 seconds more, and I will reserve the remainder of the time.

Let me just say this: If there is in fact discrimination, the present law covers it. We do not need this bill to solve discrimination.

Where you get into problems is, let us say there is segregation, with men on one side and women on the other, and some special-interest group, for good or bad reasons, wants to bring suit under the statute because there is some program that has Federal financial assistance.

They are going to be able to do so. They may not win. They can bring suit pursuant to this bill. That language is all embracive, all-inclusive.

Mr. FOWLER. I thank the Senator.

Mr. HATCH. I reserve the remainder of my time.

Mr. KENNEDY. Madam President, first of all, I agree with the interpretation of the Senator from Utah and his description of the Catholic Church and the feeding programs and that is satisfactory to the Catholic Conference the way that has been described, so we do not have that difference on it.

Second, the Senator from Georgia is correct when he talks about the entire plan for a comparable but geographically separate facility. That is what we needed to clarify in the report. Those were the words.

You can say "the entire plant." Does that mean the whole complete diocese or does it include just the parish? And that had been as described on the bottom of page 19 in the report when it says "3 parishes receive Federal aid, the parishes are geographically separate facilities which received Federal aid . . ." Separate facilities.

That is why the only application in these terms, in terms of what we are doing here, in terms of discrimination, would only apply to that separate facility that is actually receiving aid.

Finally, the Senator is disingenuous when he says if there is discrimination, the law will take care of it. That is poppycock. If that were the problem, we would not be dealing with this particular legislation. We have to deal with the whole kind of implications of repercussions of the Grove City decision.

We agree also that the whole parish not the whole religious organization is covered if the parish itself gets the funds.

We had a mutual understanding to try to give the time to the Senator from South Carolina. I indicated to the Chair I would reserve the last 4 minutes of my time. But I would just reserve the last 2 minutes and yield whatever time remains to me to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of this amendment.

Primarily, S. 557 was drafted to cover all the operations of institutions which receive Federal financial assistance. As a general proposition, I do not quarrel with institutionwide coverage under the four statutes addressed by S. 557. We should be clear, however, that such coverage goes well beyond the law prior to the Supreme Court decision in Grove City versus Bell. Additionally, as we will discuss during this debate, S. 557 goes even beyond institutionwide coverage to cover whole systems of institutions—for example private or parochial school systems. In my view this broad expansion of prior law is inappropriate, and I am hopeful the Senate will adopt amendments to limit coverage to institutions.

However, I also believe strongly that there should be one important exception even to the institutionwide scheme of coverage—and that is when the institution is a church or religious institution.

Lest anyone claim that entire churches will not to covered under S. 557, I would urge them to read section 3(B) carefully. Is not a church a private organization, a geographically separate facility? I certainly read this section to include churches.

Mr. President, I realize that it is rare that Federal financial assistance is extended to churches. However, I am informed that some churches participate in one of several federally assisted programs which serve communities across the country. Certainly, all the federally assisted programs operated by a church should be covered under the statutes addressed by S. 557. However, extension of Federal regulation throughout the whole church as a result of such assistance trends very close, if not all over, first amendment rights.

Mr. President, it is true that churches can avoid Federal regulation by refusing to participate in federally assisted programs. However, it appears to me that it is desirable to have churches participating in programs that are beneficial to the elderly, the handicapped, the needy, or to others. Churches are often best situated in our communities to provide these services. We must, therefore, consider whether we want to discourage churches from participating in such programs by imposing upon them regulations which threaten their religious freedom.

Has there been a showing that illegal discrimination in our churches is a problem which justifies the risk of discouraging churches from participating in federally assisted programs? I am aware of no evidence that illegal discrimination is rampant in our religious institutions.

I urge each Senator to think of some of the requirements which must be met by those subject to the statutes being amended by S. 557. How might they apply to churches? How will a church overcome a ruling which determines that its practices have the effect of discriminating against a minority group because too few of that group are a part of the church membership? I submit that in the real world there are going to be serious problems when this test, which now is applied in areas such as voting rights and fair housing, is applied to religious institutions.

Congress should always tread lightly in the area of regulation of religious institutions. Only in extreme cases should such regulation be imposed. In summary, this amendment will simply narrow the application of the provision of S. 557 to the programs in a church or synagogue which receive Federal funds, not the entire religious institution.

I do not think we want to inject the Federal Government into the operation of our churches. This is an important amendment, and I urge its adoption.

Mr. KENNEDY. Mr. President, I want to just point out for the benefit of the membership that there has not been a major religious organization, Catholic, Protestant, Jew, or any other major organization that has requested

this amendment. Prior to the Grove City decision there were virtually no complaints about the types of situations which have been described here this afternoon.

During the course of our hearings there were questions about what various words meant in the language and we worked with the various religious groups that were interested and we have received the support of those religious groups that indicate that this responds to any particular concern. That happens to be where we are.

A final point, what we are basically talking about is receiving Federal funds and discrimination. The churches do not want to receive the funds. They do not have to receive the funds, but if there are going to be Federal funds there should not be discrimination. We have found that that has been the teachings of the great churches, part of the great Judeo-Christian ethic and they have been the leaders in our society in helping us to overcome the difficulties of particular problems that we faced in our history.

So I would just hope, Mr. President, that the language which has been worked out, both in the legislation as described by the bill, which follows the past precedent which existed for 15 years depending on which statute but which is general application, same words that we would have sufficient confidence in the past history not to feel that we are going to have to be stampeded into altering and changing the language.

I reserve whatever time that I have.

Mr. HATCH. Mr. President, I ask how much time remains?

The PRESIDING OFFICER. Five minutes and 56 seconds.

Mr. HATCH. I would just point out to my friend and colleague from Massachusetts that our goals are the same with regard to restoration of title IX. I have just as great a desire as he does. In fact, I worked very hard immediately after the Grove City bill to explain to the White House and others involved in the administration that literally we ought to overrule that part of the Grove City bill that this bill in fact overrules, but we ought to do it straight up without trying under the guise of civil rights to expand the law so broadly. On any other bill I think the distinguished Senator from Massachusetts and I can work arm in arm and we could go down the same path and we could resolve these difficulties.

Let me tell you something. These religious institutions who have written in support of this bill or do not want any amendments, I do not know who they are, and I frankly do not know how many of them there are. I know there are thousands of them out there if they knew what was in this bill would be outraged, would be scared to death because this bill goes way beyond what the law was 1 day before the Grove City case was decided.

I know the distinguished Senator from Massachusetts knows that. As a matter of fact, they tried the same ploy back in 1984 when they brought this bill to the Senate floor and I had to stop it. I had to do whatever I could to stop it because it was even worse than this bill, and the ploy was that this is the law as it existed 1 day before Grove City, that it was nothing but a simple overrule, the then bill back in 1984 was nothing but a simple overrule of the Grove City case.

The fact of the matter is that since that day this bill—and I have to give the distinguished Senator from Massachusetts some credit, they have acknowledged that they did not represent it correctly back in 1984, because they have had to make a number of changes to try to accommodate my concerns and others' concerns during the intervening years. They have not done it yet, although I have to admit they made some changes. And they have had to admit, I think, in open committee that they were trying to bring forth a bill that was far broader than the law was on that day.

Now we get here again. We have the same supercilious argument that this is a simple overrule of the Grove City case. Well, it is not a simple overrule. And any church or religious institution or synagogue that does not understand this is going to pay the piper if this bill happens to become law someday.

The fact is I do not think this bill will become law because I do not think it is going to pass. And if it does I think it will be vetoed, for these reasons: because of the expansive nature and the overall intrusion of the Federal Government in ways never contemplated before that this bill does.

Now, let us just be frank about it. They cannot answer their own language in this bill and they know it and I know it. They never have been able to but, because this is what the community wants, they have to come out here and make these arguments on the floor that really do not make sense. Now I harken back to 1984 when they said this is a simple overrule and they tried to sell it then and people found it was a lot more than a simple overrule. Now they are using the same arguments here, and there is no way this is a simple overrule. This expands Federal laws way beyond where they should be expanded and in areas where there has not been one shred of evidence that it needs to be expanded.

In the area of education, I agree. We would have solved title IX in 5 seconds on this floor back in 1984 had they really wanted to solve the title IX problem. What they are really trying to do is they see a chance to vastly expand the rules and regulations and controls by the Federal Government in ways never contemplated by the founders of this country or by anybody else for that matter. And they do it under the guise of civil rights and under the guise of correcting what really is a bad decision with regard to title IX.

The fact of the matter is we can straighten this out by unanimous consent in less than 3 minutes if we really wanted to solve title IX and extend it institutionwide.

You are going to find before this debate is over that on the issue of abortion and other religious issues that are involved that people have real legitimate concerns that this bill does not solve and that this bill creates problems. It is not a simple overrule. It is a great big thrust forward to have the Federal Government dominate all of us.

Frankly, the language says it. It is as clear as a bell. I do not see how any lawyer can argue against it. And to have them come here and say—well, I was very interested in Senator KENNEDY admitting that private organizations, it does include all these religious institutions. There is no question it does. Well, they were not included before, I guarantee you that. So that is a lot more than just the title IX fight back in 1984.

Anybody who thinks this is a simple little bill has got rocks in his or her head. This bill can be intrusive into our lives in ways nobody ever contemplated. I am telling you it is a serious, serious set of problems. And to try and pass it off as a simple overrule and the churches are not going to be hurt by this is poppycock. Wait until these churches have all these lawsuits from groups that are antithetical to them, who like to see churches hurt, who do not want free religions in this country. Wait until that starts. And if it started under present law, can you imagine what it would be under this broadly-drafted thing?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, this bill was reported out of our committee 12 to 4 in a bipartisan way. And I dare say that those 12 members do not have any less of a commitment than my friend, the Senator from Utah, in terms of the first amendment and the separation of church and state.

What you are talking about is discrimination against the handicapped. What you are talking about is discrimination against women. What you are talking about is discrimination against blacks and the elderly.

If they do not discriminate, you have no problems. You have no problems at all.

And whatever the Senator says about it, I know better. I know what is achieved dealing with this particular

amendment. And the other provision is an extension of what has worked prior to the Grove City decision. That is what we are talking about, nothing else—discrimination; discrimination.

And we have described it in a way which has been satisfactory in terms of religious groups that are going to be most effective and that has been satisfactory to 12 members of that committee that went through the long course of the hearings on this legislation.

So, Mr. President, I hope that this amendment will be defeated and that the position that has been assumed by the major religious groups in support of this legislation and in opposition to this amendment would be sustained.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Utah [Mr. HATCH]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. HECHT] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced—yeas 36, nays 56 as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—36

Armstrong	Hatfield	Pressler
Bond	Heflin	Quayle
Boren	Helms	Reid
D'Amato	Humphrey	Roth
Danforth	Karnes	Rudman
DeConcini	Kasten	Simpson
Domenici	Lugar	Stennis
Ford	McCain	Stevens
Garn	McClure	Symms
Gramm	McConnell	Thurmond
Grassley	Melcher	Trible
Hatch	Nickles	Warner

NAYS—56

Adams	Breaux	Conrad
Baucus	Bumpers	Cranston
Bentsen	Burdick	Daschle
Biden	Byrd	Dixon
Bingaman	Chafee	Dodd
Boschwitz	Chiles	Durenberger
Bradley	Cohen	Evans
Fowler	Leahy	Riegle
Glenn	Levin	Rockefeller
Graham	Matsunaga	Sanford
Harkin	Metzenbaum	Sarbanes
Heinz	Mikulski	Sasser
Hollings	Mitchell	Shelby
Inouye	Moynihan	Specter
Johnston	Nunn	Stafford
Kassebaum	Packwood	Weicker
Kennedy	Pell	Wilson
Kerry	Proxmire	Wirth
Lautenberg	Pryor	

NOT VOTING—8

Cochran	Gore	Simon
Dole	Hecht	Wallop
Exon	Murkowski	

So the amendment (No. 1384) was rejected.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

ANNOUNCEMENT OF POSITION ON A VOTE—SYMMS AMENDMENT NO. 1381

Mr. HEFLIN. Mr. President, there was a rollcall vote this morning which occurrred at approximately 11 a.m. There was not time for me to reach the Chamber prior to the completion of that vote. However, had I been present and voting, I would have voted to table the Symms amendment.

The PRESIDING OFFICER. Are there any further amendments to be offered?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1385

(Purpose: To target the application of the definition of program and activity)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 1385.

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

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

The amendment is as follows:

On page 11, line 15, strike out "school system" and insert in lieu thereof "educational institution".

On page 13, line 10, strike out "school system" and insert in lieu thereof "educational institution".

On page 15, line 13, strike out "school system" and insert in lieu thereof "educational institution".

On page 17, line 4, strike out "school system" and insert in lieu thereof "educational institution".

Mr. THURMOND. Mr. President, I believe that we must dispel the notion that S. 557 is merely restorative legislation. The amendment I am offering clearly demonstrates this fact. It will ensure that restorative language is applied to religious and private schools.

Mr. President, this amendment would strike the words "school system" on line 15 on page 11 of the bill and insert in lieu thereof "educational institution". It would make the identical change in language where it appears in each of the operative sections of the bill.

The words "other school system" which appear in this section can mean only one thing—entire private and religious school systems will be covered when only one school, or part of one school, in a system receives Federal financial assistance. It is clear that prior to Grove City, no more than the particular private school that received assistance would have been covered. In fact, regulations promulgated under title IX define "educational institution" as, among other things, "a private elementary or secondary school". This definition only covers a private elementary or secondary school, not the whole school system.

Mr. President, S. 557 would expand coverage to entire private school systems contrary to the narrow interpretation of title IX. This coverage threatens religious liberty by placing the religious goals of those schools in a secondary position to the vast regulatory requirements of S. 557. The Constitution guarantees religious freedom. Therefore, we must tread lightly when it comes to asserting Federal regulation of religion or its institutions.

I believe it is interesting that some claim that prior to Grove City, school systems were covered in their entirety when only a part of one school in the system received assistance. This flies in the face of the testimony of Department of Education witnesses who testified in 1984 on this matter. This flies in the face of the actual practice of the Department of Education.

Additionally, it is one thing to claim that the Supreme Court erred in limiting coverage to the Grove City College financial aid department—that it overlooked previous law which had mandated "institution-wide" coverage. However, it is very hard to believe that the Supreme Court could have erred so badly to interpret Grove City so narrowly if prior law had covered not only institutions, but whole school systems.

Mr. President, I repeat, not only institutions, but whole school systems.

Mr. President, my amendment would result in institution-wide coverage of the religious or private school which receives Federal aid as opposed to coverage of an entire school system. This interpretation is necessary to protect religious and private schools from overreaching by the Federal Govern-

ment. It would cover more than just the program or activity receiving the assistance, providing for coverage of the whole school. This is the reasonable approach to coverage in this area. I urge adoption of the amendment.

Mr. BYRD. Mr. President, would the Senator enter into a time agreement on this amendment? Would it be possible to have a time agreement on the amendment?

Mr. THURMOND. Mr. President, unless there are some other speakers, that is all I have to say. I would be glad to enter into a time agreement.

Mr. KENNEDY. Mr. President, I would be glad to enter into a time agreement. I would like to take just a brief opportunity.

Mr. THURMOND. I will be happy to enter into a time agreement.

Mr. KENNEDY. Say we take 30 minutes.

Mr. THURMOND. I have no objection.

Mr. KENNEDY. Thirty minutes equally divided.

Mr. BYRD. Thirty minutes equally divided.

Mr. THURMOND. Thirty minutes equally divided suits me.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 30 minutes to be equally divided in accordance with the usual form and that at the expiration of the 30 minutes the Senate vote on or in relation to the amendment and that no amendments be in order.

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

Mr. KENNEDY. 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 Senator from Massachusetts.

Mr. KENNEDY. Mr. President, let me make a brief comment to try to put this issue in some perspective. Prior to the Grove City decision, when we had public schools and private schools, we treated them the same. That was the historic pattern and the historic record and we did not find any real complaints during that period of time, nor did we find many complaints about that even during the course of our hearings. We are talking now about discrimination and we applied the same tests in terms of the public schools and the private schools. And then the question has been raised by the Senator from South Carolina, well, how are we going to know whether we have a school system within the private sector. I think that is a legitimate question because generally I think it is understood, if we are talking about a public school system, what schools are included. I think by and large it is understood in the private school system as well.

We have defined that in the course of our report. We have taken the more general language which is in the legislation and defined it in the report. We talk about for two or more schools to be considered a school system there must be some significant linkage between them. Thus, for example, any group of schools whose only connection to one another is that they belong to some unbrella advocacy or membership group or that they are accredited by one central accrediting agency would not constitute a school system. What we are talking about is significant linkage. What we are talking about is common governing. What we are talking about is common funding. If one of those schools receives some help and assistance, if they belong and can be defined as getting common governing, common funding, significant common linkage, the others ought to be covered. That is all that we are doing in this legislation. It is difficult for me to understand why you would want to permit a school to justify discrimination. It would seem to me you want to try to make the case what is the reason for justifying discrimination in the first place? Again, we are talking about the handicapped, we are talking about women and we are talking about minorities, the elderly people. It seems to me that the criteria which have been used here, which have been I think to a more extensive degree spelled out in this report, even clearer than was set out in the initial legislation, understanding that we are building upon the past record and acceptance, ought to be the way that this legislation should be enacted.

So I would hope, Mr. President, that the Senator might be able to give me illustrations about the kind of situations that are so troublesome to him. What schools does the Senator feel ought to be able to discriminate? Because clearly if they are not discriminating, it would not be a matter of concern. And so I would welcome clarification, if we do need further clarification.

Mr. President, have we evenly divided the time prior to the vote?

The PRESIDING OFFICER. The time is equally divided. Each side has 15 minutes.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. The Senator from Massachusetts has 11 minutes and 20 seconds remaining. The Senator from South Carolina has 15 minutes.

Mr. KENNEDY. If the amendment is accepted, Mr. President, it would permit schools within a private school system to effectively funnel Federal funds to some of its schools while practicing discrimination in other schools. That is basically the problem. And that I think we clearly want to avoid. It is inconsistent, as I mentioned, with the pre-Grove systemwide coverage of private schools under which, for example, the four Catholic dioceses in Louisiana submitted schoolwide, systemwide desegregation system plans to HEW in 1969 pursuant to title VI and it would establish for the first time a different standard for civil rights protection for public and private schools.

That is basicially the case, Mr. President. Consider private schools and public schools on the issue of discrimination equally. We are talking about those that are going to be receiving Federal funds. If there is a question in terms of what constitutes a private school system, we have set out the criteria which is really the result of the hearings and based upon the previous history on this issue prior to the Grove City decision. I think for those who want to alter or change that, they ought to be able to make a case why they think we ought to permit Federal funds to be used for discrimination. Otherwise, I fail to see why there would be justification for this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 15 minutes remaining.

Mr. THURMOND. Mr. President, the bill before us affects all private schools whether they discriminate or not. The argument that private school systems that do not discriminate need not worry is disingenuous. All schools will face regulatory preclearance red tape. This is expensive, time consuming, and detracts from the purpose of educating young people in a religious environment. To say that only bad schools need worry ignores the tremendous impact of Federal intrusion into the lives of all citizens and organizations.

Now, Mr. President, no evidence was presented to the Committee on Labor and Human Resources that, before Grove City, an entire private elementary and secondary school system, including a religious school system, was covered just because one school in that system received Federal aid.

A vague, cryptic reference in the committee report at page 26 to an alleged 1969 example where a private school system of four systems submitted to jurisdiction is unavailing. Proponents of this bill produced none of the facts surrounding this alleged occurrence during hearings. It is possible that all the schools in the system received Federal aid or that the example is otherwise not relevant. The matter was not raised in hearings nor otherwise explained in the committee report.

In any event, whatever the validity or lack of validity of this supposed example, the example predates the adoption of title IX in 1972 and the implementation of the title IX regulations in 1975 which define educational institution. That definition covers an entire public elementary and secondary school system, but not an entire private or religious elementary and secondary school system. That definition is at 34 CFR 106.2(j). This regulation, on the books for 12 years, sets the parameters for how the agency acted in this area. It comes as a definitive agency expression after the enactment of title IX and after this vague reference to 1969.

Ironically, in light of the regulatory definition, adopted 9 years prior to the Grove City decision, the committee report at page 26 claims that failing to cover the entire private school system will establish, "for the first time, a different standard * * * for public and private schools." Not only is this factually incorrect—I repeat, factually correct—as a quick glance at the title IX regulation indicates, it ignores the bill's own double-standard in providing coverage of entire public systems of higher education—subparagraph (2)(A)—but not private systems of higher education. Only the individual private institution of higher education is covered, in contrast to systemwide coverage of public higher education. We seek the latter coverage for private schools at the elementary and secondary level as well.

Mr. KENNEDY. Mr. President, I am somewhat troubled about the reasons for this particular amendment. One of the groups that runs perhaps the largest degree of private schools in the country happens to be the Catholic church. And they have indicated that they do not support this amendment. They have been the ones that would be generally the most affected. You have a number of other groups that run small school systems. But they are by and large the major system so to speak of private schools in the country. There are a number of very distinguished private schools. But they are not systems. But the Catholic church is by and large the largest system and they do not support it.

We talked about the course of the hearings in 1984. We had representatives who came up to speak on the bill oppose the legislation. Let us get that on the record now. They were opposing the legislation. They are not individuals who actually administered that program prior to the Grove City decision.

So I am hard-pressed to justify why we alter and change what has been the existing understanding and the tradition of Gove City where you are going to have school systems—we define that in the report clearly, unequivocally, I believe, in terms of control and fundraising, governing bodies—and define that, that we ought to follow the past tradition that says we are not going to distinguish between the public and the private.

Clearly, it is easier by general definition to describe a public school system for obvious reasons that all of us understand here. But it seems to me to be somewhat troublesome to understand why we are going to save people from themselves when they do not even request it or want it.

That is basically, I believe, why we ought to continue the legislation.

In the course of our hearings we had a good deal of recommendations about how we ought to change the legislation, how we ought to strengthen the legislation, how we ought to weaken it. We made a commitment to try to maintain it. You know, there are those who say let us find out when you use new words what the words mean. We tried to the best of our ability to just continue. And we are continuing on the public and private school application. That is basically what we committed to do. That is what we are attempting to do. Quite frankly, we are reassured in doing that because we have received the support of the church group that would be most affected by this that does not support the amendment.

Mr. President, I hope the amendment will not be accepted.

I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes and 20 seconds.

Mr. THURMOND. Mr. President, the first amendment gives people the right to practice religion without regulation by the Federal Government. This bill vastly expands coverage of the civil rights laws well beyond what is intended. Private and religious school systems should not be covered in their entirety when only one school receives Federal funds. To do otherwise vastly expands civil rights laws well beyond what has ever been contemplated before.

Mr. President, I predict unless this amendment is adopted you are going to have the Federal regulators going into religious schools, and private schools and disturbing their operation. If they are not discriminating and there is no evidence they have discriminated, why should that occur? Why should we have inspectors and regulators going into private schools, religious schools, to inspect when there is no objection, no facts shown as to discrimination, and to me it is the Federal Government again putting its long arm down into religion, putting its long arm down into private schools and religious schools. I do not think people know what is in this bill. I do not think a lot of people would vote for this bill if they knew what is in it and the effect it is going to have. I suggest to you that this amendment should be passed. It cannot do any harm. And it will give protection that is deserved.

Mr. KENNEDY. Mr. President, I will be prepared to yield back the remaining time in just a moment or two. I do not think there is any question that we have had broad compliance with this legislation over a long period of time. I think that is encouraging. That is very, very hopeful.

The fact remains, Mr. President, that those groups that should resent the long arm of the Federal Government—in this case, the Catholic churches and Catholic schools—are not saying that. There is no testimony that they have been hassled, there is no testimony that they have been harassed, and there are no letters from the various churches or parishes from around the country about how they have been harassed in their local communities. There is none of that. There has been no record of that. To the best of the information we have had, we would not tolerate it or stand for it. And it has not been forthcoming in terms of this particular proposal.

Again, Mr. President, if there is some particular group that is particularly concerned about these issues and if they have a question about their own practices, there is nothing that says that they have to go and take Federal funds. All we are saying is that those are going to be taxpayers' funds that are paid in by hard working men and women from all over this country and that they should not be used for discriminatory purposes to discriminate against the handicapped, or to discriminate against women in our society, the minorities in our society, and the elderly.

If the machine is not broken, why try to fix it, Mr. President? Our commitment is to try to maintain what existed prior to the Grove City decision. We are trying to maintain the same kind of standard, public and private schools, the way it has been interpreted. That has been accepted, to the best of our knowledge as the supporters of the legislation, by those groups that would be most directly affected.

So I have no hesitancy, really, in expressing my hope that the Senate will reject this proposal.

I am prepared to yield back the time and proceed to vote.

Mr. THURMOND. Mr. President, my distinguished friend says if there is nothing wrong, do not fix it. That is exactly right. Why not keep it like the Supreme Court passed it down? The Supreme Court of the United States has acted on this matter.

What have you got to fix? What do you want to fix? Do churches have to come in and explain everything and object to everything? The churches of this country rely on Congress to do the right thing. A lot of them do not know anything about what is taking place here.

I say let us protect them, whether they come in and object or not, when most of them do not have any idea of what is going on most of the time concerning a lot of this legislation. It is our duty, as Members of Congress, to protect the churches, protect religious freedom, abide by the Constitution.

I say this amendment ought to be adopted.

The PRESIDING OFFICER. The Senator from South Carolina has 7 minutes remaining.

Mr. THURMOND. I am willing to yield back my time.

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Washington [Mr. ADAMS], the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. GORE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nevada [Mr. HECHT], the Senator from Indiana [Mr. LUGAR], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 16, nays 70, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—16

Armstrong	Karnes	Quayle
Garn	Kasten	Simpson
Gramm	McClure	Symms
Hatch	McConnell	Thurmond
Helms	Nickles	
Humphrey	Pressler	

NAYS—70

Baucus	Ford	Moynihan
Bentsen	Fowler	Nunn
Biden	Glenn	Packwood
Bingaman	Graham	Pell
Bond	Grassley	Proxmire
Boren	Harkin	Pryor
Boschwitz	Hatfield	Reid
Bradley	Heflin	Riegle
Breaux	Heinz	Roth
Bumpers	Hollings	Rudman
Burdick	Inouye	Sanford
Byrd	Johnston	Sarbanes
Chafee	Kassebaum	Sasser
Chiles	Kennedy	Shelby
Cohen	Kerry	Specter
Conrad	Lautenberg	Stafford
D'Amato	Leahy	Stennis
Danforth	Levin	Stevens
Daschle	Matsunaga	Trible
DeConcini	McCain	Weicker
Dixon	Melcher	Wilson
Dodd	Metzenbaum	Wirth
Durenberger	Mikulski	
Evans	Mitchell	

NOT VOTING—14

Adams	Exon	Rockefeller
Cochran	Gore	Simon
Cranston	Hecht	Wallop
Dole	Lugar	Warner
Domenici	Murkowski	

So the amendment (No. 1385) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, regrettably, I missed the last record vote. I fully understand the rules under which the Senate is operating; namely, the 15-minute strict enforcement, and I commend the leadership. But I was unavoidably detained at the White House in a brief meeting with the President of the United States and therefore my absence occurred.

I ask unanimous consent that my statement just completed be entered in the RECORD immediately following the vote.

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

AMENDMENT NO. 1386

(Purpose: To clarify that the exemption to Section 901 of the Education Amendments of 1972 shall also apply to entities closely identified with the tenets of a religious organization)

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

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1386.

On page 12, line 11, insert ", or which is closely identified with the tenets of," after "controlled by".

Mr. HATCH. Mr. President, I have to leave here in just a few minutes to go to the Judiciary Committee for the nomination of Judge Kennedy. Senator KENNEDY has to be there and Senator THURMOND and others on the committee. We have nobody to manage the floor on this side. I have laid down this amendment.

I am wondering if I could ask the distinguished majority leader to consider my plight here for a minute?

Mr. BYRD. Yes.

Does this meet with the Senator's situation?

Mr. HATCH. Could I ask for the yeas and nays first?

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

The yeas and nays were ordered.

Mr. BYRD. What time would the Judiciary Committee have completed its work on the nomination?

Mr. HATCH. I am not sure, but I cannot imagine it taking very long. I think Senator KENNEDY would have more understanding on that than I, because I do not know if there is any opposition to him. If there is no opposition, I would hope that we would be able to report the nomination out of committee certainly by 3 o'clock.

Mr. KENNEDY. Mr. President, that is the only business before the Judiciary Committee. That is the only reason for meeting. I imagine there will be some brief statements, but I would think—we are supposedly meeting at 1:30—for myself I would think we could get back here certainly by 2:30 probably, if not before.

Mr. BYRD. I want to give the Senator my proxy and my statement and ask simply that my statement be put in the RECORD.

Mr. KENNEDY. I will do that.

Mr. BYRD. And my proxy will be in favor of the nomination.

Now, may I ask Mr. HATCH if we could agree?

Mr. HATCH. I will try to be through in an hour. Let us not put a time on it. I certainly want to move this bill and I want to move this as quickly as I can.

Mr. BYRD. Mr. President, the Judiciary Committee will be meeting to report out this nomination, which is an exceedingly important nomination to fill a vacancy on the U.S. Supreme Court, and the managers of the bill that is presently being debated are principals in that action that will occur in the committee. In view of these circumstances, I would propose that we have an hour for morning business in which Senators may come and speak on any subject they wish. In the meantime, if any Senators wish to speak on this matter, they could do so.

Mr. KENNEDY. Mr. President, I hope we could finish our Judiciary Committee by 2:30. I would make every effort to be back here at 2:30. If we are not here at 2:30, if the leadership would put in a short quorum call, I am sure we could commence right after that, and hopefully continue what I think has been good progress

on the legislation in the course of the afternoon.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. today and that Senators may speak therein for not to exceed 10 minutes each.

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

Mr. BYRD. Mr. President, the period for morning business now will run until 2:30 p.m. today. In the meantime, there will be no rollcall votes. I would anticipate, from the discussions I listened to here a moment ago, that it would appear there could be a rollcall vote as early as 3:30 p.m. or thereabouts. So I can only say that between now and 2:30 p.m. there will be no rollcall votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE PRESIDENT OF CHINA

Mr. HELMS. Mr. President, on January 13, the President of the Republic of China, the Honorable Chiang Ching-kuo, passed away peacefully. So ended 77 years of distinguished service to the Chinese people.

Mr. President, the 20th century has been cruel to the Chinese people. Foreign invasion, war, internal strife, economic collapse, and the violent suppression of human rights has been the norm. Recently a distinguished American economist told the Senate Foreign Relations Committee that just one insane political campaign by the Communists, the "Great Leap Forward," cost the lives of more people than the total of all the casualties of World War II including the holocaust. On the mainland of China today the Chinese people face the prospect of a life of grinding poverty and victimization.

In their pain and humiliation the Chinese people have had twin beacons to guide them and give them hope: the late President Chiang Kai-shek, the father, and the late President Chiang Ching-kuo, the son.

Last month the Congress passed and the President signed the Foreign Relations Authorization Act. The first line of section 1246 reads as follows: "The Congress finds that stability and peace prevail on the island of Taiwan and in the Western Pacific Region." Mr. President, had it not been for the tireless efforts of the late President Chiang, we would undoubtedly have made other, less optimistic findings.

Mr. President, it is difficult to do justice to the achievements of President Chiang and his father on Taiwan. Shall we point to a standard of living 10 times that of the mainland? Shall we compare the great respect for human decency found on the island of Taiwan with the mainland of China where a call for democracy can result in a year of solitary confinement and years in a labor camp? Political leadership of a steady hand pointing in the right direction has made this possible.

As his legacy to the Chinese people President Chiang has ensured that the steady hand will continue. Taiwan-born Vice President Li Teng-hui has been selected to succeed him. The new President has received unqualified support from all quarters, including the military and the party rank and file.

In a 1978 interview with Mr. William Rusher, the publisher of the National Review, President Chiang had the following message for the American people:

> First, I hope the American people will study and understand the true nature of communism: It is treacherous, poisonous.
>
> Second, I hope they will remember who their true friends are.
>
> Third, I hope they will look not only at today, but at tomorrow—and the day after tomorrow.
>
> Fourth, the American people love freedom. That is why they are admired all over the world. But that devotion to freedom brings with it certain responsibilities.

Mr. President, the voice is stilled but the words will be remembered.

RECESS UNTIL 2:30 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, the Senate, at 1:34 p.m. recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FOWLER].

CIVIL RIGHTS RESTORATION ACT

The Senate continued with consideration of the bill.

AMENDMENT NO. 1387

(Purpose: To ensure that the bill does not require that persons, or public or private entities receiving Federal funds perform abortions)

Mr. DANFORTH. Mr. President, I send a second-degree amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 1387.

At the end of the language proposed to be inserted, insert the following: "a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization."

"NEUTRALITY WITH RESPECT TO ABORTION

" 'SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on a person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.' ".

Mr. DANFORTH. Mr. President, this second-degree amendment is the so-called abortion-neutral amendment. It has received a lot of attention, I know, on the part of a number of Members of the Senate and a number of people who watched the course of this legislation. The amendment is offered on behalf of myself and Senators WILSON, MURKOWSKI, LUGAR, QUAYLE, GRASSLEY, DOLE, MCCONNELL, BOSCHWITZ, DURENBERGER, BOND, MELCHER, KARNES, HECHT, HUMPHREY, NICKLES, HATFIELD, THURMOND, GRAMM, HATCH, PROXMIRE, and KASTEN.

Mr. President, I have long supported the concept of fixing the Grove City problem and I would like very much to support S. 557. Back in the 99th Congress, Senator DOLE introduced a bill which was a bill that was designed to remedy the problem that was created by the Grove City case. I was a cosponsor of that bill because I felt very strongly that it was necessary to further the cause of civil rights in this country and that we should not have a system where narrow distinctions were made between various programs within a college and university whereby Federal funds could be received by part of the college but discrimination could be practiced by another part of the college.

Some time ago, I think it was early last year, I was visited by a variety of people, including the Catholic Health Association and the American Hospital Association, who described to me what they considered to be a real problem with S. 557 unless it were amended. The problem as they saw it was that S. 557 would mandate colleges, universities, and hospitals to, at the very least, provide abortion coverage under their health plans and further possibly to provide for abortions themselves, either in university hospitals or even hospitals that were not related to a university but provided some teaching function.

As described to me, I must say that I thought that this was such a far-out result that it had to be an alarmist point of view. I could not imagine that a bill could pass the Congress which

would require, for example, a college with a religious tradition to fund abortions in its student health program. And I could not imagine that, for example, the Congress of the United States would pass a bill which could conceivably have the effect of requiring, say, the Georgetown University Hospital to perform abortions in that hospital. It struck me as being so strange that these people must be overreacting.

But I agreed that I would at least look into it because, obviously, it is a serious matter if the Congress of the United States voluntarily or involuntarily sets in motion a process where educational or medical institutions in this country are compelled by Congress to do something which is morally abhorrent to them.

Now, I recognized at the outset that the construction of the legislation and its legal effect was something that I needed help to do. I did not want to be in the position of standing on the floor of the Senate and making representations of points of law. People would say, "Well, you know, when was the last time you practiced law?" And the answer was, "Well, before I entered the U.S. Senate." So I think people would dismiss the Senator from Missouri simply stating what the legal consequences were without any backup strength at all.

So what I did was to communicate with one of the Nation's great law firms, the law firm of Dewey, Ballantine, Bushby, Palmer & Wood. The Dewey, Ballantine law firm, of course, is one of the great law firms of America, with its main office in New York City and offices in Washington and Los Angeles and elsewhere. As a result of my inquiry, Dewey, Ballantine agreed to prepare a legal opinion for me. They did that and they wrote me a letter and also a memorandum of law.

Mr. President, I ask unanimous consent that both the Dewey, Ballantine letter to me and the memorandum of law be printed in the RECORD.

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

DEWEY, BALLANTINE, BUSHBY,
PALMER & WOOD,
New York, NY, January 21, 1988.

Hon. JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: This is in response to your request for our opinion on whether pending amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. The proposed amendments, known as the Civil Rights Restoration Act, would overturn the Supreme Court's decision in *Grove City College* v. *Bell*, 465 U.S. 555 (1984), which limited the scope of Title IX.

No one can predict with certainty how the pending amendments would be construed in court if enacted in their present form. Nevertheless, we have reviewed the CRRA's language and legislative history to date and past court decisions to determine what results are reasonably possible, assuming enactment of the CRRA.

Title IX already requires covered institutions to pay for abortions if they offer federally funded insurance coverage to their employees and students for other temporary disabilities. But the decision in Grove City means that few institutions are now subject to this requirement. If the CRRA is enacted in its present form, the following results could ensue:

"Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and

Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

Our conclusions and the reasoning on which they depend are set out in greater detail in an accompanying memorandum of law.

If we can provide any additional information or analysis with respect to any of the issues addressed in this letter or the accompanying memorandum, please do not hesitate to call on us.

J. PAUL MCGRATH.

[Memorandum]

JANUARY 21, 1988.

THE CIVIL RIGHTS RESTORATION ACT AND THE OBLIGATION TO FUND OR PERFORM ABORTIONS

This memorandum considers whether proposed amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. For the reasons stated below, we have concluded that:

There is a serious risk that the proposed legislation, known as the Civil Rights Restoration Act (CRRA), could require schools, hospitals, and other institutions—even ones with a religious affiliation—to fund or perform abortions; and

The proposed "abortion-neutral" amendment would remove that risk by specifying that Title IX does not require covered institutions to fund or perform abortions.

Title IX provides that "[n]o person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance . . . ." The Civil Rights Restoration Act would extend Title IX's proscription of sexual discrimination to an entire institution, and not simply to the particular department or division receiving federal funds, thus overturning the Supreme Court's decision in *Grove City College* v. *Bell*, 465 U.S. 555 (1984). See S. 557 and H.R. 1214, 100th Cong., 1st Sess. (1987).

No one can predict with certainty how the pending legislation would be construed in court. The CRRA's legislation history is still being made, and there is no controlling judicial precedent. Nevertheless, we can predict what results are reasonably possible, taking into account past court decisions, the CRRA's language and legislative history to date, and what we understand to be the underlying purposes of Title IX and the CRRA.

Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form:

Education institutions could be required to fund abortions for students or employees;

Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;

Hospitals could be required to perform abortions for the general public; and

Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.

We note that the Senate Committee Report on the CRRA contains language purporting to rule out some, but not all, of these results. It is hazardous, however, to rely heavily on the Committee Report. In several instances its assertions appear to conflict with the unqualified language of the statute itself. The Supreme Court has cautioned that a court should not refer to legislative history if the statutory language is clear. E.g., *Ex parte Joseph Collett*, 337 U.S. 55 (1948); *United States* v. *Public Utilities Commission*, 345 U.S. 295, 319 (1952) (Jackson, J., concurring) (warning against undue reliance on legislative history). And it has refused to follow Committee Report interpretations that conflict with statutory language. See *United States* v. *Shreveport Grain & Elevator Co.*, 287 U.S. 77 (1932).

A vivid illustration of the need for caution in relying on legislative history is contained in the very Senate Committee Report on the CRRA. The authors of that Report maintain that the legislative history of the original Title IX leads to the "inescapable" conclusion that the Act was to be applied institution-wide. Yet despite their confidence on this point, a unanimous Supreme Court decided otherwise in Grove City. The obvious lesson is that isolated statements in the legislative history may not prove dispositive on the interpretation of a statute, particularly where the legislative history is hard to square with the literal language of the statute.

1. *Existing Law*

Title IX prohibits sex discrimination in any "education program or activity" that receives federal funds. The statute does not now define the term "education program or activity." But the Supreme Court addressed its meaning in its 1984 decision in Grove City versus Bell, supra.

The case concerned a college whose students received federal funds to help pay for tuition. The Court unanimously held that the financial aid office, rather than the entire college, was the "program or activity" receiving federal funds. Thus, the financial aid office alone, and not the institution as a whole, was subject to Title IX's prohibitions. Under the principles established in Grove City, a university-affiliated teaching hospital is subject to Title IX only if the hospital itself receives federal funds, and then only in regard to the programs or activities that receive the funds.

Regulations issued pursuant to Title IX establish standards that a covered institution must meet to avoid a finding of sex discrimination. The regulations provide that covered institutions: "shall treat . . . termi-

nation of pregnancy . . . in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such [institution] administers, operates, offers or participates in with respect to students. . . ." 34 C.F.R. § 106.40 and 45 C.F.R. § 86.40. Under these regulations, where a covered student health plan pays for treatment of temporary disabilities generally, it must also pay for abortions. Since the regulations also prohibit discrimination with respect to any "service," they arguably go further and require a covered institution to perform abortions on a non-discriminatory basis, and not just to pay for them. As a practical matter, however, Grove City has obviated the need for a definitive resolution of the meaning and potential scope of the regulations. Because Title IX applies only to those portions of an institution that receive federal funds, health plans and university hospitals' medical facilities that do not receive federal aid (and most do not) are not even covered by Title IX or the regulations.

The CRRA would overturn Grove City, broadening the coverage of Title IX and compelling answers to the question of what constitutes unlawful sex discrimination under Title IX and the regulations. We turn, therefore, to an analysis of the potential reach of Title IX as amended by the CRRA.

2. *Application of Title IX to Hospitals*

The CRRA would broaden the application of Title IX by expanding the definition of the term "program or activity." This term is critical to the coverage of Title IX since the Act bars discrimination "under any education program or activity" receiving federal funds.

First, under the CRRA a "program or activity" would include "all of the operation of . . . a college, university, or other postsecondary institution, or a public system of higher education," if any portion thereof receives federal financial assistance. Under this formulation, any hospital affiliated with an education institution would be subject to Title IX, whether or not the hospital itself receives federal funds.

Second, the CRRA would define "program or activity" to include "all of the operation of . . . an entire corporation, partnership or other private organization" that is "principally engaged in the business of providing . . . health care." Read alone, this provision would appear to extend Title IX to all hospitals. But Title IX bans discrimination only under an "education program or activity." The question, therefore, is whether and to what extent the word "education" would limit the newly enlarged definition of "program or activity."

At the very least, this provision would subject to Title IX coverage all of a hospital's educational activities that receive federal funds. It could sweep much more broadly. The CRRA could be interpreted to subject all educational activities of a hospital to Title IX coverage if any portion of the hospital—whether or not educational—received federal funds. It could even be read to provide that all of a hospital's activities would be covered by Title IX if any portion of the hospital received federal funds and if any educational activities took place in the hospital.

The language of the CRRA does not conclusively establish which of these interpretations is correct. The Senate Report suggests a narrow reading, stating that Title IX "would apply only to students and employees of educational programs operated by the hospital, if any." That statement apparently indicates that non-educational parts of the hospital would not be covered. But language on the preceding page of the Report explains that, at least with respect to colleges and universities, the Act is intended to cover all the activities of the institution, whether or not they are educational in nature: "The language 'all of the operations of' an educational institution or system would include, but is not limited to, the following—traditional educational operations, faculty and student housing, campus shuttle bus service, campus restaurants, the bookstore, and other commercial activities."

In light of these conflicting statements in the legislative history, courts might look to other sources in interpreting the CRRA. In fact, several other factors suggest that courts should read the statute broadly.

First, it would be very difficult to draw a line between education and non-education activities, especially since so many facilities in a hospital can be used for both purposes. Should the salary of physicians, for example, be considered an education or a non-education expense? What if the physicians both supervise the activities of interns and treat their own patients? The court might well decide that Congress could not have intended to make the coverage of Title IX turn on such an elusive and problematic distinction, particularly where Congress has given no guidance on how to draw the line.

Second, the whole thrust of the CRRA is to avoid the compartmentalization of discrimination. It rejects the principle that programs or activities should be examined in isolation from the institution as a whole. Thus, an interpretation of the CRRA allowing a hospital to discriminate in its non-education activities merely because it does not also discriminate in its educational component could well be considered contrary to the spirit and underlying purpose of the CRRA.

While the resolution of this issue is unclear, its potential impact on the nation's hospitals is substantial. Numerous hospitals are affiliated with education institutions and could be considered "educational programs or activities" on that account alone. In addition, virtually all hospitals participate in "education" activities of one kind or another, whether or not they are affiliated with an education institution. For example, 1500 facilities, containing forty percent of the nation's hospital beds, offered clinical education in 1978.[1] If the Department of Education or the courts adopted a broad interpretation of the coverage of the CRRA, all of the activities of a large portion of the nation's hospitals would be covered by Title IX. Even a narrow reading of the statute would subject a wide range of activities in thousands of hospitals nationwide to the prohibitions of Title IX.

3. *Who Is Covered?*

Patients of a hospital covered by Title IX could be considered a class of persons entitled to the protection afforded by the Act.

The statute states simply that "no person . . . shall . . . be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any education program or activity receiving federal financial assistance" on the basis of sex. There is no doubt that students are "persons" entitled to Title IX protection. See, e.g., *Cannon* v. *University of Chicago*, 441 U.S. 677 (1979). And, although the lower courts previously were divided on the issue, the Supreme Court has held that employees of education institutions also are covered by the Act. *North Haven Board of Education* v. *Bell*, 456 U.S. 512 (1982). But what about a hospital's patients?

The Senate Report on the CRRA indicates that the amended Title IX would cover only "students and employees." Once again, however, the legislative history may be in conflict with the language of the statute itself.

In North Haven, the Court applied Title IX to employees on the grounds that the Act's "broad directive that 'no person' may be discriminated against on the basis of gender appears, on its face, to include employees as well as students." "After all," the Court explained, "Congress easily could have substituted 'student' or 'beneficiary' for the word 'person' if it had wished to restrict the scope of [Title IX]". Id. at 520-21.

The identical reasoning would support a finding that the Act protects a hospital's patients from discrimination. A patient who was denied admission to a covered hospital or denied a particular service because of her sex might well succeed with a claim that she had been "excluded from participation in, [or] denied the benefits of . . . [an] education program or activity" in violation of Title IX.

4. *Title IX's Applicability to Abortions*

Title IX itself says nothing about abortions. Nevertheless, regulations issued by the Department of Health, Education and Welfare, which remain in effect, require that covered insititutions treat abortion like other temporary disabilities. Specifically, the regulations provide that covered institutions "shall treat . . . termination of pregnancy . . . in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such [institution] administers, operates, offers or participates in with respect to students . . ." 34 C.F.R. § 106.40 and 45 C.F.R. § 86.40. The same standard governs the provision of benefits or services to employees. See 34 C.F.R. § 106.57 and 45 C.F.R. § 86.57. These regulations presently require covered institutions to provide abortion coverage in their student and employee health benefits packages if those packages provide coverage for other temporary disabilities.[2]

The regulations prohibit discrimination with respect to any "service" as well as benefits. Thus, if a university provides its students with health care at the university's own teaching hospital, it might also be required to provide abortion services at that same facility (or make comparable care available at another institution). True, the Senate Committee Report concerning the CRRA states flatly that "Title IX does not now require any institution to perform abortions and no abortions would be mandated if S. 557 were enacted." But the meaning and impact of that statement are problematic. The statement is accompanied by no analysis purporting to reconcile it with Title IX and the existing regulations. And a court

[1] J. Hadley, Medical Education Financing 39 (1980).

[2] Although Grove City has limited the impact of these regulations, numerous institutions have entered into voluntary agreements with the Education Department's Office of Civil Rights to modify their student health plans, and at least twelve others have terminated their plans rather than comply with the regulations.

might well give it little weight in view of the statute's broad language and purpose.

The statement may simply reflect the Committee's assumption that Title IX as a whole has nothing to do with abortion. If a restriction on abortion does not constitute sex discrimination in violation of Title IX, then no institution would be compelled by the Title or by S. 557 to perform an abortion. (On that view, of course, the present regulations would have to be considered invalid.) But if a court were to reject the Committee's premise and conclude that Title IX does outlaw certain restrictions on abortion, it might well consider the Committee's statement irrelevant in deciding what obligations flow from a proper understanding of Title IX's prohibition of sex discrimination.[3]

The effects of the CRRA could, however, be even more far-reaching. As noted above, the protections of Title IX could be extended to a hospital's patients as well as to its students and staff. In that case, the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of Title IX. Although current regulations do not appear to extend the coverage of Title IX beyond students and employees, a future Administration might determine that the regulations should be extended to cover patients as well as students and employees. Furthermore, given the language of Title IX and the rationale of North haven, as discussed above, a court might hold that such a result is mandated by the statute itself.

5. *Religious Exemption*

Title IX, as amended by the CRRA, would require covered institutions to pay for abortions, and it could even be held to require them to perform abortions. Nevertheless, some institutions may be able to avoid this obligation under the Act's exemption for religious institutions. Our analysis indicates, however, that the exemption could be available to many fewer institutions than one might at first suppose.

To be exempted from Title IX for religious reasons, an institution must show that it is "controlled by a religious organization." Under current practice, an institution must in theory demonstrate that: (1) it is a school or department of divinity, (2) it requires students, faculty or employees to espouse belief in the religion of the organization by which it claims to be controlled, or (3) its charter or official publications explicitly state that it is controlled by a religious organization, its governing body is appointed by that organization and it receives significant financial aid from that organization. See S. Rep. No. 64, 100th Cong., 1st Sess. 21 (1987) (1977 HEW Assurance form definition of religiously controlled).

Many educational institutions that are closely affiliated with religious organizations might not be able to satisfy this test—because, for example, they have lay boards of directors or significant nonreligious sources of financial aid. In testimony before the House Judiciary Committee, Father William Byron, President of Catholic University, stated that:

"Over the years . . . colleges once tightly linked to churches began to expand the make-up of their governing bodies. They began to include members who could help promote and administer quality education but who were independent of the controlling religious group. This result, which we see as a positive trend, points to the conclusion that many of these boards are now independent. . . ."

One pertinent example is the institution at issue in the Grove City case itself. Grove City College was affiliated with the Presbyterian church and "retain[ed] its Christian conscience." The college conceded, however, that it was "not controlled or operated by any church." *Grove City College* v. *Bell*, 687 F.2d 684, 701 n.29 (3d Cir. 1982), rev'd, 465 U.S. 555 (1984).

The Senate Report indicates that the Department of Education has granted religious exemptions liberally in the past. Nevertheless, the statutory language that authorizes the exemptions is narrow. Now or under some future Administration the Department of Education could decide to construe strictly the rigorous standards it has already enunciated for considering religious exemption applications under Title IX.

Moreover, a court could determine that the language of Title IX already mandates a narrower reading of the exemption. Although there is no case law interpreting the phrase "controlled by a religious organization" within the meaning of Title IX, one court has interpreted the religious exemption narrowly in a related context. In Fike versus United Methodist Children's Home of Virginia, Inc., a children's home founded by the Methodist church was charged with religious discrimination under Title VII. 547 F. Supp. 286 (E.D. Va. 1982), aff'd on other grounds, 709 F.2d 284 (4th Cir. 1983). The court acknowledged that the home's Board of Trustees was subject to church confirmation and that only Methodists could be trustees. Nevertheless, the court concluded that the home was secular in nature and hence not protected by Title VII's religious exemption.

Thus, the existence of the religious exemption does not necessarily insulate religiously-affiliated schools and hospitals from the application of Title IX. Further, the exemption would provide no protection at all to non-religious institutions with moral objections to paying for or performing abortions.

6. *Effect of the Abortion-Neutral Amendment*

Because of concern about the potential impact of the CRRA on abortions, Senator Danforth has proposed the following amendment to the CRRA:

"Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion."

It is our conclusion that this amendment would accomplish its intended result. It would declare, in the language of the statute itself and not simply in the legislative history, that nothing in Title IX can be held to require any institution to fund or perform abortions. The provision would, of course, displace any contrary regulations. The amendment is neutral on abortion in the sense that it would not forbid a hospital or other covered institution from funding or providing abortions if it should so choose. Further, the amendment would explicitly prohibit covered institutions from penalizing individuals because they have had legal abortions.

7. *Conclusion*

If the CRRA is enacted in its present form, the following results could ensue:

Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and

Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

DEWEY, BALLANTINE, BUSHBY,
PALMER & WOOD.

Mr. DANFORTH. Before I read excerpts from this letter and memorandum, I would point out that subsequent to being contacted by the American Hospital Association and the Catholic Health Association, which expressed their concerns about the effects of the bill, I was also made aware of the position that was taken by the city of St. Louis. The city of St. Louis has entered into a contractual arrangement with the St. Louis Regional Medical Center to provide medical care for people who are within the city of St. Louis, principally poorer people. By city ordinance, the city of St. Louis has provided that its funds will not be used to provide abortions. Similarly, there is a State statute in Missouri which provides that, as a matter of policy in our State, State funds and public funds will not be used to provide abortions.

The St. Louis ordinance was challenged in court and was specifically upheld by the U.S. Supreme Court.

So, under present law, under the existing set of circumstances and the existing law, it is quite permissible, if we do not change things, it is quite permissible for the city of St. Louis to state that as a matter of public policy it does not want its funds to be used to provide abortions.

The St. Louis Regional Medical Center has also entered into a contractual agreement with Washington University. Washington University is one of the great medical centers in the United States and Washington University provides very high-quality medical

[3] The Report language is drafted in such a manner that it is susceptible of several alternative interpretations. The Committee may have distinguished between providing abortions and paying for them. Under that view, its statement would be literally true, since covered institutions would not themselves have to perform abortions. But they would still have to pay for them. Or the statement could mean that an institution could avoid performing abortions by giving up its federal funding and removing itself completely from the reach of Title IX. Again, the statement would be literally true but less significant than it first appears. Given the uncertainty about what the Committee's statement means, it is questionable whether a court could give it much weight in deciding precisely what Title IX and the implementing regulations do and do not require.

advice to the St. Louis Regional Medical Center.

The concern that has been expressed by the city of St. Louis through its counsel is that the bill, in its present form, would mean that the relationship between Washington University and the Regional Health Center would require the Regional Health Center to perform abortions because the Regional Health Center is an adjunct part of the educational operation of Washington University.

So, said the city counselor for the city of St. Louis, he would recommend that should this bill be adopted, the contractual relationship with Washington University would be terminated.

The effect of that termination would be that the quality of health care provided to indigent people in the city of St. Louis would greatly decline. But that is the position of the city of St. Louis.

Mr. President, I have previously entered into the RECORD both the Dewey, Ballantine letter which is just two pages long, and a 17-page memorandum of law. I am not going to attempt to read the entire letter or the entire memorandum. I am going to read a few excerpts from the letter and from the memorandum. But I would suggest that the legal points made by one of the finest law firms in the country really deserve to be studied by interested Senators.

If you have a question about the legal effect of this legislation in mandating both insurance coverage for abortion and the actual performance of abortions, if you have any doubt about the legal effects and the legal reasoning for this concern, I would urge interested Senators or their staffs to read the letter and read the memorandum. I assume that we will be voting on this issue later in the day. I have got copies on the floor of the Senate of the letter and of the memorandum. You are welcome and you are encouraged to read them.

So, I think that that would be very important for interested Senators to do. I might say that the letter, the Dewey, Ballantine letter and the memorandum have been prepared by Mr. J. Paul McGrath. Mr. McGrath has served twice, as a matter of fact, as Assistant Attorney General of the United States so he is certainly an eminent lawyer in a distinguished law firm.

Well, here are some excerpts, Mr. President, first from the letter of Dewey, Ballantine:

This is in response to your request for our opinion on whether pending amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions.

No one can predict with certainty how the pending amendments would be construed in court if enacted in their present form. Nevertheless, we have reviewed the CRRA's language and legislative history to date and past court decisions to determine what results are reasonably possible, assuming enactment of the CRRA.

Every education institution that receives federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under Title IX's religious exemption; and

Non-religious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

That is from the opinion letter dated January 21, 1988, of Dewey, Ballantine, Bushby, Palmer & Wood, and signed by J. Paul McGrath.

Then the memorandum that bears the same date says, in part, as follows:

This memorandum considers whether proposed amendments to Title IX of the Education Amendments of 1972 could require covered institutions to fund or perform abortions. For the reasons stated below, we have concluded that:

There is a serious risk that the proposed legislation, known as the Civil Rights Restoration Act (CRRA), could require schools, hospitals, and other institutions—even ones with a religious affiliation—to fund or perform abortions; and the proposed "abortion-neutral" amendment would remove that risk by specifying that Title IX does not require covered institutions to fund or perform abortions.

No one can predict with certainty how the pending legislation would be construed in court. The CRRA's legislative history is still being made, and there is no controlling judicial precedent. Nevertheless, we can predict what results are reasonably possible, taking into account past court decisions, the CRRA's language and legislative history to date, and what we understand to be the underlying purposes of Title IX and the CRRA.

Based on our analysis of these factors, we conclude that, if the CRRA is enacted in its present form:

Education institutions could be required to fund abortions for students or employees;

Hospitals that engage in education activities or that are affiliated with education institutions could be required to perform abortions for students or employees;

Hospitals could be required to perform abortions for the general public; and

Many education institutions and hospitals associated with a religious institution could fail to qualify under the Act's "religious" exemption.

The CRRA would define "program or activity" to include "all of the operations of . . . an entire corporation, partnership or other private organization" that is "principally engaged in the business of providing . . . health care."

At the very least, this provision would subject to Title IX coverage all of a hospital's educational activities that receive federal funds. It could sweep much more broadly. The CRRA could be interpreted to subject all educational activities of a hospital to Title IX coverage if any portion of the hospital—whether or not education—received federal funds. It could even be read to provide that all of a hospital's activities would be covered by Title IX if any portion of the hospital received federal funds and if any education activities took place in the hospital.

The protections of Title IX could be extended to a hospital's patients as well as to its students and staff. In that case, the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of Title IX. Although current regulations do not appear to extend the coverage of Title IX beyond students and employees, a future Administration might determine that the regulations should be extended to cover patients as well as students and employees.

Furthermore, given the language of title IX and the rationale of North Haven, as discussed above, a court might hold that such a result is mandated by the statute itself.

Title IX, as amended by the CRRA, would require covered institutions to pay for abortions, and it could even be held to require them to perform abortions. Nevertheless, some institutions may be able to avoid this obligation under the Act's exemption for religious institutions. Our analysis indicates, however, that the exemption could be available to many fewer institutions than one might at first suppose.

Many educational institutions that are closely affiliated with religious organizations might not be able to satisfy the test—because, for example, they have lay boards of directors or significant nonreligious sources of financial aid.

I would point out in that regard, Mr. President, parenthetically, that I take it that St. Louis University and its teaching hospital, Firmin des Loge Hospital, would be covered by title IX, despite the fact that St. Louis University is generally regarded as a Jesuit university because of the fact that it has a lay board of trustees.

The existence of the religious exemption does not necessarily insulate religiously-affiliated schools and hospitals from the application of title IX. Further, the exemption would provide no protection at all to nonreligious institutions with moral objections to paying for or performing abortions.

Again, Mr. President, parenthetically, the St. Louis Regional Medical Center would be included under that analysis.

(Mr. SANFORD assumed the chair.)

Mr. DANFORTH. And then the legal memorandum winds up as follows:

It is our conclusion that this amendment would accomplish its intended result.

That is, the amendment I have just sent to the desk.

It would declare, in the language of the statute itself and not simply in the legislative history, that nothing in title IX could be held to require any institution to fund or perform abortions. The provision would, of course, displace any contrary regulations. The amendment is neutral on abortion in the sense that it would not forbid a hospital or other covered institution from funding or providing abortions if it should so choose.

Further, the amendment would explicitly prohibit covered institutions from penalizing individuals because they have had legal abortions.

Just to elaborate on those points, Mr. President, the amendment that I have sent to the desk is neutral on abortions. It is expressly neutral on the question of abortion. It says that the law cannot be read to mandate the funding for abortions, and that the Federal law cannot be read to mandate the providing of abortions at, say, university hospitals.

It does not in any way prevent those hospitals that want to conduct abortions, those health plans that want to include abortions, from doing so. They are free to do it. It says that the decision on whether or not to fund abortions or to provide abortions is something that is to be determined by the educational institution or by the hospital.

Furthermore, the amendment says that these institutions, say a college, cannot use this amendment as an argument. In fact, it is prohibited—hospitals, colleges, universities—from discriminating against people who have had abortions or who are seeking abortions. So it does not intend to authorize, in fact, it prohibits, penalties against people who have made their own choice for abortion. The question before us is not whether we are getting into the so-called freedom of choice issue. We all have different opinions on that. We are leaving that aside. We are not going to allow any coercion on the individual. But what we are saying is that the institution itself makes its own choice as to whether under its moral judgment it is going to fund abortions or provide abortions.

Finally, the memorandum of Dewey, Ballantine concludes as follows:

If the CRRA is enacted in its present form, the following results could ensue:

Every education institution that receives Federal funds that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under title IX's religious exemption; and

Nonreligious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

Mr. President, many Senators, a number of Senators, have come up to me in the last couple of days and asked me, does my amendment change present law? Does it change past law? At what point in time? Are we going back and overturning something that has already happened?

To answer those questions, I would like to describe very briefly the history of the law as it now stands.

Title IX of the education amendments was enacted by Congress in 1972. At the time that title IX was enacted into law, at the time the Congress last acted on this matter, Roe versus Wade had not been decided. Therefore, Mr. President, clearly, at the time of Congress' action, Congress' enactment of title IX, it was not the intention of Congress to mandate that educational institutions pay for people's abortions because abortions were frequently felonies in the various States.

Clearly, it was not Congress' intention in title IX when we passed the law, let us say, the Georgetown University Hospital should be compelled to perform abortions. This was a law that was passed before Roe versus Wade.

In 1975, the then Department of Health, Education, and Welfare, promulgated regulations, and those regulations said that the failure to provide for abortions in a college's health plans was discrimination under title IX. In other words, it was the interpretation of HEW that the failure to provide for abortions in health plans was sex discrimination.

I do not think there has been any court opinion on this subject. The subject was really mooted out when the Supreme Court decided the Grove City case, because the Grove City case had such a narrow interpretation of the coverage of title IX that there was just no possibility that it would ever come up. So right now it is a moot question.

I would argue that when Congress passed the law, clearly it was not our intention to cover abortions and that prior to the decision of Grove City the law on the subject was immature in that it had never really been formulated by the Supreme Court or, to my knowledge, by any other court.

The concern that has been expressed by the Dewey, Ballantine law firm and others, by the American Hospital Association, is, What will happen after this law is enacted? How will it be interpreted either by the Department of Education, or some future Department of Education, or how will it be interpreted by some court?

The concern is that when we pass this bill, if we pass this bill, a court could hold, or an administrative agency could interpret, that Congress has reenacted title IX of the education amendment; that Congress has not only reenacted title IX but Congress has, in effect, ratified the regulations that had been promulgated by HEW which could be interpreted as equating the refusal of a hospital or school to fund or provide abortions with sex discrimination; and that this particular statute would broadly apply the sex discrimination prohibition throughout educational institutions, teaching hospitals, and hospitals that have an adjunct relationship to educational institutions. That is the concern, and the Dewey, Ballantine law firm believes that is a concern that is well founded.

I would conclude, Mr. President, by saying simply this: It seems to me that clearly the Congress of the United States cannot mean to mandate institutions to perform abortions against their moral or religious principles, that Congress cannot mean in this legislation that we want other people to fund abortions even if those abortions are against their most deeply felt religious and moral principles. It would be peculiar in the extreme if the Congress of the United States, having decided under the Hyde amendment that we are not going to fund abortions in the Federal Government, would then turn around and say that Georgetown University is supposed to fund abortions. We cannot mean that. We cannot mean that Georgetown University or St. Louis University or any other college, whether or not church affiliated, is required to provide abortion coverage even if they think it is morally wrong. We cannot believe that. That is not freedom of choice for those who advocate freedom of choice.

It is one thing to say that a woman has a right to an abortion. That is not the issue before us right now. We have different opinions on the woman's right to an abortion. That is not before the Senate today. It is not at issue whether a woman has a right to an abortion. What is at issue is whether we can compel somebody to provide that abortion for that woman either by paying for it or by providing it directly in the hospital.

Now, as the Dewey, Ballantine opinion points out, this is not a settled issue of the law. And when you ask a lawyer to write a legal opinion, that lawyer is almost certainly not going to say something that is just totally predictable. The lawyer is not going to give you an iron-clad opinion. You ask the lawyer to point out the probabilities, the possibilities, what could happen, what could an administrative regulation do in the future, what could a court do in the future, how could a court interpret the law in the future? And Dewey, Ballantine has said that there is certainly a reasonable possibility that either an administrative agency or a court at some future time could hold that Georgetown University, St. Louis University, on and on, is required under its health plan to provide for abortions if it has a health plan, and that it is required to perform abortions.

Mr. President, that is not right. That kind of manipulation by the

granting or withholding of the kinds of funds that are the lifeblood of these institutions is not right, for us to so manipulate the decisions of colleges and universities.

People say, am I upsetting the present law? No, I am not upsetting the present law because we have not yet held that the Georgetowns and the St. Louis Universities have to do this. But if we do not speak clearly, if we do not make it clear that this is not our intention, then there is the possibility, reasonable possibility, as the Dewey, Ballantine law firm says, that somebody is going to do it for us, an administrative agency or a court.

I think that this is an important issue, Mr. President. I think it has to do with where values are set in this country. I do believe that there is a role to be played by our private sector in the creation of its own values, and I really do not think we want to cram abortion down the throats of hospitals and colleges and universities that have the deepest religious and moral abhorrence at this practice.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I understand that the distinguished Senator from California, Mr. WILSON, wishes to address some remarks to the amendment offered by Mr. DANFORTH. I would yield to Mr. WILSON for that purpose, for not a purpose of offering an amendment or a motion of any kind. I would be happy to yield with the understanding that I retain my right to the floor, for that purpose only, for the purpose of the Senator making a statement. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from California.

Mr. WILSON. Thank you, Mr. President. I thank my friend, the distinguished majority leader.

Mr. President, I rise in support of the Danforth amendment. I think the Senator from Missouri has done his usual very careful and very thorough job of explaining his legislation. His analysis of it is correct. But let me—for the purposes of attempting to alleviate some fears that have been expressed to me by some of my colleagues—address some specific points on which he has already touched. Perhaps some elaboration will not hurt.

This is an amendment to what is termed the Civil Rights Restoration Act. But in the particular area of abortion addressed by the Danforth amendment, the underlying Kennedy legislation I think quite arguably goes beyond restoration, as Senator DANFORTH has indicated in his recital of the history of the legislation, and more to the point, Mr. President, the proper question is not what the law was before the Grove City decision but what should the law be. We must ask ourselves what should the law be with respect to a very narrow issue, but one that is tremendously important because it raises the question of fundamental fairness that my friend from Missouri has so correctly and emphatically placed before us.

Let me say that I do not regard the issue that he has crystalized with this amendment as being properly characterized as either prochoice or prolife. Let me explain.

My friend from Missouri, in his views with respect to abortion, is generally characterized as being prolife. On the other hand, I, who rise to support him in this measure, am characterized as prochoice.

What do those phrases mean? They are not really very helpful. Let me give my definition of prochoice. It does not mean that I favor abortion. It means that I favor choice. More importantly, it means that, as a realist, I recognize that women will insist upon having that choice with respect to their own bodies. We have learned the hard way throughout the history of the United States that there are certain laws that are unenforceable. Just recall the Volstead Act, and then remember that an amendment to the Constitution was adopted to repeal it. Prohibition did not work.

Mr. President, if it was important to otherwise law-abiding Americans that they be able to get a drink, an alcoholic beverage, I suggest that whether you or I or the law of the land agree or disagree with the motivation, the thoughts, the feelings of a woman who is determined to seek an abortion, she will nonetheless seek one. That is in fact the history of illegal abortion in America before Rowe versus Wade.

So as a realist, Mr. President, I take the view that Congress does not encourage respect for the rule of law in this Nation, and we do not do anything wise or good when we enact a law that results in widespread violation of that law by otherwise law-abiding citizens who feel fully justified in breaking the law. To focus more specifically on the problem of illegal abortion, I do not think a law wise or good if it drives a 17-year-old girl or a 15-year-old girl who becomes pregnant to seek back-alley medical treatment, or to abort herself with a coathanger. I do not think that is good. I do not think it is wise. I do not think it breeds respect for the law.

But, Mr. President, the Danforth amendment is not prolife, and it is not prochoice. It raises a question of fundamental fairness. It asks how we on this floor can, in conscience, sanction the threat to withhold Federal funds, given an institution for totally different reasons than the funding of abortion, to coerce that institution to provide or pay for abortion-related services when the institution finds it morally repugnant to do so.

Mr. President, the Danforth amendment simply states that there shall be a narrow exemption from the requirements of title IX to avoid the wrong they would otherwise impose, of coercing institutions or individuals that find abortion morally repugnant to pay for or provide abortion-related services against the dictates of conscience.

Let me take back in time some who, perhaps, will not themselves remember that in time of war, the American people have been tolerant of those who did not find themselves able, in conscience, to take up arms against America's enemies. In our history, we have honored those conscientious objections when we found them valid.

Yes, we have allowed people whom the law termed as conscientious objectors to escape the burden imposed upon other able-bodied citizens to bear arms in the defense of this Nation. We did so in recognition of their assertion that they found it impossible to do so, to take a human life, as a matter of conscience. Many conscientious objectors of course distinguished themselves and won decorations for their valor serving as medical corpsmen.

Mr. President, I recall the conscientious objector to military service as clear precedent in our history and in American law for giving recognition to and honoring the assertion of conscientious objection by exempting from a duty, imposed by the law on other citizens, those who find it morally repugnant. We are right to make such exceptions.

And that is what the Danforth amendment is all about. It does not change the law which establishes the right to a legal abortion. It does not change significantly the availability of legal abortion. What it does instead is simply to create a very narrow exemption that permits those who find the provision of or payment for abortion to be morally repugnant, to escape that morally offensive duty.

And for that reason, Mr. President, there is no reason for someone who is prochoice to find a conscientious objection to the Danforth amendment; very much to the contrary. It is entirely consistent to maintain a prochoice position and also maintain that it is wrong to coerce against their will,

against their moral principles and judgments, those who find the provision of those abortion-related services repugnant.

The passage and the enactment of the Danforth amendment will not deny to those who seek legal abortion the opportunity to obtain it. It will not alter the rights of those who under existing law have a legal right to abortion but not a right to a federally funded abortion. The Danforth amendment grants to institutions and individuals a very narrowly drawn exemption.

Mr. President, when we were considering this same legislation last fall, I thought to offer an amendment that would have created a similar but much narrower exemption, one that was limited to those who could qualify under the so-called religious tenet exemption. But as I have thought about it in the interval, it seemed to me that a religious tenet exemption was unnecessarily narrow because it would not permit many whose objections are as deeply and as conscientiously held as those of people affiliated with a religious institution the same kind of exemption. It would be unfair to draw a distinction between those who find it against their conscience as a matter of their religious belief and those who find provision of abortion-related services repugnant simply as a matter of moral beliefs. So I favor the broader language of the Danforth amendment which exempts those whose objections are grounded in religious beliefs or secular moral conviction.

The Danforth amendment does a second very important thing.

After assuring that we will not use this blackjack of Federal funding and the threat of taking it away to coerce people to do things they find repugnant in this very narrow sphere having to do with abortion, it offers a second guarantee.

The second sentence of the amendment provides a guarantee that no individual shall be penalized by an institution claiming exemption. If a professor seeking tenure has had an abortion or is prospectively seeking an abortion, she will not be denied tenure for that reason, and will not be denied employment.

The Danforth amendment assures that an individual who has received abortion-related services or prospectively is seeking them will not suffer a penalty because of it. That is an important guarantee. It was not in the minds of those who first offered the exemption for institutions seeking exemption from the requirement to perform or to assist in the performance of abortion. It is a separate but related issue and a critically important one.

I emphasize it for the very simple reason that some of my colleagues have come to me and asked, "Won't the Danforth amendment not only let institutions off the hook, but also give to those institutions which may be exempted the opportunity to penalize unfairly those connected with them whose lives and fortunes they govern?" The answer is that it does not. To the contrary, it prevents any such penalty from being imposed.

So, Mr. President, I ask my colleagues to bear in mind the history of this nation, a nation that in virtually every generation has been compelled to repurchase our freedom by fighting for it, a nation that has sought peace but has been necessarily drawn into wars.

We have felt that the first duty of a democracy is to survive, so that we may make available to our citizens and those who come to our shores all the other benefits of freedom; and therefore we have thought military service a duty in time of war and one that we would not allow people to escape easily. Nor should we. But even in such an emergency, we have honored the claims of those whom the law describes as conscientious objectors.

What the Danforth amendment does is state that those who conscientiously object to performing or to assisting in the performance of abortions shall not be compelled against their conscience to do so. That is a good thing. That is the kind of America we can all believe in. That is the sort of principle we should all honor, whether on the basic issue of abortion we are prochoice or prolife.

The Danforth amendment is about discrimination. The great irony is that it is an effort to fight discrimination of a rather peculiar kind, discrimination against those who assert legitimately, as a matter of conscience, that they cannot perform or assist in the performance of abortion-related services. But for the Danforth amendment, that threat of discrimination will become a reality.

So, I conclude as I began, by saying that there is no reason for those who are prochoice to oppose the Danforth amendment, because it will not affect what they are concerned about. But it will allow them to continue the American tradition of tolerance to those whose moral beliefs, legitimately asserted, demand our respect if not our agreement. To uphold that tradition of tolerance, we must enact the Danforth amendment.

Mr. BYRD. Mr. President, I understand that Mr. HUMPHREY wishes to speak for 10 or 15 minutes. I ask unanimous consent that I may yield to Mr. HUMPHREY for the purpose of a statement only, without losing my right to the floor, so that I be protected in that regard.

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

Mr. BYRD. I yield to the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, there can be no doubt that the debate on this amendment is of unusual importance to thousands of institutions and millions of American citizens throughout the Nation. Both opponents and supporters of the amendment feel strongly about the abortion-neutralization provision.

Where the debate on this provision once centered on what the Grove City bill would do with respect to abortion, it is now patently clear that the bill's proponents knew 2 years ago of this bill's wide sweeping, proabortion ramifications. Indeed, they knew, and intended that virtually every institution in America, even remotely connected with the Federal Government, would be forced to provide abortion services. Moreover, virtually every religiously affiliated institution, including hospitals and schools, will be covered by the yawning sweep of this bill's abortion provisions and compelled to go against deeply felt religious and moral convictions.

Current title IX regulations treat the refusal of a title IX recipient to provide abortion coverage as "sex discrimination." The logic is strained, it seems to me, but the argument is that denial of a particular benefit to women only, constitutes discrimination against females.

It is self-evident that only women can have abortions, that only women can conceive and bear children. That is a fact of nature. It is certainly strange in logic to suggest that the denial of an abortion is sex discrimination.

Then, of course, there is the overriding fact, self-evident, however much some may refuse to see it, that abortion takes the life of a living human being who should be accorded all the same civil rights we enjoy. The offspring, after all, of human beings are human beings. How can it be otherwise? Abortion, after all, kills human beings. It is a great injustice, a great tragedy. It is unjust and it is unjustifiable, in that there are better, more humane alternatives.

Nonetheless, under title IX, programs now must provide abortion coverage to female students and employees in the programs.

If unamended, S. 557 would force an organization receiving title IX funds, directly or indirectly, to be subject to title IX regulations. In the case of abortion, that would mean that all institutions, all organizations, in some way receiving title IX funds would have to provide abortion coverage or perform abortions to comply with title IX regulations, or they can choose to violate the regulations and be subject to legal liability for sex discrimination.

You can imagine the advice of counsel of these organizations. You would be compelled, whether your morals and your ethics can accommodate that or not.

Surely, Mr. President, this is an intolerable situation, even for those who genuinely believe that abortion ought to be enforced as a right.

Anyone who looks close enough will see that the Grove City bill before us is not just a simple restoration of civil rights. In fact, it may be one of the most expansive pieces of legislation to come before this body in a long time.

First, S. 557 does not restore the abortion situation to its pre-Grove status where only certain universities would be compelled to provide abortion coverage. S. 557 greatly expands the universe of affected organizations.

Previously only certain university programs were bound by the regulations.

Now the entire university, not just certain programs, but the entire university in its entirety on whatever campuses, wherever, will be bound to perform abortion or to provide abortion coverage, if just one of its programs, anywhere, somewhere, however tangentially, even if just one student benefits by a Federal loan under title IX.

Second, S. 557 actually violates the civil rights of organizations which hold religious or moral or ethical objections to abortion or which respect the sense of the host community that abortions should not be performed, as is the case with the community in St. Louis.

Third, S. 557 denies any intention of respecting the civil rights—the most fundamental of which is the right to life—of the prenatal infant.

The question we must answer is not "does this bill expand abortion rights in any way" but "should this bill expand abortion rights." The answer we hear now from some quarters is a resounding "yes." And they intend and have always intended this bill to advance abortion rights to the fullest extent possible.

An unamended S. 557 will achieve this by forcing institutions to pay for, or actually perform, abortion on demand for students, employees, and the general public, ethical objections be damned.

Unamended this bill is nothing short of a disaster for the schools and hospitals which do not provide abortion coverage. Without the Danforth amendment, this bill reaches the heights of hypocrisy.

For a dozen years the Federal Government has refused and the Congress has legislated so as to preclude the Federal Government from paying for abortions except in the most narrow circumstances. The Medicaid Program has funded abortions only in the narrowest of instances—a total of 250 abortions last year, for example. The Department of Defense, Bureau of Prisons, District of Columbia, Agency for International Development, Indian Health Service, Federal Employees Health Benefits and Peace Corps all have similar restrictions, enacted by whom? By us. That is whom. By this body and the other.

Yet without the Danforth amendment, S. 557 completely brushes aside the logic and the rationale which this body has upheld so many times, indeed which the Supreme Court has upheld in finding that our statutes along those lines are constitutional.

But now if it does not amend S. 557 with the Danforth amendment the Senate is about to say to anyone interested in Federal funds, "In order to receive such funds, you must pay for abortions."

Mr. President, I stress once again this is not an antiabortion amendment. The language is neutral on abortion. It offers choice. It offers choice to institutions. It offers them a latitude to exercise their ethical and moral judgments and that of the community which hosts them. It neither mandates abortion coverage nor does it prohibit. It neither mandates nor prohibits abortion coverage. Institutions are free to do as they wish but "free to do as they wish" that is the key—"free." The amendment leaves to the particular community or institution the decision to provide or not provide abortions.

The real issue is not the fundamental issue of abortion. We will raise that certainly on more appropriate occasions. The issue is whether you believe that every hospital in America, every educational institution in America, indeed those religiously affiliated or any institution even remotely tied to the Federal Government—which one is not today—should be forced to perform or provide abortion services.

If Senators believe the Government has that right, if that kind of dictatorial regime is justified and ethical, then Senators will have no problem, I suppose, in leaving the bill as is, but if you think there is something wrong with the Federal Government forcing every last institution to dirty its hands with the blood of prenatal infants, then you will want to support the Danforth amendment.

I yield the floor.

Mr. BYRD. Mr. President, I understand the distinguished Senator from Oregon wishes me to yield to him for a statement.

Mr. HATFIELD. I would, Mr. President, and I thank the majority leader, for about I would say 12 minutes.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oregon for not to exceed 15 minutes for the purpose only of just making a statement.

Mr. DANFORTH addressed the Chair.

Mr. BYRD. I ask to be protected in my rights to the floor.

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

Mr. BYRD. I yield.

Mr. DANFORTH. I wonder if I could just make a unanimous-consent request to add a cosponsor.

Mr. BYRD. Yes, I will do that.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator EXON be added as a cosponsor to my amendment.

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

Mr. HATFIELD. Mr. President, I thank the majority leader for yielding for the purpose of making a few comments on the so-called Danforth abortion-neutral amendment.

Mr. President, the interpretation of Federal statute in the Grove City decision has compelled Congress to reexamine title IX and seek to restore its original intent. I believe that Grove City should be considered by this body and I am pleased to see the Senate once again take up the Civil Rights Restoration Act.

Unfortunately, the rights of the unborn and the rights of women have been placed by the bill's sponsors on a collision course. Unless an abortion-neutral amendment to this legislation is adopted, it is likely that organizations will be forced to violate their corporate consciences because they will be compelled to provide abortion services. If we cannot reach an agreement on this issue we may lose the opportunity to overturn Grove City and women will once again be denied full protection from the intolerable spectre of sex discrimination by educational institutions.

Adoption of this legislation as drafted will push aside those protections for individuals and institutions opposed to abortion in favor of a questionable interpretation that abortions must be funded—and even performed—by hospitals and educators if they are to avoid lawsuits charging sex discrimination and the loss of Federal financial support. Yet the right to deny funding or facilitation of an abortion is long established. Federal law has protected the individuals' right of conscience with respect to this difficult issue. Congress has prohibited the use of Federal funds for most abortion activities and has adopted specific protections from discrimination for any individual who performed or assisted in a legal abortion, or if that person refused to perform or assist in an abortion procedure.

My colleagues on the other side of the issue of abortion have argued forcefully for the right to choose; yet this legislation before us strips away that right and forces the Federal Gov-

ernment into the untenable position of enforcing a prohibition of choice. We must change this bill if we are to truly have a clean piece of legislation which affirms the right to differ. The proposal offered by my distinguished colleague from Missouri is surprisingly simple and straightforward: It says that nothing in this legislation secures or denies any benefit or service related to abortion to any individual, entity or organization. Nor shall any individual be discriminated against because that person has had a legal abortion. This amendment is neutral. Without this amendment this bill is not clean.

I must differ with my colleagues who claim that by passing a clean bill we are in keeping with our original position on the mandatory coverage of abortion. We do not know how the courts will interpret this act. The court could conceivably judge this act as broadly as it judged title IX narrowly in Grove City. After considering many legal opinions on the issue, I have come to the conclusion that it is simply not true that the bill offered today represents the status quo. It would please me greatly if one of the sponsors of the bill could offer a guarantee that the protections afforded now will continue to protect those whose consciences tell them abortion is morally wrong. And I would be greatly interested in learning from the sponsors how, in a nation that does not allow tax dollars to pay for most abortions, the payment for, and provision of, abortion services became rights protected by Federal antisex discrimination statutes?

Congress did not mandate that all federally-funded institutions, save religious-affiliated institutions, must offer abortion services to employees and students. Under this proposal, regulations issued 13 years ago with respect to insurance coverage for abortion would become law and dramatically expanded under the Civil Rights Restoration Act. Without the Danforth amendment, many institutions originally untouched by title IX could find themselves forced to offer a service which is morally unacceptable to them.

It is not my desire today to ignite a full-blown debate on the issue of abortion. This body has considered an endless string of abortion-related amendments to almost every imaginable piece of legislation and yet has reached no real consensus on the question of whether abortion is morally right or wrong. We have reached political agreements but we have not answered the fundamental moral question of when life begins, and thus, when the protections of human and civil rights begin. Roe versus Wade toppled abortion laws in every State, but it did nothing to steady our consciences: as a public body we are just as polarized on this issue now as we were 15 years ago.

We cannot expect to resolve the abortion issue today so we must seek to avoid a clash of differences. An acceptable solution is within reach. It does not have to be difficult. By adopting this amendment, we can set aside the paralyzing abortion debate and attempt to restore for women the protections from sex discrimination originally included in title IX, an effort I wholeheartedly support.

Mr. President, I guess the one positive thing out of this whole matter today is, as ranking member of the Appropriations Committee, I am grateful that this is not on an appropriations measure; that it is standing on its own.

I thank the majority leader for yielding me time.

Mr. BYRD. Mr. President, I have no desire to retain the floor. I am merely trying to protect it until the managers of the bill are on the floor. I would be happy to yield to any Senator for the purposes of making a statement only. Mr. HATCH is here and Mr. KENNEDY was here.

Mr. PACKWOOD. Mr. President, I would like to make a statement. I may later have an amendment; I may not. But, at the moment, I would like to make a statement, if the Senator would yield to me for the purpose of a statement.

Mr. BYRD. May I ask how long would the Senator like?

Mr. PACKWOOD. I would say 7 to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to Mr. PACKWOOD for not to exceed 10 minutes for the purpose of making a statement only, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, let us try to put things in proper perspective if we can as to what we are trying to do with the Civil Rights Restoration Act. Those of us who are proponents of the Civil Rights Restoration Act would maintain that we are simply trying to put the law back in the state it was prior to the Grove City case. Those opposed to the Civil Rights Restoration Act will make the argument we are trying to do more.

We do not think we are trying to do more. And, to the extent they could prove to me we are trying to do more, I will try to accommodate the opponents. But I think what they are really opposed to is the act and the law the way it was prior to Grove City. They do not want to go back to the law prior to Grove City. They want to change the law prior to Grove City.

As far as abortion is concerned, if they could upset the Roe versus Wade decision, I think a great many of the opponents would be happy to do so.

So I want to, if I might, indicate what the law was prior to Grove City involving abortion and educational institutions, religious hospitals, if they had an educational component, a teaching hospital with a nursing school or something like that. Bear in mind the sequence. Roe versus Wade was 1973. Title IX was passed in 1972, but the regulations involving this particular section did not come until 1975. It was after Roe versus Wade.

It is not a question that the regulations were offered first, then came Roe versus Wade, giving an entire new cast to the regulations. We had title IX; Roe; regulations.

Prior to Grove City, this was the situation involving abortion in title IX. One, it prohibited any university from discriminating in the selection of students or employment of faculty or administration on the basis of pregnancy, childbearing, false pregnancy, termination of pregnancy—which, of course, is abortion—or recovery therefrom. And this regulation could prohibit a university from exempting a student or firing a teacher who had an abortion.

Second, it provided that you treat pregnancy, childbearing, false pregnancy, termination of pregnancy, and recovery in the same manner and under the same policy as other temporary disabilities with respect to any medical hospital benefit service plan or policy.

This means that the regulation would require a university-paid health insurance plan for employees or students to cover abortion services unless they had other exemptions for temporary disabilities. All the regulation said is you could not separate abortion out. Abortion was legal in this country. Roe versus Wade said it was legal; you have a right to it.

And these are universities receiving public funds or charitable funds of some kind or another and we have said, "All right. You don't have to have a health plan," period. "Don't want one, don't have to have one."

Next, if you have a health plan, there are certain things you could exclude from it, certain temporary disabilities, if you want. Maybe you think intramural athletics is bad and you do not want to cover it in the health plan. You say, "All right, we don't want to cover it in our health plan, but for $20 a term, for example, extra, you can buy the coverage if you want it. But we are just not going to cover it in the general health plan." And if we had hospitals excluding it, everybody excluding it, you could probably have an abortion exclusion. But that was not common. But to the extent it separated it, there are certain temporary disabilities we will not cover, you could also exclude abortion coverage or add it in the sense you would have to pay

$20 a term or $30 a term, whatever it might cost the university to provide. That is uncommon. It is very seldom the health plan excludes temporary disabilities.

But that is all the law was prior to Grove City. Grove City is unrelated per se to abortion. Grove City was a different issue. Grove City was a situation questioning whether or not a university, if they received Federal funds or funds that were touched by the Federal Government, were prohibited from discriminating throughout the university if some small part of the university got Federal funds.

Example: The French department might get Federal funds. Would that prohibit the English department from discriminating, the athletic department from discriminating?

Prior to the Grove City case, everyone—and I mean Republican, Democrat, conservative, liberal; Gerald Ford, Richard Nixon, Jimmy Carter, right up until the Reagan administration—thought that the title IX regulations meant institutionwide coverage. And this, very frankly, is how we finally were able to get universities and other educational units, schools, high schools, to give equal treatment to women in athletics. This was the opening wedge. And I think there are many, many parents now that are very proud of their track star daughters or basketball star daughters or field hockey star daughters, all of which was really forced upon the educational institutions by title IX. That issue is unrelated at the moment to abortion.

Along came Grove City and the Supreme Court said, no, in defining the term "program or activity." Those were the key words. They are what we call program specific. If the French department gets money, the French department cannot discriminate, but the English department can. And, unfortunately, most importantly, the athletic department can. And most athletic departments do not get Federal money and we are seeing a retrenchment in the equal treatment of women in athletics. You say all of that is unrelated to abortion, except to this extent:

Under the old law, if you thought it was institutionwide coverage and the institution received Federal money, they could not discriminate anyplace in the institution if they provided a health plan; could not discriminate in abortion, if they provided a health plan. That was the law prior to Grove City.

Grove City first raises the issue, therefore, about intitutionwide versus programwide discrimination. But that relates to everything: racial discrimination, it is not just abortion; relates to all kinds of discrimination.

Then you have the second issue, and that is what the Danforth amendment is trying to raise. It is about abortion. He wants to go back prior to Grove City and say: "OK, we will accept institutionwide coverage. We won't argue about the French department versus the whole school or the French department versus the health department or the athletic department. We will go back and accept the whole institutionwide coverage. But we now want to make an exception for abortion, an exception that was not there prior to the Grove City case and which the Grove City case did not touch. It was a different issue.

So, whether or not the Civil Rights Restoration Act as introduced and is being considered on this floor does or does not change the law prior to Grove City, it is very clear that the proponents of the Danforth amendment do want to change what the law was prior to Grove City. They will use the argument that it is immoral, it is unfair to force a Catholic university to provide abortion advice. I want to emphasize: they do not have to provide abortions.

There is an outrageous statement from the Department of Justice today that is just off the wall. Let me read it to you.

> It would also expand the scope of title IX's mandatory abortion regulations to the point that a hosptial receiving one dollar of Federal aid and which conducts an education program would be compelled to perform abortions on demand to the general public.

That is outrageous pap. The bill does not require that. The old law did not require that. I do not know anybody who suggests it requires that.

Now, if worst comes to worst, what happens? Let us say an institution says: This is against our religious beliefs. Then we have in the present law a religious tenet exception. That is also being debated in this amendment to expand the religious tenet exception. In this case you apply, you say: This is religiously opposed to our beliefs and we do not want to do it.

Georgetown University, interestingly, in sort of a tangential case, has a situation involving gay students and the gay students had a club and they demanded that the university recognize their club. Georgetown said that is against our religion. This is a case involving the District of Columbia's discrimination laws. But Georgetown raised the issue they were a religious institution. This violated their religious principles and they should not have to recognize the group. And Georgetown raised the issue of being a religious organization.

They went to the District of Columbia court. In kind of a Solomon-like decision the judge sort of split the difference and said Georgetown does not have to recognize the group in violation of their religious principles but they do have to afford them a room to meet in or they cannot discriminate on that basis. But they do not have to recognize them. And both sides kind of came out reasonably satisfied with the decision.

The reason I raise that point is Georgetown in that case said: We are a religious organization. This violates our principles. They could do the same thing on the abortion regulations.

Mr. President, I have a list, if I can find it. It is 142 colleges that have applied under the current law for religious exception. Every one of them has had their application granted.

As a matter of fact there has never been an application that any university has ever filed applying for the so-called religious exception that has not been granted, under the old law.

So if this act passes as it is now before us, without the Danforth amendment, first, all we do is enforce what the old law was. Second, if you are a religious institution, you file for a religious exception, and so far every single one has received it.

So, we are not requiring any university to provide abortions to the general public. We are not requiring any university to provide an abortion at all in the sense they have to perform them. All we are saying is you cannot discriminate. If you are going to have a health plan and you have no exceptions from that health plan for any kind of temporary disability, you cannot exclude abortion. But if it really violates your religious principles, apply for an exception and at least to date every single university that has applied has received it.

So, Mr. President, I would hope that the Danforth amendment would be defeated. It is one more effort to chip and chink away at the rights of women in this country to make a decision for themselves whether or not they want to have an abortion. I realize it is a relatively small chipping. It is whether or not universities are going to have to pay for a health plan. They do not even have to pay for it. Maybe they are going to charge all the students for it and the students pay themselves under a university group coverage. It is whether or not the university is going to provide coverage for abortion along with all other temporary disabilities. All I am asking is that the law remain as it was prior to Grove City. And I think in terms of this amendment, there is no question in the authors' minds that they want to change what was the law and the regulations prior to Grove City.

Whether any other part of this bill changes or not is a fair debate, but there is no question but what this amendment changes it for those who believe the Supreme Court's decision in Roe versus Wade was right and that women, all women whether they go to college or not, ought to be entitled to make the choice for themselves as to

whether they want an abortion or do not. And I would encourage them to vote against the Danforth amendment.

I thank the Chair and I thank the majority leader.

Mr. DANFORTH. What I would like to do is ask unanimous consent to add two cosponsors and then proceed for 5 minutes.

Mr. BYRD. I have no problem with that, Mr. President, I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Missouri for not to exceed 5 minutes for the purpose of making a statement only and for the purpose of asking that additional cosponsors to the amendment be added.

The PRESIDING OFFICER. Is there objection? The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator WARNER, Senator PRESSLER—Senator THURMOND already is a cosponsor—Senator WARNER and Senator PRESSLER be added as cosponsors to the amendment.

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

Mr. DANFORTH. Mr. President, just responding to Senator PACKWOOD on the question: Do we want to change the law? Do I want to change the law? The answer to that question is, of course, no, I do not. The law has not yet been interpreted to require hospitals to preform abortions. The law has not yet been interpreted to provide that, for example, Georgetown University funds abortions, to my knowledge.

My position is that we do not want the law to be so construed in the future and the Dewey, Ballantine law firm has written a legal opinion that the law might be construed by a court or by an administrative agency to require a Georgetown University to perform abortions or to fund abortions.

That is the issue: prospectively, in the future, do we want to preclude a court from making such a decision or do we not? My view is that the Congress has never taken a position in the past that it is the position of the Government of the United States to use the power of the purse to coerce educational institutions or hospitals into either funding or performing abortions. Congress has never done that. To my knowledge, courts have not done that. The law now is not that hospitals must perform abortions. The law today is not that Georgetown University Hospital has to perform abortions. The law is not now, today, that Georgetown University has to pay for people's abortions.

My position is that we should make it clear in this bill that a Federal judge in the future or administrative agency in the future is not going to do that. We do not believe, as a matter of policy, that should happen.

Senator PACKWOOD cited a letter from the Justice Department on the effect on hospitals. He said it was outrageous. But the firm of Dewey, Ballantine reached precisely the same conclusion. And I quote again from the Dewey, Ballantine memorandum of law:

> The protections of title IX could be extended to a hospital's patients as well as to its students and staff. In that case the refusal to perform abortion services for the general public could also be considered sex discrimination in violation of title IX.

This is not just the Justice Department. This is the Dewey, Ballantine law firm that has given me the same legal opinion as to what a court can do if it pushes this legislation to its farthest extreme. I want to preclude that.

That is why I have offered the amendment. It will not change the law, but, instead, it is taking a very clear position that the Congress of the United States is not going to force hospitals and universities and colleges into doing something which, under the Hyde amendment, we do not do.

Under the Hyde amendment we have decided we are not going to fund abortions with the taxpayers' dollars. How can we be in a position in the Congress of the United States of deciding that a court is going to have a free run at compelling hospitals and universities and colleges in their health plans and in their medical services to do what we in Congress will not do?

What kind of quirky position would that be? This really would be the law. The bill in its present form, without the amendment, would open the door to wild changes in the status quo, in the opinion of this Senator.

The PRESIDING OFFICER (Mr. DIXON). The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I understand the distinguished Senator from South Carolina wishes to speak. It is not my desire to hold the floor long. I merely am trying to protect Senators for the moment who have amendments they are preparing.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina for not to exceed 10 minutes for the purpose of making a statement only, and that I be protected in my right to the floor.

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

The Senator from South Carolina is recognized for not to exceed 10 minutes, while the right of the majority leader to the floor is protected.

Mr. THURMOND. Mr. President, I rise in support of this amendment.

The amendment that has been offered by the distinguished Senator from Missouri would merely establish that title IX of the Education Amendments of 1972 is to be neutral with respect to abortion.

Mr. President, each year Congress enacts provisions of law that prohibit the use of Federal dollars to perform abortions. This is our consistent policy and one which has been ruled constitutional by the Supreme Court. In light of this fact, it is ludicrous that there is a Federal regulation on the books that requires those who receive Federal financial assistance to make abortion services available.

One can hardly imagine anything more hypocritical than the Federal Government making an activity off limits for its own money at the same time it requires others to use their money for the same activity. Such hypocrisy should be erased from the regulations and any legislation that addresses title IX is an appropriate place to do so.

Clearly, the title IX regulations of the Department of Education on abortion do not reflect the intent of the Congress which approved that law, nor do they reflect the policy of the Congress today. It is simply ridiculous to describe, as these regulations do, the failure to provide abortion services as discrimination on the basis of sex.

Quite frankly, Mr. President, I am having a bit of a hard time understanding why it is so objectionable to remove this regulatory blunder from the books. I am not aware of anyone who has endorsed the policy that failure to provide abortion services is a form of sex discrimination. In fact, in a response to a written question submitted by Senator HATCH, Eleanor Smeal, president of the National Organization for Women, Inc., stated:

> To the best of my knowledge, NOW has not to date taken a policy position that the failure to provide abortion services is a form of sex discrimination.

In responding to the same question, Marcia D. Greenberger, managing attorney of the National Women's Law Center, stated:

> To the best of my knowledge and belief, the National Women's Law Center has never taken the position, as a matter of policy not the law, that failure to provide abortion services is a form of sex discrimination.

Mr. President, if groups such as these have not endorsed this policy—and I am not sure I have ever heard of anyone endorsing this policy—I wonder, then, how it could be the issue which supposedly derailed the Grove City bill in the House during the 99th Congress. I do not understand how an unsupported agency policy could have been allowed to halt the progress of a bill which the chairman of the Labor Committee has called one of the most important civil rights bills of the decade.

We have heard for several years now that this legislation is not the place to address this issue. However, we do not legislate in a vacuum and the fact is, any bill which addresses title IX is appropriate for such an amendment. It is no secret that in moving from program-specific to institution-wide coverage, as S. 557 proposes, regulations will gain broader application. The substance of those regulations, then, is absolutely relevant to the bill.

Mr. President, I believe that the authors of this regulation saw an opportunity to achieve through regulation what the proabortion forces could not achieve through legislation. We should revoke these regulations and now is the time to do it.

I strongly support this amendment and urge its adoption.

I yield the floor.

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

The PRESIDING OFFICER. The Senator is advised that the Chair, in his capacity as a Senator from Illinois, has made a commitment to object to such a request, temporarily.

Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued the call of the roll.

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

The PRESIDING OFFICER. Is it the Senator's purpose to make a brief statement for not more than 10 minutes?

Mr. NICKLES. The Presiding Officer is correct.

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

The Senator from Oklahoma.

Mr. NICKLES. I thank the Chair.

Mr. President, I rise in support of the amendment offered by the Senator from Missouri, and I compliment him for his leadership in this issue, sometimes a confusing issue, but one that is vitally important.

I state to my colleagues that I am surprised, in looking at the amendment of the Senator from Missouri, that there is any opposition whatsoever to this amendment. I have been involved in floor debates dealing with the abortion issue, and I have heard Senators make the pro-choice argument. The Senator from Missouri has an amendment that provides for choice. It states that institutions can provide abortion services or they can decline to provide abortion services. They have had that choice for years. Historically, they have had that choice, and they will continue to have that choice, unless we pass this legislation.

Look at the amendment of the Senator from Missouri. It is very clear; it is very plain, it has been read. I hope my colleagues are aware of it. It says:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion.

It goes further and says:

> Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to a legal abortion.

That is trying to make it very clear. The institution will not be penalized and the person will not be penalized if they have opted to provide an abortion, but we are trying to say they will not be compelled or forced to provide services for abortion.

We have heard Georgetown University mentioned. Every Senator has countless hospitals, possibly teaching hospitals, in their States which would be covered. Many of those would be violently opposed to teaching and/or providing or subsidizing abortion services.

I talked to one yesterday in my State, and it was not Catholic. It was associated with the Baptists. He stated: "If we were compelled to provide abortion services, we would refuse to do so. It is against our religious convictions. We will not do so. We would not do it." Some way or other, they would not do it. You have to applaud that type of conviction.

Mr. President, some of those who are proponents of this legislation have said: "Wait a minute. This is just pre-Grove City. This is no expansion of power." If this is no expansion of power, certainly they can accept this amendment, because under present-day law these institutions are not required to perform abortion services; and if this amendment is not agreed to, they will be required. If it is not an expansion of power, the Members of the Senate should concur in this amendment.

This is an abortion-neutral amendment. This is not so much a pro-life amendment. This does not outlaw abortion. It just allows institutions the opportunity not to provide, not to be compelled to provide, abortion services.

I am sure that my good friend from Illinois and every other Senator in this Chamber has such institutions in their State. I can think of several in my State.

I heard the Senator from Oregon say that 142 institutions have applied for exemptions under title IX. This has been expanded to such an extent that you would have to have thousands of exemptions, because you have so many religious hospitals that would object to providing the services. I am not sure that the exemption that the Senator from Oregon was talking about would apply if we did not accept the Danforth amendment.

This is a vitally important amendment. I shudder to think of going for example, to St. Anthony's Hospital in Oklahoma City or St. Francis Hospital, big institutions that provide a multitude of outstanding services to my constituents, and telling them, "The Civil Rights Restoration Act of 1987 is a great act in almost every case, but I need to inform you that part of that act says you cannot have sex discrimination, it applies to the entire institution, and therefore you not only have to provide for abortion services for your employees, but since you are also teaching hospitals and you receive Federal funds, and you have recipients of Federal funds in the hospital, and so forth, you have to provide abortion services."

Those are religious institutions, privately funded hospitals that began in our State, and I can tell you they would be most upset. I am upset. I do not want to tell them that. I do not think we will have to tell them that, because I believe that if the Danforth amendment is not adopted, you will not have passage of the Civil Rights Restoration Act of 1987.

Mr. DANFORTH. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. DANFORTH. Let me ask the Senator first on the religious tenet exemption. A religious tenet exemption would not apply, would it, to hospitals that have no conceivable relationship with a religious denomination?

For example, the St. Louis Regional Health Center, which does not now provide abortions because that is the city policy, could not avail themselves of a religious exemption.

Mr. NICKLES. The Senator is correct.

Mr. DANFORTH. I also think I am correct—and the Senator can correct me if I am not—that under the Carter administration, religious exemptions were not granted, and under the Reagan administration they have been. But it is up to the whim of what-

ever the administration is, whether or not to grant the religious exemption. It is perfectly possible to construe it very narrowly and simply not act on it or not grant the exemptions.

Mr. NICKLES. I do not know how many exemptions the Carter administration did or did not grant.

Mr. DANFORTH. I think it is zero or very close to zero.

Mr. NICKLES. I would not be surprised.

I think the Senator is making an outstanding comment. It is certainly not a policy that should change on administration philosophy.

Mr. DANFORTH. The Senator mentioned St. Anthony Hospital. Maybe it has a nursing program which would bring it within reach of this bill, conceivably. Does the Senator believe that the administrators of St. Anthony Hospital in Oklahoma should be in a position of going through an administrative officer of the Federal Government and begging for an exemption so that the hospital would not have to perform abortions? Is that the position we should put them in?

Mr. NICKLES. I think the Senator is making an excellent point. Administrators of hospitals have a lot of important work to do, and this should not be added, not to mention the fact of the litigation that this would expose them to. That is dollars and services and time that could be better used in servicing their patients, instead of fighting legal battles and class-action suits.

Mr. DANFORTH. Let us say that Georgetown Hospital would have to go to the Department of Education. It is demeaning and it is a tenuous position to be put into, if Georgetown University or St. Anthony Hospital, or St. Mary's Hospital in St. Louis, or whatever, has to go to a Federal bureaucrat and say: "Please, Mr. Bureaucrat, out of the kindness of your heart construe the religious exemption in a way that is beneficial to me."

The Dewey, Ballantine opinion pointed out very clearly that the religious exemption can be very tightly construed and it is not right—I think the Senator will agree—it is just not right to put religious hospitals or hospitals that are affiliated with universities in the position of pleading for an exemption which can be granted or denied at the discretion of the administrative officer.

Mr. NICKLES. I think the Senator is exactly correct.

Again when you think of the issue and how important it is to various institutions to take the issue of abortion in Georgetown or I mentioned St. Anthony's, and I am sure again all Senators have other similar type institutions, the issue is so important to a lot of their strong beliefs, that we are not talking about a minor issue of whether or not something is approved, an insurance claim or something. We are talking about very significant changes in policy that should not really be at the whim of any particular administration as it changes from time to time.

Why in the world would we in Congress mandate the hospitals that they have to provide services and fund services, whether it be insurance or provide those services, when we in Congress through the Hyde amendment say we are not going to fund them, we did not fund abortions with Federal taxpayers' dollars, but yet we would be requiring those institutions to provide that service?

Mr. President, the final point I want to make—and we have a lot of people, probably a strong majority in this body who would like to see this piece of legislation pass—I am confident that if the Danforth amendment does not pass, that the Civil Rights Restoration Act of 1987 will not become law.

I do not know if it has been read or not, but I will read to you comments that the President has stated, which gives me a great deal of confidence that the President will veto the bill if the Danforth amendment is not passed.

On July 30, 1987, he addressed persons active concerning the Grove City issue and I will read what the President had to say. This is President Reagan on July 30, 1987. He said:

> I want, third, to restate our firm opposition to the so-called "Grove City" legislation sponsored by Senator Kennedy. This bill—S. 557—would mean that hospitals and colleges receiving federal funds, even those with religious affiliations, would be open to lawsuits if they failed to provide abortions. In other word, the legislation would virtually force these institutions to provide abortion on demand.

The President goes on:

> I don't mind telling you, this one really touches my temperature control. I don't want to get started, but let me just say this. As far as I'm concerned, every member of Congress should oppose this pro-abortion federal intrusion. * * *

He goes on to say:

> We support an amendment offered by Senator Danforth—an amendment that would eliminate the pro-abortion aspects of that legislation. As I said before, this Administration will oppose any legislation that would require individuals or institutions—public or private—to finance or perform abortions.

Mr. President, I am confident that if the Danforth amendment is not agreed to, the President will veto this entire bill.

So for the proponents of this legislation, I would think that they would like to see the Danforth amendment, which would just guarantee those institutions the right to perform abortions or the right not to perform abortions, agreed to.

Mr. President, I conclude my statement. Again, I would urge the adoption of the Danforth amendment.

I think if we fail to adopt the Danforth amendment, it would be a very serious mistake.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. Would the Senator from Oklahoma withhold that last motion?

The clerk will call the roll.

Mr. PACKWOOD. I asked for recognition, Mr. President.

He yielded the floor.

Mr. NICKLES. No. I suggested the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma has suggested the absence of a quorum.

The clerk will call the roll.

Mr. WEICKER. Mr. President, will the Senator yield for a parliamentary inquiry?

I would like to have the record read back.

Mr. DANFORTH. Regular order is correct.

Mr. WEICKER. The Senator yielded the floor and then said he suggested the absence of a quorum.

I would like the record read back.

Mr. PACKWOOD. I believe the Senator from Connecticut is right. The Senator from Oklahoma had yielded the floor.

Mr. NICKLES. No. I suggested the absence of a quorum.

Mr. PACKWOOD Could we have the RECORD read?

The PRESIDING OFFICER. I understand that. The quorum call is in progress. The Senator from Oregon is recognized.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection has been heard.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask to dispense with the further proceedings under the call of the quorum.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the quorum call be suspended.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. There is objection heard. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Adams	Inouye	Reid
Byrd	Kennedy	Stennis
Danforth	Metzenbaum	Weicker
Dixon	Nickles	Wirth
Hatch	Packwood	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays on the motion.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. HECHT] are necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 15, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—75

Adams	Fowler	Mikulski
Armstrong	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Graham	Nunn
Biden	Grassley	Packwood
Bingaman	Harkin	Pell
Boren	Hatfield	Pressler
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Breaux	Hollings	Reid
Bumpers	Humphrey	Riegle
Burdick	Inouye	Roth
Byrd	Johnston	Rudman
Chiles	Karnes	Sanford
Cochran	Kassebaum	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerry	Shelby
Danforth	Lautenberg	Simpson
Daschle	Leahy	Stafford
DeConcini	Levin	Stevens
Dixon	Lugar	Thurmond
Dodd	Matsunaga	Trible
Domenici	McClure	Warner
Durenberger	Melcher	Wilson
Ford	Metzenbaum	Wirth

NAYS—15

Chafee	Hatch	Nickles
Cohen	Helms	Quayle
D'Amato	Kasten	Specter
Evans	McCain	Symms
Gramm	McConnell	Weicker

NOT VOTING—10

Bond	Hecht	Stennis
Dole	Murkowski	Wallop
Exon	Rockefeller	
Gore	Simon	

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BYRD. Mr. President——

The PRESIDING OFFICER. The majority leader.

Mr. DANFORTH. Mr. President, I was recognized. Regular order. The Senator from Missouri has been recognized and has the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I have to say that the Senator from Missouri does not understand the situation that the Senate is in. I have offered an amendment which I think is a very—if I could have order, Mr. President.

Mr. BYRD. May we have order in the Senate, so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DANFORTH. Mr. President, I have offered an amendment to the bill which I think really could not be more straightforward. It is an absolutely straightforward, direct, very easy to understand proposition.

The proposition is this: It is wrong for the Congress of the United States to create a situation in which a subsequent court or administrative agency could determine that church-related colleges or hospitals or colleges or hospitals that for other reasons do not want to participate in abortions either have to fund abortions or provide them. That is the point of my amendment.

The point of my amendment is that right now the law is in flux. This is an issue that has not been determined.

Back in 1972 when Congress passed title IX, Roe versus Wade had not even been decided. But the concern is that if we pass this legislation, the combination of title IX, plus a regulation that has been promulgated by the old Department of Health, Education, and Welfare, plus this bill, would create a reasonable possibility that a court could determine that, for example, Georgetown University is required to provide abortions or that, say, Georgetown University could be required to fund abortions in its health plan.

My proposition, Mr. President, is that we do not want that to occur, we should not want that to occur. We should want to mail that right now, so that Georgetown University or St. Louis University, which is a Jesuit hospital, which has a medical school and a hospital, or the St. Louis Regional Health Center, which now, as a matter of policy, does not perform abortions, is not forced to perform abortions by some court reading the combination of title IX, plus the regulations, plus this bill.

Some might say: "That sounds absolutely outrageous. How could a court decide such a thing?" Well, it sounded outrageous when the American Hospital Association came to me. It sounded outrageous when the Catholic Church Association came to me and suggested that that could be the case. So I asked for a legal opinion on the matter.

I went to a well-known firm, one of the finest law firms in this country, Dewey, Ballantine, and I asked them if they would write a legal opinion, and they have done so. They wrote the legal opinion, and they wrote a memorandum of law to attach to the legal opinion. It stated that in the opinion of the law firm, there was at least a reasonable possibility that the law as it would exist if we pass this legislation would result as follows:

Every education institution that receives Federal funds and that offers a health plan to its students or employees, whether or not the health plan itself receives such funds, could be required to fund abortions;

Hospitals that are affiliated with a university, or that have an education component, also could be required to fund abortions;

Covered hospitals could be required to perform, and not simply to fund, abortions for students and employees;

Hospitals could be required to perform abortions for the general public;

Many education institutions and hospitals that are affiliated with religious organizations could fail to qualify under title IX's religious exemption; and

Nonreligious institutions that have moral objections to funding or performing abortions would not be protected by the religious exemption.

My amendment, Mr. President, is designed to make it clear that is not going to happen. It is abortion neutral. It is designed to be abortion neutral and it is abortion neutral.

It says that we are not going to require anybody to fund abortions, we are not going to require anybody to provide abortions, and we are not going to prevent anybody from providing or funding abortions.

It says that an institution is not going to be permitted to penalize somebody who has had an abortion. That is fair. That is reasonable, and that is straightforward. I want a vote, and I am prepared to vote. We have gotten ourselves in a quagmire. The other side does not agree. My amendment is a second-degree amendment. I just want a vote on my amendment. What the other side wants to do is to amend my amendment. The way that they can do that is by a motion to recommit. They can get that. I cannot stop that from happening. They will recommit it with language that modifies my amendment that looks fine but is not fine. It undoes it. It undoes it. It wipes out my amendment and that is the point. I mean that is what they are after.

It is not just a substitute or different words for the same thing. It undoes what my amendment tries to do.

Now, Mr. President, I would be absolutely delighted to work with the majority leader and with people on the other side, and just get a vote at some time certain on my proposition. I really think I am entitled to that, to the basic proposition of whether we want to compel organizations, institutions, to either fund or provide abortions that they do not want to do. I am willing to do it. I would suggest some Senators are missing tonight. We can do it, say, at noontime, 1 o'clock, 2 o'clock tomorrow, have a time certain, not get bogged down in a lot of amendments, a lot of procedural rigmarole, and that would be my suggestion to the majority leader.

Mr. BREAUX. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. Of course.

Mr. BREAUX. I would like to ask a question because I am really not certain of the answer, in the sense that I have heard there are some areas that would be affected by the Senator's amendment that are outside of the confines of the existing bill that the Senate is now considering, that there would be existing regulations in fact that are in place, that the bill does not address in any way.

If the amendment of the Senator from Missouri were in effect adopted then changes would be made in those existing regulations that the bill does not address. Can the Senator comment on that?

Mr. DANFORTH. Yes; I would be happy to comment on it. There was no law until 1972. In 1972 Congress passed the title IX of the Education Act. Title IX was passed a year before Roe versus Wade was decided. Clearly there was no intention at the time for Congress to mandate abortions or insurance coverage of abortion.

In 1975, the Department of Health, Education, and Welfare promulgated a regulation and that regulaton equated the unwillingness to perform abortions with sex discrimination. That issue, to my knowledge, was never litigated. The law was really unformed. Then came the Grove City case and the effect of the Grove City case was to moot out those regulations because it so narrowly interpreted title IX that it really had no effect that is pertinent to the situation we are in now.

The position that is taken by Dewey, Ballantine—and I recommend the memorandum and the opinion to any Senator who is interested—the position that is taken by Dewey, Ballantine is that the combination of enacting a law which would tend to put our stamp of approval on title IX and ratify the regulations promulgated by HEW and apply title IX institution-wide and in fact even to hospitals that are not in themselves affiliated with colleges and universities which have some sort of teaching program, such as a nursing program, that that combination of events, that cluster of events, would open the door for a court to create an interpretation which is not now the law and which has not been the law.

It has never been the case before that it could be argued that Georgetown University Hospital could be forced to perform abortions. According to the Dewey, Ballantine law firm, that could be argued, and there is a reasonable possibility that a court would so hold. So that really is the issue.

The issue is not changing some prior law. The issue is acting now to prevent a bizarre result, which the Dewey, Ballantine law firm and the Department of Justice have both said and the American Hospital Association have all said, as a matter of fact, is a reasonable likelihood to occur.

Mr. BREAUX. If the Senator will yield for a following question, I do not want to delay the Senate on this matter, but my agreement with the Senator from Missouri is that this bill should be abortion neutral in the sense we do not make any declaratory judgments one way or the other on the abortion issue. But I think what I am getting from the author of the amendment is that by adopting his amendment, he is in fact recommending and perhaps mandating some changes in how abortion is treated in some of these institutions. So, to me it seems that he is taking it out of the area of neutral and abortion neutral because he is in fact making some changes in some other areas of how abortion is handled.

It seems to me it is hard to argue that it is abortion neutral if in fact changes are required by the Senator's amendment.

Mr. DANFORTH. But I believe it is abortion neutral because it really is not now the law that says a church-related hospital can be compelled to perform abortions. After the HEW decision regulation in 1975 which equated sex discrimination with the refusal to fund abortions in health plans, it is true that some colleges and universities changed their health plans and some terminated their health plans. The matter was never litigated; at least I think that that is correct, that the matter was never litigated. But it really seems to me that as far as the law is concerned Congress has never acted to state that the refusal of a private party to fund abortion is sex discrimination. Congress has never done that.

To the contrary, Congress has said with respect to Federal funds in the Hyde amendment, that we are not going to be in the business of funding abortion. So I really do not believe that it is fair to say that the present state of the law or that the state of the law before the Supreme Court decided the Grove City case was one that compelled unwilling institutions to either perform abortions or to finance abortions.

Mr. BREAUX. I thank the Senator.

Mr. LUGAR. Mr. President, I rise to speak on behalf of the amendment offered by the senior Senator from Missouri. I am pleased to be a cosponsor of this important amendment which has been carefully written to ensure that the bill before us, if enacted into law, will not be construed in a manner adverse to human life.

Mr. President, some may argue that this amendment is not needed. For this reason, it is suggested that current policy on the termination of pregnancies will not change. I wish this were true. Sadly—it is not.

Under the current regulatory policy governing Federal assistance for education, schools receiving Federal assistance have been required to make abortion services available to students and to employees. No exemption is allowed—unless a school can prove that they are controlled by a religious body. As a result, the regulations have been used to force institutions to provide abortions against clear moral conscience, and in violation of the historical convictions of many independent institutions which have been established on religious principles.

Whatever a Senator may feel about the merits of this particular regulatory policy, all must agree that it is controversial and divisive. Until now, that controversy has at least been limited to educational institutions. If the current legislation does not assure abortion neutrality, the controversy which now attends Federal policy in the area of education will be spread to every other area of public policy endeavor. Therefore, I ask my colleagues, and I ask the American people:

Is that what we intend to do with enactment of this bill?

Is that what we should do?

For me it is clear that we should not.

This body is deeply divided on the issue of abortion. This body is divided, and the American people are divided. The debate has gone on for a long time. But as long as the American people are so obviously divided, we as representatives of the people must not coerce private individuals or private institutions into providing abortions.

Those who wish to provide abortion services, are currently free to do so. I do not agree with those who do. I think they are wrong. But they are permitted by law to do as they choose. The bill before us, unless it is amended to ensure abortion neutrality, will deny the influence of conscience on the abortion issue to institutions worthy of our most profound respect.

We have not done this in the past. We certainly should not do it now.

I recognize that most Senators will decide their vote on this amendment as a matter of conscience. This is as it should be. Abortion votes are deeply divided precisely because the issue touches on a matter which means so much to us, not merely as individuals, but as a society, and as a civilization. It has to do with our understanding of human life, and the responsibility of a civlized society to protect innocent human life from preventable harm.

Whatever we may say, it is an undeniable scientific fact that a fetus growing in its mother's womb is an actual, individual, innocent, and very vulnerable human life.

It is undeniable. For this reason, I must oppose public policy that is favorable to abortion.

I realize there are contrary views. But we are only richer if they are articulated frankly and clearly. My colleagues must make up their own minds. I urge those who are undecided to support the protection of innocent human life by voting for the Danforth amendment.

Mr. HELMS. Mr. President, I intend to vote for the Danforth amendment because it will provide some protection to the unborn from the ravages of abortion.

Over the last few days, I have listened to a number of Senators singing the praises of this bill. They have said that S. 557 is a step forward for America; that S. 557 will ensure more rights for the American people than ever before.

What a cruel hoax, Mr. President. S. 557 will not enhance the cause of individual rights. It will destroy it. The abortion issue is one of the best, if not the best, example.

Mr. President, what the proabortionists have been unable to accomplish by going through the front door, they seek to accomplish by going in the back. To the disappointment of the proabortionists, for more than a decade, this Congress has refused to allow Federal tax dollars to be used for the deliberate termination of innocent human life except in the case where the life of the mother would be endangered by carrying the fetus to term. S. 557 not only would force the private sector to provide this service, it could require these institutions to pay for it.

S. 557 will force thousands of hospitals in this country to perform abortions. Religiously affiliated hospitals which do not fall within the religious exemption or other hospitals which refuse to perform abortions will be forced to participate in this holocaust. These hospitals, by the hand of the Federal Government, will be forced to murder millions of God's most innocent human beings. In addition, S. 557 could force these hospitals to pay for abortions for students and staffs through insurance plans.

The Danforth amendment will ensure some protection for the unborn. As I understand the amendment, it will give institutions the right to refuse to participate in the travesty of abortion. It will allow institutions to close avenues for the taking of the life of God's most helpless creatures. It is my understanding, however, that the Danforth amendment is not intended to expand the discrimination hiring protections presently in the Public Health Service Act, the Community Mental Health Centers Act or the Developmental Disabilities Services and Facilities Construction Act.

I urge the adoption of this amendment.

AMENDMENT NO. 1389

(Purpose: Motion to recommit the bill)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 1389.

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

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, may I inquire how long the amendment is?

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

The amendment is as follows:

I move to recommit the pending bill to the Committee on Health and Human Resources with instructions that the committee report the bill back forthwith with the following amendment:

Strike all after the enacting clause and insert in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1988".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

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

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 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 "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I would be glad to yield to the distinguished Senator from North Carolina if he wishes me to.

Mr. HELMS. I thank the Senator. I want to either see the amendment or know how long it is. I will either have it read or I want to read it, if I could get a copy of it.

Mr. HATCH. Mr. President, will the distinguished majority leader yield to me?

Mr. BYRD. Mr. President, if the distinguished Senator wishes to see a copy of the motion to recommit with instructions and the instruction I will be very happy to not proceed until he has had that opportunity. I ask unanimous consent that my rights to the floor be protected meanwhile.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. HATCH. Will the distinguished majority leader yield for a comment?

Mr. BYRD. Yes, I yield for a comment with my rights to the floor protected.

The PRESIDING OFFICER. The rights to the floor of the majority leader will be protected.

Mr. HATCH. I have been chatting with the majority floor managers and they are trying to reach an accommodation that we can resolve this matter without going to a motion to recommit, which was done, without going through that, plus a whole lot of other things that we will have to go through if we cannot accommodate each other. I think we are pretty close and we might be able to resolve this. We need just a few minutes to discuss this with the distinguished majority floor manager and the majority leader, of course, and our acting minority leader. So I would suggest that if you will give us a few minutes we can maybe resolve this. If we cannot, it is going to be a long time.

Mr. BYRD. Mr. President, I have no desire to hold the floor. I intend to offer an amendment to the instructions and I intend to fill up the tree, not because I want to but because I am trying to help the manager of the bill on this side. And I can do that. But, at the same time, I want to accord Senators an opportunity to discuss this matter in the meantime. Maybe it will be helpful. How long would the Senator suggest? Ten minutes?

Mr. HATCH. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that my rights to the floor be retained, that no Senator be recognized for the making of a motion or the offering of an amendment or for any purpose other than to speak and then that there be a limitation on the time of not to exceed 10 minutes, at which time I be recognized again.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 6:03 p.m., recessed until 6:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I understand an additional 5 minutes is needed.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that at such time that the quorum is called off, that I be recognized.

The PRESIDING OFFICER. Is there any objection? It is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I had hoped that it could be worked out to the end that there would be a vote tomorrow morning on the Hatch amend-

ment up or down, unamended; that would be followed by an amendment by Mr. METZENBAUM with a vote up or down, no amendments in order thereto; and that would be followed by a vote on an amendment by Mr. DANFORTH up or down, no amendments in order thereto.

I take it that there is no agreement to proceed in that fashion. So I shall proceed as I had earlier indicated that I would.

AMENDMENT NO. 1390

(Purpose: To amend the amendment)

Mr. BYRD. Mr. President, I send to the desk an amendment to the motion to instruct.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], on behalf of Senators KENNEDY, WEICKER, and METZENBAUM proposes an amendment numbered 1390 to the Packwood amendment 1389.

Add at the end of the amendment, the following:

Section: Abortion Neutrality and Rule of Construction.

Nothing in the amendment made by this Act shall be construed to extend the application of the Act so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1391

(Purpose: To amend the amendment)

Mr. BYRD. Mr. President, I send to the desk an amendment to the amendment.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], on behalf of Senators KENNEDY and WEICKER, proposes an amendment numbered 1391 to amendment numbered 1390.

Add at the end of the pending amendment the following:

"No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion."

Mr. BYRD. Mr. President, I am very agreeable to having debate on the amendment. If there is no debate the Chair can put the question, and I do not know whether Senators want to debate this amendment awhile or not. But I am going to yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I regret the situation that we are in right now. I think that the issue is so clear whether the Government of the United States is going to require private hospitals, private universities, private colleges, public hospitals, public colleges, public universities that all have their own positions on abortion, pro or con, to perform abortions, or whether we are going to require them to fund abortions, whether we are going to create a situation that some subsequent Federal judge or some subsequent administrative agency can determine that is the state of the law, that Georgetown University must perform abortions at its hospital or lose all Federal funds, students' aid, and so on.

I think it is an outlandish position to take. I think that this is something that the U.S. Senate should clarify.

The state of the law now is not clear. The state of the law, if we pass this bill, will be even murkier, and an opinion of counsel, very reputable counsel, has held that a court could very well determine that the state of the law subsequent to the enactment of this bill is that abortions are required at Georgetown Hospital or St. Mary's Hospital in St. Louis, or the St. Louis Regional Health Center, or that Avila College in Kansas City, MO, would be compelled to provide abortion coverage under its health plan. Now that is not right.

All I want is a clear statement in the law that that is not right and that that is not what we intend. And I have been trying to get that since 2:30 this afternoon.

I offered an amendment. It was a second-degree amendment. Apparently that threw the Senate into some kind of turmoil. I did not know it was going to throw the Senate into turmoil. It seemed to me a good idea to offer a second-degree amendment so that I could get a vote on this simple proposition.

Well, then we got into this big brouhaha on how can we deny DANFORTH his vote?

So I recognize if there is a motion to recommit, I cannot have the first vote. I am sorry about that. I do not want it to get muddied up, but I cannot get the first vote.

So then, we stood right here in the aisle, the interested Senators, and I thought we had a deal worked out where tomorrow we would go to this issue at about 11:30 in the morning. We would debate it until 1 o'clock. Then we would have a vote on the Metzenbaum shell amendment. It does not have any content. It does not do anything. But we would have a vote on this shell. And then, after an hour passed, after the completion of that, we would have a vote on mine. I do not want to be in that position. I want to vote on mine first. I cannot have that.

Now, clearly if the Senate passes two amendments on the same subject and one amendment is a shell and one amendment has substance, there has to be some statement of what is the position of the Senate. And the agreement, as I understood it in the well, was that the Metzenbaum amendment, even if it were voted up, if we agreed to the Metzenbaum amendment, the effect would be that it would be superseded by my amendment. Even in the U.S. Senate, you cannot say yes and no at the same time.

So that was what I thought was the deal. I did not like it. I did not like the agreement.

Now we are in a position where we are going to have multiple votes on this matter, further confusing us.

You know, Mr. President, one thing I found, having spent this recess back in the State of Missouri, is that the people of my State really do not think we know how to do anything around here. I believe when the President plopped those bills on the House rostrum the other night, that really resonated with the people of this country. They think we just cannot decide anything. And it is true. We cannot. We fuss around forever.

Can we not decide at a time certain tomorrow the simple proposition of whether we are going to say that Georgetown University can determine that its hospitals do not have to perform abortions? Can we not determine on the floor of the Senate at a time certain that Avila College in Kansas City, MO, does not have to fund abortions for its kids and that no Federal judge can make it do that. What is wrong with that?

We do not pay for abortions in the Federal Government. Why should we say that Avila College in Kansas City, MO, has to pay for abortions for its students if it is morally obnoxious to that college? How can we argue for that? Or, if we are going to argue, let us just make a plain argument that there is some rationale for such nonsense and let us vote on it. Let us not deny a Senator a vote.

How many times have I heard the distinguished majority leader stand before the Senate and say: "Let's get on with the business of the Senate. Let's let the Senate determine the issue. Let's let the Senate decide"?

I do not know if I have the votes on this. I would hope I would, because the contrary result is so outrageous. To say that it is not up to Avila College, that it is not up to St. Louis University to determine that it does not want anything to do with abortions, we cannot even say that. We have got to muddy it up; leave the question open. That is the issue before us. Leave the question open, leave the question open so some judge can decide it. That is, I guess, what we want around here—policy decisions made by the judiciary. I mean, we have already gone through this debate in the last few months. Let the Federal judiciary not be bound by the stat-

utes, not be bound by plain language. Give them plenty of latitude to make social policy for this country; to establish our values, create loopholes, fuzziness in the law; to allow the Federal courts to write the law for us. That is ridiculous.

I wish we could just have votes tomorrow, but now we are in this amendment tree.

Parliamentary inquiry, Mr. President. What is the situation? We now have a second-degree amendment pending?

The PRESIDING OFFICER. There is a second-degree amendment pending now to the first-degree amendment to the motion.

Mr. DANFORTH. So I take it we will then vote on that second-degree amendment and then I will offer my amendment. I suppose that is the situation. Or maybe Senator BYRD will get the floor and offer another second-degree amendment. I guess we could be at this for weeks. This could make the question of election reform that we went through last year look like a brief interlude in the Senate's business. We could be voting on second-degree amendments, I take it, forever.

Maybe the distinguished Senator from North Carolina can think up some second-degree amendments that he would like to offer on this bill. He has done that before on occasion. He has a fertile mind. He is perfectly capable of thinking up amendments on a variety of subjects.

All I want to do is vote. And I would plead with the Senator from Ohio to just let me have a vote. I want to go first. I think I should go first. I think that is only fair. But under the rules of the Senate, that can be denied me. That can be denied me, so I go second.

I do not know what the intention of the majority leader is tonight. I guess we will just start voting.

Mr. BYRD. Mr. President, it is all right with me to start voting.

And may I say to my friend, he mourns the fact that he will not have the first vote. But he says that after the vote occurs on the second-degree amendment, then he can offer an amendment, which he has a right to do, and then there could be other second-degree amendments. Well, that would have been the case if the motion to recommit had not been introduced.

I offered a second-degree amendment to the amendment by Mr. HATCH. When that second-degree amendment is disposed of, other second-degree amendments could be offered. So the only thing that is changed is that the shoe is on the other foot.

When we all went off to the Judiciary Committee meeting today to report out the nomination of Mr. Kennedy to fill the Supreme Court vacancy, the two managers were here. The understanding was that we would go into morning business until 2:30, and at 2:30 there would be a quorum call. I think that was pretty well understood among the three of us that were standing here. So we went out.

I put the Senate in recess rather than have a long quorum for an hour because no Senators were here seeking recognition. So I put us in recess until 2:30. Two-thirty came, and nobody put in a quorum. Once in a while I cannot be on the floor. Once in a while I have to leave this floor. I was in my office dealing with a matter affecting West Virginia.

I looked at the clock, 2:30, 2:31, 2:32, I did not hear any quorum call. Well, I thought someone was talking. That is OK.

I came in and find out the distinguished Senator from Missouri plopped an amendment in, an amendment in the second degree. He had a right to do that. I have no beef about the fact that he offered a second-degree amendment. There was nobody on this side.

I do not think I can recall ever offering an amendment in a situation such as we are in here. If there is nobody on that side I am not going to offer an amendment, even if I were not majority leader and did not have the right to first recognition. Put in a quorum and let somebody be on that side. But that was all right. He acted within his rights. But, still it was Mr. KENNEDY's understanding there would be a quorum call and there should have been a quorum call until the managers of the bill were back here.

Well, that is water over the dam and nobody shed any tears over that. So the Senator from Missouri did what he thought he had to do to get a vote first.

Now, within the rules the motion to recommit with instructions was offered. That is of a higher degree than the first- and second-degree amendments that were pending so we start down that tree first.

Now for the question. Why do we not vote? Let us do it on this vote. It is fine with me. We can either vote now or we can, perhaps, enter into an agreement to vote at a certain time tomorrow on the amendment in the second degree and then to the amendment in the first degree, or on the amendment by Mr. PACKWOOD—whatever. Are Senators ready to enter into agreements to vote? At certain times on tomorrow?

Mr. METZENBAUM. Mr. Leader, I am not the manager of this bill. It is not even my amendment. It has been called the Metzenbaum amendment. I am perfectly willing to be identified with it, but it is the Kennedy-Weicker amendment.

I would like to be heard a little bit before coming to some agreement with respect to a vote tomorrow but I would guess that would be appropriate procedure because I think many Members of the Senate may have left thinking there would be no more votes.

Mr. BYRD. Mr. President, if the Senator will allow me on that point, nobody has told Senators that there will not be any more votes.

Mr. METZENBAUM. You said they did?

Mr. BYRD. Nobody. Nobody has told Senators there would not be any more votes. So, if there needs to be a vote, we will send for Senators to return.

Mr. SIMPSON. Mr. President, would the majority leader yield?

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The acting Republican leader.

Mr. SIMPSON. Mr. President, I think I understand the situation and it is difficult and frustrating and here we go. That is the way it is here. That goes with the territory. But we need at least 10 minutes or 15 minutes for a quorum call tonight to get our Members together. If we could have some indication that, even though the Senator from Ohio would like to speak and will at whatever length, if we could agree in concept to getting a unanimous consent where we can deal with these votes tomorrow it would be advantageous.

But I am just throwing that out because we do have people who, I think, had not intended that at this early in the session we would be into a 9 o'clock or 10 o'clock activity. So that is my expression to the majority leader, if there is some way to do that.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, may I address myself to this matter rather briefly?

The amendment offered by Senators KENNEDY and WEICKER, with the support of Senator PACKWOOD and myself, other Senators as well, is truly a very simple amendment and notwithstanding the effort to obfuscate the issue, our position is clear and I do not understand some of the things that the Senator from Missouri is saying.

What we are saying in our amendment is that we do not want to touch the issue of abortion. We do not want to add to the rights or detract from the rights in this bill. Let us face it, this is a civil rights bill. This is not an abortion bill. This is not a bill having anything at all to do with that subject and the whole issue has developed because my friend from Missouri wants to affect the whole issue of abortion, not alone with respect to the contents of this bill but way beyond that. And he can quote all the hospitals in the world, and all the big law firms that he wants. But the fact is he is attempting in this civil rights bill to add an amendment to undo something

that occurred in 1975, if my recollection serves me right.

We are just saying you may be right, Senator. We do not happen to agree with you, but there is some merit to your position. We respect your right to make that position. But do not confuse the issue. We are suggesting simply that this amendment will say that this bill does not affect, add to, detract or in any way have any impact on the issue of abortion. It is a civil rights bill.

We know about the procedure that has occurred. The fact is, nobody expected this amendment to be on the floor and the distinguished Senator from Missouri saw fit to do that which we call loading up the tree in four separate amendments. He was within his rights. But we and the leaders in handling this matter were over in the Judiciary Committee, voting on the matter of the confirmation of Judge Kennedy to be Justice Kennedy. And nobody expected this issue to develop in this manner.

So, when we came back to the floor we did not have much alternative but to offer a motion to recommit the bill and then to load it up with the extra amendments so that we might have an up-or-down vote on our amendment.

Now then, along came the proposal that the matter be resolved by giving us an up-or-down vote on our amendment and giving them an up-or-down vote on their amendment and I would like the attention of my colleague from Missouri to be sure he understands what I am saying. If you want to agree upon an up-or-down vote on our amendment and subsequently an up-or-down vote on your amendment, we are still prepared to do that. But let me tell you what happened.

We agreed upon that and the next thing I know that a whole cavalcade of Senators went out and I do not know with whom they met but that is immaterial, but they came back with extra language that was not in the original amendment.

I assumed that they might try to do that. It would have been as unfair for us to put in extra language as it was for them to put in extra language. And the extra language they put in was to the effect that, OK, even if you pass your amendment, our amendment supersedes yours. That was not the understanding and I knew that that might come about.

So, before they had ever come back with their proposal I had advised the minority whip: tell them not to bring back any new language. We agreed upon an up-or-down vote on our amendment and an up-or-down vote on their amendment. It was not an up-or-down vote on our amendment as changed or modified or some way made something different, and it was not an up-or-down vote on some new amendment that they might come forward with.

I stand here now and say to you: We are prepared to agree to vote on our amendment up or down tomorrow at 1 o'clock or any other time that the leadership determines is the appropriate time; we are prepared to agree to have such time for debate as the leadership and others agree is appropriate; and then we are prepared to vote up or down on your amendment. We are ready to do that.

We are not prepared to agree to vote on your amendment which says: Notwithstanding any other provisions of this law, our amendment prevails. That was not our understanding. And I do not think you should call upon us to make that understanding.

We are prepared to vote tomorrow up or down on our amendment and then upon your amendment. Whatever the time is agreeable with those of us on this side.

Mr. President, I ask unanimous consent I may put in a quorum call and not lose my right to be recognized immediately upon conclusion of the quorum call.

The PRESIDING OFFICER. Is there objection? The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. If the majority leader will suspend just a moment, under the previous order the Senator from Ohio is to be recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I be recognized.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have a unanimous-consent request which I shall propound. It is as follows:

I ask unanimous consent that the pending motion to recommit with instructions and the amendments in the first and second degrees thereto be considered withdrawn;

Providing further, that on tomorrow at 10:30 a.m., the Senate proceed to vote up or down on the Hatch religious tenet amendment, that on any motion to reconsider the vote, there be no time for debate; that upon the disposition of the Hatch amendment, the Senate proceed to the consideration of an amendment by Mr. METZENBAUM, that there be 1 hour for debate on that amendment to be equally divided and controlled by the usual form, that upon the expiration of the hour, the vote be up or down on that amendment, that on any motion to reconsider, there be no time for debate; that upon the disposition of the amendment by Mr. METZENBAUM, there be 1 hour on an amendment by Mr. DANFORTH to be equally divided and controlled in accordance with the usual form, and that any motion to reconsider there be no time for debate; that upon the disposition of the amendment by Mr. DANFORTH, the Senate proceed to debate a substitute by Mr. HATCH for S. 557, and there be 30 minutes equally divided, and that the vote be up or down on the substitute amendment by Mr. HATCH, that upon any motion to reconsider, there be no time for debate; that upon the disposition of the Hatch substitute, the Senate proceed to consideration of an amendment by Mr. HUMPHREY on the Arline amendment, and that that amendment be subject to an amendment by Mr. HARKIN and Mr. WEICKER in the second degree, provided it be relevant and germane thereto; that there be 1 hour on the amendment in the first degree and one-half hour on the second-degree amendment. Well, let me make it an hour. In the interest of time now, let us make it an hour on each tomorrow to be equally divided and controlled, in accordance with the usual form, and that on any motion to reconsider there be no time thereon; that upon the disposition of that amendment there be an amendment by Mr. HUMPHREY on small providers and that there be 1 hour on that amendment, equally divided and controlled in the usual form; that there be an amendment by Mr. HARKIN and Mr. WEICKER in the second degree to the Humphrey amendment on small providers, provided the second-degree amendment is germane and relevant thereto; that there be no more than 1 hour on the second-degree amendment and that it be similarly controlled and divided; that there be no further amendments dealing with abortion. No further abortion amendments be in order.

And, Mr. President, I ask unanimous consent that on debatable motions or appeals—motion to reconsider having already been excepted—or points of order there be a limitation of 20 minutes to be equally divided and controlled in the usual form. I think that is about as far as we have gotten, but if we could get consent on that we could go home.

Mr. HATCH. Reserving the right to object, Mr. President. I wonder if we could change the times a little bit, because I have been informed some of our people may have some difficulty getting here early. I wonder if we could begin the Hatch amendment debate at 11 to go no later than 12.

Mr. BYRD. That is going to be very difficult.

Mr. HATCH. The two abortion amendments are the ones we are going to have some difficulties on. We went

ahead and provided both sides an opportunity to be here for those important amendments. There are a few Senators who will not be able to be here at all who are over in Taiwan. But, nevertheless, it is my understanding that the Danforth amendment really should not come up much before 1:30.

Mr. DANFORTH. Mr. President, reserving the right to object, if I could ask the majority leader. My preference would be if the Metzenbaum amendment would be voted on no earlier than 1 o'clock; that there could be, instead of 1 hour, 2 hours of debate before the Metzenbaum amendment; that there be 1 hour of debate on the Danforth amendment; and that neither the Metzenbaum amendment nor the Danforth amendment be amendable and that both be subject to an up or down vote.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendments be in order to the Metzenbaum amendment or to the Danforth amendment. I think the original request took care of the up or down part.

Mr. DANFORTH. Pardon?

Mr. BYRD. The original request allowed for an up or down vote.

Mr. DANFORTH. I am sorry; I did not understand that.

Mr. BYRD. Yes.

Mr. DANFORTH. For both of the two amendments.

Mr. BYRD. Yes.

Mr. HATCH. I think all of the amendments would be up or down.

Mr. BYRD. It allowed for up or down votes on all amendments. That was specified.

Mr. FORD. Reserving the right to object, Mr. President, and I do not want to and probably will not. I am looking at the timeframe here that we have started and would be very hopeful that we can have a vote on the Hatch amendment, the Metzenbaum amendment, and Danforth amendment, and the vote on the Danforth amendment occur no later than 2 o'clock. It would help a great deal. If we could stay somewhere close to the original posture of 10:30 and a 15-minute vote, it would be 11:45, I guess. I would like to get the timeframe down to where you vote would be somewhere close to 2 o'clock.

Mr. DANFORTH. Mr. President, reserving the right to object, what I would like to accomplish is to allow, if we could, a total of 3 hours of debate on the Metzenbaum and Danforth amendments; most of the debate occurring before the Metzenbaum amendment. There could be a fairly short debate between the Metzenbaum and Danforth amendments, but there are a sufficient number of people who want to speak on this side that I think 3 hours would be about right. And I also am aware that some Senators will not be here until 1 o'clock.

So it could be possible to accommodate the Senator from Kentucky if we would have those votes—if you could start the Danforth vote at 2 o'clock, say after half an hour's debate after the completion of the Metzenbaum amendment with, say, 2½ hours of debate before the Metzenbaum amendment?

Mr. BYRD. Mr. President, I think if it is outlined in the way that I outlined it, or I will be glad to change it, it would allow a total of something like 3 hours on both amendments before the vote on the Danforth amendment.

If we began the vote on the religious tenet amendment at 10:30, it would be a 15-minute rollcall vote; then at 10:45, you begin the vote on the Metzenbaum amendment.

Mr. DANFORTH. Debate.

Mr. HATCH. You say at 10:30 we have an hour debate?

Mr. BYRD. No, have the vote at 10:30. It is a 15-minute rollcall vote. Upon the completion of that vote, at 10:45, then you debate the Metzenbaum amendment until 1 o'clock. If the vote begins at 1 o'clock, that is 2 hours and 15 minutes of debate. You have a 15-minute rollcall vote, that is 1:15. You have 45 minutes, then, until the 2 o'clock vote. That is exactly 3 hours for the debate in total.

Mr. DANFORTH. That is fine with me.

Mr. HATCH. Reserving the right to object and I do not object, it is my understanding that when you refer to the Danforth amendment, you are talking about the new language that we have been chatting about? The "notwithstanding" language?

Mr. KENNEDY. Would be Senator say that again, please?

Mr. HATCH. With regard to the Danforth amendment, we are referring to the redrafted language that we submitted to you.

Mr. KENNEDY. The Senator is correct.

Mr. HATCH. I submit he could send that amendment to the desk. I think ours is at the desk.

Mr. BYRD. All right.

The PRESIDING OFFICER (Mr. FORD). Is there objection?

Mr. KENNEDY. Mr. President, I would not object. I want to express my appreciation to the majority leader and also to those in the minority who are supporting these amendments, as well as to my good friend, the Senator from Ohio. I think we are making substantial progress. These are issues that are divisive to this body. We are trying to move the legislation forward. I think we will make very substantial headway with this agreement.

I am hopeful we can continue the progress that we made in the early part of today and that we should make tomorrow so that this legislation, which is so important to millions of Americans, can be enacted. But I will not object. I want to express may appreciation to all those who have been part of it. It has only taken us about 6 hours to work out but nonetheless I believe we will make some progress with this proposal.

Mr. HATCH. Will the majority leader yield for just a moment?

Mr. BYRD. Yes.

Mr. HATCH. I would also like to express my appreciation to the minority leader and the majority leader and his staff, both of these staffs, for the work they have done on this. I think this is a good resolution to what has been a difficult set of negotiations and I want to thank both of them for the work they have done, and their staff members. As I understand, it would be expected to start arguing the Hatch amendment at 9:30 tomorrow morning?

Mr. BYRD. Yes, Mr. President, the Senate would come in at 9.

In view of the fact that there is a rollcall vote scheduled at 10:30, we would not have the 9:30 Sergeant at Arms vote.

I would add to the request, if I may have the attention of all Senators so we can be sure, may it be a part of the request that no amendment to any of the aforementioned amendments be in order with two exceptions: Those two being the Humphrey amendments, the two Humphrey amendments. We have specified the amendments that would be in order thereto.

Provided further, that the votes on all amendments enumerated in the first and second degrees as aforementioned will be up and down votes.

Provided further, that all rollcall votes which have already been ordered to be limited in time to 15 minutes be at the end of that 15 minutes closed. The call for regular order is automatic. I think it worked out fine today. I make that as an additional request.

The PRESIDING OFFICER. The acting minority leader.

Mr. SIMPSON. Mr. President, reserving the right to object, and I certainly will not, I have asked the majority leader to be certain that if the time is yielded back on that central amendment, that there be no vote before 2 o'clock. In other words, if time would be yielded back, would that be the understanding, so that we preserve that time for those who need to know that time to be here for that vote?

Mr. BYRD. Yes.

Mr. President, I ask unanimous consent that the time on the 11:30 vote——

Mr. SIMPSON. Just the 2 o'clock, Mr. Leader, would be sufficient for our purposes.

Mr. BYRD. All right. That the vote occur on the Danforth amendment at 2 o'clock.

Mr. SIMPSON. I just wanted to be certain if time is yielded back we will not change that time.

Mr. BYRD. Under this order, it would take unanimous consent to change the order.

Mr. SIMPSON. Then one other thing just for our understanding. We have a substitute amendment for S. 557 which if it were to pass, would effectively foreclose further amendments beyond those that are listed in the agreement.

Mr. BYRD. I hope all Senators understand that.

Mr. SIMPSON. I think they do. The fact that if the Hatch substitute were to pass.

Mr. BYRD. That is a substitute for the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. President, on the amendment in the agreement that was designated as the Metzenbaum amendment, we will modify the language to provide that that be an amendment to be offered by either Mr. METZENBAUM or Mr. KENNEDY or Mr. PACKWOOD or Mr. WEICKER.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous-consent order is agreed to.

The majority leader.

Mr. BYRD. Let me make sure for the RECORD that there is a clear understanding as to the agreement that we have just entered. And I should say while the distinguished Republican assistant leader is here, the fact that we are not having an early vote, we are not having a vote at 9:30, which is normally a 30-minute vote, the vote that comes at 10:30 will be a 15-minute vote, not a 30-minute vote.

Second, that vote occurs at 10:30 on the amendment by Mr. HATCH, the religious tenet amendment. That is a 15-minute rollcall vote. There will be a motion to reconsider but there will be no debate on the motion to reconsider. Then the vote on the amendment by Mr. METZENBAUM, et al., will occur at 1 p.m., which means that between the hours of 10:45 a.m. and 1 p.m., the time will be for debate on the amendment that will be offered by Mr. METZENBAUM or Mr. WEICKER or Mr. PACKWOOD or Mr. KENNEDY. In all cases, the time is to be equally divided and controlled in the usual form.

Upon the disposition of that amendment, no time on a motion to reconsider, there should be 45 minutes remaining, circa 45 minutes before the vote occurs on the Danforth amendment at 2 p.m.

So this would mean coming in at 9 o'clock and starting at 9:30 on the bill. There would be 1 hour of debate, 9:30 to 10:30, on the Hatch amendment. On the Metzenbaum amendment beginning at 10:45, ending at 1 p.m., there would be 2 hours and 15 minutes. On the Danforth amendment, beginning at 1:15 p.m. and ending at 2, there would be 45 minutes on that amendment for debate. But the time for the vote is to be adhered to. If it comes out a minute or two less for debate, the time should be strictly adhered to for the hour, the 2 o'clock vote, for example. That is the way I believe it was requested.

Then it was agreed that there would be 30 minutes on the Hatch substitute for the bill, the time to be equally divided. Then there would be a vote again with no time on the motion to reconsider for debate. And then following that there would be the amendment by Mr. HUMPHREY, the Arline amendment, subject to an amendment in the second degree. The time on the first-degree amendment would be 1 hour, the time on the second-degree amendment would be one-half hour. If I am misstating it, I hope someone will correct me.

Then upon the disposition of that amendment Mr. HUMPHREY would call up an amendment designated as the small provider amendment. It would be subject to an amendment by Mr. HARKIN and Mr. WEICKER, the amendment to be germane and relevant; the time on the Humphrey amendment would be 1 hour, and the time on the amendment in the second-degree would be 30 minutes.

I believe that was the extent of the agreement. I do not think that other amendments are locked out except in case the substitute is agreed to. In that case, other amendments would be locked out. But Senators should know that a motion to recommit is in order at any time prior to the passage of the bill. And a motion to recommit would be in order even after a substitute is adopted and prior to final passage of the bill—the motion to recommit with instructions. Am I correct, may I ask the Chair?

The PRESIDING OFFICER. The Senator is correct. The motion to recommit prior to the passage of the bill is in order.

Mr. BYRD. I think it is a good agreement and I want to express my gratitude to the assistant leader and to the two managers, Mr. HATCH, Mr. KENNEDY, and to the other principals, Mr. PACKWOOD, Mr. DANFORTH, Mr. METZENBAUM, and all other Senators.

I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask unanimous consent that a copy of what has been called the Danforth amendment that I will not send to the desk be printed in the RECORD.

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

(The text of the amendment proposed by Mr. DANFORTH is printed later in the RECORD under "Amendments Submitted.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe there is one other loophole.

I have a parliamentary inquiry, Mr. President. In the event the substitute is not adopted, of course the pending substitute and the bill are both open to further amendments following the disposition of all the other amendments that have enumerated. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The next question, Mr. President, is this: If the substitute is adopted, would amendments to the underlying bill still be in order and, if so, would there be debate?

The PRESIDING OFFICER. If a substitute for the bill is adopted, no amendments are in order thereafter unless specified in the agreement.

Mr. BYRD. I have a further parliamentary inquiry. I do not believe that amendments to the underlying language in the bill that could conceivably be offered following the Danforth vote and just prior to the vote on the substitute—I believe that amendments, if offered thereto on the underlying language, would have no time for debate thereon but there is that window through which amendments could be offered to the underlying amendment.

The PRESIDING OFFICER. The Senator is correct. If he wanted that excluded, it should be specific in the unanimous-consent agreement.

Mr. BYRD. I think, Mr. President, if I may say to my friend, the assistant leader, that we ought to button that up, also.

Mr. SIMPSON. I would like to do that; but mentioning anything about further amendments on this side, at this hour, and to reopen that unanimous-consent agreement would be very difficult, just too tenuous. Yet, I know what the intent is.

You are talking about no debate.

Mr. BYRD. No. What I am saying is that as it now stands, amendments can be offered to the language that is to be stricken.

Mr. SIMPSON. As it now stands?

Mr. BYRD. As it now stands, and no debate, and that scares me, because any kind of amendment could come in.

I would suggest that we preclude any amendments to the underlying language to be stricken.

Mr. SIMPSON. Mr. President, while the substitute is pending, that would be the case. If the substitute amend-

ment had been completed, that would not be the case. Is that correct?

The PRESIDING OFFICER. While the substitute is pending, amendments to the underlying language would be in order.

Mr. SIMPSON. Mr. President, that would be acceptable, with the understanding about the pending of the substitute amendment.

Mr. BYRD. I ask unanimous consent that amendments, therefore, be precluded to the underlying language.

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

Mr. BYRD. Mr. President, I have two other modifications to the agreement.

I understand that there is a desire that the "relevant and germane" phrase that I used in the agreement be changed to "relevant."

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

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment in the second degree that is enumerated in the agreement to each of the Humphrey amendments have a 1-hour limitation thereon, rather than a 30-minute limitation, to be equally divided and controlled in accordance with the usual form.

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

The text of the agreement is as follows:

Ordered, That at 10:30 a.m. on Thursday, January 28, 1988, the Senate proceed to vote, up-or-down, on the Hatch amendment, dealing with religious tenet, with no time for debate on any motion to reconsider that vote.

Ordered further, That upon disposition of the Hatch amendment, the Senate proceed to the consideration of a Metzenbaum/Kennedy/Weicker/Packwood amendment, with the time until 1:00 p.m. to be equally divided and controlled in the usual form, with an up-or-down vote to occur at 1:00 p.m. thereon, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Metzenbaum amendment, the Senate proceed to the consideration of a Danforth amendment, with the time until 2:00 p.m., to be equally divided and controlled in the usual form, with an up-or-down vote thereon to occur at 2:00 p.m., and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Danforth amendment, the Senate proceed to the consideration of a Hatch substitute for S. 557, on which there shall be 30 minutes debate, to be equally divided and controlled in the usual form, with an up-or-down vote to occur at the expiration of that time, and with no time for debate on any motion to reconsider that vote.

Ordered further, That upon the disposition of the Hatch substitute, the Senate proceed to the consideration of a Humphrey amendment, dealing with Airlines, on which there shall be 1 hour, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That upon the disposition of the Humphrey amendment, the Senate proceed to the consideration of a Humphrey amendment dealing with small providers, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form, and which will be subject to a Harkin-Weicker amendment in the second degree, which must be relevant, on which there shall be 1 hour debate, to be equally divided and controlled in the usual form.

Ordered further, That no further amendments on abortion be in order.

Ordered further, That no amendments to listed amendments be in order, unless so specified.

Ordered further, That no amendments to any underlying language be in order.

Ordered further, That time for debate on any debatable motion, appeal, or point of order shall be limited to 20 minutes, to be equally divided and controlled in the usual form.

Mr. SIMPSON. I thank the majority leader.

I think that is a superb result.

I commend the leader, also, on something we talk about here, quality of life, and with his activity in regard to the 15-minute rollcall automatic under the rules and point of order, it has certainly stirred those on our side of the aisle to answer to the first bell rather than the second, and I notice the same on the Democratic side.

Mr. BYRD. It helps in getting them here on time.

Mr. SIMPSON. That is what we talked about. It may be disruptive. We will have to learn. I will have to learn. But the advance notice, if possible, that we are going to vote is helpful.

That is a very important step to what we all desire on both sides of the aisle and I thank Mr. DANFORTH, Mr. PRYOR, and the majority leader and the minority leader. I do commend the majority leader on that.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his observation, cooperation, and assistance in making it work.

Now, Mr. President, we have other matters.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a brief period for morning business not to extend beyond 10 minutes and that Senators may speak therein.

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

THE CIVIL RIGHTS RESTORATION ACT

Mr. LUGAR. Mr. President, I rise today to speak in opposition to S. 557, not because I am against the furtherance of civil rights in our country, or even because I oppose the professed intent of this bill—to reverse the Supreme Court's decision in Grove City. I support overturning the Supreme Court's decision, but I believe we should do so in a responsible manner without curtailing other fundamental rights such as religious liberty.

When one takes the time to study this bill closely, serious problems are apparent. For example, the language of S. 557 is broad enough that all operations of a church or synagogue would be covered if it engages in any federally assisted activities—the most common example is the Meals on Wheels Program. Churches could avoid Federal regulation by refusing to participate in federally funded programs, but clearly the law should not discourage these institutions from helping the handicapped, the elderly, or other needy groups in their communities.

Currently, under title IX of the Education Act—one of several civil rights statutes impacted by S. 557—institutions which are "controlled by" a religious organization are permitted to claim exemptions from compliance with regulations which conflict with the institution's religious tenets. There is some dispute as to what "controlled by" actually means. Does it mean that a Catholic school which is overseen by a lay board could claim exemption? I think not, from my reading of the bill. I would support a reasonable amendment of this language to include institutions which are closely identified with the tenets of a religious organization.

Other less-publicized problems exist within S. 557. One of these would adversely affect the farmers in Indiana and across the country. Language within S. 557 protects "ultimate beneficiaries" from coverage under the bill. Its sponsors claim that farmers who receive Federal assistance through such programs as crop subsidies and price supports are included in this definition.

A number of my colleagues and I disagree with this "ultimate beneficiaries" reading of the bill. It is my belief that if any disagreement exists on the current wording with respect to farmers, then it makes sense to amend the bill to retain the pre-Grove City treatment of farmers. All farms, farmers, ranches, and ranchers should be exempted unless the program providing the assistance expressly requires coverage. This would allow committees with expertise in this area to draw distinctions between the various recipients of Federal funding—for example, programs targeting small family farmers versus large agri-business enterprises.

Another concern for those of us who are opposed to abortion and the Federal funding of abortion is the expanded

scope of existing title IX regulations. These regulations require institutions which receive Federal financial assistance to make abortion services available to employees and students as part of their health care coverage—not to do so is considered discrimination on the basis of sex.

It seems to me that this is blatantly inconsistent with our record of enacting laws which prohibit the use of Federal dollars to perform abortions, which, I might add, has been ruled constitutional by the Supreme Court. An attempt was made during committee consideration of S. 557 to add abortion neutral language. I support this approach, which would allow each federally funded institution to make its own decision as to whether it adopts a prolife or prochoice policy.

Mr. President, I am in agreement with the basic premise of the bill, to overturn the Supreme Court's decision in Grove City. However, unamended, S. 557 goes beyond the pre-Grove City status quo and imposes Federal Government regulation on churches and synagogues, religiously affiliated schools, and farmers. The problems I have noted underscore the difficulty with overly broad coverage, in many cases so broad that it is disproportionate to the benefits institutions or individuals receive from Federal aid. With the addition of the amendments I have outlined, S. 557 would correct the Grove City decision without mandating unbridled Federal Government intrusion where equally important rights and liberties are at stake.

Mr. HELMS. Mr. President, this morning I was absent during rollcall vote No. 3 on Senator SYMMS' amendment. I missed the vote because I was at the White House conferring with the President.

Mr. President, had I been able to be present for the vote, I would have voted against tabling the amendment.

CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. DODD. Mr. President, I cannot state strongly enough my belief that passage of the Civil Rights Restoration Act of 1987 will constitute one of the most important achievements of this Congress. We must make clear once and for all that discrimination against anyone because of their race, sex, disability or age is illegal and will not be federally supported.

The Civil Rights Restoration Act is necessary to reverse the Supreme Court's 1984 Grove City decision. This act will restore the original broad institutional antidiscrimination coverage intended by Congress when it passed the four civil rights bills jeopardized by the Grove City decision—title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

I am deeply concerned about the damage the Grove City decision has already wrought across the country, particularly throughout the educational system. The U.S. Department of Education's Office of Civil Rights has already dropped or drastically limited in scope an estimated 79 cases involving discrimination at all levels of the educational system. This same Department has also closed more than 20 cases which involved employment discrimination against handicapped individuals.

Mr. President, when the Grove City decision was rendered in 1984, I sponsored a resolution

> To express the sense of the Senate that the laws which ensure equal rights with regard to education opportunity for women should be maintained.

I think the U.S. Department of Education's above-cited actions demonstrate beyond any doubt that the original intentions of Congress in passing the Title IX Education Amendments of 1972 must be restored. Clearly this is true not only to eliminate sex discrimination but to eliminate all discrimination across the country.

I think the record prior to the Grove City decision demonstrates unequivocally that the civil rights statutes currently in jeopardy have been among the most effective tools instituted in our society to eliminate discrimination. For example, the educational antidiscrimination statute has had a remarkable record of achievement in opening the doors to equal educational opportunity, as the following facts illustrate—

First, between 1972 and 1982, the percentage of women in medical school rose from 11 percent to 20 percent; in law school from 10 percent to 36 percent; and in engineering school from less than 1 percent to almost 16 percent.

Second, the percentage of all doctoral degrees awarded to women rose from 16 percent to 30 percent during this same time period.

Third, participation by women in intercollegiate athletic programs doubled between 1973 and 1980; and women now account for 30 percent of all college athletes, with women receiving 20 percent of all athletic scholarships.

The basic principle upon which our civil rights laws is founded is as valid today as when the first civil rights laws was passed in 1964—the Federal Government should not do business with those who violate its law or allow public tax dollars to underwrite discrimination. Congress must act now to eliminate discrimination forever throughout this great Nation.

TRIBUTE TO CONGRESSMAN W.C. (DAN) DANIEL

Mr. WARNER, Mr. President, over this past weekend Virginia lost one of their great public servants in Congressman W.C. (Dan) Daniel of Virginia, the dean of our congressional delegation. Yesterday I joined Senator TRIBLE, Governor Baliles, Lieutenant Governor Wilder, Attorney General Terry, many members of the Virginia General Assembly, the Secretary of the Army, and 70 Members of Congress in traveling to Dan Daniel's hometown of Danville to pay our final respects to this great Virginian. My heartfelt sympathies go out to his wife Ruby, his family, and his staff.

In the 9 years that I have served in the U.S. Senate, it has been my privilege to work closely with the members of the Virginia congressional delegation. And in the course of this service, I will always consider the complete trust I enjoyed with Congressman Daniel to be a great strength of my Senate career.

Dan Daniel deeply loved Virginia and our Nation. And, make no mistake about it, Dan Daniel was loved by the people whose lives he touched. The staffs for all members of the Virginia delegation have been deeply saddened by his death, because he knew each by name and always took the time to inquire about their well-being as well as their families.

Congressman Daniel was midway through his 10th term in Congress and had informed his constituents last week he would not seek reelection because of health considerations. He had the courage to make such difficult decisions. He enjoyed a degree of popularity in his southside Virginia district that most Members of Congress can only dream about. He was rarely opposed in his long career in the House of Representatives, most likely because few Virginians could question his performance, and because he stayed in such close touch with the people he was elected to serve.

Dan Daniel held dear the principles cherished by most Virginians, including maintaining a strong defense, limiting the size of Government and fiscal responsibility. Because of our work together on the Armed Services, and Intelligence Committees, I witnessed first-hand his deeply-rooted convictions of the need to repel communism and keep American strong. A veteran of World War II, he was a valued member of the House Armed Services Committee and chairman of the Readiness Subcommittee. And his tenure as National Commander of the American Legion paved the way for his efforts on behalf of America's defenses and the men and women who serve our Nation.

The passing of Dan Daniel represents a deep personal loss to this Sena-

tor and, particularly, to those Virginians he faithfully served for so many years.

One had only to look at Dan Daniel—the hawkish profile and silver hair combined with an ever-gentle spirit to be reminded of the essence of the Virginia gentleman. Dan represented our Commonwealth in so many ways, but perhaps none as important as the way he represented Virginia's strong, unaffected spirit.

Dan Daniel was a soft-spoken man who never raised his voice—yet he was always heard clearly.

The words of Thomas Jefferson are fitting in describing the contributions of such a distinguished public servant such as Congressman Daniel—"God grant that men of principle shall always be our principal men."

"CITIZENS BOUNDARY PROPOSAL" AND DEPARTMENT OF INTERIOR GENERAL MANAGEMENT PLAN TO EXPAND THE CONGAREE SWAMP NATIONAL MONUMENT

Mr. THURMOND. Mr. President, in May of 1976, it was my privilege to introduce legislation authorizing the establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth southern bottomland forest in the country. In October of that same year, former President Ford signed into law legislation to establish the monument. That legislation, which became Public Law 94-545, not only authorized the monument, but also directed the Secretary of Interior to develop and transmit to Congress a general management plan for the use and development of the monument.

A proposed general management plan was submitted to Congress in 1987. That plan provides for the addition of acreage to the monument, the designation of certain lands within the monument as wilderness, the construction of park visitor facilities, and the improvement of certain roads, parking facilities, and boating ramps. At the present time, the Department of Interior is reviewing public comments on the plan and will be submitting a final plan later this year.

Mr. President, I have reviewed the proposed general management plan of the Department of the Interior as well as a related citizens boundary proposal submitted by interested citizens from South Carolina. While there is much these plans have in common, the citizens boundary proposal would add approximately 7,000 acres to the monument. The Department of Interior plan only calls for adding approximately 2,300 acres. Based on my conversation with local citizens familiar with the area, the monument should encompass a greater area than now being proposed by the Department of Interior. Accordingly, within the next several days I intend to introduce legislation which would implement the citizen's proposal. Furthermore, I want to take this opportunity to urge the Department of Interior to include the citizens proposal in their final general management plan to be submitted to Congress later this year.

Mr. President, this great natural resource has provided valuable outdoor recreational opportunities—hiking, canoeing, camping, and fishing—to residents of the Southeast and the Nation at large. Accordingly, I believe upgrading the Congaree Swamp and including additional acreage will provide a lasting benefit to both present and future generations of Americans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REQUEST FOR ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I herewith transmit a request in accordance with Section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (P.L. 100-202) for budget and other authority to provide additional assistance for the Nicaraguan Democratic Resistance. Such assistance is essential to enhance the national security of the United States by advancing the prospects for democracy in Nicaragua and security for all of Central America.

Despite the combined diplomatic efforts of the four Central American democracies and the United States to persuade the Sandinista regime in Nicaragua to move toward democracy and to cease its actions that threaten the security of the region, progress towards these goals is far from complete.

The Sandinistas have repeatedly promised democracy to the people of Nicaragua, first before the Organization of American States in 1979 and, most recently, two weeks ago in the Final Communique of the Central American Presidents at the close of the San Jose Summit. In contrast to these assurances, the Sandinistas' years in power have brought repression and poverty to the Nicaraguan people, not democracy.

It has become clear beyond doubt that, without the steady pressure created by an effective Nicaraguan Democratic Resistance supported by a determined United States, the Sandinistas will move toward democracy nor desist from aggression against their neighbors. The United States, in consulation with the governments of the four Central American democracies, is prepared to redouble its diplomatic efforts in support of peace and democracy on the Central American isthmus. However, the success of such efforts depends on the continuation of the pressure that the Resistance provides.

I urge approval of the additional aid I am requesting for the Nicaraguan Democratic Resistance. Congressional approval of this request is essential to assure a democratic future for Central America and to protect the national security interests of the United States.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1988.*

MESSAGES FROM THE HOUSE

At 3:42, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger.*

The message also announced that pursuant to the provisions of section 2101, Public Law 100-203, and the order of the House of December 21, 1987, the Speaker appointed the following individuals on the part of the House to the National Economic Commission on January 11, 1988: Mr. GRAY of Pennsylvania; and from the private sector Mr. Felix Rohatyn of Washington, DC, and Mr. Robert Strauss of Dallas, TX.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, with an amendment in the nature of a substitute:

S. 1721. A bill to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the Ex-

ecutive branch, and for other purposes (Rept. No. 100-276).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 343. A bill for the relief of Pandelis Perdikis (Rept. No. 100-277).

S. 391. A bill for the relief of Hyong Cha Kim Kay (Rept. No. 100-278).

S. 1329. A bill for the relief of Roswitha Starins (Rept. No. 100-279).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 357. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 358. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. Res. 359. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. Res. 360. An original resolution authorizing expenditures by the Committee on the Judiciary.

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. BYRD (for himself and Mr. DOLE) (by request):

S.J. Res. 241. Joint resolution to disapprove the proposed agreement for cooperation between the Government of the United States of America and the Government of Japan concerning peaceful uses of nuclear energy, transmitted to the Congress by the President on November 9, 1987; to the Committee on Foreign Relations.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. ADAMS, Mr. BOREN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. DECONCINI, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MITCHELL, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SANFORD, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. COHEN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. STEVENS, Mr. TRIBLE, Mr. WARNER and Mr. WILSON):

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON from the Committee on Energy and Natural Resources:

S. Res. 357. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. PROXMIRE from the Committee on Banking, Housing, and Urban Affairs:

S. Res. 358. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. BOREN from the Select Committee on Intelligence:

S. Res. 359. An original resolution authorizing expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. BIDEN from the Committee on the Judiciary:

S. Res. 360. An original resolution authorizing expenditures by the Committee on the Judiciary; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. ADAMS, Mr. BOREN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. DECONCINI, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MITCHELL, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SANFORD, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. COHEN, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. LUGAR, Mr. MCCLURE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. STEVENS, Mr. TRIBLE, Mr. WARNER, and Mr. WILSON):

S.J. Res. 242. Joint resolution designating the period May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; referred to the Committee on the Judiciary.

PUBLIC SERVICE RECOGNITION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution designating the week of May 2-8, 1988, "Public Service Recognition Week." Last year, 59 of my colleagues joined me in sponsoring a similar resolution honoring the achievements of public servants. That resolution was passed by both Houses and signed by the President. I am quite pleased today that a significant number of my colleagues have joined with me again as cosponsors to recognize public servants across the United States for their unselfish dedication to serving all Americans. The bipartisan support for this resolution is confirmation from this body that we think the public workforce is indeed one of our Nation's most valuable resources and should be recognized as such.

Our governments—Federal, State, and local—have many highly skilled workers whose contributions have a far-reaching impact on the strength and vitality of our Nation. America is viewed throughout the world as a world leader, and the men and women who work in public service for our governments strive to ensure that we maintain this reputation. Assuming a public trust, these individuals provide services to all our citizens. Public servants educate our children, defend our borders, represent our interests to other countries, and are responsible for advancements in medical and scientific research.

From time to time there has been a tendency to criticize and attack Government employees. Despite all of this, public servants continue to be willing and eager to perform their jobs responsively and responsibly, even when the rules of the game have been unclear or constantly and unpredictably changing.

I view public service as a respectable career and a high calling and I am hopeful that our government will continue to attract bright young people who recognize the value and importance of public service. Public employees have made a significant contribution to America's prosperity by supporting the public interest generously and efficiently, and I think they should be proud of themselves and their accomplishments.

I remember President John F. Kennedy, who characterized public service as a noble calling. In a message to Congress in 1961, he said:

> We need to draw upon America's entire reservoir of talent and skill to help conduct our generation's most important business—the public business.

I share President Kennedy's view. Public servants keep our Government running and should be recognized and thanked for their efforts. I am pleased today to sponsor this joint resolution honoring their many outstanding achievements.

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

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

S.J. RES. 242

Whereas the remarkable range of skills and unceasing dedication of government employees has supported the United States' leadership position in the world;

Whereas government employees have helped make the United States a global leader in industry, health care, agriculture, and defense by developing some of the world's most important technologies;

Whereas career government employees provide the Nation's defense, carry out the laws of the land, ensure environmental protection, maintain transportation systems, guard the Nation's borders to stem the flow of illegal drugs, administer Social Security,

support health programs, provide policy direction for the education of the Nation's children, and provide countless other crucial public services;

Whereas government employees perform their demanding duties in exchange for compensation which is often far less than that received by their private sector counterparts; and

Whereas government employees are a valuable national resource, fulfilling the needs and desires of the American people as expressed through their elected representatives in the executive, legislative, and judicial branches of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 2-8, 1988, is designated as "Public Service Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 639

At the request of Mr. BURDICK, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 639, a bill to eliminate restrictions on the taxing power of the State to impose, collect, and administer State and local sales and use taxes on sales in interstate commerce.

S. 675

At the request of Mr. MITCHELL, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 714

At the request of Mr. SPECTER, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. DECONCINI], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Incorporated.

S. 731

At the request of Mr. INOUYE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 731, a bill to amend section 788(d) of the Public Health Service Act to permit schools of nursing to obtain grants for training projects in geriatrics.

S. 1611

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1611, a bill to amend the Immigration and Nationality Act to effect changes in the numerical limitation and preference system for the admission of immigrants.

S. 1630

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1630, a bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes.

S. 1804

At the request of Mr. ROTH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1804, a bill to amend the National Wildlife Refuge Administration Act.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Washington [Mr. ADAMS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from Illinois [Mr. SIMON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1896

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1896, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 1988

At the request of Mr. BREAUX, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1988, a bill to amend the Merchant Marine Act of 1920.

S. 2011

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2011, a bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans.

SENATE JOINT RESOLUTION 181

At the request of Mr. WILSON, the name of the Senator from Arkansas [Mr. PRYOR,] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Nebraska [Mr. EXON], the Senator from Arkansas [Mr. Pryor], the Senator from Washington [Mr. EVANS], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month".

SENATE JOINT RESOLUTION 206

At the request of Mr. DOMENICI, the names of the Senator from Florida [Mr. CHILES], the Senator from South Carolina [Mr. HOLLINGS], the Senator from West Virginia [Mr. BYRD], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. STENNIS], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. GARN], the Senator from Idaho [Mr. MCCLURE], the Senator from Vermont [Mr. STAFFORD], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from California [Mr. CRANSTON], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE JOINT RESOLUTION 210

At the request of Mr. WILSON, the names of the Senator from Missouri [Mr. BOND], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Alaska [Mr. STEVENS], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. HECHT], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], the Senator from Nevada [Mr. REID], the Senator from Arizona [Mr. MCCAIN], the Senator from Iowa [Mr. GRASSLEY], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 224

At the request of Mr. CHILES, the names of the Senator from West Virginia [Mr. BYRD], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. GARN], the Senator from Delaware [Mr. ROTH], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. BOND], the Senator from Arizona [Mr. MCCAIN], the Senator from Nebraska [Mr. KARNES], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE RESOLUTION 357—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 357

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,464,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 358—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 358

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,705,000 of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expanded for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 359—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 359

Resolved, That in carrying out its powers, duties, and functions under S. Res. 400, approved May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $2,138,034.00.

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 360—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. BIDEN, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make ex-

penditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Adminstration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,353,295.69 of which amount (1) not to exceed $75,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "expenses of Inquiries and Investigations".

AMENDMENTS SUBMITTED

URANIUM REVITALIZATION, TAIL- INGS RECLAMATION AND ENRICHMENT ACT

FORD AMENDMENT NO. 1383

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill (S. 1846) to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing commercial enterprise on a profitable and efficient basis, and for other purposes; as follows:

On page 51, beginning with line 1, strike all of section 1404 through page 52, line 9, and insert in lieu thereof:

"SEC. 1404. CERTAIN PENDING LITIGATION.—The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.".

Mr. FORD. Mr. President, today I introduce an amendment to S. 1846, the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987. The purpose of this amendment, Mr. President, is to acknowledge the settlement of litigation between the Department of Energy [DOE] and the Tennessee Valley Authority [TVA] concerning demand charges owed by the DOE enrichment enterprise for power not taken. The contracts in question were signed in the 1960's and 1970's for TVA to supply power for DOE's Oak Ridge, TN, and Paducah, KY, enrichment plants.

Under the settlement agreement, DOE will make annual payments to TVA over the next 7 years which have a present value of approximately $1.5 billion. DOE will provide additional benefits to TVA through modifications to the contract under which TVA buys uranium enrichment services from DOE. In return, TVA will drop its lawsuit against DOE.

As a result of this agreement, TVA has reduced electric rates in the Valley by 6 percent. I am very pleased about that. Also as a result of this settlement, the enrichment enterprise will face a firm schedule of payments. This stability in future payments to TVA should help to mitigate future increases in the price for enrichment services. Establishing stability in the enrichment price is a first step toward increasing the competitiveness of DOE's enrichment enterprise.

Unfortunately, this agreement does not solve all of DOE's enrichment problems. Legislation, such as S. 1846, which restructures the enrichment program as a Government corporation is urgently needed. In addition to establishing a wholly owned Government Corporation to manage the Nation's uranium enrichment enterprise, this comprehensive uranium legislation is intended to provide for a viable domestic uranium industry and to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites. I urge our distinguished majority leader, Senator BYRD, to begin prompt consideration of this very important piece of legislation.

I also ask unanimous consent that a copy of the agreement between DOE and TVA be printed in the RECORD.

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

AGREEMENT

This Agreement is made and entered into this 18th day of December, 1987, between the United States Department of Energy (hereinafter "DOE") and the Tennessee Valley Authority (hereinafter "TVA"):

1. For the period October 1 through December 31, 1987, DOE shall pay TVA, for capacity not being used by DOE, an amount equal to 50% of the charges currently being billed to DOE by TVA for such unused capacity under Contract No. DE-AC05-760R03760, TV-30613A, and Contract No. DE-AC05-760R03761, TV-30614A.

2. In addition to the amounts payable under section 1 hereof, contracts DE-AC05-760R03760, TV-30613A, and DE-AC05-760R03761, TV-30614A (hereinafter the "Contracts") shall be amended by the parties effective January 1, 1988, to provide as follows:

a. DOE shall make payments to TVA in the total amounts and on the dates as provided in the following table:

[In millions of dollars]

Due date	Amount
January 1, 1988	$375
October 1, 1988	465
October 1, 1989	311
October 1, 1990	160
October 1, 1991	160
October 1, 1992	160
March 6, 1994	160

b. With respect to any payment under this section scheduled subsequent to January 1, 1988, DOE may make a prepayment fo up to $50 million. Upon mutual agreement of the parties, any larger amount may also be prepaid by DOE. All prepayments shall be made on the last business day immediately preceding the due date of the payment and shall be credited towards the amount of such payment as shown on the schedule.

c. To any amount due under this section that remains unpaid after the due date, there shall be added a charge equal to the sum of (1) $150 and (2) an amount calculated in the following manner: the average of the interest rates payable on TVA's short-term borrowings (having maturities of less than one year) made during the calendar month preceding the month of the due date is to be applied on a daily basis to the unpaid portion of the amount due for each day of the period from and after the due date to and including the date of payment in full. (In the event that TVA made no short-term borrowings during such preceding calendar month, the amount used in making the late-payment charge calculation shall be the average effective interest rate on 91-day United States Treasury bills (based on the average of the closing bid and asked price) during such preceding calendar month, plus ⅛ of one percent.) TVA will prepare and send to DOE appropriate invoices for any late payment charges that become due under this subsection, which shall be due and payable upon receipt.

d. Payments under this section shall not be subject to the 5 percent reduction provided by the Contracts associated with payments in lieu of taxes.

e. Payments under this section, as made each year in accordance with this section, shall satisfy DOE's obligation for the fiscal year for which they are made for capacity charges due or to become due under the Contracts, except as otherwise provided in sections 1, 3, and 4 hereof.

3. Contract No. DE-AC05-760R03760, TV-30613A shall be amended by the parties effective January 1, 1988, to provide as follows:

a. In addition to all other charges for capacity payable under the contract as amended by this agreement, DOE shall pay charges for a contract demand of 125 megawatts of power and for actual energy use. The charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's Gen-

eral Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time.

b. TVA may, at TVA's sole discretion and without any liability, refuse to deliver power exceeding 125 megawatts. If DOE desires delivery of power in excess of 125 megawatts and TVA is willing to deliver such power to DOE, the charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time.

c. Payments due or becoming due under the contract as amended by this section for capacity, energy, or any other reason shall be made by DOE in addition to and not in substitution for any other payments required by this agreement, and shall be billed monthly by TVA.

4. Contract No. DE-AC05-760R03761, TV-30614A, shall be amended by the parties effective January 1, 1988, to provide that TVA may, at TVA's sole discretion and without any liability, refuse to deliver any power to DOE. If DOE desires delivery of any amounts of power and TVA is willing to deliver such power to DOE, the charges and payments for such power and energy shall be in accordance with the rates and provisions of TVA's General Power Rate—Schedule GP-11, as modified, changed, replaced, or adjusted by TVA from time to time. Payments due or becoming due under the contract as amended by this section for capacity, energy, or any other reason shall be made by DOE in addition to and not in substitution for any other payments required by this agreement, and shall be billed monthly by TVA.

5. Except as otherwise amended by this agreement, the parties' rights and obligations under the Contracts shall remain the same.

6. The parties, by their attorneys, will execute a stipulation in the form of the attached Exhibit 1, to be submitted to the court in the pending litigation styled *Tennessee Valley Authority* v. *The United States of America*, Cl. Ct. No. 513-87-C, jointly moving for an order dismissing said litigation.

TENNESSEE VALLEY AUTHORITY
C.H. DEAN, Jr.,
Chairman.

DEPARTMENT OF ENERGY
THEODORE J. GARRISH,
Assistant Secretary for Nuclear Energy.

CIVIL RIGHTS RESTORATION ACT

HATCH (AND THURMOND) AMENDMENT NO. 1384

Mr. HATCH (for himself and Mr. THURMOND) proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

On page 12 strike out "organization.'." and insert in lieu thereof the following: "organization.

" 'INTERPRETATION

" 'SEC. 909. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

On page 12, line 15, insert "(a)" after the section designation.

On page 14, between lines 11 and 12, insert the following new subsection:

(b) Title V of the Rehabilitation Act of 1973 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 509. Nothing contained in this title shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 14, line 13, insert "(a)" after the section designation.

On page 16, between lines 8 and 9, insert the following new subsection:

(b) Title III of the Age Discrimination Act of 1975 is amended by inserting at the end the following new section:

"INTERPRETATION

"SEC. 310. Nothing contained in this Act shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.".

On page 16, line 11, strike out "section" and insert in lieu therof "sections".

On page 17, line 22, strike out "assistance.'." and insert in lieu thereof the following: "assistance.

" 'SEC. 607. Nothing contained herein shall be construed to extend the application of this title to any part of a church, synagogue, or other religious institution or organization, if such part does not receive Federal financial assistance.' ".

THURMOND AMENDMENT NO. 1385

Mr. THURMOND proposed an amendment to the bill S. 557, supra; as follows:

On page 11, line 15, strike out "school system" and insert in lieu thereof "educational institution".

On page 13, line 10, strike out "school system" and insert in lieu thereof "educational institution".

On page 15, line 13, strike out "school system" and insert in lieu thereof "educational institution".

On page 17, line 4, strike out "school system" and insert in lieu thereof "educational institution".

HATCH AMENDMENT NO. 1386

Mr. HATCH proposed an amendment to the bill S. 557, supra; as follows:

On page 12, line 11, insert ", or which is closely identified with the tenets of," after "controlled by".

DANFORTH AMENDMENT NO. 1387

Mr. DANFORTH (for himself, Mr. WILSON, Mr. MURKOWSKI, Mr. LUGAR, Mr. QUAYLE, Mr. GRASSLEY, Mr. DOLE, Mr. MCCONNELL, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. BOND, Mr. MELCHER, Mr. KARNES, Mr. HECHT, Mr. HUMPHREY, Mr. NICKLES, Mr. HATFIELD, Mr. THURMOND, Mr. GRAMM, Mr. HATCH, Mr. PROXMIRE, Mr. KASTEN, and Mr. EXON, proposed an amendment to amendment No. 1386 proposed by Mr. HATCH to the bill S. 557, supra; as follows:

At the end of the language proposed to be inserted, insert the following "a religious organization of the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

" 'NEUTRALITY WITH RESPECT TO ABORTION

"'SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.'".

KARNES (AND NICKLES) AMENDMENT NO. 1388

(Ordered to lie on the table.)

Mr. KARNES (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by them to the bill S. 557, supra; as follows:

On page 10, line 20, strike "section" and insert in lieu thereof "sections".

At the end of section 3, insert the following:

"SEC. 909. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 12, line 15, after the words "Sec. 4" insert the following: "(a)".

At the end of Sec. 4 of the bill, add the following new subsection:

"(b) Title V of the Rehabilitation Act of 1973 is amended by adding at the end the following new section:

"SEC. 508. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 14, line 13, after the words "Sec. 5" insert the following: "(a)".

At the end of Section 5 of the bill, add the following new subsection:

"(b) Title III of the Age Discrimination Act of 1975 is amended by adding at the end the following new section:

"SEC. 310. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

On page 16, line 11, strike "section" and insert in lieu thereof "sections".

At the end of section 6 of the bill, add the following:

"SEC. 607. Nothing contained herein shall be construed to extend the application of this title to farms, farmers, ranches, or ranchers based upon participation in any federal agricultural program unless application is expressly required by any such federal agricultural program."

PACKWOOD AMENDMENT NO. 1389

Mr. PACKWOOD proposed a motion to recommit with instructions (numbered as amendment No. 1389) to the bill S. 557, supra, as follows:

I move to recommit the pending bill to the Committee on Labor and Human Resources with instructions that the committee report the bill back forthwith with the forthcoming amendment:

Strike all after the enacting clause and insert in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1988".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

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

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 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 "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such state or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

KENNEDY (AND OTHERS) AMENDMENT NO. 1390

Mr. BYRD (for Mr. KENNEDY, for himself, Mr. WEICKER, and Mr. METZENBAUM) proposed an amendment to the motion of Mr. PACKWOOD to recommit the bill S. 557, with instructions (numbered as amendment No. 1389); as follows:

Add at the end of the amendment, the following:

SEC. . Abortion neutrality and rule of construction.

Nothing in the amendment made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

KENNEDY (AND WEICKER) AMENDMENT NO. 1391

Mr. BYRD (for Mr. KENNEDY, for himself and Mr. WEICKER) proposed an amendment to amendment No. 1390, proposed by him on behalf of Mr. KENNEDY (and others) to the motion of Mr. PACKWOOD to recommit the bill S. 557, with instructions (numbered as amendment No. 1389): as follows:

Add at the end of the pending amendment the following:

No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion.

DANFORTH AMENDMENT No. 1392

(Ordered to lie on the table.)

Mr. DANFORTH submitted an amendment intended to be proposed by him to the bill S. 557, supra; as follows:

Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce that the Special Committee on Aging will be holding a business meeting on Thursday, January 28, 1988, beginning at 9:30 a.m. in Senate Dirksen 628, to consider the committee's 1988 budget, committee rules, and for other purposes.

Those wishing additional information should contact the committee at 224-5364.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Wednesday, February 3, 1988, at 9:30 a.m. in SR-332 to receive testimony on the nomination of Wendy L. Gramm, to be Chairman of the Commodity Futures Trading Commission.

For further information, please contact John Podesta of the committee staff at 224-2035.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, February 2; Wednesday, February 3; and Thursday, February 4, 1988, beginning at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking minority members on their 1988 committee funding resolutions.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on extension 40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on January 27, 1988, at 1:30 p.m.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 27, 1988, to hold a hearing on judicial nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 27, 1988, to hold a business meeting pending calendar business.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 27, 1988, to hold a business meeting.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on January 27, 1988, to hold hearings on rural cellular nonwire licensing.

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

ADDITIONAL STATEMENTS

S. 1143—FRANKFORT FISH HATCHERY

● Mr. FORD. Mr. President, yesterday the Senate passed S. 1143. This action is most gratifying to me and the Commonwealth of Kentucky. Senator MCCONNELL and I introduced S. 1143, legislation for what I hope will be the culmination of several years of effort to resolve the uncertainty over management and funding for the Frankfort National Fish Hatchery. The creation of the Frankfort National Fish Hatchery was the direct result of initiative on the part of the local community and the Kentucky State Fish and Wildlife Department.

Years ago, the Commonwealth of Kentucky realized a need for a fish spawning facility to stock the surrounding waterways. The Commonwealth, therefore, on January 15, 1952, deeded to the United States of America land along the Elkhorn Creek, land acquired from residents of Franklin County, KY, to be used for construction of a warm water fish hatchery. The Federal Government subsequently agreed to operate the facility and has done so over the last 33 years.

Beginning in 1980, the Federal Government consistently attempted to close the facility. These attempts came at a time when improved sport fishing facilities were proving themselves as great tourist attractions, providing jobs and revenues to local, State, and Federal entities.

I have worked diligently each of these last 8 years to secure adequate funding to continue the operation of the Frankfort National Fish Hatchery. Unfortunately, as Federal funding became scarce, $150,000 in fiscal year 1986, the facility itself began to deteriorate as much needed improvements were ignored.

The deed from the Commonwealth of Kentucky to the Federal Government on this donated land contained no restrictions whatsoever. However, a common understanding existed that, as the State of Kentucky assisted in

the management of the facility and, for that matter, was responsible for its very existence, the State would receive a larger share of the spawned fish.

Until 1985, Kentucky and the immediately surrounding States did indeed receive the large share, including black bass, walleye, catfish, and blue gill. The Federal Government, in that same year, dedicated 15 ponds, or 25 percent of the pond facilities to produce striped bass to be used for stocking the Chesapeake Bay.

I encouraged the State department of fish and wildlife to look into acquiring the facility and taking control of the management. The Federal Government made it clear in 1980, when proposals to stop funding the facility first appeared before Congress, that the facility was no longer a high priority. Although I welcomed the opportunity to supply the Chesapeake Bay with fish from the Frankfort facility, I felt the original understanding resulting from land conveyance had been broken. Furthermore, conservative estimates indicated that the Frankfort Fish Hatchery needed over $1 million in repairs and improvements to allow the facility to operate up to its full potential. Money, I point out, that would not have been coming from the Federal Government.

The Commonwealth of Kentucky, on October 1, 1986, entered into a memorandum of agreement [MOA] with the Federal Fish and Wildlife Service to assume full operation and associated costs of the facility. The State of Kentucky intends to improve the facility by upgrading the water supply system through a new deep well, construct a new hatchery building, renovate existing structures and repair existing ponds. The State has committed over $70,000 for this year to do so.

Despite the fact that the State of Kentucky has assumed all responsibility for the facility, the Federal Government will continue to benefit from increased tourism and adequate stocking of Kentucky waterways.

Sounds like the perfect arrangement. However, the truth is the intervention and interference of the Federal Government hangs over the heads of those managing the facility. S. 1143 would resolve this matter. More to the point, transferring ownership of the Frankfort Fish Hatchery back to the Commonwealth of Kentucky is the proper and responsible thing for the Federal Government to do. After all, the Federal Government will only be returning what was given to it originally in 1952.●

OLD MAIN—A SUCCESS STORY

● Mr. BOSCHWITZ. Mr. President, I rise today to share with my fellow Senators a tale of success about a building called "Old Main" in Mankato, MN, from an article in the Minnesota Real Estate Journal. The Federal Government is often criticized—many times deservedly—for dragging its feet on important decisions. But the story I'd like to share is one of prompt action and cooperation.

Old Main, which was placed on the National Register in 1983, is the last remnant of the old Mankato State Teachers College. It was built in 1923-24 and is a fine example of the academic style of architecture. Now Old Main is being renovated to provide 85 units of senior housing.

Curt Fisher, of Fisher Commercial Real Estate in Mankato, together with many others, was a leader in the fight to save this building from the wrecking ball. Curt recognized the needs of the community, particularly the need for senior housing, and worked hard with the citizens of Mankato to make the vision a reality. The city of Mankato pitched in by purchasing the building from a developer using proceeds from a tax increment financing [TIF] district, and then selling it to the nonprofit Senior Development Corp.

But it wasn't easy going. Provisions of the Tax Reform Act of 1986, which was signed into law while financing and planning of the renovation was still worked out, could well have stopped the project. The cut in the historic preservation tax credit from 25 to 20 percent, as well as the limitation on passive losses for partnerships, could have killed the project. My office went to work and obtained an amendment to the Tax Reform Act exempting the project and putting it back on track.

I think the story of the renovation of Old Main, which will be completed by next May, is a fitting example of the benefits of cooperation between private investors, and local, State, and Federal Governments. Old Main will provide much needed housing for seniors, while preserving the historic heritage of Mankato.

At this time, Mr. President, I ask that the attached copy of the article on Old Main be inserted in the RECORD.

The article follows:

NEW LIFE FOR OLD MAIN—HALLS OF ACADEME NOW SENIOR HOUSING

When they took the wrecking ball to the auditorium of Old Main, it collapsed after one hit.

Fortunately for the rest of the flagship building of what used to be the lower campus of Mankato State University, structural integrity has not been a problem.

In fact, Old Main appears to be beating the odds, and by next May the renovated building will reopen as an 85-unit market rate senior housing project.

More than once the apartment project has come close to being killed, either because of changes in tax law or historic renovation policy, or because of financial feasibility troubles.

Ground was broken July 29 for the $8 million Old Main Village development. Old Main Village Ltd. Partnership closed last summer on the property in the 400 block of South Fifth Street. Minneapolis-based Wellspring Corp., a barge equipment investment company with a real estate subsidiary, is the general partner in the partnership. State Bank and Mortgage Co. of New Ulm, which put up $1.5 million in equity to help finance the project, is a limited partner.

The senior housing project began, says Curt Fisher of Fisher Commercial Real Estate in Mankato, because area senior citizens were interested in saving the building and because they saw a need for housing.

"Old Main is a very important building in Mankato," Fisher says. The lower campus was abandoned by the university about nine years ago when it consolidated its operations on its hilltop campus overlooking downtown.

The building, listed on the National Register of Historic Places, was one of several in the lower campus sold at auction to Mankato developer Art Petrie by the state of Minnesota.

Placed on the National Register in 1983, Old Main is significant because it is the last remnant of the old Mankato State Teachers College, explains Historical Architect Charles Nelson of the State Historic Preservation Office in St. Paul. In addition, the building, erected in 1923-24, is a good example of the Medieval Revival or Academic style of architecture, Nelson says.

Even though Old Main had its place in Mankato's history, "there was no viable use," Fisher says. "They (Petrie and his partners) tried to look at apartments, but the numbers just didn't work."

Thought was given to leveling the building, allowing for a new development from the ground up. While Petrie concedes that swinging the wrecking ball at Old Main was a consideration, he suggests that the concern the community had about the building's fate was a bit overdone. "I don't think it (demolition) was as close as it was perceived," Petrie says.

The city of Mankato bought it for $500,000, using proceeds from a tax increment financing (TIF) district.

Petrie credits the city's TIF program for the current renovation of Old Main, but takes credit for beginning the project. "We did the original development work and postured it," he says.

The city in turn sold part of the Old Main property for $1 to Senior Development Corp., a non-profit senior citizen group set up to try to renovate the old school building into housing.

Larry Forsythe, Mankato's economic development director, says the city will be reimbursed $360,000 from TIF money for the sale. If they decide to construct a second phase for Old Main Village, the developers have an option for a second parcel, once the site of a physical education building.

Fisher was hired as a development consultant by Senior Development Corp. But when the seniors found they couldn't afford to do the project either, Fisher and the Old Main Village Partnership took over. He assembled a development team that included Life Care Services of Des Moines, Iowa, which will manage the property and helped in design of the renovation; general contractor R.W. Carlstrom Construction Inc. of Mankato; Kagermeier-Skaar Architects Inc. of Mankato; and Allison-Williams Co., a Minneapolis mortgage banker that handled

the public sale of $5.7 million in tax exempt bonds.

In addition to the bonds and State Bond and Mortgage Co.'s equity, financing included $1.3 million in investment tax credits for which the project barely qualified.

Soon after deciding to go ahead with the project, Fisher explains, the federal Tax Reform Act of 1986 was signed. The damper the new law put on real estate investment could have meant the end of Old Main Village, but the partnership sought an exemption through Minnesota Sen. Rudy Boschwitz. "It was critical," Fisher says.

Specifically, Nelson explains, the tax law cut the historic preservation tax credit from 25 percent to 20 percent. In addition, the law's limitations on passive losses closed the door to development partnerships passing on project costs to individual investors in the form of tax write-offs.

To their surprise, Fisher says, the exemption was okayed, allowing the project to move ahead. "One of the other things it did was give us some acclaim, which helped with financing."

One other stumbling block came in the National Park Service's review of the project. The park service administers the National Register and its standards state that all parts of a building must be evaluated as a whole.

The developers had expected to tear down the auditorium, added to Old Main in 1924. The space was unusable, Fisher says, and to shore up the rickety room would have been financially prohibitive.

"Had the portion of the building been structurally sound and rehab-able," Nelson says, "the developers would have had to go back to the drawing board and figure out how to renovate it."

Because of the condition of the auditorium, however, demolition was allowed.

"When we took the jacks out and hit once with a wrecking ball, the whole thing (auditorium) collapsed," Fisher says.

Renovation work on Old Main will yield 85 units ranging in size from 575 to 1700 square feet, says Marc J. Weisenburger, vice president of finance for Wellspring Corp. In addition to residential units, the building's library is being converted to a dining room, while the basement will include a swimming pool.

About half the space in Old Main, Fisher says, is common area. That's more than necessary, but it would be balanced against the second phase, which would be a 90-unit high-rise with a skywalk connection to Old Main.

Old Main Village will be the most recent of several renovations on the lower campus. Petrie, who once owned the bulk of the campus, has sold two other buildings:

The old Mankato State University library was converted into the Blue Earth County Government Center and sold to the county.

One of several dormitories, Searing Center, was run by Petrie as student housing for four years after he bought it. Roseville, Minn., developer E.E. "Pete" Parranto bought it from Petrie and tried to convert it to senior housing. Searing Center, however, now sits empty and Parranto has lost it to Norwest Bank Mankato, Petrie says.

Petrie still owns two of the lower campus facilities:

The former Nichols South classroom building is run by Valley Campus Associates, which redeveloped the property into the Nichols Office Center. An adjacent structure, Nichols North, was leveled to make way for a parking lot.

Another student housing facility, Cooper Dorms, was converted into the Colonial Square apartment complex and is owned now by Petrie's Colonial Square Associates.●

JUDICIARY COMMITTEE HEARING ON SUZANNE B. CONLON, NOMINEE FOR U.S. DISTRICT COURT OF THE NORTHERN DISTRICT OF ILLINOIS

● Mr. SIMON. Mr. President, this morning I had the opportunity to present to the Judiciary Committee one of my distinguished constituents, Suzanne B. Conlon. Ms. Conlon has been nominated to a seat on the U.S. District Court for the Northern District of Illinois.

At the outset I would like to thank the distinguished committee chairman for holding this hearing. Unfortunately this position has been vacant for far too long as a result of the administration's delay of nearly 2½ years in choosing a nominee. I commend the chairman for scheduling this hearing and doing his part to see this vacancy filled.

Suzanne Conlon has an excellent academic and professional record. After graduating from Mundelein College, she attended the Loyola University School of Law where she distinguished herself by graduating cum laude and ranking third in her class. She then spent 3 years clerking for the former chief judge of the Northern Illinois District Court, the Honorable Edwin A. Robson. Upon completion of her clerkship she worked as an associate in two well-respected Chicago law firms, Schiff Hardin & Waite and Pattishall, McAuliffe & Hostetter.

In 1972 Ms. Conlon moved from private practice to the U.S. Attorney's Office. During her 9 years of service Ms. Conlon developed a reputation as a hard working and fair individual. I have received letters of recommendation from both a fellow assistant U.S. attorney and defense attorneys praising her for her thoroughness and even temperament. I am pleased to note that in 1980 Ms. Conlon received a special commendation from the former Attorney General Ben Civiletti for successful prosecution of air piracy and kidnap murder cases. This honor, along with her 9 years as an assistant U.S. attorney, reflect Ms. Conlon's commitment to public service, a commitment she can be proud of.

Since leaving the U.S. Attorney's Office in 1986, Ms. Conlon has worked for the U.S. Sentencing Commission and is currently its Executive Director.

In closing I wish to note that I am particularly pleased to be able to speak not only on behalf of a fine Illinois citizen, but on behalf of a female nominee to the Federal court. As of September 1987, the Reagan administration had nominated 320 people to the Federal courts. Of these only 5 were black and 25 were women. I find this to be a very sorry record indeed.

I am pleased the committee now has the opportunity to hold hearings on Ms. Conlon, and I hope that her nomination will spark the selection of other talented women for the Federal judiciary.●

BICENTENNIAL MINUTE

JANUARY 27, (1879): JAMES SHIELDS

● Mr. DOLE. Mr. President, 109 years ago today, on January 27, 1879, James Shields was sworn in as the new Democratic Senator from Missouri. Now, there is nothing unusual in this event alone. What makes it a Senate first was the fact that Missouri was the third State Shields represented in the Senate. Shields had previously been a Senator from Illinois and Minnesota.

Though the only person to represent three different States in the Senate, Shields began his career in this body under difficult circumstances. Emigrating to the United States from Ireland in 1823, he settled in Illinois and was elected to the Senate as a Democrat in 1849. His eligibility was questioned on the grounds that he had not been a U.S. citizen the requisite 9 years at the time of his election, and he was denied his seat. The Illinois Legislature, however, again elected Shields for the same term, and he triumphantly claimed his seat 7 days after the ninth anniversary of his naturalization. He served until 1855, when he failed in his bid for reelection.

Shields moved westward to Minnesota, where in 1858 he became one of that State's first two Senators. On that occasion his seating was challenged on the grounds that Minnesota had not been a State at the time of his election. The Minnesota delegation was finally seated and Shields served until 1859 when, again, he was not reelected. After the Civil War, Shields moved to California, Wisconsin, and finally Missouri, where he was again elected to the Senate to fill a vacancy. He served from January 27 until March 3, 1879, when he declined to run for reelection. Shields died later that year in Missouri.

Throughout the Senate's history, 25 Senators, at one time in their careers, have represented more than one State in Congress. All but two of them—Shields and Waitman Willey, who served in the Senate from Virginia and then West Virginia—served their other term in the House of Representatives.●

FRAUD OF THE DAY—PART 23

● Mr. HEINZ. Mr. President, over the last few months of the first session I presented a series of examples of customs fraud in order to demonstrate

the gravity of the problem facing the Customs Service and domestic industries and to make clear the reasoning behind my amendment to the trade bill that would create a private right of action for customs fraud. Today I want to resume that series with Fraud No. 23, and I will continue with additional cases from time to time, as the supply appears inexhaustible. At the same time, I want to indicate that, in the spirit of today's television networks, I also plan to reprise some of the classic frauds of last year—reruns, or golden oldies, if you will—just in case anyone has forgotten them. Needless to say, reprints are also available from my office, and syndication rights will be auctioned off at an appropriate time in the future. Pending all that, however, I want to begin 1988 with a fresh fraud and an important one that involves the high tech sector of our economy.

Today's fraud involves a serious scheme designed to circumvent a major trade arrangement, namely the United States-Japan Semiconductor Trade Agreement of 1986. This particular case illustrates the extraordinary complications often faced by the Customs Service. Had it not been for a confidential informer, this harmful episode might have continued for quite some time, doing incalculable damage.

The Customs Service began investigating a report of smuggled computer chips on September 25, 1986. Working in cooperation with Canadian Customs Agents, the U.S. officers uncovered an elaborate operation specifically designed to profit from the newly imposed trade restrictions on semiconductor chips, which were created to protect U.S. semiconductor manufacturers.

Between March and October, 1986, some $1.1 million in semiconductor products were deliberately misclassified by the culprits who brought the contraband over the United States-Canada border. A vast assortment of NMOS dynamic random access memory chips were purchased by arrangement in Japan at prices well below world and U.S. market prices. The computer chips were then transshipped to Lee & Drummond Ltd., a Canadian importer in Vancouver, British Columbia.

The now convicted smuggler, Paul S. Columbus, a microchip dealer in Huntington Beach, CA, brought nine illegal shipments of Japanese produced semiconductor chips over the United States-Canadian border in a rented automobile. He then sold these restricted items, further reducing U.S. semiconductor manufacturers' market shares while netting a handsome profit for himself and his partners in crime. Mr. Columbus operated with a Japanese distributor, Mr. Kanji Sato, to bring thousands of NEC, Toshiba, and other high quality computer chips to U.S. markets in clear violation of Customs Service material and documentation codes. His conviction would not have been possible without close United States-Canadian cooperation.

The Customs Service investigation of this import violation lasted 11 months. During this period American and Japanese semiconductor manufacturers suffered from the illegal presence of additional computer chips in U.S. markets. Policy makers in both industrial nations continued to face pressures because the agreement designed to assist Americans was not showing substantial beneficial effects, and Japanese sales would continue to remain under restrictions for an extended period.

One of the important lessons of this case is the emasculation of trade agreements by a few nefarious individuals who would make exorbitant personal profits at the expense of carefully designed trade policy. This effort failed because of good work at Customs, close international cooperation, and the good fortune of a private informer. A private right of action provision would be of considerable assistance to the Customs Service in helping enforce the law in the face of an ever-increasing burden of cases, and it would give domestic manufacturers a means to redress the injury they suffer as a result of this criminal activity.●

INFORMED CONSENT NEW HAMPSHIRE

● Mr. HUMPHREY. Mr. President, I ask that a letter from a woman in New Hampshire be entered into the CONGRESSIONAL RECORD. This woman experienced serious complications from her abortion and had never been advised that such risks were involved. I urge my colleagues to support S. 272 and S. 273 which could prevent such tragedies from occurring. The letter follows:

JULY 1987.

DEAR SENATOR HUMPHREY: In my own case, I initially went to a doctor to have a pregnancy test which turned out positive. I remember him telling me that it might be the only child that I would have. But I did not believe him and I was thinking in terms of other possibilities such as becoming married and having an equal chance of having a family under proper circumstances, after this "mistake" had passed.

I was no longer in a full time teaching position and was fearing I'd have to go on welfare, and also that I would expose my wrongdoing to all my family and their friends. I also had a conceited attitude that I was attractive enough to catch a man who I would want to marry under the right circumstances.

I had a friend inform me that on a local radio station there was an ad for a telephone number in New York City to talk about getting an abortion. I called the number and made an appointment to go to the clinic. I was told the procedure, the cost, and that I would get post-abortion counseling if I desired it. When I got there they ran through a brief description of the method and an explanation of the physical aspects only.

They especially inquired about how many weeks into the pregnancy I was. I really had a doubt and was not sure. It was stressed that I had only up to 3 months to make up my mind if I was going to do it or not.

Just before going to the clinic, another friend gave me a Readers Digest article to read about what an abortion procedure is like and its benefits. With this "informed approach," I steeled myself for what I was about to go through. I wish I had had more time to think about my choice, but I kept remembering that I didn't have much time to decide as the three months was almost up. I was also the type of person who, when I made up my mind to do something, went through with it.

I now wish I had just gone home and had the child, because, just as the first doctor had warned, I was never able to have children again. When I was married eight years later, I had to have a total hysterectomy. They removed a benign tumor as large as a cereal bowl. I also had developed endometriosis, a pre-cancerous disease of the fallopian tubes. Along with this I developed diverticulitis, and a chronic skin infection, not to mention my treatment by a psychiatrist for anxiety that I played along with for 5 years prior to my marriage.

If I had had proper counseling, I am almost certain that I would not have gone through with the abortion. I would have made an intelligent choice, one based upon facts rather than fear and ignorance.

Name withheld by request.●

DR. ALVIN C. POWELEIT: A CARING PHYSICIAN

● Mr. McCONNELL. Mr. President, I rise today to enter into the RECORD an article about a highly respected community leader, Dr. Alvin C. Poweleit. This remarkable physician has dedicated his life to the caring of his fellow man, a goal he has achieved admirably.

Although many physicians provide the same quality care that Dr. Poweleit has provided for four decades, it is his method of providing the care that distinguishes him. As the article mentions, he never turned away a patient who could not pay and he never turned over an overdue bill to a collector. This commitment to service earned him the endearing and everlasting gratitude of his patients.

I hope that my colleagues will take note of the article's content and join me in wishing the best to Dr. Poweleit in his well-deserved retirement.

I ask that the article to which I have referred be printed in the RECORD.

The article follows:

[From the Kentucky Post, Jan. 12, 1988]

A CARING PHYSICIAN

Dr. Alvin C. Poweleit's particular brand of medicine was born in a prisoner of war camp in Japan.

During the Bataan Death March and his three years in the camp, Dr. Poweleit, a tank battalion surgeon, vowed if he made it

back to America he would spend his life helping people, according to a patient.

When he retired last month, he had done just that.

At 78, the little man with the bow tie and the wisp of white hair was more than just another medical man.

He was a caring physician who always had time to listen. There is a particularly touching story about a child who faced surgery and was afraid. Dr. Poweleit spent several Saturday mornings walking with the child and easing her fears.

He says he never turned away a patient who couldn't pay and he never turned an overdue bill over to a collector.

He was notorious for his waiting room. Patients would spend hours waiting to see him. They groused, but most of them came back the next time.

Neither his payment plan nor his waiting room were particularly good business policies but they grew from Dr. Poweleit's commitment to serve.

It would be easy to say he will be missed and that all doctors should emulate their colleague.

But all of us should follow the example Dr. Poweleit has been setting for the past 30 plus years.

He's earned a wonderful retirement. He carries with him the gratitude of his patients and the entire community.●

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. PROXMIRE. Mr. President, I submit for the RECORD the Rules of Procedure for the Committee on Banking, Housing, and Urban Affairs:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, February 4, 1981)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of the summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session at least 48 hours prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless thirty written copies of such amendment have been delivered to the office of the Committee at or before 2:00 p.m. on the business day prior to the meeting. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting. This subsection shall apply only when at least 48 hours written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Committee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, addition, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matter on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (before noon, 24 hours preceding his appearance) 75 copies of his statement to the Committee or

Subcommittee. In the event that the witness fails to file a written statement in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Fifteen-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority vote of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10-minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10-minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than a report on a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

U.S. GLOBAL MILITARY COMMITMENTS

● Mr. INOUYE. Mr. President, Navy Secretary James H. Webb, Jr., delivered a speech recently to the National Press Club calling for a thorough review of our global military commitments. Mr. Webb's comments are contained in the January 18, 1988, edition of the Wall Street Journal, which I would like printed in the RECORD.

The remarks follows:

[From the Wall Street Journal, Jan. 18, 1988]

U.S. MILITARY: STRENGTH THROUGH FLEXIBILITY

(By James H. Webb, Jr.)

The key question for our leaders in the new year is whether, and how, the U.S. can maintain its commitments throughout the world while reducing the size and force structure of its military. We must establish the guidelines that will take us into the next century.

First, although the NATO alliance is one of the keystones of our military structure, we need to remind ourselves that we are more than a European nation. Moreover, we should bear in mind that no region is better equipped to reassume a great share of the burden of its own defense than Western Europe.

Second, in economic, cultural and political terms the U.S. is becoming more intertwined with Asia. It is imperative that we match those ties with the military capability to protect our interests and honor our obligations in the region.

The Soviet Union already is placing a greater emphasis on Asia. While the Soviets' force structure in Europe has remained relatively constant over the past decade, they have made marked advances in Asia. They have achieved the historic Russian dream of owning a warm water port in the Pacific, and on any given day two dozen Soviet ships are in Cam Ranh Bay, Vietnam, as are

fighter, bomber and long-range reconnaissance aircraft. They have increased their Far East Command by 10 divisions over the past 10 years, and now have 530,000 ground troops in East Asia, in addition to 200,000 spread through Mongolia, the trans-Baikal and Central Asia. The Far East military region has 85 Backfire bombers, and nearly 2,500 combat aircraft. The Soviet Pacific Fleet is the largest of its four fleets, with 840 warships compared with 750 a decade ago.

SHIFT IN PRIORITY

The Soviets are said to be looking for naval bases in North Korea. They have pursued in recent months a defense relationship with Thailand. For three years running they have attempted to offer a dry dock facility for the Australians in Perth. They have become active in Polynesia and Micronesia. They have continued a close defense relationship with India. And they have done all of this while pursing vigorously a rapprochement with China.

Our responsibility to meet Soviet pressure globally might logically dictate an increase in our Asian presence that would match their obvious shift in priority.

One element in this equation, obviously, must be Japan. The Japanese have recovered from the devastation of World War II, and most Americans believe it is time for the Japanese to assume more of the burden of defending the way of life we share.

The Japanese have made measurable progress on this score. They have increased their defense spending for several years in a row, and regional security demands that they do more of this. I recommended as early as 1973 that Japan include the defense of its sea lanes in its constitutional interpretation of "self-defense." Ocean-going activities of that sort would aid our alliance without inciting the concern of other nations in the region.

Third, we must consider the Soviets themselves. Soviet conventional force structure around the world has been growing, and if force structure cuts are to occur in our own military, we must signal to the Soviets that this is a refinement rather than a reduction of our capabilities.

Fourth, we must pay greater attention to our own hemisphere. Fully 42% of our legal immigrants over the past 10 years have been from Latin America. Latin America's problems are rapidly becoming our problems. The Soviets and Cubans have been more adept at understanding that than many of our own policy-makers.

The Soviets operate roughly 7,600 military personnel in Cuba, and 230 in Nicaragua and Peru. During 1986 alone the Soviets provided more than $600 million of equipment to the Sandinista regime. The Cubans contribute 2,500 troops in Nicaragua. Discounting our Southern Command in Panama, the U.S. has 2,300 troops in Guantanamo Bay, Cuba, and 932 operating personnel elsewhere in 27 Latin American countries, 643 of those in Honduras.

In Africa, the Soviet Union and Cuba are heavily involved through troop presence and arms transfers. The Cubans maintain military and technical personnel in 17 African nations, with major combat units in Ethiopia, Algeria, Congo, Angola and Mozambique. The Soviets maintain a continuous naval presence off the coast of west Africa.

Additionally, key water routes and bases around the world continue to be at risk. American basing rights in Panama, Greece, Portugal, Spain and the Philippines will be subject to negotiations in the near future, and it is reasonable to assume that we will lose our lease on Guantanamo Bay in 1999. The southern reaches of the Red Sea have been bracketed by the Soviet influence in Ethiopia and its presence in Yemen. The importance of protecting international waterways into and inside the Persian Gulf should be clear.

It will require extremely careful use of a reduced U.S. force structure, as well as a more enthusiastic participation by other friendly nations, for us to meet such challenges. To the greatest extent possible, forces of the future should be free to deploy and to maneuver, to concentrate at a crisis point and project military force at that point—without the necessity of negotiating base rights or the unavoidable involvement in local conflict that such base rights imply.

POST-INF thinking that conventional forces in Europe be increased because conventional forces in Europe are arguably more at risk without the intermediate nuclear shield does not necessarily mean that this should be a U.S. buildup. Nor does it mean that such a buildup should occur in Europe at all, or even that it be a land-oriented buildup.

Strategy does not dictate that pressure applied by an adversary at one point be countered at exactly that point. If the interests of the U.S. and its allies are threatened or attacked by the Soviet Union in one part of the world, the U.S. could and probably should react at the point most beneficial to its own strengths—anywhere in the world.

And this is the great strength of seapower. We are not a continental land power, except on our own continent, and we never have been. We are a maritime nation be virtue of our geographic position, economic necessity and political commitment.

U.S. seapower maintains unimpeded access to world markets. It denies our adversaries the use of sea lanes for expansionist or imperialist reasons. It maintains international security and stability, including protection of nations we count as friends and allies during crisis. It enables us, when war comes, to reinforce allies, to multiply the effectiveness of their armies, to inject our own ground forces when appropriate, to become supreme on the land through control of the sea. It provides us the single greatest deterrent to nuclear war, with a nuclear submarine force that fields one-half our nuclear capability at one-fourth the overall cost for the strategic nuclear Triad.

A credible seapower—which means a naval force that can deploy immediately, stay for as long as necessary, and fight at whatever level of conflict the situation demands—can affect world events quickly and decisively. Our Navy and Marine Corps meet those criteria. This is exactly what we will need more of in the future. Furthermore, while the Navy and Marine Corps participate with the other services in exercises designed to test wartime readiness, they also are continually participating in real-world operations that are essential to keeping the peace—today.

DECADE OF EVISCERATION

It's not necessary to speculate on what would happen if we cut back naval force structure. Those who claim that the past seven years have shown the greatest peacetime buildup of the U.S. Navy—to 569 ships today—forget that the decade that proceded this buildup gave us the greatest evisceration of the Navy in its history. When I was commissioned in 1968 there were 931 combatants in the U.S. Navy. By the time we inherited the Indian Ocean commitments in 1979, the Navy had been cut to 479 combatants. Operational commitments did not decrease.

The Navy did it with less, and the result was a hemorrhaging of manpower and materiel. Aircraft carriers deploying to the Indian Ocean commonly spent four months and longer at sea, without so much as seeing land, much less visiting a liberty port. By 1980, the Navy was short 22,000 non-commissioned officers.

I'm not sure we'd be lucky enough as a service to survive that sort of misfortune again.●

W. CLYDE GLASS

● Mr. McCONNELL. Mr. President, each spring during the week preceding the Kentucky Derby, two paddlewheel steamboats, the Belle of Louisville and the Delta Queen, race each other on the Ohio River in Louisville. An article I would like to enter into the RECORD details the account of one such race where the Belle of Louisville outwitted its opponent and raced to victory. What the article does not say is that W. Clyde Glass masterminded the craftiness.

The article does go on to say that Mr. Glass began his life in retirement on Monday after 25 years on the Belle of Louisville's operating board including 18 years as its chairman. Friends of Mr. Glass say that a retirement party is in the works and that they expect the party to be attended by distinguished guests such as city and county officials who will be eager to extend their gratitude to Mr. Glass for his tireless involvement in community activities.

While Mr. Glass served on the boards of directors for many of the finest service organizations in Louisville, his greatest accomplishment is his work with the Belle of Louisville. There is a consensus that had it not been for Clyde Glass, there would be no Belle of Louisville, for without the strong leadership of a successful, independent businessman, this beloved paddlewheel vessel would not be able to serve the community on a nonprofit basis today.

Mike Fitzgerald, the master of the Belle of Louisville and its captain of operations said, "If there is a Mr. Belle of Louisville—he is it." He went on to add that Mr. Glass is a definite leader in the community "* * * because he is involved in many, many community projects. To describe Mr. Glass, you would have to use words such as 'integrity' and 'successful'."

Mr. President, I have inserted this article into the RECORD because, in light of this fine individual's distinguished record of service, I hope that my colleagues will join me in wishing him the best of luck in his well-deserved retirement.

The article follows:

GLASS ENDS "LOVE AFFAIR" WITH BELLE, STEPS DOWN AS CHAIRMAN

(By Leslie Scanlon)

W. Clyde Glass loves to tell the story of the year the Belle of Louisville outsmarted the Delta Queen, and won the Great Steamboat Race by hiding two tugboats behind Six Mile Island and using them to make a quick turn.

"Ernie Wagner, who was captain of the Delta Queen, was a great big fella," Glass reminisced. "He was truly a riverman. He had a bass voice that you could hear across the river, and he hollered, 'Dirty pool! Dirty pool!' "

Harvey Sloane, now Jefferson County judge-executive, suggested to Glass that the Belle crew perhaps should apologize for their high jinks.

And Glass told Sloane: "You don't apologize in a steamboat race. This is not a canoe race. Anything is fair in a steamboat race, as long as you can beat the other guy."

For the past quarter of a century, Glass has had a love affair with the Belle, despite having had cold feet about her in the beginning. At 78, he is four years older than the Belle, and still is smitten with the white-decked charmer. Yesterday, however, he stepped aside after 25 years on the Belle of Louisville operating board—the last 18 as chairman. Gene Johnson, senior vice-president of the Blue Boar Cafeteria Co., will take over as new chairman.

Glass said yesterday that he thinks "it's time to move over a little bit and let the younger people take it. The finances are in perfect shape, and the boat's in as good a shape as it's been in since it was built, and we've got a crew that's as good as we've ever had, and we had a good season last year. I think it's time to move on."

Glass, a Louisville native, has been drawn to the water ever since he took his skiff out on the river while a student at Louisville Male High School. He has owned boats and been active in the Coast Guard Auxiliary.

Now, he is a successful businessman—chairman of the board of V. C. Glass Carpet Co., which also operates Merchants Ice & Coald Storage Co. and Arctic Ice Co. He is the father of two sons, Kenneth and Ray, and an active community volunteer. His wife of 55 years, Virginia, died on Sept. 26.

C. W. Stoll, who served with Glass on the Belle's board since its inception, said his friend's greatest contribution to the Belle is "his fiscal responsibility" and his insistence that the steamboat be run according to "strict business principles."

"If it hadn't been for Clyde's leadership, the boat wouldn't be operating today," said Neil Whitehead, a former board member who served with Glass for 22 years.

And Mike Fitzgerald, the Belle's captain, said he will never forget the faith Glass showed in him back in 1983, when "they decided to pick a 25-year-old boy to step into the master's position—I don't think I could have come up under a better bunch."

Glass became involved with the Belle in 1962, when Marlowe Cook, who was Jefferson County judge at the time, forked over $34,000 in county money to buy the decrepit steamboat, then called the Avalon, at a bankruptcy auction in Cincinnati. Like a lot of other Louisvillians, Glass thought the boat would soon be called "Marlowe's Folly."

When Cook asked him to join the operating board, Glass told the judge point-blank that "I didn't think he should have bought it."

Now, asked to say what he's proudest of from his years with the Belle, Glass responds: "We're proud that we took a pile of junk and put it into a condition that it became the apple of the public's eye."●

DISAPPROVAL RESOLUTION

Mr. BYRD. Mr. President, I am authorized by the distinguished assistant Republican leader, Mr. SIMPSON, to make the following request, which he approves.

I ask unanimous consent that notwithstanding the provisions of title 42, United States Code, section 2159(i)(2) the majority leader may introduce the disapproval resolution with the agreement of the minority leader at any time prior to the close of business tomorrow.

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

THE JOURNAL

Mr. BYRD. Mr. President, did I get the Journal approved today?

The PRESIDING OFFICER. The Journal has not been approved.

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

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

ORDERS FOR THURSDAY, JANUARY 28, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until tomorrow morning at 9:30 a.m.; that no motions or resolutions over under the rule come over; provided further, that the call of the calendar under rule VIII be waived; provided further, that following the prayer the time of the two leaders be reduced to 2½ minutes each, and that upon the expiration of the 5 minutes the Senate then proceed to the resumption of the Grove City bill.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9:30 tomorrow morning.

The motion was agreed to; and, at 8:56 p.m., the Senate adjourned until Thursday, January 28, 1988, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 27, 1988:

DEPARTMENT OF STATE

CHARLES FRANKLIN DUNBAR, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE YEMEN ARAB REPUBLIC.

MILTON FRANK, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

APRIL CATHERINE GLASPIE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

BILL K. PERRIN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

DEPARTMENT OF DEFENSE

RONALD F. LEHMAN II, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE RICHARD N. PERLE, RESIGNED.

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. GERALD E. AMUNDSON, [redacted]
BRIG. GEN. DIONEL E. AVILES, [redacted]
BRIG. GEN. RICHARD D. CHEGAR, [redacted]
BRIG. GEN. JAMES T. CRAIG, [redacted]
BRIG. GEN. WILLIAM A. GANTT, JR., [redacted]
BRIG. GEN. DANIEL F. HITCHCOCK, [redacted]
BRIG. GEN. JOHN W. KNAPP, [redacted]
BRIG. GEN. BERNARD F. LOSEKAMP, [redacted]
BRIG. GEN. ROBERT F. PENNYCUICK, [redacted]
BRIG. GEN. ANTHONY S. SARBANES, [redacted]
BRIG. GEN. GEORGE M. WOYWOD, [redacted]

To be brigadier general

COL. ROBERT J. STRADER, SR., [redacted]
COL. JOSEPH E. TURNER, [redacted]
COL. RONALD E. SNEED, [redacted]
COL. ROLLYN C. GIBBS, [redacted]
COL. ROSS G. PICKUS, [redacted]
COL. JAN H. PAYNTON, [redacted]
COL. RICHARD B. BURLESON, [redacted]
COL. THOMAS S. CUSHING, [redacted]
COL. ALVIN BRYAN, [redacted]
COL. JOHN R. GALVIN, [redacted]
COL. ROBERT C. POOLE, JR., [redacted]
COL. ROBERT D. BROOKE, [redacted]
COL. ROBERT L. MENIST, [redacted]
COL. JOHN E. SCULLY, JR., [redacted]
COL. WILLIAM C. COCKERHAM, [redacted]
COL. TERRENCE D. MULCAHY, [redacted]
COL. JOHN S. GUTHRIE, [redacted]
COL. KENNETH A. BOULDIN, [redacted]
COL. JOHN E. SIMEK, [redacted]
COL. HERBERT B. QUINN, JR., [redacted]
COL. JOHN C. C. ROTH, [redacted]
COL. JON A. STANDRIDGE, [redacted]
COL. MICHAEL D. STRONG, III, [redacted]
COL. FRED E. MARQUIS, [redacted]
COL. ROBERT L. RUTH, [redacted]
COL. JOSEPH F. CONLON III, [redacted]

THE U.S. ARMY NATIONAL GAURD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. FRANK M. DENTON, [redacted]
BRIG. GEN. MARK B. MULLIN, [redacted]
BRIG. GEN. JAMES B. STODDART, JR., [redacted]
BRIG. GEN. BOYD M. COOK, [redacted]

To be brigadier general

COL. JOHN W. CUDMORE, [redacted]
COL. DAVID L. JENNETTE, [redacted]
COL. WARREN J. LAWRENCE, [redacted]
COL. JAMES E. MOORE, [redacted]
COL. JAMES F. RUEGER, [redacted]
COL. ELMER O. SIMONSON, [redacted]
COL. DONALD G. SMITH, [redacted]
COL. JOHN R. WARD, [redacted]
COL. GARY J. WHIPPLE, [redacted]
COL. EDWARD S. BALDWIN, [redacted]
COL. JEROME J. BERARD, [redacted]
COL. JOHN L. BLANDFORD, [redacted]
BRIG. GEN. WILLIAM R. BROWN, [redacted]
COL. DONALD R. BRUNELLE, [redacted]
BRIG. GEN. LOMER R. CHAMBERS, [redacted]
COL. CLAYTON A. HOVDA, [redacted]
COL. JAMES J. HUGHES, [redacted]
COL. JOAB M. LESESNE, [redacted]
COL. JOSEPH N. POULIOT, [redacted]
COL. GLENN N. SLOAN, [redacted]
BRIG. GEN. NED L. TURNIPSEED, [redacted]

COL. ROBERT D. CARTER, [redacted].
COL. ALLEN E. CHANDLER, [redacted].
COL. JAMES L. MURPHY, [redacted].
COL. ROBERT L. MOOREHEAD, [redacted].
COL. RAYMOND F. REES, [redacted].
COL. BENJAMIN W. DAY, [redacted].
COL. ALAN D. JONES, [redacted].
COL. DONALD W. LYNN, [redacted].
COL. GERALD W. PORTER, [redacted].

EXTENSIONS OF REMARKS

BICENTENNIAL OF THE CONSTITUTION

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOGGS. Mr. Speaker, recently, retired Chief Justice Warren Burger, Chairman of the Commission on the Bicentennial of the United States Constitution, issued a year-end report in which he recapped the Commission's activities during 1987, the year in which the Nation celebrated the 200th anniversary of the Federal Convention which drafted and approved the Constitution in 1787.

In his report, Chief Justice Burger recounts a number of activities that occurred under the sponsorship of or in coordination with the Bicentennial Commission. In addition, he highlights some of the plans for future activities that will occur as we observe the anniversaries of the ratification of the Constitution, the establishment of the Federal Government and the approval of the bill of Rights. This information is most helpful to everyone interested in the Bicentennial.

YEAR-END REPORT

(By Warren E. Burger, Chairman, Commission on the Bicentennial of the U.S. Constitution)

THE FIVE-YEAR PROGRAM

For the first year of its existence, this Commission worked under the shadow of the superb program of the Statue of Liberty. Lee Iacocca had successfully employed every mechanism of modern communications methods of making Americans aware of the Statue and its meaning to our nation of immigrants.

After July 4, 1986, we began programs to focus the attention of the country on the Constitution, which most Americans have taken for granted, like good health and good weather. Studies and opinion polls raised serious concerns, such as: (a) most people did not know that the Constitution was the first of its kind, setting up a federal system of divided powers; (b) most had a confused perception of what the separation of powers meant; (c) many did not understand the fundamentals of federalism and the division of authority between state and federal governments; (d) many could not answer relatively simple questions on the Emancipation Proclamation, the Bill of Rights, the Missouri Compromise, the Great Compromise, the Mayflower Compact, Magna Carta and the *Federalist Papers*.

CREATING AWARENESS

The Commission concluded that its first step must be to make Americans aware of the Constitution, how we got it, that it was a "first" in human history and that it was very difficult to get the 13 states to "merge" into a United States. We defined our task as one "to give outselves a history and civics lesson."

To make people aware, a "consciousness" program included the following:

Public service announcements. A public awareness campaign was built around brief TV and radio spots, and ads in magazines and newspapers with pictures of the signing of the Constitution. The advertising Council and an advertising agency in New York provided free assistance for media ads, and it is reliably estimated that free time and space in excess of $25 million was provided during 1987.

Roads to Liberty. A trailer-truck 64-feet long, titled "Roads to Liberty; Magna Carta to the Constitution," with a staff of a dozen trained people, toured more than 100 cities from March to September 1987. It contained an original draft of Magna Carta of 1215, a facsimile of the Mayflower Compact, the Constitution and all amendments, the Northwest ordinance of 1787, and the Connecticut Resolves. This project was co-sponsored by the U.S. Constitution Council of the Thirteen Original States, Inc., and the American Express Company.

High school essay contests. An essay contest on the meaning of the separation of powers drew 13,000 entries from 50 states, two territories and the District of Columbia. The state supreme courts undertook the judging, and prizes were $1000 for each state winner and $10,000 for the national winner. The two winners who tied for first place—Liza Johnson of Ohio, whose ancestral roots are Scandinavian, and Mahbub Majumdar of Washington State, who came from Bangladesh in childhood—were brought to Washington, where they met with congressional leaders and had lunch at the Supreme Court. President Reagan received them and presented the certificates to the two students. Each received a check for $10,000. USA TODAY/Gannett Company financed this contest and the visit to Washington.

Law school essay contest. The law shcool essay contest drew essays from barely half of the accredited law schools. The quality of the essays was excellent, with a University of Maryland student winning the $10,000 first prize. A check on the law school participation suggested that second- and third-year students were concentrating on grades to assure summer "clerkships" in large law firms and did not have time for essay contests.

Constitutional Convention Re-enactment. The 52 high school essay contest winners were named delegates to a re-enactment of the Constitutional Convention of 1787 and met for three full days in historic Williamsburg, Va. (They added several new ideas to the Constitution they drafted: A debt-limit provision and a line-item veto.) This project was co-sponsored with the College of William & Mary and Colonial Williamsburg.

Corporate programs. The American Hotel and Motel Association co-sponsored with the Commission a plan to have placemats (trayliners) in fast-food restaurants, hotel coffee shops, and other eating establishments carry the Preamble to the Constitution. McDonald's restaurants developed on their trayliners a pictorial theme with a quiz. Reports showed that the 1987 series of four placemats were sought by schoolteachers and used as a teaching tool. McDonald's alone reported it used approximately 10 million placemats a day. Various firms carried brief historical messages on breakfast food and milk containers. General Mills reported using 100 million such messages on the company's cereal boxes. International Paper Company produced 25 million milk cartons with brief Constitutional messages, read by millions of schoolchildren in 1987. Champion International has similar plans for 1988.

Private organizations. To carry out the Commission mandate to promote and coordinate Bicentennial events throughout the country, such groups as Boy Scout, Girl Scout and other youth organizations; civic and fraternal groups; labor unions; trade associations; senior citizens groups; handicapped groups; and ethnic groups were encouraged to create Bicentennial programs. As an example, a year-long project co-sponsored by the National Conference of Christians and Jews and numerous other organizations culminated when I, as Chairman, was presented in Philadelphia with hundreds of thousands of signatures from students who had signed copies of the Constitution. We then marked the 200th anniversary of the signing at precisely 4 p.m. September 17 by ringing a replica of the Liberty Bell at Independence Hall, as thousands of bells across America joined in a 200-second tribute to the Constitution.

Religious groups. Religious groups took an active role, particularly during September when sermons and homilies on the Constutition were presented in houses of worship throughout the country.

Federal, state and local programs. The Commission also supported the development of Bicentennial programs by 100 federal government agencies, by Bicentennial commissions in all 50 states and committees in more than 2,200 communities. Hundreds of college campuses and defense installations also have Bicentennial committees at work.

Pocket Constitutions. Pocket-size copies of the Constitution have been issued to millions of people through state and local commissions and private organizations. The Commission's pocket Constitutions contains two appendix items: significant dates to remember on Constitutional history, and a descriptive word index to facilitate reading. As resources permit, we hope to distribute at least 100 million of these pocket Constitutions between 1987-1991.

Teaching materials to schools. Teaching tools for primary and high schools have been sent to teachers of history and social studies. An example is a 100-page book on the Constitution written by historian Richard Morris of Columbia University. More than half-a-million educational booklets produced by The World Book went to teachers and students around the country. A 200-page resource guide published by the Department of the Army is going to 50,000 teachers.

A Celebration of Citizenship. A Celebration of Citizenship on September 16, 1987, drew one of the largest crowds ever to gather at the U.S. Capitol. It was joined by

President Reagan, Chief Justice Rehnquist, Congressional leaders, the Supreme Court, and the Cabinet, in a tribute to the Constitution. A live radio and television broadcast enabled Americans at home and abroad to participate while more than 100,000 schools nationwide conducted day-long teach-ins on the Constitution. The program was funded by Xerox and Nabisco Brands, Inc. At the climax of the ceremonies the President led a television and radio audience on more than 50 million students in the Pledge of Allegiance to the American flag. Police estimated the crowds at up to 140,000 people. The program was carried by radio to all U.S. military bases.

Speakers Bureau. Members of the Bicentennial Commission have given hundreds of lectures and speeches at colleges, private groups and conventions. A "Speakers Bureau" of more than 300, together with 400 federal and state judges, has been made available through both the federal and state commissions. This will continue.

Communications Advisory Committee. The Commission has had valuable assistance from its Communications Advisory Committee, chaired by Edward Fritts (president of the National Association of Broadcasters), with Jerry Friedheim (executive vice president of the American Newspaper Publishers Association) as vice chairman.

EDUCATION

Commission Education Grants. Education became the centerpiece of the Commission's activities once awareness had been established. The essay contests and the re-enactment of the Constitutional Convention served to inform and enlighten many representative young people. The Commission's Educational Grant Program was equally important. The fiscal year 1987 Educational Grant Program received 222 applications from 46 states and U.S. territories, seeking project funding. The Commission issued grants awards reaching 37 states and the District of Columbia. Funded programs included in-service training, conferences, institutes, video productions on the Constitution, and the development of instructional materials. Total money committed for the fiscal year 1987 program was $997,000. Twenty-two conferences and institutes were funded for elementary, middle and secondary school teachers.

The fiscal year 1988 Educational Grant Program has over $3 million for discretionary grant awards. Awards for the first round of applications will be announced in early March 1988. The second round of awards will be announced by July 15, 1988. The second-round competition encourages proposals on specific themes of the development of the legislative and the executive branches of government.

Center for Civic Education Grants. An appropriation of $2.85 million has been earmarked by Congress for the Center for Civic Education's National Bicentennial Competition on the Constitution and Bill of Rights. It is now being used in schools reaching approximately 500,000 students.

Madison Fellowship Program. Congress approved a $20 million James Madison Memorial Fellowship Trust Fund to encourage outstanding teachers to earn master's degrees focusing on the history, principles and development of the Constitution. A $10 million matching fund must be secured from private sources.

Bicentennial Campuses. The Bicentennial Campus program recognizes the contributions of America's colleges and universities to the celebration of the Constitution's Bicentennial. Over 200 colleges and universities now participate in the program. Each college must establish a Bicentennial committee and plan events for the years 1988-1991. The program also provides the colleges with information and resources to help them develop their commemorative plans.

National Educational Advisory Committee. A National Educational Advisory Committee to the Commission, chaired by Elliot Richardson, former Attorney General of the U.S., and composed of educators and representatives of educational publications, provides counsel to the Commission on a variety of matters.

Educational projects. The Commission has given official recognition to a variety of educational projects; for example, the Macalester College Conference on the Liberal Arts dedicated to the Constitution and freedom of expression, and Claremont Institute's three-year program of annual conferences, lecture series, library exhibits and examinations of political thought on the American founding. Conferences and seminars have been encouraged by the Commission through official recognition and Bicentennial Campuses programs.

Educational programs by corporations. Numerous corporations have been licensed to use the Commission's logo for educational and commemorative purposes. In addition, many corporations have contributed not only to creating awareness of the Bicentennial but to public education as well. For example, Merrill Lynch & Co. underwrote a public television series on the Constitution, and is sponsoring ratification celebrations throughout the country. Polaroid Corporation developed educational materials on the Constitution and distributed them, along with 50,000 Polaroid cameras and film, to photograph student programs on the Constitution in grade schools. Other examples of corporate support: IBM underwrote a major television special on the Constitution that appeared on ABC in September 1987. Gulf & Western released new and revised editions of school texts on the Consitution in 1987. Walt Disney World sponsored a year-long Constitutional exhibit and is putting murals of the famed Christy painting of the signing of the Constitution with life-size reproductions of the delegates in federal court buildings across the U.S.

Playlets. On the theory that active participation can be an effective learning experience, playlets on the Constiutional period are being written for use in the schools with pupils as the actors. For example, one playlet depicts the Virginia ratification convention, and another portrays the Supreme Court's refusal to give advice to President Washington in 1793.

FOUNDATION FOR THE COMMEMORATION OF THE U.S. CONSTITUTION

A group of distinguished American leaders has created this Foundation to secure funding and sponsors for Commission projects Dwayne Andreas (chief executive officer, Archer-Daniels-Midland Company) is chairman, and John A. Meyers (chairman, Time, Inc.) is president.

FUTURE PROGRAMS

The Commission approved a five-year plan with conferences, lectures and symposia at colleges and universities. Under the five-year program, which covers the life of the Commission 1987 dealt with the historical background and framing of the Constitution; 1988 deals with the ratification struggle—including the close-call votes in Massachusetts (187-168), New Hampshire (57-46), Virginia (89-79), and New York (30-27). Programs relating to the first national elections will also be covered; 1989 will emphasize the first U.S. Congress and George Washington's inauguration. The roles of the Legislative and the Executive Branches will be analyzed during these years. In 1990, the role of the Judicial Branch will be studied. And in 1991, the Bills of Rights and later amendments will be studied.

College Forums the Commission will undertake to co-sponsor forums arranged with groups of colleges on each of these subject areas. We will help secure members of Congress and the Executive Branch, and former members of each branch, as well as lawyers, law teachers, historians, political scientists, and others knowledgeable on the subjects. The extent of these programs will depend on private sector funding.

Adult Education. A program is now under way to develop a package of learning materials on the Constitution and civic responsibility, designed for the adult education market. These materials can be used by the network of junior and community colleges, and by other organizations and constituencies which serve the adult learner.

International Participation. The U.S. Information Agency has arranged interviews on Constitutional subjects on its WorldNet, and distributed copies of the Constitution in foreign languages. Interviews by American leaders with scholars, judges and lawyers in other countries reached Europe and South America. Plans are being made for seminars in England, in cooperation with the Four Inns of Court, the Bar Council (Barristers), and the Law Society (Solicitors). Members of the Commission have delivered lectures in various countries and will make visits in coming years. Some countries have sent government officials and scholars to the U.S. to study our system; others have held and will schedule seminars honoring the Constitution.

Broadcasts and writing awards. Jounalists, historians and others will be honored at an awards presentation in April 1988. The National Press Foundation, in cooperation with the Commission, will give awards to authors of articles, series, columns and special sections. Over the next five years, the Institute for Radio-Television at Ohio State University will make awards in nine categories of broadcasting including children's educational television. The goal is to impart greater understanding and appreciation of the Constitution. A program is being developed to identify the best articles on the Constitution during 1987-1991, with publication at the close of the Bicentennial.

Government relations. The Bicentennial Commission has maintained communication with the House of Representatives, the Senate and the Executive and Judicial Branches. The House and Senate Historians and the Chairman of the Bicentennial Committee of the Judicial Conference of the United States have been invited to attend Commission meetings. Discussions have proceeded with the Department of the Interior, the National Park Service, the Department of the Army and other Executive Branch agencies. We have met with the chairman of the New York City Bicentennial Commission in relation to some celebration of the meeting of the first Congress on March 4, 1789, and the first Inaugural on April 30, 1789, in New York City. In 1990, some appropriate celebration should take place with respect to the first convening of the Su-

preme Court of the United States, on February 1, 1790, in New York.

Pictorial map contests. The Commission is developing map contests relating to historical events of 1770-1791 in the 13 original states. This concepts is in the process of testing in 20 schools.

ALL AMERICANS MUST BE CONCERNED WITH HUMAN RIGHTS VIOLATIONS IN TIBET—REMARKS OF RABBI HERBERT MORRIS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LANTOS. Mr. Speaker, at the save Tibet rally on the steps of the U.S. Capitol a few weeks ago, Rabbi Herbert Morris of the Congregation Beth Israel-Judea in San Francisco delivered a brief talk that sums up the reason for rally and for congressional concern over conditions in Tibet. Indeed, it is a resounding statement of why all Americans should care about what is happening many thousands of miles away on the "roof of the world." I would like to place his outstanding remarks in the RECORD for the benefit of my colleagues:

"And God created man in His image, in the image of God He created him." I've never met Tibetans; Never tasted their food; do not know what language they speak; Never walked through their villages; Never studied their culture; the names of their cities do not come easily to my lips and their national anthem I've never heard played. But I do know this:

"When God created that very first human being, He scooped up soil from all four corners of this world. He took that earth—with all of its colors, the red and brown and black and yellow and white—and said: 'You're entitled to live and none to make you afraid. And you don't have to be all the same color, speak the same language, eat the same food, worship the same God or think the same thoughts.'"

No, I've never met a Tibetan—but he's my brother. He's entitled to live. That is his right. I know that. The same God that created me, created him. I know that! And I know one more thing from the experience and the history and the teaching of my people; to be indifferent to the fate of my Tibetan brother will condemn him and to be indifferent to his anguish condemns me; To be neutral condemns him and to be neutral to his suffering condemns me. To be silent—condemns the Tibetan to a cultural and spiritual death—to be silent, to be silent—condemns me.

JANET CHAMPNEY POSS HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on January 24, 1988, a "Supper of Recognition and Thanks" was held in honor of Janet Champney Poss by her friends and colleagues from the town of Guilford, CT.

A graduate of Wheelock College, Jan continued her studies at Boston University and Columbia University, where she also held a number of administrative positions. She later married Eliasz Poss, a senior engineer at Sikorski Aircraft.

Jan is a leader of the Democratic Party in Guilford. In that role, we have worked together on many causes large and small. Her help was a key part of my success in my first campaign for Congress in 1982 and each of my subsequent runs for reelection. She is a committed activist in the struggle for peace and justice here at home and around the world.

Jan is also well known in Guilford for her volunteer work. She has been involved in a wide range of volunteer activities for the past 23 years, and is Guilford's "Best Volunteer." She chaired the Little Folks Fair, the Shoreline Unitarian-Universalist Society, and the East Shore Adult Day Care Center. In addition, Jan has served as the chairman of the Guilford Human Services Council and the Youth Services Bureau. And the list goes on.

Jan was a founding member of the Guilford League of Women Voters. She was also a founder of the Guilford "A Better Chance" Program, which sponsors inner-city children and provides them with the opportunity to attend several years of school in Guilford, away from the crime and poverty often associated with inner-city schools. Finally, Jan was a founder and part-time manager of the "Hole-in-the-Wall" second-hand clothing store. This store was originally started to finance the Interfaith Housing Board, of which she is now the executive director, but presently helps fund the "A Better Chance" Program.

Mr. Speaker, the people of Guilford and its surrounding communities owe a debt of gratitude to Jan Poss. Her commitment and unflagging energy in her efforts to improve the lives of the people around her are truly remarkable. But most important, I am proud to call her a true and dear friend, and I take great pride in sharing her accomplishments with my colleagues today.

A TRIBUTE TO DR. DAVID E. FARKAS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dr. David E. Farkas, my good friend and a leader in my community. I became acquainted with David and developed a lasting friendship with him some 30 years ago at Camp Ramah where his endless generosity and strong leadership abilities were already apparent.

David will be honored on January 31, 1988, by the Los Angeles Hebrew High School at a gala dinner/dance at the Beverly Hills Hotel. The Los Angeles Hebrew High School provides a meaningful secondary Jewish education to thousands of students in nine branches throughout the Los Angeles area. A graduate of Hebrew High, David has worked tirelessly for this fine institution in many leadership positions for the past 16 years. He currently serves on the board of directors as president-elect and scholarship chair.

David has given generously of his time and resources to Jewish educational institutions to provide Jewish youths with the best possible educational opportunities. Among his past activities are service as the vice president of Camp Ramah, a member of the Young Leadership Cabinet of UJA, a board member of Heschel Day School, and a board member of Adat Ariel. David continues to aid Jewish youths as a founder of the Hebrew University School of Dentistry, a member of the Patrons Committee at the University of Judaism, and a member of the Society of Founders at the American Friends of Hebrew University. He is also a member of the Prime Ministers Club of State of Israel Bonds.

David's contributions to this community at large are also noteworthy. He graduated from the University of Judaism, the Association of Arts in Hebrew Literature, the Hayim Greenberg Teachers Institute in Jerusalem, Israel, the University of Southern California and the School of Dentistry at the University of Southern California. For the past 20 years he has been a practicing dentist in Sun Valley, CA. He has also served as a member of the School Screening Committee, Dental Health Program, and the Sun Valley Chamber of Commerce.

It is my distinct honor and pleasure to pay tribute to this outstanding individual. I welcome this opportunity to congratulate David and join the Los Angeles Hebrew High School in saluting him for his continued efforts to help our young Jewish people achieve their goals.

MONUMENTS COMMISSION AND KOREAN WAR MEMORIAL PASS MUSTER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, for almost 6 million men and women who sacrificed a part of their lives fighting for the cause of freedom in the Korean war, the journey home has been an incomplete one. While many individuals returned from the fray to rejoin our Nation in peace as they had joined our Nation in war, over 60,000 individuals remained behind in Korea, dead or missing.

For those 60,000 who served their nation admirably, the journey home ended halfway. Those 60,000 went to Korea but did not return from Korea.

There is an opportunity to remember those who served and sacrificed as well as those who served and returned.

In the 99th Congress, I was pleased to have authored legislation establishing the Korean War Memorial. As a symbol, the memorial will honor the ultimate sacrifice, that is, self-sacrifice so that others may live.

In the 100th Congress, I am pleased to have introduced additional legislation that would bring closer to home here on the Mall

of Washington, DC, the memory of those who served.

In this area, we have often gathered before as a nation and as individuals to commemorate the fallen. The Vietnam Veterans Memorial is located nearby. Yet throughout this entire area, the only memorial to the thousands who fell or who served in Korea is in Arlington Cemetery. Indeed, that memorial, known as the Meditation Bench, was dedicated only this past summer.

In the effort to bring to reality the dream of a full-scale memorial honoring the Korean war's veterans, the American Battle Monuments Commission had done its share of preparation and work effectively and with dedication.

But on the return road home for the veterans of the Korean war, the efforts of the American Battle Monuments Commission only underscore the fact that there is so much more road left to travel. Although the Federal Government will be providing a portion of the funds necessary to defray the costs of the memorial, there is a need for the public to participate in the creation of the memorial.

Indeed, it is only fitting that this memorial, honoring the sacrifices of Americans on behalf of other Americans should be a national effort.

I am including an article from The Retired Officer, describing the road traveled in the effort to construct a national monument to the veterans of the Korean war by the American Battle Monuments Commission.

The article follows:

A TIME TO REMEMBER

(By Col. Charles D. Cooper)

[The Beginning of the End of War Lies in Remembrance.—Herman Wouk.]

Since its dedication in November 1982, the Vietnam Veterans Memorial has become one of the most popular sites in our nation's capital. Located on the Mall, between the Washington Monument and the Lincoln Memorial, "The Wall" serves as a continuing reminder of the more than 58,000 dead and missing men and women from that extremely divisive period in our nation's history.

Millions visit the Vietnam Memorial each year to gaze upon its stark beauty, to touch the name of a family member, buddy or friend engraved on that polished black granite wall, to leave some small token of recognition to one whose sacrifice went possibly unnoticed in that unpopular conflict.

Since its dedication, "The Wall" has also served as the focal point for many major gatherings, both official and unofficial. This past Veterans Day, thousands of Americans, including the venerable Bob Hope, braved a foot-deep, early November snowstorm to pay tribute to the fallen heroes of the Vietnam conflict.

Yet barely two miles away, on the windswept slopes of Arlington National Cemetery, nestled nearly in the winter shadows of the Memorial Amphitheatre and the Tomb of the Unknowns, stands another memorial, an inconspicuous, granite Meditation Bench.

In this city of magnificient monuments to fallen heroes, it is our lone national memorial to the 5.7 million men and women who served in Korea. Several times each hour, only a stone's throw away, tour buses disgorge scores of visitors who frequently walk unknowingly past the bench on their pilgrimage to the ever-popular Changing of the Guard at the Tomb of the Unknowns.

Engraved in the Meditation Bench are the cruel statistics of a now mostly forgotten war. In the slightly more than three-year duration of the Korean War (six years shorter than Vietnam), 54,246 made the ultimate sacrifice. Some 8,177 are listed as missing in action and 389 prisoners of war are still unaccounted for after nearly 35 years.

It was 12 years after the Korean armistice was signed that the veterans of Pusan, Chosin, Porkchop Hill and a thousand other unfamiliar sounding places received their first national recognition. That came through a lone Korean white pine, planted adjacent to the current memorial site by then Korean President Park Chung Hee.

Then, in July 1987, still another 22 years later, the Korean War Veterans Association joined hands with the No Greater Love organization to dedicate the Meditation Bench.

"The men and women who served our country during the Korean War have never received a national or international tribute," said Carmela LaSpada, chairman of the board of No Greater Love, at the bench's dedication. "They deserve to be recognized by the United States for their contribution to peace and freedom."

In October 1986, less than a year before this belated ceremony, President Ronald Reagan has signed P.L. 99-572, authorizing construction of a monument in the Washington, D.C., area to honor the members of the U.S. Armed Forces who had served in Korea. The $6 million memorial is to be built with private funds except for a federal appropriations of $1 million for design, site preparation, associated administrative costs and partial construction.

On Jul. 20, 1987, the president appointed a 12-member advisory board of Korean War veterans to recommend siting and design and to encourage contribution of funds for the construction and maintenance of the memorial.

With the renewed infusion of awareness generated by the dedication of the Meditation Bench has come a revived interest in building a proper monument to help remove the stigma of the forgotten heroes of Korea. However, to date, little more than $1.5 million has been raised, a major portion of that donated by Hyundai Motor America, a Korean automobile manufacturer. Veterans groups have pledged between $750,000 and $1.3 million.

Unfortunately, earlier private efforts to build a monument raised a considerable amount of money—most of which went to sustain fund-raising and administrative costs—and siphoned off precious, needed funds. This problem has been corrected by placing the program under the American Battle Monuments Commission (ABMC). All contributions made to the Korean War Memorial Fund are fully tax deductible, placed in a special trust account with the U.S. Treasury and will be used solely for the purposes intended.

As the vocal—and visible—Vietnam vets continue to debate over further embellishments to their magnificent monument, isn't it time to remember, to give proper and long overdue recognition to our forgotten heroes of the Korean War?

Your much-needed contributions should be sent to the Korean War Memorial Fund/ABMC, P.O. Box 2372, Washington, DC 20013-2372.

JOHN HULBERT, THE "SILVER-TONGUED LEGISLATOR"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CONTE. Mr. Speaker, as we begin the 2d session of the historic 100th Congress I rise today to continue my series of biographies of former members from western Massachusetts. The subject of today's installment is the eighth man elected to Congress to serve the people of western Massachusetts.

In spite of the odds against him, John Hulbert was elected to serve in the 13th Congress by a margin of about 100 votes where he served until 1817. After the financial disaster he experienced with the failure of the Berkshire Bank in 1809, Mr. Hulbert was able to wage only a perfunctory campaign in the race to fill a vacancy caused by the death of Daniel Dewey. But a traditionally Republican electorate was swayed by the oratory style of this Federalist and sent them to Washington to represent him in 1814.

John Hulbert was born in the Berkshire Country town of Alford in 1770. At the age of 25 he graduated with honors from Harvard University, Cambridge. He began practicing law in Alford in 1797 and shortly thereafter moved to Pittsfield.

On July 5, 1807, the Bank of Berkshire was organized with John Hulbert and Simon Larned appointed directors of the bank. While neither of the new directors were men of distinguished business talent, they were chosen for their notariety as leaders of their respective political parties. Likewise, none of the other board members had any experience in banking. However, by employing an equal amount of Federalists and Republicans and striking a balance between the parties within the bank, it was thought that the bank's success was guaranteed.

Two years after Mr. Hulbert was appointed director, the Berkshire Bank, like many others in the State, lost the confidence of the public. The bills issued by the bank were redeemed at an alarming rate. Finally the State legislature revoked the charter of the Berkshire Bank and as director, John Hulbert was held personally responsible. His property was seized and he was left financially ruined.

But the collapse of the bank did not diminish the respect and stature held by these gentlemen in the town of Pittsfield. On June 3, 1811, Mr. Hulbert organized the Washington Benevolent Society of the county of Berkshire. The objective of the institution was to promote the Federalist Party in the western part of Massachusetts.

With the overwhelming support of this group, his personal popularity, and the negative reaction to excessively harsh criticism from the Sun newpaper, Mr. Hulbert was able to secure the seat left vacant by the resignation of Judge Daniel Dewey.

During his tenure in Congress, John Hulbert was known as the silver-tongued legislator and the Hamilton of Massachusetts for his sharp and colorful oratory. He became deeply involved in the reconstruction of Washington

that took place beginning in 1814. The British had burned the Capitol, the White House, and all the executive departments except the Patent Office. And the reconstruction effort required the replacement of the burned buildings as well as the construction of the new Library of Congress.

He was reelected to the 14th Congress but decided not to run for the 15th. After the collapse of the bank and years of public service, Mr. Hulbert instead moved to Auburn in search of economic prosperity. There he practiced as a lawyer before serving in the New York State Legislature.

Despite good health and fine spirits, Mr. Hulbert was seized by a fit of apoplexy on the night of October 19, 1831, and died as a respected and wealthy man.

NATIONAL OSTEOPOROSIS PREVENTION WEEK, MAY 8 THROUGH MAY 14, 1988

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Ms. SNOWE. Mr. Speaker, I am pleased to introduce legislation today, on behalf of myself and 96 of my colleagues, which would designate the week of May 8–14, 1988, as "National Osteoporosis Prevention Week."

This is the fourth consecutive year that I have introduced legislation to promote the awareness and prevention of osteoporosis. Osteoporosis is a major public health problem affecting 24 million Americans, primarily postmenopausal women and older persons. In 1986, the national expenditures for osteoporosis totaled $7 to $10 billion. Since both the cost, and number of Americans affected by osteoporosis are expected to increase in the future, we have a continuing responsibility to inform our citizens about this preventable disease.

Just a few short years ago osteoporosis was a word that was hardly known. Last year, during National Osteoporosis Prevention Week, over 10 million Americans were reached and received information about osteoporosis. Through the efforts of organizations like the National Osteoporosis Foundation, a national voluntary health agency, education about this debilitating disease became even more widespread. Educational and media campaigns were conducted in all 50 States and public service announcements were delivered to over 200 television stations. Over 100 U.S. city newspapers featured articles on osteoporosis and 600 radio stations across the country aired prevention messages. The National Osteoporosis Foundation and 17 other national health and aging organizations distributed over 5,000 Osteoporosis Prevention Week kits which were used by hospital educators and public relation departments.

Osteoporosis is no longer perceived to be a problem only for older women, but rather a condition of concern to individuals of all ages. Called the "silent disorder," osteoporosis is characterized by a gradual loss of bone tissue causing the bones to become progressively weaker and more fragile. Each year osteoporosis is responsible for 1.3 million bone fractures annually, including 250 hip fractures, many of which lead to permanently reduced mobility or death.

This year, the theme of Osteoporosis Prevention Week is "Build a Stronger Future" because it is now believed that osteoporosis is as much a product of lifestyle throughout the life-span as it is genetic predisposition. For example, childhood and young adulthood are critical periods for building maximum bone mass and thereby decreasing the later affects of loss of bone. As a consequence, a diet rich in calcium and weight bearing exercise are essential during this critical period. For young and middle-aged women, diet, regular exercise, and restrictions on both alcohol intake and smoking can help keep bones strong. Older women, too, can take preventive measures to decrease the risk of bone fractures through falls by "fall proofing" their homes, having their vision and hearing tested regularly, using caution when getting up too quickly, and limiting alcohol consumption. At each stage of our lives we can take simple steps to keep our bones healthy.

This year our goal is to reach 50 million consumers and professionals—to make young and old aware of what they can do to prevent this debilitating disease. In keeping with that goal, I want to pay special tribute to the National Osteoporosis Foundation and the following organizations for their work on behalf of National Osteoporosis Prevention Week:

PARTNERS IN PREVENTION

Abbott Laboratories.
American Home Products Corporation.
Coca-Cola Foods.
The Dannon Company, Inc.
Kraft, Inc.
Lederle Laboratories, Division of American Cyanamid Company.
Lunar Radiation Corporation.
Marion Laboratories, Inc.
Mead Johnson Laboratories.
The Merck Company Foundation.
Norwich Eaton Pharmaceuticals, Inc.
Parke-Davis.
The Procter & Gamble Company.
Rorer Pharmaceuticals.
Sandoz Pharmaceuticals Corporation.
Serono Symposia, USA.
The Upjohn Company.
Warner-Lambert Company.

PREVENTION WEEK COSPONSORS

American Academy of Physical Medicine and Rehabilitation.
American Association of Retired Persons.
American College of Obstetricians and Gynecologists.
American Dietetic Association.
American Home Economics Association.
American Hospital Association.
American Medical Association.
American Medical Association Auxiliary, Inc.
American Medical Women's Association, Inc.
American Physical Therapy Association.
American Red Cross.
American School Food Service Association.
American Society for Bone and Mineral Research.
Association for the Advancement of Health Education.
B'nai B'rith Women.
Camp Fire, Inc.
Food Marketing Institute.
Future Homemakers of America, Inc.
Girl Clubs of America, Inc.
Girl Scouts of the U.S.A.
National Association of Area Agencies on Aging.
National Association of State Units on Aging.
National Consumers League.
National Council on the Aging, Inc.
National Council of Catholic Women.
National Council of Jewish Women.
National Council on Patient Information and Education.
National Dairy Council.
National Extension Homemakers Council, Inc.
National Rural Health Network
Nurses Association of the American College of Obstetricians and Gynecologists.
President's Council on Physical Fitness and Sports.
Society for Nutrition Education.
U.S. Department of Agriculture, Extension Service.
U.S. Department of Health and Human Services:
Administration on Aging.
Bureau of Maternal and Child Health and Resources Development.
Food and Drug Administration.
National Institute on Aging.
National Institute of Arthritis and Musculoskeletal and Skin Diseases and the National Arthritis and Musculoskeletal and Skin Disease Clearinghouse.
National Institute of Diabetes and Digestive and Kidney Diseases.
Office of Disease Prevention and Health Promotion YMCA of the USA.

FRIENDS OF PREVENTION WEEK

Alleghany Regional Hospital (Low Moor, VA).
Amarillo Hospital District (Amarillo, TX).
Borgess Medical Center (Kalamazoo, MI).
Bradley Memorial Hospital (Cleveland, TN).
Cape Fear Memorial Hospital, Inc. (Wilmington, NC).
Chelsea Community Hospital (Chelsea, MI).
Corning Hospital (Corning, NY).
Cottonwood Hospital Medical Center (Murray, UT).
Elmwood Medical Center (Jefferson, LA).
Hospital for Special Surgery (New York, NY).
Humana Women's Hospital—South Texas (San Antonio, TX).
Lafayette General Medical Center (Lafayette, LA).
LDS Hospital (Salt Lake City, UT).
Lenox Hill Hospital (New York, NY).
Martha Jefferson Hospital (Charlottesville, VA).
Meadville Medical Center (Meadville, PA).
Mesa Lutheran Medical Center (Mesa, AZ).
Metropolitan Medical Center Foundation (Minneapolis, MN).
Mother Frances Hospital (Tyler, TX).
New England Baptist Hospital (Boston, MA).
North Colorado Medical Center (Greeley, CO).
Our Lady of Mercy Hospital (Dyer, IN).
Riverside Hospital (Newport News, VA).
Sacred Heart Hospital and Rehabilitation Center (Norristown, PA).
Saint Joseph's Medical Center (South Bend, IN).
Shadyside Hospital (Pittsburgh, PA).

Southwest General Hospital (Middleburg Heights, OH).

The South Side Hospital (Pittsburgh, PA).

The Staten Island Hospital (Staten Island, NY).

Western Reserve Care System (Youngstown, OH).

Women's Hospital (Baton Rouge, LA).

Zurbrugg Memorial Hospital (Willingboro, NJ).

THE DEATH OF JOHN GLENN CHASE—A POLICE TRAGEDY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, all too often, the death of one of our Nation's police officers is largely overlooked and soon forgotten. However, Saturday's shooting death of Dallas police officer John Glenn Chase has been different. It has been one of the top stories on network news shows and has made headlines in newspapers around the country.

Like so many police deaths before him, John Chase was killed during a "routine" traffic stop. Thus, his death serves as a tragic reminder of the extraordinary risks our police officers assume on our behalf every day on the job. But, that is only part of the story behind Officer Chase's death. The New York Post reported the shooting this way:

A homeless man shot dead a cop who was begging for his life while a heartless crowd chanted: "Shoot him! Shoot Him!" The homeless man was later gunned down by off-duty patrolmen.

Officer John Chase, 25, had pulled over a car and was writing a traffic ticket Saturday when a crowd gathered and accused the cop of harassing the driver.

Suddenly, homeless man Dudley Williams, 34, began scuffling with Chase.

Williams, described as a street person with a history of mental illness, did not know the driver of the car being ticketed, said cops.

Williams grabbed the officers' .44 magnum revolver and shot him to death as he pleaded for his life.

"The officer was saying, 'Don't shoot me. I'll help you whatever way I can.' But the guy shot him in the head," said witness Melitha Johnson.

A crowd of about 30 people watched—some urging Williams to open fire, shouting, "Shoot him!" according to Police Chief Billy Prince.

Mr. Speaker, I walked the streets of New York City for 23 years as a police officer. During that time, the residents and shopowners on my beat were my friends. They knew they could count on me and my fellow police officers for protection. There was a strong sense of community between all of us. Granted, some of that has changed over the last two decades, but what happened to Officer Chase is simply beyond belief.

I, for one, have long contended that the extraordinary service and sacrifice by our law enforcement officers has been largely unrecognized and underappreciated. But, there is a big difference between a lack of appreciation, and hateful violence aimed at police.

Based on the strong show of support for law enforcement displayed by Dallas residents, including the homeless there, in the wake of Officer Chase's death, it is fair to say that the hateful cries heard before Officer Chase was shot were not representative of society's true feelings toward police. But, that incident forces all of us to question whether we have done enough to support the 600,000 brave men and women in our Nation who have sworn to protect us from crime and violence.

Frankly, I think we can all do a lot more. That's why in 1984, I coauthored a law with Senator CLAIBORNE PELL to authorize a National Law Enforcement Memorial to be built in Washington, DC. Since funding for this memorial is coming exclusively from private contributions, it's an important opportunity for all Americans to express a very special, and long overdue, thanks to the law enforcement profession for all that they do for us. Ultimately, this memorial effort is expected to result in a greater understanding and appreciation of the law enforcement profession's uniquely perilous and important role in our society; as well as a more attentive ear to their needs and concerns. Efforts to build this memorial are well underway, with ground breaking expected by October 1989. Thousands of Americans have already expressed their support for this effort, but it will take thousands more to make it become a reality. I strongly urge all of my colleagues to roll up their sleeves and do what they can to support this very important project. For more information contact the National Law Enforcement Officers' Memorial Fund, Inc., at 1360 Beverly Road, Suite 305, McLean, VA 22101, phone: (703) 960-2320.

There are other ways to express our support. For example, we should be quick to pass two bills pending this Congress to raise the public safety officers death benefit from $50,000 to $100,000, and to regulate undetectable plastic firearms.

This is the least we can do for those that do so much for us each and every day of our lives. Now, more than ever, our law enforcement officers need to know we support them.

At this time, Mr. Speaker, I would like to insert a copy of today's Washington Post article reporting on the funeral of Dallas police officer John Glenn Chase:

[From the Washington Post, Jan. 27, 1988]

THOUSANDS MOURN DALLAS POLICE OFFICER

DALLAS, January 26.—Thousands of law officers, their badges masked in black, ringed a Baptist church and packed a sanctuary today to mourn a policeman killed by a deranged vagrant.

"We're hurting this morning, O God. We don't understand the tragedy of this man whose life was taken from him because of the uniform he wears," Sgt. Carroll Pruitt prayed before the lawmen, who ranged from marshals to paramedics to park rangers.

Meanwhile, thousands of Dallas residents offered a silent show of support for the police department as they drove to work with headlights on. A group of homeless people marched this afternoon to back police, while other citizens scheduled a candlelight vigil.

Chase, 25, died Saturday in a downtown parking lot when a man who lived on the streets wrestled his gun away and, ignoring the officer's pleas for mercy, shot him three times in the face. Carl Dudley Williams, 34, then walked away firing a shot at two pursuing off-duty officers, and was killed in a hail of return gunfire.

Billionaire businessman H. Ross Perot and oilman Ray Hunt have offered planes to transport officers to Chase's funeral Thursday in Des Moines, Iowa. Fort Worth-based American Airlines was to fly the officer's body and family members, including his wife of three months, to Iowa, where her family lives.

LET'S REPLACE OUR ICEBREAKING SHIPS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. JONES of North Carolina. Mr. Speaker, this Nation ignored the deterioration of its minesweeping fleet until the events in the Persian Gulf late last year. We now are paying the price of our neglect and are trying to overcome our weakness, but it will be a long time before we are as prepared as we should be.

A similar crisis is developing with regard to the U.S. presence at sea in the Earth's polar regions. Our fleet of icebreakers operated by the U.S. Coast Guard has declined to the point where it does not adequately serve our national security needs in the Arctic and Antarctic. We now have only four commissioned icebreakers, and two of those were built over 40 years ago during World War II. They must be replaced even though the cost of doing so will be high. I might note that in the defense authorization bill enacted last session, Congress made clear that replacement icebreakers must be constructed in U.S. shipyards.

Recently the U.S. Naval Institute in its publication "Proceedings" carried an excellent article by Rear Adm. Norman C. Venzke, USCG (retired). Admiral Venzke served 5 years as the Coast Guard's Chief Officer of Operations and Program Director, Ice Operations. He also served as commanding officer on two of the Coast Guard's polar icebreakers. His analysis of this looming crisis is right on point. I commend it for my colleagues' review.

NOBODY ASKED ME, BUT . . .

(By Rear Adm. Norman C. Venzke, U.S. Coast Guard (Retired))

FIDDLING WHILE THE ICE GRINDS . . .

The articles on the Arctic in the September 1987 *Proceedings* were disappointing. Aside from the comments of Norman Polmar and Captain Thomas C. Pullen, Royal Canadian Navy (Retired), no attention was given to icebreakers—only aircraft and submarines. One could come away from the issue believing that Canada and the Soviet Union need icebreakers, but not the United States.

In fairness to *Proceedings*, I suspect that an author would have discussed U.S. icebreakers if the government agencies responsible for the program were not, once again, in serious disarray over fundamental questions: What type of polar-capable ships does the United States require? Should we lease icebreakers or buy them?

We have to backtrack to the evolution of the U.S. icebreaker fleet after World War II to understand the contentious confusion that surrounds it today. Of the four U.S. icebreakers now operating, two—the

USCGC *Westwind* (WAGB-281) and the USCGC *Northwind* (WAGB-282)—were built toward the end of the war. The other icebreakers are the USCGC *Polar Star* (WAGB-10) and the USCGC *Polar Sea* (WAGB-11), commissioned in 1976 and 1978 respectively. They are ships of much greater capability than the Wind-class vessels, or another predecessor, the USCGC *Glacier* (WAGB-4), which was decommissioned in June 1987, after serving 32 years.

This gives the United States a fleet of two relatively new and powerful Polar-class ships and two old, increasingly unreliable Wind-class icebreakers. Like the U.S. Merchant Marine, the once-powerful U.S. icebreakers fleet is sliding toward a major crisis.

The aging of the fleet and public controversy over whether users should pay for the services of Coast Guard icebreakers point up the need for a long-range interagency policy on the U.S. icebreaker program. Obviously, the country needs icebreakers to execute operations in support of U.S. policy in the Arctic and the Antarctic. The question was—and apparently still is—just how many icebreakers do we need, and of what type? An interagency committee was formed to study the issue in fall 1982. Included were the offices of the Secretary of Transportation and Management and Budget, the National Science Foundation, the National Oceanic and Atmospheric Administration, the Maritime Administration, the Navy, and the Coast Guard.

From the outset, it was obvious that construction and operating costs were driving the agencies as they developed requirements for the icebreaker fleet. Planners were not formulating the requirements and associated costs first and then determining what was affordable. Some agencies were less than candid about what was needed, because they were concerned about having to pay for part of the construction costs.

In July 1984, the committee finally completed the United States Icebreaker Requirements Study, terminating months of tortuous negotiations. The study recommended that "the U.S. Coast Guard should maintain a fleet of four icebreakers to meet stated requirements," and that "the capital costs of new polar icebreakers should be funded by the Coast Guard." Further, the committee recommended that "work should be started immediately on the design of a new polar icebreaker." And "the design of the new icebreakers should enhance research support while retaining essential escort and logistic support capabilities." In short this was to be a multipurpose fleet capable of meeting the needs of the scientific community while carrying sufficient command-and-control equipment to satisfy the Coast Guard's contingency tasking.

The Coast Guard sponsored a minority recommendation in the study that a fifth icebreaker should remain in reserve for unforeseen contingencies. It was that fifth icebreaker, the *Glacier*, that was decommissioned this year. Meanwhile, the sort of contingency the Coast Guard anticipated has already occurred. As Captain Pullen said in his *Proceedings* article, in 1985 the *Polar Sea* had to circumnavigate North America to carry out Thule resupply and Arctic West operations when the *Northwind* had a machinery breakdown. And in 1987, another *Northwind* breakdown forced the United States to ask for support from Canadian icebreakers in resupplying Thule. So it has been demonstrated twice that the United States cannot always depend upon its icebreakers to carry out their missions.

The United States is approaching a crisis in icebreaking capability. Or perhaps we are already there. Modern and powerful as the Polar-class icebreakers are, there are only two of them. Keeping their Wind-class sisters operating for just a few more years may cost more than $10 million each.

What action has been taken to remedy this problem? Coast Guard officials believed that the issuance of the requirements study report signaled that the agencies involved had reached a compromise that would allow the country to maintain and acquire the icebreakers to meet our national needs. That is not the case.

In 1984, the Coast Guard commenced design of a multipurpose icebreaker capable of breaking 4.5 feet of fast ice or the equivalent at three knots. The design incorporated all reasonable desire of the scientific community and other intended users. Contingent upon the availability of fiscal year 1989 funds, the Coast Guard still plans for the new icebreakers to enter the fleet in 1993.

But relatively new developments—reportedly discussed during recent congressional hearings—are confusing the issue, and may delay the ships' funding and construction:

In the requirements study report, the National Science Foundation agreed to support construction of a multipurpose icebreaker to be operated by the Coast Guard. Now the foundation is recanting that support and lobbying for a single-purpose icebreaking research ship.

There has clearly been a change of the watch at the foundation. Under current federal budget constraints, it is doubtful that the country can afford both ships.

Policymakers are considering whether to lease an icebreaker in lieu of acquiring one for the Coast Guard to operate. There are serious problems with this catchy idea. A lessor will have to procure an expensive icebreaker. But unless the lessor wants to go broke, he will not do so before issues involving the sole-source and multiyear lease are resolved. Legislation would undoubtedly be required to clear the way for such a lease.

The Thyssen-Waff bow form—a development originating in the Federal Republic of Germany—has been recommended as an alternative to acquiring a costly new icebreaker. Reportedly, this bow could convert an old icebreaker into a super icebreaker at low cost. This is an appealing but unproven design. To my knowledge, the Germans are not considering it as a modification to their icebreaker, the *Polarstern*.

So slightly more than three years after the 1984 study was completed, we are back to studying the icebreaker question again. The delay does not benefit the United States.

U.S. polar ship operations are in jeopardy. If anyone doubts it, let's consider the following scenario. Assume that ample funding has been provided to keep the Wind-class ships in satisfactory operating condition. The *Polar Star* and the *Polar Sea* are deployed to Antarctica to carry out logistic support and research operations. Originally, it has been planned to use only one Polar-class and one Wind-class ship in Antarctica, but neither of the Winds could deploy because of a routine availability for one and serious ice damage to the other. It is deep winter in the high Arctic. An emergency occurs there involving U.S. ships. They require icebreaker support. But the United States does not have a highpowered icebreaker that can do the job anywhere in the Northern Hemisphere.

When planning for such a contingency, should we depend upon Canada and the Soviet Union to handle our search and rescue and other missions in the ice? That is the position we have drifted into by permitting our fleet capability to drop below our requirements, just as we have done, by the way, with U.S. minesweeping capability. In the case of icebreakers, let's stop studying the problem. Let's fund them, acquire them, and put those icebreakers to work.

FRANCIS LEWIS HIGH SCHOOL STUDENT SURVEY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to commend the students and staff of Francis Lewis High School in Flushing, Queens County, NY, for publishing an informative survey of its students opinions on current social issues.

Too often we overlook or ignore the opinions and concerns of young people. Our young men and women offer views and insights that we should listen to and can learn from.

Over 2,000 Francis Lewis High School students were surveyed and I would like to share some of their informative answers.

Just 38 percent feel that our Government meets the need of the people; 31.5 percent of the students support Contra aid, 46.1 percent opposed to the aid; 70 percent suport arms control negotiations with the Soviet Union; 70 percent also support AIDS education in lower schools; and 60 percent are opposed to prayer in public schools.

The students were also asked their opinion on issues ranging from equal opportunity employment to surrogate motherhood.

I applaud Francis Lewis High School for this educational survey and wish it similar success in future projects.

I include the results of this interesting survey in the CONGRESSIONAL RECORD:

PARTICIPATORY GOVERNMENT STUDENT SURVEY

[Taken Oct. 26–Nov. 31, 1987; Mr. Gootnick–Fall 1987]

	Number	Percent
PART I. ELECTED OFFICIALS		
1. The number of people polled concerned the knowledge of their Congressman was	2,089	.....
2. The number of people who knew their Congressman	586	20.0
3. Do you approve or disapprove of the job your Congressman is doing?		
Number polled	2,077	.....
Approve	535	25.7
Disapprove	519	25.0
No opinion	1,023	19.3
4. Do you approve or disapprove of the job President Reagan is doing?		
Number polled	2,078	.....
Approve	646	31.1
Disapprove	1,060	52.0
No Opinion	350	16.9
5. Did President Reagan know of the Iran/Contra scandal?		
Number polled	570	.....
Yes	356	62.4
No	62	14.3
No opinion	132	23.7
6. Should Olive North be prosecuted?		
Number polled	570	.....
Yes	139	24.3
No	280	49.1
No opinion	151	26.5
7. Should there be a maximum age limit for the Presidency?		
Number polled	1,105	.....
Yes	671	60.7
No	307	27.6

PARTICIPATORY GOVERNMENT STUDENT SURVEY—Continued

[Taken Oct. 26–Nov. 31, 1987; Mr. Gootnick–Fall 1987]

	Number	Percent
No opinion	127	11.5
8. Does our Government meet the needs of the people?		
Number polled	560	
Yes	213	36.0
No	260	46.4
No opinion	87	15.6
9. Are politicans corrupt?		
Number polled	570	
Yes	265	50.0
No	66	15.4
No opinion	197	34.5
PART II. FOREIGN AFFAIRS AND THE MILITARY		
10. Should the United States aid the Contras in Nicaragua?		
Number polled	2,086	
Yes	658	31.5
No	962	46.1
No opinion	466	22.4
11. Should the United States be involved in the Persian Gulf?		
Number polled	1,503	
Agree	506	33.7
Disagree	660	43.9
No opinion	337	19.4
12. Should the United States negotiate with the Russians on arms control?		
Number polled	545	
Agree	381	70.0
Disagree	82	15.0
No opinion	82	15.0
13. Should the United States aid other countries that are threatened by communism and get involved in their foreign affairs?		
Number polled	1,111	
Yes	410	36.9
No	466	42.1
No opinion	233	20.9
14. Should the United States battle terrorism?		
Number polled	560	
Yes	341	60.0
No	150	26.6
No opinion	69	12.4
15. Does the United States spend too much money on defense?		
Number polled	960	
Yes	491	50.1
No	307	31.3
No opinion	182	16.6
16. Should the United States sell arms to other countries in the world?		
Number polled	391	
Agree	123	31.4
Disagree	129	45.6
No opinion	69	22.6
17. Should we be stricter with our immigraiton laws?		
Number polled	560	
Yes	317	56.6
No	166	30.0
No opinion	75	13.4
18. Should the United States spend more money on the space program?		
Number polled	570	
Yes	237	41.5
No	226	39.6
No opinion	107	18.6
PART III. THE ECONOMY		
19. Do you agree or disagree with the way Reagan is handling our economy?		
Number polled	570	
Agree	151	26.5
Disagree	303	53.1
No opinion	116	20.3
20. Some economists think the U.S. economy is heading toward a depression do you agree/disagree?		
Number polled	942	
Agree	336	35.9
Disagree	360	38.2
No opinion	244	25.9
21. Do you think the economic situation in the United States during the next 6 months will get better or worse?		
Number polled	927	
Better	459	49.5
Worse	308	33.2
No opinion	160	17.3
22. Should the United States have a balanced budget?		
Number polled	540	
Approve	393	77.7
Disapprove	73	13.3
No opinion	82	9.0
23. Are the middle-class over taxed?		
Number polled	560	
Yes	415	74.1
No	106	16.9
No opinion	39	7.0
24. Should the U.S. raise taxes?		
Number polled	570	
Yes	83	14.6
No	402	70.5
No opinion	65	14.9

PARTICIPATORY GOVERNMENT STUDENT SURVEY—Continued

[Taken Oct. 26–Nov. 31, 1987; Mr. Gootnick–Fall 1987]

	Number	Percent
25. Should the U.S. help large companies that are going bankrupt?		
Number polled	391	
Agree	49	12.5
Disagree	298	76.2
No opinion	44	11.3
PART IV. EDUCATION		
26. Should the U.S. spend more money on education?		
Number polled	570	
Yes	430	75.4
No	96	16.8
No opinion	44	7.7
27. Should schools be open year round?		
Number polled	928	
Agree	124	13.3
Disagree	708	76.3
No opinion	96	10.3
28. Should children with AIDS be allowed to attend public school?		
Number polled	959	
Yes	369	40.6
No	433	45.1
No opinion	137	14.3
29. Do you approve of high schools giving out contraceptives without parental consent?		
Number polled	1,130	
Approve	540	47.8
Disapprove	413	36.5
No opinion	177	15.7
30. Should AIDS education be taught in lower schools?		
Number polled	560	
Yes	390	69.6
No	139	24.6
No opinion	31	5.6
31. Should there be prayer in public schools?		
Number polled	560	
Yes	165	29.5
No	319	60.0
No opinion	76	10.5
PART V. WOMEN		
32. Should a woman be able to have an abortion?		
Number polled	2,070	
Agree	1,340	64.7
Disagree	476	23.1
No opinion	252	12.2
33. Are women entitled to the same rights as men?		
Number polled	1,120	
Yes	862	76.6
No	137	12.2
No opinion	107	9.0
34. The United States should back equal opportunity employment?		
Number polled	371	
Agree	263	67.2
Disagree	73	16.6
No opinion	55	14.2
PART VI. SOCIAL ISSUES		
35. Should welfare finances be cut?		
Number polled	1,521	
Yes	596	39.1
No	639	42.0
No opinion	266	16.9
36. Do you approve or disapprove of surrogate motherhood?		
Number polled	1,108	
Approve	419	37.6
Disapprove	494	44.6
No opinion	195	17.6
37. Should homosexuals be segregated from the rest of the people?		
Number polled	560	
Yes	261	46.6
No	203	36.3
No opinion	96	17.1
38. Should there be a gay bill of rights?		
Number polled	539	
Yes	118	21.8
No	269	50.0
No opinion	152	26.2
39. Should we segregate people with AIDS?		
Number polled	551	
Approve	201	36.4
Disapprove	247	44.8
No opinion	103	16.6
40. Should AIDS testing be mandatory?		
Number polled	570	
Yes	328	57.5
No	170	29.6
No opinion	72	12.6
41. Should we have mandatory drug testing?		
Number polled	570	
Yes	293	51.4
No	197	33.5
No opinion	60	14.0
42. Should border babies be housed in your neighborhood?		
Number polled	553	
Approve	244	44.1
Disapprove	173	31.2
No opinion	136	24.7

PARTICIPATORY GOVERNMENT STUDENT SURVEY—Continued

[Taken Oct. 26–Nov. 31, 1987; Mr. Gootnick–Fall 1987]

	Number	Percent
43. Do you approve or disapprove for having homes in your neighborhood for the handicapped?		
Number polled	593	
Approve	303	54.1
Disapprove	166	29.6
No opinion	124	16.3
44. Should capital punishment laws be enforced?		
Number polled	552	
Approve	314	56.9
Disapprove	141	25.5
No opinion	97	17.6
45. Should mercy killing be considered a crime?		
Number polled	530	
Approve	197	37.7
Disapprove	208	39.2
No opinion	125	23.5

IN RECOGNITION OF ANDREW BARR'S SELFLESS SERVICE TO OTHERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WOLF. Mr. Speaker, I would like to share with my colleagues who were away from Capitol Hill over the Christmas season the story of a lifelong resident of northern Virginia who exemplifies the true spirit of selfless service to his fellow man.

Andrew Barr, of Arlington, VA, spent his Christmas on the streets of Washington, DC, assisting the homeless. He passed out sleeping bags, hats, gloves, sweaters and other items which he had donated to help the less fortunate in our community.

We are fortunate to have a man like Andy Barr in our community and at this point in the RECORD, I would like to insert a copy of a Washington Post article which reports on his good deeds for others.

[From the Washington Post, Dec. 24, 1987]

A MILLIONAIRE'S GOOD WILL MISSION

(By Elizabeth Lazarus)

On a recent Sunday night, Andy Barr and Sammy Smith chatted quietly as they walked toward Barr's dark green van parked at 17th Street and Constitution Avenue N.W. They made an odd pair—Barr, 53, a real estate broker from Arlington who has made millions buying and selling houses, and Smith, 83, an affable man who makes his home on the streets of Washington.

When they reached the corner, the duo stopped. Just a few blocks away the National Christmas Tree glowed red, blue and gold and young carolers sang of good tidings and cheer. But neither man seemed interested.

"Let see your hands," Barr said.

Smith complied.

Barr stared intently at one of Smith's parched hands and muttered, "looks like a medium." With that he climbed into his van and emerged a few seconds later with a pair of gloves and a sleeping bag, both made by L.L. Bean.

"I sure do appreciate this," said Smith, taking the sleeping bag and gloves that complemented the wool hat and sweater Barr had given him a week before. "Thank you, Reverend," he said.

"Oh, I'm no reverend. I'm just a real estate man," Barr said.

Andy Barr is part of an increasing number of residents in the Washington area who are making a commitment to help the homeless.

That commitment takes many forms—some people make sandwiches, others volunteer to staff soup kitchens and shelters, some donate money or clothes, said Mitch Snyder, founder of the Community for Creative Non-Violence.

But Barr is somewhat unusual.

Few people have the resources to donate nearly $15,000 worth of L.L. Bean sleeping bags, hats, gloves, cargo bags, jeans and sweaters, even with a company discount of 15 to 20 percent.

And few actually go to the parks, grates and subway stations to talk to the homeless.

"I like to see the people I help—to touch them on their arm, to shake their hand. It benefits both the recipient and the donor. I almost never refuse [to give them things] even if they come back for seconds," he said.

A self-made man, Barr recalls being hungry once himself—for money.

For more than 20 years, he devoted himself to real estate, buying houses with no money down.

He wrote several books on the subject and even founded his own real estate school.

But several million dollars later, Barr found his appetite for money was more than satisfied. So he closed his office in the late 1970s and started working just a few hours a day, spending the rest of his time enjoying hobbies such as camping and helping out worthy causes, he said.

Until this past November, Barr said he confined his charitable activities mostly to give money to churches and charities as well as to such individuals as Lenny Skutnik, who rescued a survivor of the Jan. 13, 1982, Air Florida crash.

Barr felt Skutnick made a difference.

Barr said that shortly before Thanksgiving he saw a news story about a man who makes 100 sandwiches for the homeless every week.

It moved him to help.

Not sure what would be most beneficial, Barr called Snyder and asked him what he thought about giving sleeping bags to the homeless.

When Snyder told him it was a good idea, Barr wasted no time and ordered 100.

Barr gave the first 50 CCNV volunteers to distribute, Snyder had encouraged Barr to go with the volunteers, but he declined.

"It was cold and windy that night. And Andy Barr didn't want to go out, didn't want to see. But then the next time when I did go out with them, I saw that it was much better giving in person," Barr said.

On Thanksgiving, Barr decided not to go to his sister's home near Atlantic City, N.J. Instead, Barr said he went to the Mall to give out more sleeping bags and $500 in $10 bills.

"It was wonderful to see people using these sleeping bags. I feel I am among friends," Barr said.

"It's such a turnaround. He never did anything like this before,"said Edwina Ogden, Barr's sister. "He lives alone and I was worried about him being alone on Thanksgiving. But he said this past one was the best he had ever had. Money doesn't seem to be a problem in his life. It's almost like the challenge is gone. He has been successful. Now he has another goal in life.

Bert Sikkelee, a minister at Herndon United Methodist Church and an acquaintance of Barr's for four years, said he was not surprised to hear that Barr was helping the homeless.

"He's a kind-hearted, smart, highly motivated man whose mind is always racing. If he sees someone who needs [help], he hands it out. That is very much in character with Andy," Sikkelee said.

"He's doing a good thing," Snyder said. "Best of all he is expressing concern and going out of his way trying to help these people. That is as important as the material things he's giving out. The recognition that someone cares."

In the next few months, Barr said, he would like to distribute waterproof ponchos and shoes. Today he plans to help shuttle people from the CCNV shelter to the Washington Convention Center for a Christmas Eve dinner. And Christmas morning he will give out more sleeping bags, socks and other items to help buffer the cold.

"I identify with these people and can see parts of myself in them, Barr said. " I am not a hero."

FORMER HOBBS NEWSPAPER PUBLISHER SUMMERS DIES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RICHARDSON. Mr. Speaker, this month my home State of New Mexico lost one of its finest newspaper men in the form of Bob Summers, who passed away January 7.

Mr. Summers spent an entire lifetime providing the people of his community, Hobbs, NM, with the day's news. He followed the profession of his father, also a newspaper man, when he joined his brother in launching the Hobbs Daily-News Sun in 1937. To this day, the Daily-News Sun brings to the people of Hobbs the happenings of the world as well as their town.

Mr. Summers talents were not unrecognized because he was the publisher of a newspaper in a relatively small town: just last October he was elected to the New Mexico Press Association's Hall of Fame after already having served as president of that group of journalists. He also believed strongly in public service: he served in the Army, and later as an aide to the Secretary of the Army.

The reigns of the Daily-News Sun in Hobbs have been assumed by a new publisher, but Bob Summers absence from that community's life is already widely felt.

FORMER HOBBS NEWSPAPER PUBLISHER SUMMERS DIES

HOBBS.—Funeral services are scheduled for 10 a.m. Monday for Robert L. Summers, the former publisher of The Hobbs Daily News-Sun.

Summers, 71, died Wednesday at Park Plaza Hospital in Houston, where he had been since Dec. 24, when he fell while on a cruise ship docked in Puerto Vallarta, Mexico. He and his wife, Louise, had sailed Dec. 20 from Los Angeles.

The services will be held in the First Presbyterian Church in Hobbs.

Summers retired as News-Sun publisher last July 17, when the newspaper's reins were assumed by Bill Shearman.

Summers' contributions to New Mexico's newspaper profession were recognized last October when he was elected to the New Mexico Press Association's Hall of Fame.

He was a former president of the NMPA. He served many years on the association's board of directors and was a member of various board committees until his retirement.

Summers was honored by the Democratic Party of Lea County in July for his work in the party. He was the first recipient of the James M. Murray Jr. Award, which designated him as "Democrat of the Year."

His party work had gained the attention of then-President Jimmy Carter, who named Summers as a civilian aide to the secretary of the Army in 1977. Summers served for three years.

After his retirement from the newspaper business, Summers continued to operate Martindale Petroleum Corp. as that company's president.

He also was active in banking for many years. He was a director of First Interstate Bank and a member and former chairman of the bank's executive committee.

Born Aug. 9, 1916, in Hartsville, MO., Summers chose to follow the newspaper profession of his father. He majored in journalism at Southwest Missouri University in Springfield.

Summers' first and only job in the business was with The Hobbs Daily News-Sun, which his brother, Tom Summers, helped form.

Summers joined the organization as an advertising salesman in the summer of 1937. He became advertising director the next year.

By 1941, he had served as circulation director and was editor and general manager.

Summers joined the U.S. Army Air Corps in 1942 during World War II, spending most of his military career in the Panama Canal Zone, where he was a pilot and training instructor.

He was discharged in 1946, and returned to The News-Sun. He became publisher in 1948 when his brother stepped down.

Summers also served as vice president of the Sun Publishing Co. and a member of the board of directors.

He married Louise Caunch on April 14, 1944.

He is survived by his wife; a brother, Dr. W.A. Summers of Detroit, and two sisters, Virginia Cooper of Detroit and Florence Schudy of Houston.

JOSÉ MARTÍ

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GARCIA. Mr. Speaker, tomorrow marks the 135th anniversary of the birth of the great Cuban patriot, José Martí. Martí a writer by profession, was a leader of Cuba's struggle for independence in the late 19th century. So profound is his legacy that he is revered by both the present Cuban regime and the Cuban American community in the United States.

Martí spent several years in exile in New York City where he gathered support for Cuban independence from among others, the fledging Puerto Rican community. I would like to share with my colleagues a brief biography of José Martí written by Carlos Ripoll, a noted

Cuban historian who is currently a professor at Queens College in New York City.

JOSÉ MARTÍ

The importance of José Martí to the American reader does not lie only in the fact that he was a most acute observer of this countrty, nor in his being considered one of the great writers of the Hispanic world. Martí's importance stems as well from the universality and timeliness of this thought.

Martí devoted his life to ending colonial rule in Cuba and to preventing the island from falling into the hands of the United States after the defeat of Spain or under a regime inimical to the democratic principles he held. With those goals, and with the conviction that the independence of the Caribbean was crucial to Latin American security and to the balance of power in the world, he used his talents to forge a nation. Thence the breadth of his works: he was a revolutionary, a statesman, a guide, and a mentor. And because his vast culture enabled him to move freely in the most diverse fields, his teaching is rich indeed.

Martí was born in Havana in 1853. At seventeen he was exiled to Spain for his opposition to colonial rule. There he published a pamphlet exposing the horrors of political imprisonment on the island, which he himself had experienced. Upon graduating from the University of Saragossa, he established himself in Mexico City, where he began his literary career. A military coup d'état led him to depart to Guatemala, but government abuses forced him to abandon that country as well. In 1878 he returned to Cuba under a general amnesty, but he conspired against the Spainish authorities and once again was banished. Then, after a year in the United States, he went to Venezuela to settle, only to have still another dictatorship force him to depart. Martí lived in New York from 1881 to 1895, when he left to join the war for Cuban independence that he had painstakingly organized. There he died in one of its first skirmishes.

During the years he spent in the United States, Martí analyzed American society with clarity and insight as a correspondent for the most influential newspapers of Argentina, Venezuela and Mexico. "In order to know a country," he wrote, "one must study all its aspects and expressions, its elements, its tendencies, its apostles, its poets, and its bandits." This he did, and because of his uncompromising honesty, his chronicles contain both criticism and praise that have sometimes been put to improper use. It was the period when the American experiment in self-government and free enterprise was crystallizing, now strengthening, now undermining moral values. Martí roundly censured materialism, prejudice, expansionist arrogance, and political corruption, and enthusiastically applauded love of liberty, tolerance, egalitarianism, and the practice of democracy. Thus, in October of 1885, contrasting the opulence and poverty in New York, he warned his readers: "It is necessary to study the way this nation sins, the way it errs, the way if founders, so as not to founder as it does. . . . One must not merely take the statistics at face value but hold them up to examination and, without being dazzled, see the meaning they contain. This is a great nation, and the only one where men can be men, but as a result of conceit over its prosperity and of its inability to satisfy its appetites, it is falling into moral pygmeism, into a poisoning of reason, into a reprehensible adoration of all success."

Martí's thought has ethical foundations; as a political theorist and as an artist he can be understood only in terms of his faith in morality. Every inquiry into the nature of man and his role on earth led Martí to identify the good with the true. For him there was no force behind what he considered right unless it had the strength of truth. He believed that "every human being has within him an ideal man, just as every piece of marble contains in a rough state a statue as beautiful as the one that Praxiteles the Greek made of the god Apollo." To attain the salvation of man the only thing needed, he felt, was to free man from apathy and egotism.

The will to affect reality kept Martí from limiting himself to pure speculation, and given his capacity for abstract thought and his ability to reduce it to concrete formulae of conduct—a rare combination—his ideas are of singular value. Martí himself explained it thus: "What proud work could be done by sending forth to face life together three beings who think differently about it: one, like the Brahman and the Morabite, given to the impossible worship of absolute truth, the second to exuberant self-interest, and the third with a Brahman's spirit restrained by prudent reason and going through life as I do, sadly and sure that no reward will come, daily drawing fresh water from an ever recalcitrant stone."

How to achieve a functional accommodation of "truth," "self-interest," and "reason" was the central question posed by Martí. Although he did not systematize his knowledge and, therefore, left no treatise on political science, his works are replete with ideas on the purpose of the State and its relations to society. He thought it possible to reconcile individual with collective needs and disapproved all governmental forms that proposed subjecting either, since freedom was for him the only viable climate for human existence: "A nation is made of the rights and opinions of all its children," he wrote, "and not the rights and opinions of a single class." He knew that the differences and inequalities among men could not be ignored, but that neither could they be left to the whims of history or the manipulation of a single group. Rather, he recommended correcting the imbalances through "social charity and social concern," the objectives of which were, he declared, "to reform nature herself, for man can do that much; to give long arms to those whose arms are short; to even the chances for men who have few gifts; to compensate for lack of genius with education."

Martí's own example lent validity to his doctrines, and the strength of his style enhanced their effectiveness as political and philosophical instruments. His literary work is an invaluable achievement of expression and is conditioned throughout by moral objectives; the artist and the apostle became inseparable in his work. "In literature one should not be Narcissus but a missionary," he proclaimed. For Martí aesthetics was but an aspect of ethics: "Man is noble and inclined to what is best. After knowing beauty and the morality that comes from it, he can never after live without morality and beauty." In his art and as a critic of art he resolutely voiced faith in human perfectibility, a faith in total agreement with his insistence on coupling act with thought.

UNION, NJ, HIGH SCHOOL FARMERS, STATE FOOTBALL CHAMPIONS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RINALDO. Mr. Speaker, I wish to call the attention of the Members of this House to a great success story in New Jersey. It is the Union High School football program under Coach Lou Rettino. In completing another undefeated season, the Union High School Farmers again achieved the distinction of being recognized as the No. 1 ranked football team in New Jersey and one of the top 10 high school teams in the Nation, according to USA Today.

Coach Rettino has built a football dynasty at Union High School. In three of the last four seasons, his teams have gone undefeated, and in only 11 seasons as head coach of the Union High School football team, he has achieved 100 victories. It is a remarkable record when you consider the fact that Coach Rettino and his staff teach the fundamentals of the game to new players each season.

The commitment to excellence at Union High School also extends beyond the playing field into the classroom. A dedicated teaching staff, a sound and efficient school administration led by Superintendent Dr. James M. Caulfield, and parents who care about their children's education have produced a winning attitude in Union High School and the elementary schools. This was recognized by the U.S. Secretary of Education, William Bennett, who a few months ago presented the Union Board of Education with the National Governor's Association Award as 1 of 16 model public school districts in the Nation.

It proves, Mr. Speaker, that athletics and academics go hand in hand with the right kind of leadership and community commitment to excellence. Mr. Speaker, I wish to commend Mr. Walter Shallcross, athletic director, and Coach Rettino and his championship team. It includes the following:

UNION HIGH SCHOOL FOOTBALL ROSTER 1987-88

GRADE 12

Joe Cruz, Joe Dotro, Bob Falzarano, Dean Ferdinandi, Mike Ferroni, Steve Fillaci, Guy Francis, Frank Goveia, Tawan Green, Mike Katz, George Kostis, Chris Markovich, Joe Matina, Al Miller, Anthony Nardone, Tom O'Rourke, Eugene Pierce, John Power, Daryl Scott, Bill Vignes, and Kevin Williams.

HEAD COACH

Lou Rettino.

COACHES

Fred Stengel, Jack DeBarbieri, Jeff Longueil, Chet Czaplinski, Gary Zakovic, Brian Shanahan, Sam Iacobone, Carmine Guarino, Charles King, and Russell Cannavo.

GRADE 11

Cliff Baskerville, Marcus Coley, Steve Donaway, Ralph Johnson, Robert Jones, Sean Lattimore, Mike Magliacano, Marlon Mathews, Russ Menoni, Dave Mollett, Frank Napolitano, Paul Palmucci, Jamal Patterson, Frank Pontoriero, Dave Rego,

Nick Ricigliano, Fred Scott, Gerald Smith, Doug Solla, Derrick Vaughan, Anthony Wakefield, James Young, and Richard Zimbardo.

ATHLETIC TRAINER

Mike Zurlini.

STUDENT TRAINERS

Ken DesRochers, Bill Grobes, Tom Krauth, Tom Ollemar, Karen Ostroski, Jenn Regan, and Nicole Hodge.

GRADE 10

Pat Allen, Chris Banks, Scott Binder, Andre Caban, Kirk Patrick Capers, Julio Cepeda, Daryl Crawford, Louis D'Annario, Chris Dupre, Gus Fernandez, Earl Finney, Doran Godwin, James Herrera, Scott Hibbard, Todd Hibbard, Shawn Hodges, Conrad Jones, Robert Kimble, Andre Marksimow, James Martielli, Matt McMurdo, Sam Mickens, Gary Morris, Sean Mullery, Shaun Murray, Robert Pecoraro, Michael Simomson, Kelvin Smith, Martin Soto, Richard Tullis, Van Tran, and Craig Walker.

STATISTICIANS

Nicole Mayo, Kim Policastro, Dannines Soares, and Diane Lang.

THE BICENTENNIAL AND THE FIRST CONGRESS

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOGGS. Mr. Speaker, on January 12, Dr. Ray Smock, the Historian of the House of Representatives and the Director of our Office of the Bicentennial addressed the Capitol Hill Chapter of the Federal Bar Association. Dr. Smock provided the members of the association with an entertaining and inciteful commentary on the First Congress which convened 199 years ago in March, its members and the issues facing the new Federal Government.

As we continue the process of observing the 200th anniversary of our Constitution, its ratification and the establishment of the three branches of our Federal Government, I would like to share Dr. Smock's comments with my colleagues. In addition, I would recommend that anyone desiring additional information about the 200th anniversary of the Congress to contact our Historian, Dr. Ray Smock, or his counterpart in the Senate, Dr. Richard Baker.

THE GREAT EXPERIMENT BEGINS: THE FIRST FEDERAL CONGRESS IN ACTION

(By Dr. Raymond W. Smock, Historian of the U.S. House of Representatives)

One Hundred and Ninety Nine years ago the new government of the fledgling United States of America began in New York City amidst the ringing of church bells, the display of flags, and the roar of cannon. It was a time of great promise and of great opportunity for the new nation. Many historians consider the First Federal Congress to be the most productive legislative assembly in the history of the country. Being the First Congress had some built in advantages from the standpoint of history, just as part of George Washington's greatness stems from his large role in setting so many precedents in the development of the Executive branch. But none of this was automatic. The achievements of the First Federal Congress were forged by real people operating in an arena full of political choices. In looking backward two centuries, we get a glimpse of Congress that is both very familiar and very strange to us. The Congress has changed tremendously in two centuries, but in some fundamental ways it has remained the same.

It is such a commonplace to say that the size of the Congress has grown to keep pace with the nation, that I hesitate to even say it. I do so now merely to get us ready for a brief trip back 200 years. One of the cardinal rules of historical understanding is to put yourself in the shoes of the people in the time you are studying. If we begin with today's problems and today's political assumptions, and the realities of today's Congress, we will have a harder time understanding the First Congress. Looking backward two centuries the United States seems deceptively simple. It appears quaint, rustic, romantic, purer, less technical, less complex, slower paced, less urgent. Somehow it also seems nobler, a time, as some claim, when giants strode the land; godlike statesmen whose likes we have never seen since and are unlikely to ever see again. The men who shaped the nation have been elevated to virtual sainthood. We even carry their likenesses with us in our pockets and wallets. But making gods out of the leaders of the Founding period distorts history plays tricks on how we view the past and the present. When we view the personalities and actions of the Members of the First Congress as real people, many quite ordinary, struggling with real day to day political decisions and realize they were persons who had the same kind of strengths and weaknesses as the people in the 100th Congress, then history has meaning for us.

But what I say about the accomplishments of the "saints" in the First Congress is likely to play up their legendary qualities, because so many of the humanizing details have been lost or forgotten. But I am always looking for the telling insight about Congress that gives the Members and the institution a human quality, because I firmly believe that the Congress is the most human of governmental institutions, and the one that most closely reflects American politics and the American character.

Let me give you a brief overview, mostly statistical, of then and now.

Fisher Ames, a Member of the first House of Representatives from Massachusetts, described his colleagues this way.

"The House is composed of sober, solid, old-charter folks, as we often say. At least, I am sure that there are many such. They have been in government before, and they are not disposed to embarrass business, nor are they, for the most part, men of intrigue . . . However, though I am rather less awed and terrified at the sight of the members than I expected to be, I assure you I like them very well. There are few shining geniuses; there are many who have experience, the virtues of the heart, and habits of business."

Nineteen Members of the First Congress had been delegates to the Federal Convention in 1787. Nine of them served in the House and 10 in the Senate. In the House one of the "few geniuses" referred to by Fisher Ames was none other than James Madison, often called the father of the Constitution, who served in the House during the first four Congresses. The Members then were planters, lawyers, merchants, and a few clergymen. Today, in the 100th Congress, the planters have been replaced by businessmen and bankers, not too far removed from the role played by the planters of 200 years ago. Thirty-eight percent of the Members of the First House were lawyers. Forty-two percent of the 100th House are lawyers. In the Senate the percentage of lawyers has risen from thirty-eight percent in the First Senate to sixty-two percent today. There were 65 representatives and 26 senators in the First Congress. Today there are 435 voting House Members and five territorial delegates and 10 Senators. The First Congress handled 143 House-introduced measures and 24 Senate measures, resulting in the passage of 117 bills, compared with 7,522 measures introduced into the 99th Congress on the House side and 4,080 on the Senate side, with a total of 664 bills enacted through 31 standing House committees and 24 standing Senate committees.

The statistical comparisons give us some idea of the dimension of the changes that have transformed the Coangress in two centuries. But they do not tell the whole story, any more than baseball statistics alone can explain the game of baseball. The real test, it seems to me, is to judge the 11,000 persons who have served in Congress in the past 200 years by the job description handed down by the Framers of the Constitution themselves. By that standard the job of the Congress, no matter how well done, is never finished, because the task is to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

I started out by saying the First Congress was the most productive legislative assembly in U.S. history. But if you were there, in New York City, on March 4, 1789, when it all began, you sure wouldn't think that it was going to amount to much. The public turned out to celebrate and cheer for the new Constitution and the new Congress. Flags were everywhere. At 11 o'clock, the hour of the convening of the First Congress under the new Constitution, church bells pealed throughout the city, which at that time had a population of 29,000. The Members who made it to that day's session found the newly renovated Federal Hall, at the corner of Broad and Wall Streets, unfinished, even though carpenters had worked feverishly for months to get things ready. The Members of the House had to meet in makeshift quarters.

Only thirteen House Members, out of 65 who would eventually serve in the First Congress, showed up. The Senate, too, failed to achieve a quorum. Both bodies adjourned in less than an hour, and the guns sounded again and the crowds cheered again, but the Members themselves were disappointed in the anticlimax of their first day under the new Constitution. Fisher Ames of Massachusetts, worried as days dragged into weeks with still no quorum. "We lose credit, spirit, everything. The public will forget the government before it is born," he wrote. Finally on April 1, almost a month after the new government was to begin, the House achieved its first quorum. The Senate followed suit five days later. At last the government was launched.

Two hundred years later, as we prepare for the bicentennial of these events, I wish the House had gotten down to business on March 31, or April 2, or any day other than April 1. I can already see the jokes and media madness that will focus on the fact that the House finally got down to business

on April Fool's Day and nothing has changed since! Knocking Congress is as American as Apple Pie, and few will pass up the chance to comment on this unfortunate juxtaposition of dates. Even a Member of the First Congress, Elias Boudinot of New Jersey, wrote to his wife questioning the wisdom of beginning the Congress on Fool's Day.

Once a quorum was achieved the House wasted no more time getting down to business, electing their first Speaker and first Clerk that same day. The Speaker was Frederick Augustus Muhlenberg of Pennsylvania, a huge capable man who was a leader of the influential German community of Pennsylvania, a former clergyman, and Pennsylvania state legislator. The House chose him for his strong experience as a parliamentarian. He had served as Speaker of the Pennsylvania General Assembly from 1780 to 1783.

The First Clerk of the House, John Beckley of Virginia, who served the first four congresses and the seventh, eighth, and ninth congresses, was a young, highly skilled clerk and lawyer who had served the Virginia legislature in several capacities. Beckley, it seemed, was always in poor health and was just one step away from debtor's prison, although he managed to keep up appearances and even owned a few slaves. He borrowed heavily from his friends such as James Madison and Thomas Jefferson. Beckley has come under fire recently from historians of the early congresses not for his politics but for his records-keeping practices. Many of the records that we wish we had to reconstruct the history of the early congresses were assumed to have been destroyed when the British invaded Washington and burned the Capitol in 1814. That's the standard legend around here, and it's partly true. But now we know that many of those records were discarded earlier by the meticulous Beckley himself, who couldn't stand to have loose paper scattered around the Clerk's office.

Beckley would probably be shocked to realize that historians would be lamenting the loss of his rough drafts two centuries later. In the Senate, on the other hand, the first Secretary, Samuel Otis, was a model archivist who has been praised for saving enough for us to reconstruct legislative histories by comparing handwriting on draft legislation and determining who introduced which amendments, and when. Because of Otis's efforts we have a much better idea of what was going on in the first years of the Senate than we do in the House, even though the Senators chose to meet in secret.

It is a bit ironic that the first Clerk of the House has been the subject of more historical attention, including a fine full length biography, than has the first Speaker. The first elected officer and the first staff member of the House did far more to shape history than Frederick Muhlenberg did. Beckley, a protege of James Madison, was a real power behind the throne in national politics, thwarting the presidential ambitions of Alexander Hamilton and championing his hero Thomas Jefferson.

While I am mentioning the staff of the first Congress, I may as well cover them all. Today there are more than 18,000 of us, with about 11,000 on the House side and 7,000 on the Senate side, representing a $3 billion dollar enterprise. In the First Congress, there was the Clerk, two assistant clerks, the Chaplain, the Sergeant at Arms, the Doorkeeper and one assistant, and that was it. The Senate had a Secretary of the Senate, a chaplain, two clerks, a doorkeeper, and a messenger. The budget to run the First Congress was less than $374,000. The Clerk employed his assistants mainly to transcribe the journals and other business of the House and see to it that everything was placed in neat bound volumes. The Clerk, among his other duties, was the reading clerk, praised for his clear, precise delivery, and he was even the first Librarian of Congress, beginning in 1802, overseeing its whopping $5,000 budget and all 243 books in the Library's collection. There were also one or two public printers hired by contract to print bills and laws, but they would not qualify technically as House staff.

Since there were no standing committees in the First Congress, there was no committee staff. For each of the 143 bills that were introduced in the First Congress a separate committee was appointed by the Speaker to handle each item. The Chairman of the committee was often the first person named by the Speaker. It was not a position of power. The Members, often working in their boarding houses near Federal Hall, wrote the legislation themselves with no staff assistance. Furthermore, there were no lobbyists, at least as we describe them today. Members often consulted prominent politicians and businessmen in their home states and asked for specific information needed to help draft legislation, but that was the usual extent of outside advice, other than what came through direct petitions to the Congress. Congress also heard often, through petitions, from a fellow on George Washington's staff by the name of Alexander Hamilton, the secretary of the Treasury, who kept Congress busy with his reports on national financing and other matters. The President himself generally confined his communications with Congress to matters related to Indian treaties and the military.

The petition, derived from British common law and widely employed in the colonial legislatures, was the primary device for getting an issue before Congress. This was true until at least the 1820s, when "lobby agents" began to make their appearance in the halls of Congress and in the state legislatures. The closest things to lobbying in the First Congress were the actions of such "special interests" as the Potomac Company, desiring a permanent capital on the Potomac, and the activities of agents of the Ohio Company, and other speculators in western lands.

Studying the petitions to the First Congress is one of the best ways I know to see what kind of issues came before the House. Many of the petitions led directly to legislation. The workload of the Congress, as reflected in the numbers of petitions received on a particular subject, is one way to study the origins of the standing committees. Last year the Committee on Energy and Commerce published a remarkable compilation of the petitions received by the first four congresses. It graphically portrays what was on the mind of Americans from 1789 to 1795. You be the judge of whether things have changed much in two centuries. Here is a brief sample of some of the petitions received by the First Congress:

1. Within ten days of the first quorum, a group of tradesmen in Baltimore urged Congress to pass "an imposition of duties on all foreign articles which can be made in America." The same day the House appointed a committee of nine Members to draft an import and tonnage bill. There were many commercial petitions urging increased duties on foreign goods.

2. The House received petitions from "sundry persons, citizens of the United States, captured and held in slavery by the Algerians."

3. In August of 1789 the Sergeant at Arms desired an inquiry into charges made against him in an anonymous letter to the Speaker.

4. Petitions came in from public creditors urging the House to appropriate sufficient funds to pay the interest on the public debt.

5. There were many pension claims from Revolutionary War veterans, and claims from citizens for property confiscated or damaged in the war.

But the enduring legacy of the First Congress was the role it played in completing the work of the Federal Convention, held two years earlier in Philadelphia. The Framers of the Constitution left important work undone, and some of the state ratifying conventions made additional demands that needed attention in the First Congress, mainly the adoption of a Bill of Rights. Furthermore, parts of the executive branch needed to be fleshed out, and Article III of the Constitution, describing the federal judiciary, was the most incomplete part of the Constitution, awaiting Congressional action. Here then, are a few of the monumental achievements of the First Congress relating to the Constitution. It is safe to say that the First Congress breathed life into the Constitution and transformed it from a document describing how government should work to an actual functioning system. Considering the fact that 19 of these persons were the same individuals who drafted the Constitution, and given the fact that the Committee on the Whole House was about the same size as the Federal Convention, the First Congress was very much like the Convention itself.

Congress conducted the process of counting the electoral ballots of the first electoral college and administered the inauguration of George Washington as President and John Adams as Vice President.

Congress created the executive departments of State, Treasury, and War, and established the office of Attorney General.

Congress passed the Judiciary Act of 1789, giving form to Article III of the Constitution and establishing the Supreme Court and the federal court system. The Judiciary Act, by the way, is the only case we know of where an actual subcommittee was established to handle the bill in the Senate. The subcommittee had three members, Oliver Ellsworth of Connecticut, William Paterson of New Jersey, and Caleb Strong of Massachusetts. House records are not complete enough for this time period to determine if subcommittees were used by the House.

And, as I mentioned above, the Congress, under the leadership of James Madison in the House, introduced 12 amendments to the Constitution, ten of which were eventually adopted as the Bill of Rights.

Other bills passed in the First Congress related to some familiar subjects: an oath of office, copyrights and patents, support of lighthouses and maritime regulations, the first act to preserve the records of government, a naturalization act, postal regulations, duties on distilled spirits, funding of the national debt, the incorporation of the bank of the United States, and last, but not least, a bill to establish a permanent seat of the federal government along the banks of the Potomac River.

Overall, the First Congress was preoccupied with the national debt created during the Revolutionary War. It spent more time

on this subject than any other. But in terms of time consumed, and the amount of politicking that went on, the other major issue was the permanent location of the capital. The First Congress spent its first seventeen months in New York City, moved to Philadelphia, for its third session, and remained there for ten years until 1800, when Washington became the permanent seat. The question of the location of the capital kept popping up as a bargaining chip in relation to other bills, and helped determine the outcome of such legislation as the bank bill, the assumption of state debts, and other matters.

Everything the First Congress did was not, however, of such Olympian proportions. The Senate spent practically its entire first month in debate over what to call the President. Should it be "His Excellency" or "His Elective Highness"? Or, as the Senate came to prefer: "His Highness the President of the United States and Protector of the Rights of the Same." To the everlasting credit of the House of Representatives, the people's branch, the Senate's highfalutin strategy failed and we have known all our Presidents since Washington as "Mr. President." And the man who led the effort for the fancy title, Vice President John Adams, got his own titles: "His Rotundity," and "His Superfluous Excellency." Even this debate, as trite as it may seem today, had its serious side. The Federalists were debating not with antifederalists, but with themselves over an issue some perceived as an attempt to establish a monarchy in the United States and threaten the country's development as a republic. This issue, along with more fundamental disagreements stemming from sectional disputes and other matters would eventually divide the Federalists into two factions called Hamiltonian Federalists and Jeffersonian Republicans, divisions that contributed to the development of an important new phenomenon, not envisioned by the framers of the Constitution or the Members of the First Congress: a thing called political parties, which, I need not remind anyone in this room, transformed the way the future Congresses would do their work.

Fisher Ames, whom I cited earlier, made a prediction about the First Congress on its opening day. "The feds have too much faith in its *good*," he wrote, "and the anti's too much forecast of its *ill* tendencies. Both will be baulked probably." And he used the word "baulked" as a synonym for "frustrated." Two hundred years later the Federalists and Antifederalists debate, while still vital to an understanding of American politics, seems far removed from the complex organized parties and special interests of today. But Ames' observation still holds true. What he predicted as the reaction to the First Congress could be applied to the 99 that have followed. Some still have faith in the *good* of Congress, while others forecast its *ill* tendencies. And both viewpoints have been "baulked" for two hundred years. The great experiment to see if we can keep our republic continues.

TRIBUTE OF SUSAN S. TABOR TO RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LANTOS. Mr. Speaker, this month marks the 43d anniversary of the abduction of the great humanitarian Raoul Wallenberg by Soviet military officials in Budapest in 1945. Some 9 months earlier, this young Swede arrived in the Hungarian capital at about the time that the notorious Nazi Adolph Eichman had arrived in Budapest with the task of exterminating the Jews of Hungary. Wallenberg fought Eichman at every turn and through skill, wit, and sheer determination succeeded in saving the lives of 100,000 men, women, and children.

Mr. Speaker, as we mark the 43d anniversary of Raoul Wallenberg's disappearance into the Soviet gulag, I wish to bring to the attention of my colleagues in the Congress a tribute to Wallenberg by Susan S. Tabor of New York City. Despite a grave illness, she traveled to Washington last fall to speak in the Senate Russell rotunda about how Raoul Wallenberg saved her life and the lives of many others.

Born in Budapest in 1920 and educated in Hungary, Mrs. Tabor lived through the Nazi era. In 1939, she married Emery Tabor, an architect, and emigrated to the United States in 1948. Since 1950, she has been a librarian at the Hebrew Union College Jewish Institute of Religion.

Mrs. Tabor believes she owes her life to Raoul Wallenberg, the Swede who saved the lives of tens of thousands of Hungarian Jews late in World War II. Wallenberg acted to save people in many ways, but none was more dramatic than his intervention in the Nazi-enforced death march of Jews from Hungary to Austria. Here is how Susan Tabor recalls that event:

It happened forty three years ago, and it is still a recurring nightmare in my life.

My mother and I were taken with thousands and thousands of others on a Death March toward Austria. Trains were not running, and we had to be driven on foot in mud, cold rain and snow toward our destination—the gas chambers.

At night like cattle we were herded into an abandoned brick factory, many of us breaking legs in hidden pits. Whoever tried to climb out was mercilessly beaten, and some were killed by the guards.

Once in, there was hardly room on the floor for everybody to sit. There was no light, no food, no doctors, no first aid, no sanitary facilities, no one was allowed outside. Armed guards walked around stepping on people, abusing them, cursing and shooting. We were beaten because our spirit was broken. Somehow, the night passed.

The next day, unexpectedly at one end of the building, we saw people in civilian clothes with a loudspeaker and flashlights. And there was Raoul Wallenberg. We just stared, not even realizing he was talking to us, not even comprehending what he was saying.

He was telling us that he had demanded of the Germans that those with schutzpasses should be allowed to return to Budapest. He further informed us that medical doctors and nurses had volunteered to take care of the sick and wounded. He demanded that toilet facilities be provided.

Can you fathom what his being there meant to us hunted, desperate people? Someone thought we were human beings worth saving. Someone who had no obligation to us fought for us.

And suddenly, those beaten people straightened their backs, and from every corner you could hear 'Shema Yirael,' the declaration of faith of the Jews. Maybe we were getting ready for death with dignity. Or maybe, just maybe, there was a glimmer of hope for survival.

The next morning, we were lined up to continue the march toward our last destination, but Raoul Wallenberg was there with his trucks. Under his watchful eyes, the Nazi officers checked the schutzpasses, and Wallenberg removed those under his protection to the relative safety of protected houses in Budapest. The others continued their march and according to records, 150,000 perished on their way.

Allow me to quote Elie Weisel: "Hitler's platform contained many pledges, but the only one, nearly the only one, he fulfilled was the extermination of the Jewish people. How much more then do the deeds and humanity of Raoul Wallenberg shine, giving hope, for mankind".

THE STRUGGLE FOR UKRAINIAN INDEPENDENCE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on January 23, a banquet was held in Farmington, CT, by the Connecticut chapters of the Ukrainian Congress Committee of America, commemorating the 70th anniversary of Ukrainian independence. The guest of honor was the Honorable Bohdan Futey, a judge in the U.S. Court of Claims in Washington, DC.

On January 22, 1918, the Ukrainian people, through the Ukrainian Central Rada, proclaimed the Ukraine a full-fledged sovereign and independent state, with its capital in Kiev. The new government forged close economic and political ties with a number of European nations, including Britain and France. Tragically, Ukrainian independence was shortlived. The country was invaded late in 1918 by Polish and Russian armies. Ukrainians of all ages rallied to preserve their precious freedom, but after a heroic struggle which lasted 3 years, the Ukrainian National Republic was finally defeated by the numerically superior forces of Lenin's army.

With the Soviet occupation came political, cultural, and religious repression and economic exploitation on a grand scale. Over 7 million Ukrainians starved to death in the only recorded manmade famine in world history. These hardships continued during the Second World War, as members of the Ukrainian resistance movement fought bravely against the Nazi and the Soviet armies in turn. In efforts to halt the activities of the resistance, hundreds of thou-

sands of Ukrainians were deported, exiled or killed by the Nazis and the Soviets.

Today, the Ukrainians' struggle for independence and human rights goes on. While almost half of all political prisoners being held in the Soviet Union are Ukrainians, scores of intellectual and cultural activists continue to criticize the Soviet regime despite great personal risks. These brave men and women are joined by the many Ukrainians around the world and their friends who continue the struggle for a free Ukraine.

As we commemorate Ukrainian Independence Day, we remember the cost the Ukrainian people have paid in their battle for freedom. The celebrations honoring Ukrainian independence that are taking place worldwide in Ukrainian communities this week are not only a salute to those who have kept the dream of an independent Ukraine alive, but also celebrate the ideal of freedom, and the right of all people to self-determination.

A TRIBUTE TO JACK SHINE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Jack Shine, who has also been honored by the Anti-Defamation League—Pacific Southwest Region for his leadership in advancing the causes of human rights in the community and the corporate world. He is the recipient of the Anti-Defamation League's 1988 San Fernando Valley Achievement and Community Award.

Jack is president and founder of the First Financial Group of Companies, a financial services firm that has played a major role in the development of a myriad of commercial and residential projects in Los Angeles. Through his involvement in trade organizations and his success in business, Jack has become one of the most prominent men in his field. He is a past president of the Building Industry Association of Southern California, the current chairman of the CBIA Political Action Committee and a trustee for the National Association of Home Builders PAC in Washington, DC.

In addition to his success in real estate, Jack has demonstrated an extraordinary dedication to community service by his involvement in numerous civic organizations. He is currently a trustee of the Society of Fellows of the Anti-Defamation League, an honorary member of the board of directors of the Henry Mayer Newhall Memorial Hospital and an active supporter of the Santa Clarita Valley Boys Club of the YMCA. His contribution to cultural organizations is just as noteworthy. Jack serves as vice president of the Los Angeles County Music and Performing Arts Commission and is a member of the Fraternity of Friends of the Music Center. He is also a board member of the San Fernando Valley Cultural Foundation and is actively involved with several museums in Los Angeles.

It is my distinct honor and pleasure to ask my colleagues to join the Anti-Defamation League and me in saluting Jack Shine. He is an exemplary man whose success and dedicated service to the community is an inspiration for all of us.

LONG-TERM HEALTH CARE INSURANCE AND CONSUMER PROTECTION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, we are approaching a crisis in providing long-term health care in this country. Approximately 43 percent of those now aged 65 or over will spend some time in a nursing home before they die. Nursing home care constitutes the single largest category of health care payments by persons over 65, and often leads to impoverishment—approximately half of the elderly who enter nursing homes as private pay patients exhaust their resources, ultimately falling back on Medicaid.

Senior citizens are expected to pay $46 billion in nursing home costs in 1988. Currently, nearly 50 percent of the cost of nursing home care, which averages $22,000 per year, is covered by out-of-pocket expenditures by individuals.

I would direct my colleagues' attention to the following article from the Bergen Record, which discusses ways in which the private health insurance industry is stepping in to deal with this problem by providing comprehensive long-term care insurance policies, and issues that this kind of insurance policy raises for consumers.

INSURANCE COVERS LONG-TERM CARE

(By Kathleen Lynn)

Nursing home costs—at an estimated $20,000 to $30,000 a year—can quickly leave an elderly person almost penniless. The federal Medicaid program pays only after a nursing home patient has exhausted most of his assets—even if that means selling the house.

"It's a very severe problem," said Harvey Adelaberg, executive vice-president of the Daughters of Miriam nursing home in Clifton.

To meet this need, more than 70 insurance companies have recently begun offering nursing home insurance. It's a growing market just four years ago only 16 companies offered the coverage.

About 425,000 people have bought policies, says the Health Insurance Association of America. Typically, the policy pays a set, per-day benefit covering most or all of the cost of long-term care, in a nursing home or at home.

Preparing for the possibility of a nursing home stay isn't easy.

"Nobody thinks they're going to go in one," said John Mather, the 66-year-old head of the Teaneck chapter of the American Association of Retired Persons (AARP). "People don't believe they're going to get sick."

But, according to the Department of Health and Human Services, 43 percent of the people now aged 65 to 69 will spend at least some time in a nursing home. About 1.5 million Americans are now in nursing homes. About half will stay 90 days or less; for the rest, the average stay lasts 2½ years according to the Health Insurance Association.

It all added up to $38.1 billion in 1986, and is expected to climb to $46 billion in 1988. More than half is paid out of patients' or their families' pockets.

Beatrice S., 86, spent her life savings—more than $50,000—on bills at a Bergen County nursing home. Her daughter recalls her mother in tears saying: "This isn't what we wanted. This isn't what we worked so hard for. We wanted to leave you something."

Insurance companies are moving cautiously into this new market, typically starting by offering policies in a half dozen or so states. Six companies are offering individual policies in New Jersey, according to Deborah Hudgin of the state Department of Insurance. They are Aetna Life and Annuity, American Integrity, American Republic, Continental Casualty, Intercontinental Life, and Mutual of Omaha.

In addition, another half dozen companies sell group policies that may be available to New Jersey residents if they are members of the group targeted, Hudgin said. The Newark-based Prudential, for example, offered policies to members of AARP. Several insurers are also trying to get employers to take the coverage for workers.

For a 65-year-old person buying a policy, annual premiums will average about $700; for an 80-year-old, about $1,500, said Robert Waldron, a spokesman for the Health Insurance Association. The premiums usually will not increase as the policyholder ages.

How can a customer best decide whether to buy insurance to cover long-term care? And how best to judge the different policies?

Curling up with an insurance policy is no one's idea of fun. But you shouldn't let an insurance agent do all your thinking for you. In a May 1987 report on nursing home insurance, the U.S. General Accounting Office commented, "There is some indication that misleading sales and marketing practices are being used in this market."

Hudgin has not heard complaints about misleading sales pitches in New Jersey. But she said: "It is certainly advisable for anyone who is reviewing a long-term care or nursing home policy to ask many questions. Do not be pressured into buying anything."

Some advice for shopping for long-term care insurance:

Check your other policies to see what might be covered. Most health policies do not cover nursing-home care. If you are already covered by Medicaid, the health-insurance policy program for low-income people, you do not need long-term care insurance. Medicaid will pay any nursing home bills.

But do not be confused—Medicare, the program that covers the elderly and the disabled, does NOT pay for long-term care in most cases.

Avoid policies that would pay only for long-term care related to certain diseases, advises Robert Hunter, head of the National Insurance Consumer Organization. If you insure against cancer, what happens if you have a stroke? And make sure Alzheimer's disease is covered.

Check and compare at least three policies, Hunter advises. Among other things, compare the length of coverage—policies generally will pay benefits for periods ranging from three to six years.

Make sure a policy will pay for custodial care—help in the basics of living, such as

dressing, eating, and so on. Most people in nursing homes receive custodial care, rather than the "skilled" or "intermediate" medical care required for serious illnesses. A policy that pays only for skilled care is not enough, says Ronald Hagen, director of insurance services at the AARP in Washington, D.C.

Ask whether the policy-holder must first spend three days in a hospital or six months in a skilled nursing home before collecting benefits for custodial care. Such provisions could make it difficult to collect on the policy. Victims of Alzheimer's and some other diseases often go straight into a nursing home, without first stopping at a hospital.

Check whether the policy pays for custodial care at home. Most people would much prefer to stay at home if they can.

Check the policy's provisions on so-called preexisting conditions. If you are suffering from a serious illness when you buy long-term care insurance, you might have to wait six months or more before you can collect benefits, Hudgin said.

Ask whether the benefits would rise with inflation. Some policies are set up to pay $60 a day now—roughly the current rate in many nursing homes—and to rise to $200 as the cost of care rises.

Look at the amount of time that would have to pass before benefits are paid. With some policies, the patient would have to pay for the first 20, 60, 100, or 180 days in a nursing home. This is one way to lower the policy's premium, but make sure you can afford it.

The General Accounting Office compared 33 policies available in 1986. For a free copy of the report, entitled "Long-Term Care Insurance: Coverage Varies Widely in a Developing Market," write to U.S. General Accounting Office, P.O. Box 6015, Gaithersburg, Md. 20877.

You can also get help analyzing policies from the state Senior Health Insurance Program (SHIP), Hudgin said. Call your county's Office on Aging for more information about SHIP.

Finally, check the insurance company's rating with A.M. Best, which reviews insurers' financial health. You can find A.M. Best information in local libraries, or ask your insurance agent.

IN TRIBUTE TO HAROLD F. SKELTON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CONTE. Mr. Speaker, for more than 33 years the city of Holyoke, MA, was protected by a man with the compassion to care, the character to lead, and the strength to protect. In fact, he served as chief of police for almost 10 years. Harold Skelton won't be leaving Holyoke but he will be leaving the police department.

Mr. Speaker, in any position of leadership there is no substitute for personal experience. And no one knows that better than Harold Skelton. He was not a foreigner to the concerns and difficulties encountered by the officers that worked for him and the citizens he protected.

Harold was not simply an effective and able administrator. Harold Skelton was an involved chief of police. After working his way through the ranks, he learned an appreciation of all that it takes to run a police department. He knew the energy, emotion, and patience that went into every call.

All of these things characterized Harold Skelton in his position as chief of police. But when he turned in his badge, he didn't turn in those valued characteristics. Harold Skelton will always be a compassionate, dedicated, patient man. Mr. Speaker, the people of Holyoke have been fortunate to have the leadership of Harold Skelton. And all those who know him are fortunate to have him as a friend.

After 33 years, it's time to say, "Congratulations, Harold, on a job well done!"

JAMES RUSSELL WIGGINS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Ms. SNOWE. Mr. Speaker, Time magazine recently brought to the Nation's attention one of the treasures of the State of Main—James Russell Wiggins, editor of the Ellsworth American.

To read the American is to get not only a sense of the community, but of the man who stands behind the paper as well. It reflects Russ Wiggins' enthusiasm for ideas, his diversity of interests, and his deeply rooted, abiding care for the future of Ellsworth, the State and the country. He has been able to bring out not just the news of Ellsworth and Hancock County, but also convey the sensibilities and nature of a special region.

Pehaps it is the fact that Russ Wiggins saw and experienced so much of the world, from serving as executive editor of the Washington Post to U.S. Ambassador to the United Nations, that he continually shows that the rural, coastal setting of down east Maine is anything but circumscribed. We are fortunate indeed that he has let us see that dynamic world through his eyes.

It has been a great pleasure for me to have been acquainted with Russ Wiggins in recent years, so I want to take this opportunity to wish him continued health and good fortune in the years ahead.

Mr. Speaker, I ask that the Time magazine article appear after my remarks.

[From Time magazine, Jan. 18, 1988]

IN MAINE: A TOWN AND ITS PAPER

(By Ted Gup)

Some years back, James Russell Wiggins, editor of the Ellsworth *American* in Maine, wanted to prove to readers how pitifully slow was the U.S. Postal Service. So he proposed a race: he sent letters to a nearby village, one through the Postal Service and others by oxcart, canoe and bicycle. At the pedals was a local celebrity, Writer E.B. White. The Postal Service lost every race, and Wiggins gloated on the front page.

That was big news. Big news elsewhere, though, often doesn't seem quite so pressing in Ellsworth. The October stockmarket crash got one sentence last fall; the blueberry industry, a mainstay of the region, got a five-part series. But nothing is read more closely than the court page, a list of everyone caught speeding or driving tipsy or lobstering without a license. "I want to see if any of my buddies are in there," says Carmen Griffin, a waitress at the Pineland Diner on Main Street.

It may be a yawn in Portland, Me., but in Ellsworth, it's front-page news when there's a bumper crop of scallops or the cops seize a pet snake (the headline: Police Put Permitless Pet Python in Pen).

When Editor Wiggins, 84, wanted to tell his readers, many of whom live by and from the sea, what was happening in the America's Cup race, the weekly sent a reporter to Australia. The story was relayed by satellite to Washington, wired to an Ellsworth bank and then walked across Main Street by the bank's vice president.

That's how things have always been done in Ellsworth, one neighbor counting on another. Ellsworth is the shire town of Hancock County, some two-thirds up the Main coast, and gateway to the summer resorts of Bar Harbor. For more than 200 years, the town has hugged the Union River, which spills out into Union River Bay and eventually the bold Atlantic.

The town was named for Oliver Ellsworth, an early Chief Justice of the Supreme Court. Folks here are friendly. They can't help themselves. But Down Easters draw a line between outsiders—"people from away"—and locals. You can be born in Hancock County and still not be judged a local if your parents were "from away." They say, "A cat can have her kittens in the oven and call them biscuits. Doesn't make it so."

Ellsworth has reason to be wary of outsiders, who come here seeking tranquility and disturb what tranquility there is. They clog streets, drive up land prices and bring with them some anxieties they hoped to escape. And they talk funny.

Not since the fire of 1933 swept down Main Street, consuming 130 buildings, has the character of the town and the region been so threatened. "We're getting a little class," says Victoria Smallidge, owner of the Pineland Diner, who moved here in 1970. Call it what you will, some locals are uneasy about a diner that offers a wine list and tenderloin with béarnaise sauce but holds mashed potatoes and meat loaf in contempt.

American reporters discuss stories that straddle two worlds: a log-sawing contest in Brooklin, Me., and drug-awareness week at nearby Bucksport High. These days lawyers and real estate agents seem to outnumber clergymen and clam diggers. Even the lilting Down East accent, once spoken as if it were passing over a dip on a backwoods road, is losing its curls.

The *American* began publishing in 1850. There were 5,000 townspeople then, and the paper's slogan was "Americans can govern America without the help of foppish influence." There are now just over 5,000 souls in Ellsworth, and they still bristle at outsiders' arriving in Peugeots with ideas for their town. But change is certain.

Some city officials say the population may double in five years. Many fear the region is losing its identity. It is the *American* that is helping to preserve that identity, holding itself up as a mirror of community interests, passions and humor in uncertain times. "It's the one continuity we have in our lives, besides the seasons," says Jack Raymond, a reader from Bar Harbor.

Wiggins and the *American* seem an unlikely pair. He never went to college and didn't take over the *American* until late in life. Before that he was executive editor of the Washington *Post*, then U.S. Ambassador

to the United Nations. A great-grandfather, he holds eight honorary degrees, reads up to five books a week and recites Chaucer from memory. He belts out incendiary editorials, writes a sometimes syrupy nature poem and, until recently, had a paper route. He hasn't drawn a salary in two decades.

The former Ambassador still holds public office—of a sort. He's Brooklin's appointed fence viewer. He is supposed to settle boundary disputes, but none every arise. Wiggins is a robust man with snow white hair, eyebrows that arch in incredulity and strong hands beginning to gnarl like briar. In his spare time, he strolls his saltwater farm on Carlton Cove or sails the *Amity*, his sloop. "I picked the name out of the air," he says. "I threatened to name it *Lolita*, an old man's darling, but my wife didn't care for that."

"J. Russell? He's an American original," says Ellsworth's city manager. Herbert Gilsdorf. "For this place and this time, it's probably the best fit between a newspaper and a community I've ever seen, and I don't have any reason to blow the guy's horn 'cause he's harpooned me a couple of times."

Folks are proud of the *American*, and why not? It may be the finest—albeit quirkiest—weekly in the nation. "It's a real good paypa," says Don Walls as he lowers a 100-lb, crate of lobsters from a wharf in Southwest Harbor; the *American* ran a photograph of Walls six-year-old son Travis, winner of the fishing derby. "Meant a lot to me and the boy," he says.

Some think Wiggins is a curmudgeon. He grabs onto every subject like a pit bull. He's been railing against the lottery for years. "It's a fraud on the public," he steams. Maybe, but he hasn't even won over his personal secretary, Rose Lee Carlisle, who buys five dollars' worth of lottery tickets every week. When the Maine legislature amended the state constitution, Wiggins wrote an editorial saying the change was "as clumsily executed as a double heart-bypass by a band of butchers wielding a chain saw."

"Like that one, did you?" he asks. Some folks say he's too liberal. Wiggins laughs: "My children and grandchildren are always telling me what a reactionary old bastard I am." He enjoys citing the saying that a newspaper should "comfort the afflicted and afflict the comfortable. But Wiggins can be a softy too. His reporters remember his weeping when a Christmas caroler from a home for wayward boys put his arms around him. Then there is the Wiggins who laughs until he tears.

He passes on the latest story from his friend and sailing partner, Walter—Cronkite, that is. Greeting visitors to his 1802 Federal house are life-size cutout figures of Frank and Ed, the yokels from the Bartles & Jaymes ad. "I want you to meet a couple of friends of mine—Frank and Ed," he tells an unwary visitor. He admits to two vices. Scotch old-fashioneds and raspberry sherbet. After he wrote a column about the scarcity of the latter, merchants started stocking it.

On his farm, Wiggins walks among his mallard ducks, chickens, geese and a Norfolk terrier named Red that once belonged to the late White. The elders among the geese—Arthur, the old gander, and Jezebel, the goose—are often featured in Wiggin's Aesop-like bimonthly column.

Once a "mover and a shaker," he steered the Washington's *Post*'s coverage of every crisis from the Berlin Wall to the Viet Nam War. No more. "You can't flatter yourself in the belief that you can leverage the world from the perimeter of Ellsworth, Me.," he says. "But I enjoy rural life a lot better than I do big cities. I'm at home in this environment." Happiness, he says, is an old age shared with Ben Franklin's three faithful friends: "an old wife, an old dog and ready money."

ALARMING RISE IN ANTI-SEMITISM NOTED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, as one member who since 1981 has been sponsoring legislation to impose swift and certain penalties on those convicted of hate crimes. I wish to again urge that final congressional action be completed on legislation passed by this House which would be an important first step forward, H.R. 3258 which I was proud to cosponsor.

In addition the report released yesterday by the Anti-Defamation League of B'nai B'rith makes this an even more compelling cause. Their report makes the disturbing conclusion that anti-Semitic incidents in the United States increased 12 percent in 1987 reversing a 5-year downward trend according to this morning's New York Times.

The total number of incidents for 1987 was 1,018 a staggering rate of more than two a day for the whole year. These incidents of anti-Semitic incidents include two types: vandalism against Jewish institutions and property and harassment threats and assaults against Jews and Jewish property. Typically acts of vandalism outnumber the harassment and threat type of incidents and 1987 was no exception. There were 694 acts of vandalism and 324 harassments, threats and assaults.

Tragically, New York State again led the States with 207 incidents. New York also led with acts of harassment, threats and assaults.

It is important to note that an increased number of State legislatures, 29 in all have adopted stricter laws aimed at curbing religious or ethnic vandalism. Yet there remains to this date no Federal legislation to deal with the problem of religious and ethnic violence.

H.R. 2538 proposes a graduated series of penalties for those who commit these heinous acts against religious persons and or property. This would include life imprisonment for any such incident that results in death.

There are far too many acts of violence and vandalism occurring against people of all religions. Just two nights ago, Cardinal O'Connor of the Archdiocese of New York had his personal residence broken into by a knife wielding individual who threatened one of the cardinal's housekeepers. It was the second forced entry into the residence in the past year. We read about too many religious buildings being defaced. We even hear too much about desecration of cemeteries.

It is time to act and we must do so. It is tragic that these acts occur but they do. We cannot ignore them because our inaction will only encourage more such acts in the future.

At this time I wish to insert an article from the New York Times highlighting the B'nai B'rith report.

[From the New York Times, Jan. 27, 1988]

REPORT SHOWS 12-PERCENT RISE IN ANTI-SEMITIC INCIDENTS

Anti-Semitic incidents in the United States increased 12 percent in 1987, reversing a five-year downward trend, the Anti-Defamation League of B'nai B'rith reported yesterday.

At the league's New York headquarters, its national director, Abraham H. Foxman, called the results "disturbing." He said that, paradoxically, the increase had come in a period of vigorous local law enforcement and statutory efforts against crimes of bias as well as a recent Federal crackdown on hate groups.

The 1,018 reported incidents in 1987 and the percentage of increase from 1986, however, were less than those of 1981, the last year the annual audit found a significant increase in anti-Semitism in this country.

In 1981, there were 1,324 reported incidents. That was the third year in a row that the number of incidents was more than double the previous year's.

694 VANDALISM INCIDENTS

The league divided the incidents into two types: vandalism against Jewish institutions and property, and harassment, threats and assaults against Jews and Jewish property. Historically, incidents of vandalism have largely outnumbered harassments, threats and assaults and that was the case last year.

The number of incidents of vandalism last year was 694, ranging from swastika daubings to arson and pipe bombings. This was an increase of 17 percent over the 594 incidents reported in 1986. The sharp increase, the audit said, largely reflected a 121 percent increase in such incidents in California.

The audit found some of the more serious vandalism was carried out by members of a neo-Nazi hate group who call themselves the Skinheads. The group's activity last year, particularly in California, the audit said, brought the number of anti-Semitic incidents attributable to organized hate groups to 20. In recent years, no more than one or two vandalism incidents have been attributed to such groups.

The number of harassments, threats and assaults was 324 last year, a 4 percent increase over the 312 such incidents reported in 1986 These included 16 assaults last year, compared with 11 the year before. Most of the harassments and threats came in the form of hate mail and telephone calls.

NEW YORK'S BREAKDOWN

New York, the state with the highest Jewish population, led the nation with 207 vandalism incidents, up from 186 in 1986. Of the 91 incidents reported last year in New York City, Brooklyn had the most, with 37, followed by Manhattan, with 27.

Outside the city, Nassau County had the most in the state, followed by Suffolk County, with 41. The remaining 55 counties in the state had a combined total of 15 incidents.

California had the second highest number of vandalism incidents, 137, up from 62 in 1986.

Florida was third, with 64, followed by New Jersey, with 43. The 1987 totals for both states, however, were down from 1986. Connecticut was ranked 20th, with 6 incidents, one more than the year before.

The top four states for vandalism were ranked the same for harassments, threats and assaults.

Mr. Foxman said that, in recent years, 29 state legislatures, including those in New York, New Jersey and Connecticut, had adopted stricter laws aimed at curbing religious or ethnic vandalism.

Nonetheless, he said, the 1987 figures reinforced the need for even stricter law enforcement of bias crimes, strengthened security measures for Jewish institutions and greater educational efforts to heighten public concern about such crimes.

A UNIQUE PROPOSAL FOR WORLD COURT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to call my colleagues attention to an informative article written by Paul Kerson, a lawyer from Queens County, NY, on the use of the International Court of Justice of the United Nations to resolve international disputes and consequently lower the risk of nuclear war.

So that my colleagues may be able to learn more about this intriguing proposal, I include the article, which appeared in the December 1987 issue of the Queens Bar Bulletin, in the CONGRESSIONAL RECORD.

THE INTERNATIONAL COURTS OF JUSTICE—QUEENS COUNTY STYLE

(By Paul E. Kerson)*

Have you noticed the change that has come over our county in the last five years? The court-appointed translator has become the most indispensable party in the administration of justice!

Item—In a child custody action between a Dominican-American and a Nicaraguan, the issue was whether she married him for his coveted U.S. citizenship.

Item—In a commercial landlord-tenant action between a Korean fruit store tenant and a Syrian discount store landlord, the issue was a $10,000 water bill. It seems that the Syrian could not successfully explain to the Korean that his refrigerator was using too much water because of a defective valve. Without the able interpreter, bloodshed may have resulted in the courthouse.

Item—The Romanian contractor client fails to show up in court because he could not read his mail. At the court's direction, the defendant shopkeeper, also a Romanian, volunteered to contact the plaintiff to get him in on the adjourned date.

Item—A Hungarian-American wishes to sell a kosher bakery to a Russian. At the closing, the Russian insists that the Hungarian sign a 500 year old religious document in biblical Hebrew declaring joint venturers so the interest on the notes can be divinely forgiven. The creative Queens County practitioner comes up with the English language disclaimer: "This document is signed for religious purposes only and has no civil effect." All parties are satisfied.

Item—A Nigerian gets off the plane at Kennedy Airport with 100 pounds of marijuana in his suitcase. Local counsel is appointed. The District Attorney and the court agree to an E felony plea with voluntary deportation. The Office of Court Administration has no Ibo language interpreter. The United Nations Nigerian mission claims that no one speaking Ibo could possibly have committed such a crime. Columbia University saves the day by sending an Ibo speaking engineering graduate student to translate.

Item—A thoroughly distraught Russian woman gets off the plane at Kennedy screaming to the Port Authority police that her husband has kidnapped their children and hidden them in Queens. The Family Court appoints local counsel for the woman. A Federal Express letter to the Secretary of State (the one in Washington, not Albany) gets the children before the court the next day.

Item—An Indian Sikh priest is given a summons for carrying a ceremonial sword in the Flushing subway station. A wise Queens County Criminal Court judge rules that the interests of society in preventing violence on the subway must be balanced against one's First Amendment right to freedom of worship. A creative judicial solution is suggested: Summons dismissed, but Indian Sikh priests should carry their ceremonial swords encased in lucite in the future.

Item—A local con artist hoodwinks a Greek archbishop into signing over the deed to his church in violation of canon and civil law. The con man then sells the church building to a Korean congregation. The Koreans threaten to evict the Greeks. A respected Queens County Supreme Court justice confides to counsel that this is the most difficult decision he has had to make in 18 years on the bench.

At the trial, no one can speak to anyone, and both Greek and Korean interpreters are needed for justice to be done. Invoking the spirt of Solomon, the judge awards title to the Koreans, but permits the Greek congregation to remain in possession pending appeal.

There is no question that the skill of our local lawyers and judges have defused these incidents, which would have resulted in international tensions had they been exposed to media attention at the time they occurred.

Something incredible is happening right before our very eyes. Our lawyers and judges in this county at this time are adjusting the ancient common law to fit a world gone mad. Rather than at the United Nations, international law is being made daily in the civil and criminal courts of Queens County, New York.

ARGUMENT

Are the problems of countries so very different than the problems of the individual men and women, businesses and religious institutions that constitute those very nations? Can raw anger and rage be defused by advocates, judges and interpreters working together? By our willingness to deal fairly with anyone from anywhere, do we in the courts of Queens County have something very special to teach the world?

Our nation is locked in a frightfully dangerous and expensive arms race, principally with the Soviet Union but potentially with the whole rest of the world.

War, after all, does not exist because of any fundamental mean streak in the human character. It exists because, horrible as it is, it can solve a conflict. Up until the invention of nuclear weapons, a war could have a winner and a loser. The competitive streak in the human character encouraged many in power throughout world history to seek to be winners, with the tremendous spoils that go with winning.

Now, of course, it is clear that nuclear war can have no winner. But every day we awake our countrymen ready doomsday devices for immediate use—in the air, below the sea and in underground silos.

A dangerous adversary not subject to the protections of relatively free elections and relatively free speech, is similarly overarmed. Both sides are doing this at great cost to themselves and the world, and doing it every day.

And to top it off, other governments, individuals and organizations around the globe are rapidly acquiring nuclear weaponry.

Only when we devise an alternate means of resolving international disputes, can we finally address the question of the elimination of doomsday weapons.

The bare rudiments of the machinery are in place. The International Court of Justice (ICJ), an arm of the United Nations with headquarters at the Hague, Holland, dealt with 72 contentious cases between 1922 and 1978, and rendered 44 advisory opinions in that period. This is not yet enough of the world's potential wars to call it a serious alternative forum for conflicts resolution, and thus, war prevention.

The problems with the ICJ as currently structured are these:

1. Only states can be parties.
2. Jurisdiction is not compulsory.
3. There is no enforcement mechanism.
4. There is no appellate process to wear down the emotions of the moment and burden the resources of the parties, thus, postponing much of the passion of conflict out of existence.
5. The judges are not appointed for life, thus subjecting them to political influence.

A NEW IDEA

Perhaps the Statute of International Court of Justice should be amended so it more closely resembles the courts of Queens County. Following is part of the Statute, with newly suggested matter in italics:

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

ARTICLE 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations, shall be constituted and shall function in accordance with the provisions of the present statute.

ARTICLE 2

The court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3

1. The court shall consist of 15 members, no two of whom may be nationals of the same state.

Substitute: The Supreme Court Division of the International Court of Justice shall consist of 15 members, no two of them shall be nationals of the same state.

Add 3. District Chambers of the court shall consist of six hundred members, three of whom shall be assigned to each district chamber, the remainder assigned to the Appellate Divisions, or held ready to fill vacancies.

* Paul E. Kerson is co-editor of the Queens Bar Bulletin and President of the Queens County Criminal Courts Bar Association.

Add 4. The Appellate Divisions of the Court shall consist of four chambers of 9 members each. The First Appellate Division shall include Asia, Australia and the Antarctic. The Second Appellate Division shall include Europe. The Third Appellate Division shall include Africa. The Fourth Appellate Division shall include South America, North America and the Arctic.

Add 5. Each District Chamber of the Court shall consist of three members of the court, only one of whom may be a national of the said District Chamber.

Add 6. Each Appellate Division of the court shall consist of nine members of the court, only three of whom may be nationals of the states located in the said Appellate Division.

ARTICLE 13

1. The members of the court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

Substitute: Judges of the court shall be elected for life during good behavior.

2. The judges whose terms are to expire at the end of the above mentioned initial periods of three and six years shall be chosen by lot to be chosen by the Secretary General immediately after the first election has been completed.

Substitute: A judge of the court may only be removed by a three-fourths vote of the General Assembly and a three-fourths vote of the Security Council.

ARTICLE 26

1. The court may from time to time form one or more chambers, composed of three or more judges as the court may determine, for dealing with particular categories of cases: for example, labor cases and cases related to transit and communications.

2. The court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the court with the approval of the parties.

Substitute: District Chambers of the court are hereby formed in the capital or principal city of each member of the United Nations and/or party to this statute.

3. Cases shall be heard and determined by the chambers provided for in this article if the parties so request.

Substitute: Cases shall be heard and determined by the District Chambers provided they arise in the venue of the District Chamber. Each member of the United Nations and/or party to this statute shall be considered a district of the court for venue and administrative purposes.

ARTICLE 34

1. Only states may be parties in cases before the court.

Substitute: All persons, states, corporations, parties or other entities engaged in international commerce or other international transactions shall be parties before the court.

ARTICLE 36

1. The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in the charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the court in all legal disputes concerning:

(a) The interpretation of a treaty:

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declaration shall be deposited with the Secretary-General of the United Nations, which shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

Substitute: (Replacing current Section 2-4) Recognition of compulsory jurisdiction of the court shall be a condition precedent to continued membership in the United Nations and/or continued subscription to this Statute. However, the court shall not have the power to alter the territorial integrity of any State without the express permission of that State.

(NEW) CHAPTER VI—ENFORCEMENT AND APPEAL

ARTICLE 71

Each member of the United Nations and/or subscriber to this statute shall, as a condition precedent to continued membership or subscription, give full faith and credit to judgments, decisions and orders of the International Court of Justice.

ARTICLE 72

Any judgment, decision or order of a District Chamber of the court shall be final and binding on all parties before the court unless properly appealed.

ARTICLE 73

Any party before the court dissatisfied with a decision of a District Chamber of the court, may, upon application, have its cause heard on appeal by the Appellate Division of the court for the Division where the District Chamber lies. Any judgment, decision or order of an Appellate Division of the court shall be final and binding on all parties before the court unless properly appealed.

ARTICLE 74

Any party before the court dissatisfied with a decision of an Appellate Division of the court, may, upon application, have its cause heard on appeal by the Supreme Court Division of the Court in the Hague. Judgments, decisions and orders of the Supreme Court Division shall be final and binding on all parties before the Court.

CONCLUSION

If the United Nations General Assembly and Security Council would enact these sweeping reforms, serious arms reduction would be completed within two generations of the successful functioning of local International Courts of Justice.

Expensive arms are not needed where real, binding alternative dispute resolution exists. You can say I am a dreamer, or you can wait for the mushroom-shaped cloud.

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OUTSTANDING ACHIEVEMENTS OF KRISTI OVERTON

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. JONES of North Carolina. Mr. Speaker, during a time when so many problems face our young people, it is refreshing to note the outstanding achievements of one of my constituents, Kristi Overton of Greenville, NC. Kristi, a senior at Rose High School in Greenville, is the recipient of the most prestigious Dial Award for 1987 which recognize high school athletes throughout the country who achieve excellence in athletics. The award is decided by three criteria: dedication, talent, and confidence. The first Dial Award was Herschel Walker. Kristi is ranked as one of the top female water skiers in the world; she is also an honor student and member of the National Honor Society. She has won every major water skiing title in the junior division and holds world records in both the slalom and jump categories. But more so than her athletic ability, I recognize Kristi as an outstanding young citizen of the State of North Carolina, one who has represented her State not ony with athletic excellence, but one whose character has been exemplary. She has set a standard for other young Americans and she represents her school and her community exceedingly well. I commend her and am proud to have her as a part of the First Congressional District of North Carolina, and wish her all success in her future endeavors.

AT MONO LAKE

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LEHMAN of California. Mr. Speaker, it is my privilege and honor to pay tribute to an extraordinary photographic exhibition known as "At Mono Lake." This majestic exhibit has quite properly been described as "a visual statement about a splendid ancient place by some of those who love it deeply." An outstanding example of landscape photography, "At Mono Lake" has traveled throughout the United States reaching out to 2 million people to share Mono Lake's many moods and faces.

I am proud to count myself as one of many friends of Mono Lake who appreciates the perspective and poignancy bestowed upon all of us by the vision of the artist's eye. From the genius of Ansel Adams to historic prints of the 1800's to more contemporary images of

young photographers, Mono Lake comes alive through this magnificent display.

In 1983 when congressional hearings were held on the future of Mono Lake, a native American testified about Mono Lake and said: "I speak not only for myself, but others. I also speak for Mono Lake, a sacred place, since it cannot speak for itself." I took this gentle woman's words to mean that since Mono Lake does not speak to us with words, but through its own beauty and grace, others must speak for the lake with words and art. "At Mono Lake" gives the lake its opportunity to "speak" to us through the eyes and art of photography.

Mr. Speaker, I am especially pleased that this collection of treasured photographs is now being shown at the Fresno Metropolitan Museum of Art, History and Science and that the exhibiting photographers will be honored on February 7, 1988. The names of the outstanding Mono Lake artists whose work was freely given for the success to this project are:

Ansel Adams, Morley Baer, Dave Bohn, John Boynton, Saul Chaikin, Neil Chapman, Gary Clark, Paul Cockroft, Doris Coonrad, Daniel D'Agostini, Robert Dawson, Michael Dressler, Cynthia Faria, Lawrence Ford, Tony Gardner, Richard Garrod, Lyle Gomes, Mr. Daniel Gunther, Jeff Harvey, Joe Holmes, Philip Hyde, Stephen Johnson, Viki Lang, Norman Locks, Anthony Lovette, Joseph McDonald, Barbara Morgan, Ted Orland, Marion Patterson, Jonathan Pollock, Steve Remington, Donald Ross, Galen Rowell, Martin Schweitzer, Clinton Smith, Ron Suttora, Edmund Teske, Reed Thomas, Todd Walker, Al Weber, Bob Werling, Brett Weston, Cole Weston, Wallace Wong, and Don Worth. We are all grateful for this very fine contribution these artists have made to the visual appreciation of the gem of the Sierra Nevada, Mono Lake.

In addition to the artists themselves, others deserve special recognition for making "At Mono Lake" possible. Stephen Johnson conceived the project and served as exhibition coordinator. In addition, implementation of the "At Mono Lake" exhibit would not have been possible without the support of the Mono Lake Committee—especially Martha Davis and the late David Gaines, David Brower, and the Friends of the Earth Foundation, the National Endowment for the Arts, the Polaroid Foundation, the Flieshhacker Foundation, the Sierra Club Foundation, the National Audubon Society and the Western Association of Art Museums.

I am proud to honor all those who revere our natural landscape and who capture its beauty for all time.

GROUP SELF-INSURED WORKERS' COMPENSATION FUNDS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. VANDER JAGT. Mr. Speaker, on January 25, I introduced the bill, H.R. 3859, with my colleague, Congressman SANDER LEVIN. This measure is designed to ensure equitable Federal income tax treatment of group self-insured workers' compensation funds.

I first attempted to legislatively address this issue last year when I introduced a bill, H.R. 1709, that was designed to clarify the tax exempt status of these funds. The sudden reversal by the Internal Revenue Service of its long-standing position that these funds were tax exempt entities severely impacted the viability of the workers' compensation funds both retroactively and prospectively. A legislative response was clearly indicated to address the dispute that had arisen because of the change in IRS policy.

The text of that bill was modified by the House Committee on Ways and Means and included in section 10428 of the House-passed version of the 1987 budget reconciliation bill. Unfortunately, these provisions were deleted in conference committee action on the final reconciliation bill for reasons entirely unrelated to the merits of the measure.

This problem which affects workers and employers throughout the country, therefore, persists and legislative action is still needed. These funds are utilized in some 28 States and in my home State of Michigan, we have some 38 funds in which over 7,000 employers participate and some 2 million employees are provided workers' compensation coverage. Furthermore, these funds have not only been instrumental in reducing skyrocketing insurance costs but have helped employers to avoid the nonavailability problem which many of them have encountered.

Recognizing that we are in a revenue-conscious Congress, it is important to note that neither last year's bill, H.R. 1709, nor this year's measure H.R. 3859, which is more modest and basically the same as the House-passed budget reconciliation bill language, will have a significant revenue effect. This is the case because in prior years these entities were considered to be tax exempted and hence, nonrevenue producing.

What, in effect, our new bill does is to provide tax relief for those funds for years prior to 1987 to the extent the IRS' revised position would create tax deficiencies attributable to the timing of policyholder dividend deductions. For 1987 and 1988 these funds would be subject to a transition rule and treated as property and casualty insurance companies were treated prior to amendments contained in the 1986 Tax Reform Act. Starting in 1989, the funds would be treated the same as any other property and casualty insurance company.

Mr. Speaker, there is an urgent need for this legislation which would allow these funds to continue as viable business entities. We would certainly welcome the cosponsorship of our colleagues.

PUERTO RICO'S "MODEL" BANKING INDUSTRY

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FUSTER. Mr. Speaker, I think my colleagues would be interested to know that the banking industry in Puerto Rico is in excellent shape, and that this assessment comes from none other than the Federal Deposit Insurance Corporation. In fact, David C. Cooke, deputy to the chairman of the FDIC, says that Puerto Rico's banks "could serve as models for many mainland banks to emulate."

I think Mr. Cooke is right on target, and to that extent I want to share with you some extracts from a speech he gave recently to the Banker's Association of Puerto Rico. He said in part:

It does indeed give me great pleasure to speak to this group in my capacity of representing Chairman Seidman of the Federal Deposit Insurance Corporation.

Those of us at the FDIC think the bankers of Puerto Rico deserve great credit for the enormous strides forward your beautiful Island has made over the past few years.

Although this has been a troubled year for so many mainland U.S. banks, the Puerto Rican banking community indeed deserves a great deal of praise—Praise for your efforts and your vigor that have helped this great island Commonwealth achieve such economic progress—and praise for your continued role as leaders of the Caribbean banking community.

The banks of Puerto Rico could serve as models for many mainland banks to emulate.

The return on assets of your banks stands almost 50 percent higher than the national average from all U.S. banks. No commercial bank in Puerto Rico lost money during 1986. In contrast, about one out of five banks on the mainland operated at a loss last year.

You have steadily improved your capital levels, lowering your levels of nonperforming assets by 50 percent. This is also an achievement of which you can be proud.

And there are still more good news about Puerto Rico's banks.

In 1983, over four percent of your loans were nonperforming. Now that rate is down to two percent, while the average for mainland banks is over three percent. The proportion of your loans charged off as uncollectable in 1986 was less than half the mainland average. Consider, also that in 1983 you had significantly higher levels of troubled or worthless loans.

I'd like also to note that the leadership provided by Puerto Rico's bankers extends beyond the boundaries of your profession. For one thing, there is noteworthy involvement and concern that you have shown in helping to shape the economic policies of the Commonwealth. These are truly worthy of commendation.

This island's four percent economic growth in 1986, again, was more than double the growth rate experienced by the mainland U.S. economy last year. And not only have many more of your citizens gained employment than in past years, but your workforce is gaining experience in essential high technology areas. Much of the credit for this vigor is due, I am sure, to the leadership of may of you in this room.

Mr. Speaker, those are encouraging remarks indeed, and yet another indication that Puerto Rico is on the move. I commend the FDIC and its leadership for its positive and optimistic report on the banking industry in Puerto Rico.

THE PROPOSED NUCLEAR COOPERATION AGREEMENT WITH JAPAN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FASCELL. Mr. Speaker, today I am introducing, for myself and Mr. BROOMFIELD, the ranking minority member of the Committee on Foreign Affairs, a resolution approving the proposed nuclear cooperation agreement between the United States and Japan. This resolution is required by law—section 130(i) of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, and further by the Export Administration Amendments Act of 1985, "the act"—to be introduced, by request, on the first day such agreements come under full-scale review by the Congress. Under an amendment to the act passed in 1985, the President must submit proposed nuclear cooperation agreements to the Congress for two separate review periods, of 30 and 60 days of continuous session, respectively. The first review period is designated for informal consultations with the President on the extent to which the agreements meet the requirements of the law. The second review period is set aside for formal review of the agreement, 45 days of which are allotted to the Committee on Foreign Affairs to discharge it responsibilities.

The administration made one submission of the United States-Japan agreement, to fulfill both review periods, on November 9, 1987. The first review period ended on January 25, 1988. Therefore, the day on which the agreement is deemed to be submitted for the second review period—pursuant to section 123(d) of the act—was January 26. Because the House was not in session yesterday, I am introducing this resolution today, pursuant to the statute. In addition, today is the first day of the second review period. Introduction of the resolution is itself a formality designed to provide the committee and the House with a legislative vehicle with which to express its views on this proposed agreement.

The Committee on Foreign Affairs will hold additional hearings on this important matter, and I urge all Members to review the proposed nuclear cooperation agreement with Japan.

PRESCRIPTION FOR PROGRESS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FLORIO. Mr. Speaker, in Blackwood, NJ, there lives a man who is a testament to the tragedy of drug addiction. In the same man, however, there also lives a testament to the will to live.

Al Szolack graduated from Woodbury High School in 1968 into a world where his athletic abilities made him one of the artful players in the game of basketball.

When he graduated from high school and enrolled in Glassboro State College, he held the promise of success and enthusiasm. When he joined the Washington Generals, the professional sidekicks of the Harlem Globetrotters, he still offered the promise of success.

But there came a time following the death of his mother when the circumstances became too difficult to bear. At that time, Al Szolack found himself at a crossroads where he decided that the path of least resistance to the problems in his life was the way of drug dependency.

But this is not necessarily a story of the road to tragedy. Indeed, it is a story repeated by many young individuals who are beset by trying times and personal situations beyond their control. Like many of those individuals, Al thought that drugs were the avenue out of his troubles.

However, drugs served only to deepen his troubles, eventually making him not only a user of drugs such as cocaine but also a seller of the same drugs without which he thought he could not survive.

Fortunately, Al ultimately was given the opportunity to change his life around. Although he does not consider himself cured of his dependency on drugs, he does think that he has made progress toward that end. And he has shown that he can, in fact, survive without drugs.

In fact, to communicate his experience and to alert others to the danger of ignorance with regard to drug addiction, now he frequently talks to students in high schools where the pressure to experiment with drugs is often stronger than the reality of devastation and dependency due to drugs go beyond one small experiment with drugs.

Al Szolack is now living through his experience with drug addiction so that others in New Jersey and around the country, in high schools and in the inner cities can learn from his experience and avoid drugs entirely.

I wish to commend Al for the efforts he has made in the last few years to stem the epidemic of drug addiction among our Nation's youth. As he notes, there is no 1-day cure for addiction. Neither is drug addiction always one way; where there is a willingness to go back on that choice, there is also a chance for success.

I am including in the RECORD an article from the Gloucester County Times describing Al's efforts at overcoming drug addiction.

The article follows:

LUCKY I'M ALIVE: EX-BASKETBALL STAR WHO BEAT DRUGS, TELLS STUDENTS THE PRICE

(By Jim Six)

Al Szolack's story is pretty much the tale of a typical American kid: A diehard basketball player with a brother who's a cop and parents he considered friends winds up with a glamorous job on a celebrity sports team.

There is, however, the matter of his seven-year cocaine addiction.

Szolack started playing basketball in grammar school, but admits he wasn't very good until his last year in Woodbury High School. Still, it was almost an obsession. He was such a "gym rat," he said, that while most of his buddies were on dates, he'd spend Friday and Saturday nights shoveling snow off outdoor courts so he could shoot some baskets.

"I lived, ate, drank and slept basketball," he said.

He graduated from Woodbury in 1968 and got a degree in health and physical education from Glassboro State College in 1973. The following season, 1974-1975, he played with the Washington Generals, the shill team for the Harlem Globetrotters.

He spent a year with the Generals, playing basketball in Canada, Sweden, Denmark, Italy, England, Belgium—a different city every night, seven nights a week.

He left the Generals and took up bartending, spending summers in Wildwood and winters in Fort Lauderdale, Fla.

Szolack had always been on pretty good terms with his mother and stepfather, he said, but his basketball cemented the relationship. His mother became more interested in the sport when her son started getting his name in the papers, and she started attending his games.

His mother had suffered from a weak heart for years, he said, and he should have been prepared for the inevitable, but he wasn't. He was in Florida when she died in 1979. He says that's when his problems all started.

"I tried to escape reality for a little while, I guess. I was afraid to face it," Szolack said.

He's never been a smoker or a drinker, he said. "I was a model kid, all sports, all basketball."

But he knew people who were using cocaine and for some reason he sought them out then.

"I started indulging, thinking that it would ease the pain. Little did I know. It grew into a habit. It was constant. I lived to use and used to live," he said.

Eventually, escape got expensive, so he started selling cocaine to support his own habit.

"My brother's a narcotics agent—that's good, isn't it?" he said, adding that his admission will probably be embarrassing all around. "I know this won't look good."

For the next several years, Szolack said, he didn't really have a life.

"I was passing out instead of falling asleep and coming to instead of waking up," he said. "I'd get up in the morning and do a line. I was very paranoid. I didn't want to ever go out."

Yet, it got even worse.

"It started making me do things I never thought I'd stoop as low to do. Stealing, sexual stuff," he said, his voice low and hard to hear. "It was really eating at me."

Near the end, he claims, he spent most of a year without using coke, then started again, recreationally.

"The only thing recreational use will do is light the fuse. If you realy don't want to stay clean, you can't stay clean. The results are the same: You're going to jail, you're going to an institution—or you're going to die."

Somehow in the middle of all this, he got engaged, but his fiancee had second thoughts and returned the ring.

"It snapped me out. One tragedy takes you in, another can take you out," Szolack said.

Today, at 37, Szolack lives in Blackwood, tends bar, drives a limousine and takes acting classes. In fact, he said, he was an extra in a movie filmed not long ago in Philadelphia. Its title, ironically, was "Clean and Sober."

"There is no cure. Doctors have (the addiction)—medicine isn't the answer. Psychiatrists have it—psychiatry isn't the answer. Nuns and ministers have it—religion isn't the answer," he said.

He doesn't consider himself cured even now.

"I live my life one day at a time, knowing that I don't have to stay clean for the rest of my life—just today, because tomorrow's not promised to anyone," he explained.

Szolack thinks knowledge is the key.

"If a thousand people walk into a fire and get burned, and if you're number 1,001, chances are you're going to get burned, too," he said. "I'm lucky. I'm alive today and it's not even my choice that I'm alive. Someone up there likes me and I think I have a purpose."

He sees that purpose as talking to school kids young enough that they maybe haven't started experimenting.

"It's really starting to happen younger and younger in the schools. A teacher can only teach so much. Someone who's been there, who can relate to what they're going through—I don't mind being used as an example," he said.

"When you start doing a drug, your mind stops growing. If you start at 12 and manage to stay alive another 10 years, you're still going to be 12 years old," said Szolack. "As soon as a kid can say the word 'yes,' he should learn the word 'no.'"

"I'm not proud of my past, but I'm proud of the fact that I'm doing something about it," said Szolack. "If my story can change one kid's mind, my seven years of living hell will have been worth it."

TRIBUTE TO SEAN MACBRIDE OF IRELAND—A PATRIOT AND STATESMAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 118-member Ad Hoc Congressional Committee for Irish Affairs, I wish to take this occasion to pay tribute to a remarkable man, Sean MacBride who died on January 15 at the age of 83. Few men in this century have worked harder and longer for the cause of world peace and human rights than Sean MacBride. His commitment to peace, whether in his beloved Ireland or anywhere in the world, was a lifelong mission that he was involved with until the end.

Sean MacBride was born in Paris on January 26, 1904. He was the son of Maj. John MacBride, a man from County Mayo who formed the Irish Brigade and who was later executed in 1916 by the British for his part in the so-called Easter rising in Dublin. His mother was a renowned actress and revolutionary by the name of Maud Gonne who was called the Joan of Arc of Ireland according to the Irish Echo newspaper.

Sean was deeply involved in the Irish Republican Movement for more than 20 years. During this same time period of his life he earned a law degree at Dublin's National University and transformed his work and became a crusader against repressive antiterrorist legislation.

In 1946, Sean MacBride entered the political world in a major way. He founded a new nationalist political party Clann Na Poblachta 2 years later in a coalition with other opposition parties defeated the existing party in power. MacBride in turn was elected to the Irish Dail in 1947 and remained there for 11 years. After the 1948 election he held the position of foreign minister in the coalition government until 1951.

Sean MacBride emerged as an international spokesman for human and civil rights in 1961 when he founded Amnesty International. He served as its chairman for 12 important years until 1975. During that time Amnesty International grew to become the most respected organization for human rights and freedom in the world. During the same time period that he was heading Amnesty International, Sean MacBride was also secretary general of the International Commission of Jurists. He served in that capacity from 1963–70 and remained an active member of the organization until his death.

From 1971 to 1974, he was United Nations Commissioner for Southwest Africa also known as Namibia. His specific work on behalf of the cause of Namibian independence earned him tremendous worldwide respect and recognition. Most significantly, it led to him receiving the coveted Nobel Peace Prize for the year 1974.

Sean MacBride's work on behalf of peace and justice in his beloved Ireland spanned more than half a century. As mentioned in his early years, he was an active Republican spokesman including work in their paramilitary activities. He formally gave up his association with the official Republican movement in 1937 but by no means did he end his work on behalf of the struggle for peace and justice in Northern Ireland. Sean MacBride as a man of peace was a strong and determined foe of violence in Ireland. Yet, Sean MacBride, unlike many in Ireland, recognized that there were two forms of violence in Ireland—civilian and official. He repudiated both forms, making his position a more honest one.

Throughout the 10-year history of the Ad Hoc Congressional Committee for Irish Affairs we worked very closely with Sean MacBride. He testified before the committee on several occasions in the 1970's and again in the 1980's. His topics initially were general relative to Northern Ireland but his counsel was always valued by myself as chairman and the other members of the committee.

Yet for the past 4 years, Sean MacBride has been advocating here and around the world for a very specific issue and cause. Sean MacBride became the author of the anti-discrimination code known as the MacBride principles of fair employment and nondiscrimination. The purpose behind the MacBride principles is a simple one. Discrimination exists in Northern Ireland to an appalling degree. While unemployment throughout the six northeast counties is the highest in Europe at over 20 percent, the rate among the minority Catholic population runs as high as 60 percent in certain towns and cities. American companies operating in Northern Ireland are estimated to provide at least 11 percent of all jobs in Northern Ireland.

The MacBride principles are aimed to be a corporate code of conduct for American firms doing business in Northern Ireland. Their objective is to ensure equal employment opportunities for the Catholic minority in Northern Ireland. In the United States, the MacBride principles are gaining support. Legislation advocating their use has been passed in four State legislatures and are pending in several others. Legislation has been introduced in the House as H.R. 722, which I am proud to be an original cosponsor and S. 229 to require adoption of the MacBride principles by American firms.

Last night in New York a memorial mass was held for Sean MacBride at St. Patrick's Cathedral. Being unable to attend I sent the following telegram to be read at the event about my friend Sean MacBride:

[Telegram]

JANUARY 26, 1988.

Mr. PAUL O'DWYER,
O'Dwyer and Bernstein, New York, NY.

DEAR PAUL: I sincerely regret that I have to remain in Washington tonight. I do wish to join in paying special tribute to one of Ireland's greatest patriots—and a true champion of world peace—Sean MacBride. He was an extraordinary man who made the pursuit of peace and justice a lifelong mission.

Sean MacBride had a profound impact on me the past 20 years. He was the most respected authority on Ireland and its struggle for peace ever to appear before the Ad Hoc Congressional Committee for Irish Affairs. Sean MacBride loved Ireland, but agonized over its divided nature and people. He stood for Irish unity through economic justice for all.

The legacy of Sean MacBride will endure for centuries. Yet we who are still active in the cause of peace and justice for Ireland must redouble our efforts in furtherance of the work of Sean MacBride. We must pass legislation in Congress and in all 50 states to require American firms in Northern Ireland to adopt the MacBride Principles. We must work to end all other forms of discrimination in Ireland and we must re-empower all those who care about Ireland to work for a future of peace, justice and freedom for all.

MARIO BIAGGI, M.C.,
Chairman Ad Hoc Congressional Committee for Irish Affairs.

The tributes to Sean MacBride have come from around the world. They have recognized the enormous contributions he made to the cause of peace, human rights, and justice. A most interesting column in the Wall Street Journal by the columnist Alexander Cockburn on Sean MacBride made this observation:

The word "statesman" is not one imbued with energy. But MacBride was a statesman in the active and virtuous sense—in the 30 years after he quit domestic politics he exercised his talents on behalf of the rights of man.

In my mind the legacy of Sean MacBride will endure for centuries. Yet if we are to do true justice to this remarkable man we must recommit ourselves to those causes that Sean MacBride dedicated his life to. Most critical is the need to work for continued progress aimed at achieving a political solution to the problems in Northern Ireland. Ireland today is divided geographically, politically, and economically. If there is to be Irish unity, it must be achieved by removing those barriers that divide. Central to the solution must be an improvement in the economic conditions of all the people of Ireland but especially the Catholic minority in the north. This Congress has a contribution to make and it is a meaningful

one. We can pass the MacBride principles legislation which will serve to promote equality of opportunity for all the people of Northern Ireland. We have a vested interest in the future of Ireland and Northern Ireland. We have committed ourselves to a long-term package of economic aid. Let us ensure that our public aid and the private business funds that go into Northern Ireland benefit both communities and do not extend the problem of discrimination. That was the goal of Sean MacBride and one we should readily embrace.

I would like at this point in the RECORD to insert a selection of newspaper articles on Sean MacBride as well as some comments by the director of the Irish National Caucus—Sean MacManus.

Finally for the sake of those of my colleagues who may not be familiar with the MacBride principles, I would like to insert them in their entirety with the hope it will lead to more of my colleagues cosponsoring H.R. 722, authored by my distinguished colleague Mr. FISH.

SEAN MACBRIDE OF IRELAND IS DEAD AT 83

(By William G. Blair)

Sean MacBride, an Irish revolutionary who went on to win the Nobel and Lenin peace prizes, died after a short illness yesterday at his home in Dublin. He was 83 years old.

In a 70-year career that took him from street battles with the British in Dublin to the international award-ceremony podium in Oslo, Mr. MacBride's name was linked, often controversially, with such causes as Irish nationalism, a united Europe, nuclear disarmament and human rights.

He was a joint winner, with former Prime Minister Eisaku Sato of Japan, of the Nobel Peace Prize in 1974. Mr. MacBride was honored for his work on behalf of human rights.

Three years later, in ceremonies in Dublin, he received the International Lenin Prize for Peace Among Nations for his efforts to end what he once called "this absolutely obscene arms race."

IN JOURNALISM AND LAW

The two awards made him only the second person to win both prizes, the first having been Dr. Linus Pauling of the United States.

Mr. MacBride's career also embraced journalism, law, politics and diplomacy. He was Ireland's Foreign Minister from 1948 to 1951 and an Assistant Secretary General of the United Nations and United Nations Commissioner for Namibia, or South-West Africa, from 1973 to 1976.

In Dublin yesterday, Prime Minister Charles Haughey called Mr. MacBride "a statesman of international status who was listened to with respect throughout the world."

At the time of his death, Mr. MacBride was president emeritus of the International Peace Bureau in Geneva, a well-known peace organization. He had headed the bureau from 1972 to 1985.

AMNESTY INTERNATIONAL FOUNDER

A lifelong rights advocate, he was a founder of Amnesty International in 1961 and served as its chairman until 1975. Almost simultaneously, from 1963 to 1970, he was secretary general of the International Commission of Jurists and remained a member of that rights group until his death.

Mr. MacBride was sometimes criticized from both ends of the political spectrum, by the right as being too close to the Kremlin in his views and by the left as secretly advancing American conservative interests.

As recently as 1980, he raised hackles among some Western journalists and governments as the head of a study commission on world communications of the United Nations Educational, Social and Cultural Organization. The commission's report prompted fears that it would lead to greater government control of the press, particularly in third-world countries.

Mr. MacBride came naturally to his youthful revolutionary inclinations. Born in Paris on Jan. 26. 1904, he was the son of Maj. John MacBride, a County Mayo man who formed the irish Brigade that fought against the British in the Boer War and who was executed in 1916 by the British for his part in the Easter Uprising in Dublin.

EDUCATED IN FRANCE

The major's wife and Sean's mother was a beautiful Irish actress and revolutionary by the name of Maud Gonne, the daughter of a British army colonel. She was called the Joan of Arc of Ireland and was celebrated in the poetry of William Butler Yeats, who at one time was in love with her.

Sean MacBride was educated in France and remained there until 1916, when he and his mother managed to spirit themselves into Ireland. That year, at the age of 12, he joined the Irish Volunteers, forerunners of the Irish Republican Army. He was only a year older when he was arrested for the first of many times by the British, who sent him to prison three times—in 1918, 1922 and 1930.

Mr. MacBride spent 20 years "on the run" with the I.R.A. and was 24 years old when he became chief of staff of the underground army. He ended his association with the I.R.A. in 1937.

While fighting the British, he managed to earn a law degree at Dublin's National University. Mr. MacBride, who was admitted to the Irish bar in 1937, quickly became the most successful trial lawyer in Dublin. A brilliant pleader, he earned the coveted title of senior counsel in seven years; it usually took 15.

FROM LAW TO POLITICS

From law it was an easy step into Irish politics, dominated since 1932 by Prime Minister Eamon de Valera's Fianna Fail Party. Before the 1948 election, Mr. MacBride formed a new and radical party, the Republican Party, and in cooperation with other opposition parties managed to unseat Mr. de Valera. His prize, the Foreign Ministry, took him into the international arena, which he never left.

Mr. MacBride had been elected to Parliament in 1947 and served there until 1958. His party, however, disappeared as a political force in Ireland in 1965.

As the United States-sponsored Marshall Plan to rebuild Europe after World War II was getting under way in the late 1940's, Foreign Minister MacBride was named in 1948 a vice president of the newly formed Organization for European Economic Cooperation, a forerunner of the European Economic Community. He held the post until 1951 and, during one year, 1950, also served as the president of the Council of Foreign Ministers of the Council of Europe.

In 1984, at the age of 80, Mr. MacBride took on another controversial issue. He was the chief sponsor of an antidiscrimination code known as the MacBride Principles. Aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Roman Catholics, the code was much debated there and in this country and Britain.

Mr. MacBride's Argentine-born wife of 50 years, Catalina Bulfin, died in 1976. He is survived by a son, Tiernan, and a daughter, Anna.

SEAN MACBRIDE—GREAT IRISH PATRIOT IS DEAD

DUBLIN.—Sean MacBride, one of the most remarkable men of the 20th century, died at his home here on Jan. 15 after a short illness. He was 83 years old.

In a career that spanned 70 years, he was in turn an Irish freedom fighter, chief of staff of the IRA, an outstanding lawyer, Ireland's Foreign Minister, a United Nations Assistant Secretary General, U.N. Commissioner for Southwest Africa, a founder of Amnesty International, a Nobel Peace Prize winner and a Lenin Peace Prize winner.

Sean MacBride was born in Paris on Jan. 26, 1904. He was the son of Maj. John MacBride, a County Mayo man who formed the Irish Brigade that fought against the British in the Boer War in South Africa and who was executed in 1916 by the British for his part in the Easter Rising in Dublin.

The major's wife and Sean's mother was a beautiful Irish actress and revolutionary by the name of Maud Gonne, the daughter of a British army colonel. She was called the Joan of Arc of Ireland and was celebrated in the poetry of William Butler Yeats, who at one time was in love with her.

Sean MacBride was educated in France and remained there until 1916, when he and his mother managed to spirit themselves into Ireland. A year later, at the age of 13 he joined the Irish Volunteers, forerunner of the Irish Republican Army. He was only a year older when he was arrested for the first time by the British who sent him to prison in 1918, 1922 and 1930.

He was leading his own IRA unit when he was 16½ and became a trusted lieutenant of General Michael Collins.

Mr. MacBride spent 20 years with the IRA and was 24 years old when he became chief of staff of the underground army. He ended his association with the IRA in 1937.

During this period, he managed to earn a law degree at Dublin's National University. Mr. MacBride, who was admitted to the Irish bar in 1937, quickly became the most successful trial lawyer in Dublin. A brilliant pleader, he earned the coveted title of senior counsel in seven years; it usually took 15.

Over the years, Mr. MacBride often defended IRA suspects or fought antiterrorist legislation, but he strongly opposed the IRA's current campaign of violence.

In 1946, Mr. MacBride was one of the founders of a new radical nationalist political party, Clann na Poblachta. In the general election of 1948, Clann na Poblachta in conjunction with other opposition parties defeated Prime Minister Eamon DeValera's Fianna Fail Party, which had been in power for 16 years.

Elected to the Dail (Parliament) in 1947, Mr. MacBride served there until 1958. After the 1948 election he held the position of Foreign Minister in the Coalition Government until 1951.

A lifelong human rights advocate, he was a founder of Amnesty International in 1961 and served as its chairman until 1975. Almost simultaneously, from 1963 to 1970, he was secretary general of the International Commission of Jurists and remained a

member of that rights group until his death.

His crusades for human rights and nuclear disarmament won him many admirers around the world.

From 1971 to 1974 he was U.N. Commissioner for South-West Africa, also known as Namibia, which is controlled by South Africa.

He made the cause of Namibian independence an international issue and won the 1974 Nobel Peace Prize although he failed to persuade Pretoria to yield control of the mineral-rich territory.

In 1977 MacBride got the Soviet Union's Lenin International Prize for Peace for his work in Namibia, underlining his reputation as a freedom fighter on both sides of the Iron Curtain.

The two awards made him only the second person to win both prizes, the first having been Dr. Linus Pauling of the United States.

In 1984, at the age of 80, Mr. MacBride took on another controversial issue. He was the chief sponsor of an antidiscrimination code known as the MacBride Principles. Aimed at forcing American companies operating in Northern Ireland to insure equal employment opportunities for Catholics.

In the United States, the MacBride Principles, received widespread support. A Bill advocating their use has been passed in four state legislatures and are pending in several others.

In Dublin last Saturday, Prime Minister Charles Haughey called Mr. MacBride "a statesmen of international status who was listened to with respect throughout the world."

Paul O'Dwyer, the Irish American leader and human rights advocate, in Dublin for the funeral said, "Sean MacBride was one of the greatest Irishmen of this century."

Mr. MacBride's Argentine-born wife of 50 years, Catalina Bulfin, died in 1976. He is survived by a son, Tiernan, and a daughter, Anna.

TRIBUTES TO SEAN MACBRIDE

BIAGGI STATEMENT

The following statement was issued by Congressman Mario Biaggi and was sent to the MacBride family in Ireland:

"On behalf of the 118 member Ad Hoc Congressional Committee on Irish Affairs, I send our deepest condolences on the passing of Sean MacBride. Few leaders in this century have contributed as much to the cause of world peace as this man of principle, commitment and compassion.

"Sean MacBride provided great inspiration to me over the 20 years I have been involved in the cause of peace and justice for his beloved Ireland. The committee will continue to work for passage of legislation to require that the MacBride Principles be adopted by American firms in Northern Ireland. It would be a most fitting tribute to the memory of this extraordinary man."

IRISH NATIONAL CAUCUS STATEMENT

The following statement was issued by the Irish National Caucus and was signed by Fr. Sean McManus, national director and Rita Mullan, executive director:

"Sean MacBride was the last of the great Fenians and eternity is not long enough, nor heaven good enough to adequately reward him.

"He was one of the greatest Irishmen of this century. He had enormous dedication to his country, to international human rights and to world peace.

"He was a man of profound wisdom and compassion. The most fitting tribute that the Irish National Caucus can pay to him is to ensure that the MacBride principles (which the Caucus named after him) will continue to be a powerful force for justice and peace in Ireland.

"May this noble son of Ireland rest in God's eternal peace and may his name live forever in the memory of those who love justice and peace the world over."

PEC STATEMENT

The following statement from the American Irish Political Education Committee (PEC) was signed by John Finucane, the national president:

"We are deeply saddened by the death of our esteemed and honored friend, Dr. Sean MacBride. As we mourn his passing and in final tribute to Ireland's greatest statesman of the 20th century, we proclaim 1988 "the year of the MacBride Principles." The PEC has called upon all concerned Americans to rededicate themselves to the success of the MacBride Principles campaign."

STATEMENT BY LENIHAN

The following statement was issued in Dublin by Irish Foreign Minister Brian Lenihan:

"I have learned with deep sorrow of the death of Sean MacBride, one of the most distinguished Irishmen of our time. Sean MacBride served his country as Minister for External Affairs from 1948-51, and ever since then, throughout the political lifetime of the members of today's Dail, he has played a major part in the affairs of our nation.

"Outside Ireland, Sean MacBride worked untiringly in the cause of international cooperation. A review of the offices he held reveals not only his international standing but the special concern he felt for the victims of injustice. Among other things, he was Chairman of Amnesty International, Secretary-General of the International Commission of Jurists, and Assistant Secretary-General of the U.N. and U.N. Commissioner for Nambia.

"Sean MacBride pursued his political career through difficult and demanding times, as did so many others of his generation. If he was sometimes a controversial figure, it may have been on occasion because his thinking was too challenging, his perspective too broad for conventional wisdom. He was often ahead of his time in his awareness of the position in international affairs of the newly independent nations, in his determination to bridge the divide between east and west, and in his belief in the force of justice in international relations. His outstanding contributions deserve our respect, as indeed they earned him the Nobel Peace Prize, the Lenin Peace Prize and a number of other major international awards.

"It is the better part of a century since Yeats wrote

MacDonagh and MacBride
And Connolly an Pearse
Now and in time to come
Wherever green is worn
Are changed, changed utterly. . . .

Sean MacBride carried on the noble tradition of his parents, Maud Gonne and John MacBride. He will be remembered not only "wherever green is worn," but in every continent. May He Rest In Peace."

LEFTOVER BITS FROM AN EDITOR

Sean MacBride did not deal in guile. Many men and women who reach the level he did in international political affairs routinely deal in guile.

But it was not for him. He dealt straight up. In the vernacular of the day, what you saw was what you got.

Sean MacBride was principled. He fought the fight for freedom and justice throughout the world, never swerving from a path he chose which was generally paved in truth.

Of course, he was not infallible and like all of us made mistakes. But they were the mistakes of enthusiasm and sometimes of frustration.

But he did not become bitter and he did not ever accept defeat. He perservered and in so doing inspired thousands of others to join the fight for liberty and justice in Ireland and throughout the world.

IRISH NATIONAL CAUCUS' TRIBUTE TO SEAN MACBRIDE

WASHINGTON, DC, January 15, 1987.—"Sean MacBride was the last of the great Fenians . . . and eternity is not long enough, nor Heaven good enough to adequately reward him," said Father Sean McManus, national director, and Rita Mullan, executive director of the I.N.C.

"He was one of the greatest Irishmen of this century. He had enormous dedication to his country, to international human rights and, to world peace. He was a man of profound wisdom and compassion."

"The most fitting tribute the Irish National Caucus can pay to him is to ensure that the MacBride principles—which the caucus named after him—will continue to be a powerful force for justice and peace in Ireland."

"May this noble son of Ireland rest in God's eternal peace and may his name live forever in the memory of those who love justice and peace the world over."

[From the Wall Street Journal, Jan. 21, 1988]

SEAN MACBRIDE: THE MAN WHO SMELLED A RAT

(By Alexander Cockburn)

ARDMORE, IRELAND.—Eight miles along the coast from here is the town of Youghal. Sir Walter Raleigh was its mayor in 1588 and today his bureaucratic descendants, the Youghal Urban District Council, wrestles with problems too minute for Sir Walter, who was more preoccupied with his "History of the World" and staying awake while his friend Edmund Spenser read drafts of "The Faerie Queene" to him after dinner. A couple of weeks ago Councilor Bob Bickerdike of Youghal proposed that the relevant authorities be called upon to attend to the problem of rat infestation in Youghal. "The situation here is far more serious than people imagine," Mr. Bickerdike stated, adding that recently a woman in the Raheen Park area of town had been bitten and that "there are killer rats loose in Youghal."

This is not the kind of talk a holiday town likes to hear. Councilor Willie Kenefick said that the type of resolution proposed by Mr. Bickerdike could easily attract headlines that would be unfavorable to Youghal. Other council members concurred, and an investigation found that the town was not infested with rats.

The world is divided pretty much between those inclined to smell a rat and eager to alert the populace, and those who take the view that given suitable discretion the problem might disappear of its own accord. While the councilors of Youghal were deliberating, life was seeping from one of Ireland's greatest men and champion rat smell-

ers. Dead at the age of 83 on Jan. 15, Sean MacBride moved on the world stage, and his long life takes us back to the dawn of the century and the swell of the nationalist movements that have helped shape our times.

MacBride's mother was Maud Gonne, the nationalist heroine hailed by Benjamin Constant as "the most beautiful woman in Europe," inspiration for some of W.B. Yeats's most beautiful poems. His father was a Fenian, John MacBride, executed in 1916 for his part in the Easter uprising. It was of him Yeats wrote, "He, too, has been changed in his turn,/ transformed utterly:/ A terrible beauty is born."

Young Sean was born in Paris in 1904 but transported by his mother to Dublin 12 weeks later to be baptized. The boy grew up in Paris, thus giving his accent an indelible Franco-Gaelic lilt, and acquired education from Yeats and Ezra Pound.

MacBride returned to Ireland in 1918, then joined the Irish Volunteers, and in 1921 was one of those who along with Eamon de Valera opposed the treaty and thus found himself in Mountjoy prison. For the next 15 years he was in and out of prison, on the run and organizing the IRA.

In 1936 he became chief of staff of the IRA, but a year later left the organization, opposed to a planned bombing campaign in England and swayed by De Valera's proposed constitution, which affirmed Irish unity and removed the oath of allegiance to the British crown. MacBride and his fellows felt their struggle could be pursued by constitutional means, and he held this position to the end of his life. A decade later he was in the postwar Irish coalition government as foreign minister.

The word "statesman" is not one imbued with energy. But MacBride was a statesman in the active and virtuous sense—in the 30 years after he quit domestic politics he exercised his talents on behalf of the rights of man. In 1961 he was one of the founders of Amnesty International. In 1973 he became U.N. commissioner for Namibia. In 1977 he chaired UNESCO's special commission on a new world information order. Throughout the entire period he was a crusader for disarmament. Uniquely in the world, he shared the Nobel peace prize in 1974 and was given the Lenin peace prize in 1977.

As one might expect of so vigorous a rat smeller, he provoked hostility. Governments roared their anguish under the lash of Amnesty International's reports, but who now questions the organization's integrity? MacBride's activities on behalf of Namibia aroused fury, but who can deny that Namibia remains under illegal occupation, the rights of its people to self-determination flouted? The UNESCO document on world information, published in 1980, known informally as the MacBride Report, drew down a torrent of abuse on the grounds that it called for the licensing and control of journalists by governments, a crafty distortion of an actual proposal for protection of journalists in war zones. But what objective person could deny the inequities in the control and flow of information passing between the First and Third Worlds?

The British establishment hated him till the day he died. As MacBride's coffin was being lowered into his mother's grave at the start of this week, the London Times printed a distraught editorial denouncing him as "a cosmopolitan high priest" of the "cult of violence." About the partition of Ireland MacBride said as foreign minister in the late 1940s that it would create a situation in Northern Ireland comparable to that in Palestine in 1946-48. Who can now controvert the truth of that prediction?

Because he helped hold Ireland clear of NATO after the war, MacBride similarly earned the hostility of ruling circles in the U.S. so he was duly denounced as a Soviet cat's-paw and drummer for the PLO. MacBride was no country's or movement's kept man. Because he spoke up for Palestinian rights he earned the enmity of Israel's ruling circles and American-Jewish organizations in the U.S. Who would now disagree with him about abuses of Palestinian human rights in the Occupied Territories, Gaza, and in Israel itself?

MacBride kept jabbing at injustices that will not go away. The last movement associated with his name was the campaign in the U.S. for the "MacBride Principles," promoted by labor and the Irish National Caucus, seeking to make it incumbent on U.S. companies invested in Northern Ireland to increase representation of minorities, ban provocative symbols in the workplace, publicize job openings and so forth. This peaceful and legal campaign has aroused British fury, but who can dispute that Catholic unemployment runs at twice that of Protestants' in the north and that this is one of the underlying causes of internecine strife?

One of MacBride's proudest boasts was that he was a member of the government that in 1949 passed the Republic of Ireland Act, which he said, "took the gun out of politics in the south." He proclaimed the right of the Irish People to sovereignty over the 32 counties, but his final vision, in 1983, was for a federal cantonal system along Swiss lines as an answer to the partition problem. He predicted that in a decade or two the exhaustion of paramilitary organizations on both sides, the indifference of the British and their impatience at the expense of an army presence would admit a peaceful solution.

Those who vilify his memory and talk of a "terrorist" past should look at themselves, whether it be the British with their courtroom travesties in Ulster, South Africans ravaging justice in Namibia and their own country, Israelis spurning international law in the Occupied Territories, Americans defying the World Court in funding terror in Nicaragua or Soviets and other socialist countries abusing the rights of their citizens; all should ponder a life that did honor to the best in man.

JERRY LASURDO: LEGENDARY BANKER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to bring my colleagues' attention to an article about Jerry Lasurdo, chairman of the Green Point Savings Bank of Flushing, Queens County, NY, that recently appeared in the magazine, Crain's New York Business.

Jerry Lasurdo is a valued business and civic leader in the Queens community. Under his leadership, Green Point Savings Bank has become an innovator in the banking industry and a great source of pride for the people of Queens.

I include the article in the CONGRESSIONAL RECORD so that my colleagues may learn more about Jerry Lasurdo.

[From the Crain's New York Business, Dec. 21, 1987]

GREEN POINT'S OLD-FASHIONED WAYS MAKE IT TOPS IN PROFITS; WILL BONANZA CONTINUE?

(By Alan Breznick)

Green Point Savings Bank is not what one would call a trendy thrift. It still has its original name, owns no automated teller machines and avoids Manhattan like the plague. It does no radio or television advertising, makes few consumer loans and shuns Wall Street's attention. It never lends out of state and doesn't even push checking accounts much.

About all Green Point does is rake in deposits and make mortgages, lots of them, to nearly everyone who can afford a 25% down payment. This single-mindedness has turned the old-fashioned, mutually owned thrift into the state's most profitable savings institution.

"We're not too bright here. There are no M.B.A.s," says I.J. Lasurdo, Green Point's wise-cracking, 71-year-old chairman and president. "We're just good businessmen."

Indeed. In the early 1980s, when the twin demons of deregulation and steep inflation forced most banks to abandon the mortgage market, Green Point didn't, lending money out at 18% and 19%. As a result, the thrift gained market share on every rival except Citibank, the New York mortgage king.

"The others tightened up, battened down the hatches and waited for the tornado to pass," Mr. Lasurdo says. "We went into the eye of the storm."

Whether Green Point can continue to steamroll is another story as more lenders have crowded the mortgage field and the local mortgage market has turned sour. Other banks and thrifts have made inroads this year, including giants like Chemical Bank, Chase Manhattan Bank and Crossland Savings.

Observers also wonder what will happen when Mr. Lasurdo, the body and soul of Green Point to many, retires in two years. They express doubt that Green Point's old-fashioned ways can carry it strongly into the 1990s.

But no one disputes the thrift's stunning performance so far or the role of Jerry Lasurdo, the man behind much of Green Point's success.

The down-to-earth banker started with the thrift in 1935 at $75 a month and spent most of his years as a mortgage loan officer. He still rises most mornings at dawn to jog around a Manhasset, L.I., track, before arriving at the mutual's Flushing, Queens, headquarters to sign off on every mortgage request.

Under his leadership since 1974, Green Point has quietly developed into a slick mortgage machine even though its rates are on the high side. In 1986 it churned out a record-high 22,000 mortgages—$2.1 billion worth. It also has more than doubled in size over the last five years, passing $3 billion in both assets and deposits.

"I don't know much about them," says Peter Treadway, a thrift analyst for Smith Barney, Harris Upham & Co. "But I've never met a thrift banker that wasn't in awe of them."

It's easy to see why. In the first half of this year, Green Point reported a $48.7 million profit, a phenomenal 2.9% return on

assets. Locally, only the much larger Dime Savings Bank of New York and Crossland earned more.

In addition, Green Point made $91 million last year, adding more to its capital base than it did in the previous 112 years combined. It enjoyed strong years in 1984 and 1985 and even posted profits in 1982 and 1983, when most thrifts hemorrhaged red ink.

In fact, Green Point has made so much money lately that numerous investment bankers have reportedly come knocking on Mr. Lasurdo's door, seeking to take the mutual public. But the chairman has sternly turned them all down, saying he doesn't need more capital. "What the hell are we going to do with it?" he demands.

Green Point has built much of its sterling reputation by practicing a unique lending policy that breaks with the thrift industry's generally cautious posture and draws the ire of other bankers. It does not demand that borrowers verify such basic information as income and place of employment. If an applicant can make a 25% down payment on the home's value, that's usually good enough to borrow the other 75%.

Most Green Point borrowers opt for this "automatic credit" approach, which involves a simple check through a credit bureau and permits loan approvals within days. If applicants desire, the thrift will perform a complete credit check and award a lower interest rate, but that takes longer.

Other savings bankers see this policy as near-blasphemy because of the high potential risks. But Green Point and its backers say the risks are quite calculated and have not proved to be a problem.

"We are not the IRS," Mr. Lasurdo says. "Some may live more modestly than others, some may not report all their income, some may get money from their inlaws. It's not my job (to check)."

In fact, the chairman claims, the thrift has had to foreclose on just two of more than 100,000 mortgages, both largely because of divorce. Analysts agree that Green Point, like most mortgage lenders, has relatively few delinquency problems because consumers rarely default on their most precious possession—their homes.

Green Point also owes much of its mortgage success to its strong, informal network of real estate brokers, lawyers, accountants and other financial advisers who steer borrowers to the thrift. Mr. Lasurdo still spends much of his time cultivating this network, which brings in a lion's share of the mortgage applications.

Other institutions envy this network and have started going after it. Citibank, for instance, runs a "Mortgage Power" program for brokers that, for annual $2,500 fee, permits them to offer advice, lower fees and quicker loan approvals to their customers.

Unlike many rivals, Green Point also maintains an army of 18 home appraisers who fan out over the metropolitan area and quickly report their findings back to the home office. Other lenders hire outside appraisers.

Finally, Green Point spends heavily on no-nonsense newspaper rate advertising, eschewing the image ads that competitors like Crossland, Anchor Savings Bank and Bowery Savings Bank run on the radio and television. Robert Moss, president of Competitrack, which monitors bank ads, estimates that Green Point spent $1.6 million on these "supermarket" rate ads through the first 10 months of 1987, $300,000 more than second-place Dime.

"Print is very successful," says Mr. Lasurdo, who cut out Green Point's radio campaign when he took over.

Luck has also played a role in Green Point's success. Like other old-line thrifts, it had the good fortune to grow up in a solid, working-class community that stresses saving. The thrift takes its name (although not its spelling) from the Greenpoint section of Brooklyn, a largely Polish waterfront community that has changed little over the years, just like the mutual.

In fact, Green Point's grand main branch on Manhattan Avenue, which towers over the Polish delicatessens, bakeries and shops lining the commercial drag, now holds an enormous $410 million in deposits, 21 years after the thrift moved its executive offices to Flushing. The 79-year-old branch, lavishly decorated for the Christmas season, boasts an imposing white granite exterior topped by a rounded dome, thick marble columns and at least two dozen teller stations. A clock outside the main entrance proclaims "Time To Save."

Unlike some of its fellow old-line thrifts, Green Point has not left those roots behind. It has steadfastly avoided the lure of Manhattan, for instance, preferring to build its 15-branch network largely in working- and middle-class areas of Brooklyn, Queens and Long Island.

That strategy has paid particularly high dividends since the early 1980s, when deregulation and galloping interest rates forced all banks to pay much more for consumer deposits. In fiercely competitive Manhattan, consumers are more savvy and more prone to shift "hot money" from one bank to another in pursuit of the highest rates.

Moreover, unlike its fellow thrifts, Green Point never invested heavily in long-term, fixed-rate bonds. In the rampant inflation of a few years ago, Green Point's large pool of low-rate mortgages offered a healthier cash flow than bonds, which pay interest only twice a year.

"They got hammered on long-term, fixed-rate mortgages, but they still got monthly payments," says Thomas Schettino, a managing principal in Lyons, Zomback & Ostrowski, a thrift analyst and consultant. "The others got hammered down (worse)."

As a result, Green Point had money to lend in the early 1980s, when the other thrifts virtually stopped lending and struggled to stay afloat, and copped its second-place market share behind Citibank and ahead of Dime and Long Island Savings Bank.

"When I was with the FDIC (Federal Deposit Insurance Corp.), they were closing mortgages like crazy while basically everybody else was out of the market," Mr. Schettino recalls.

Adds Al Sorrentino, a vice president in Citibank's real estate business management unit, "Us and Green Point, that was about it."

Now Green Point faces some new challenges, even from veteran rivals. Citibank's highly successful "Mortgage Power" program, for one, has cut into the mutual's broker referral business.

"Right now we are seeing roughly 70% of our mortgage applications coming through our broker program," says Citibank's Mr. Sorrentino.

The bank, which has 1,100 local brokers signed up for the program, gave out $5 billion in mortgages last year and expects to match that this year.

Green Point has come back fighting. Earlier this year, the thrift launched "Advantage," its own version of "Mortgage Power." It offers similar benefits to brokers at one-fifth the Citibank price.

So far, Mr. Lasurdo says, 500 brokers have signed up.

But more lenders are contending than ever before, driving down profit margins and forcing all institutions to chase more marginal loans. Up-and-comers include Astoria Federal Savings & Loan Association. Emigrant Savings Bank and the reawakened Bowery.

"I think a number of the new players in the marketplace are definitely gaining market share," says William Zimmerman, marketing director of Long Island Savings.

His institution clocked just over $1 billion in new mortgages last year and expects to close 1987 with nearly the same.

What's more, the local mortgage market, paralleling the national one, shows few signs of awakening from its recent sluggishness. Hammered by rising interest rates, this fall's plunging stock market and recessionary fears, fewer New Yorkers are purchasing homes and apartments.

"The marketplace has turned frigid," Citibank's Mr. Sorrentino says.

Nevertheless, Green Point has few plans to change its ways, other than to keep shifting more of its mortgage portfolio toward adjustable-rate loans rather than fixed-rate ones.

Although other thrifts may branch out into consumer loans, commercial loans, credit cards and other newfangled products and services, Mr. Lasurdo will have none of that.

The thrift executive's only concession may be the installation of ATMs in a pilot program, years after his rivals.

We stick to what we know best, what we do best, what produces the most desirable results with the least amount of risk," Mr. Lasurdo says. Despite a drop-off in business of 40 percent to 50 percent in the second half of the year, he plans to close 17,000 mortgages by year-end, for a total of $1.75 billion.

With more capital than it needs. Green Point does intend to open new branches next year in Lynbrook and Commack both on Long Island, as well as possibly Staten Island and the Midwood section of Brooklyn. This past summer, the thrift opened its first branch in Westchester County. But few other changes are contemplated.

Observers wonder how the thrift will fare when Mr. Lasurdo retires, as he plans to do at the end of 1989 after 54 years.

"Jerry has grown up in that business. A great deal is due to him," says an executive at a rival thrift. "I don't see any management behind him."

Mr. Lasurdo, however, modestly poohpoohs such concerns. He says his successor will come from three executive vice presidents who are all in their forties and fifties—Martin Dash, James Cava and Michael Gagliardi, a recent recruit from Dollar Dry Dock Savings Bank.

"We're looking for a clone of Jerry Lasurdo," Mr. Lasurdo only partially jokes.

COLOMBIAN CHIEF PROSECUTOR KILLED BY DRUG TRAFFICKERS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GILMAN. Mr. Speaker, we are all appalled to learn that Carlos Mauro Hoyos, Colombia's chief prosecutor, has been murdered by drug traffickers.

While investigating the recent release from prison of the notorious drug trafficker, Jorge Luis Ochoa Vasquez—the second in command of the Medellin cartel—Hoyos' car was run off the road and sprayed with machinegun fire near an airport on the outskirts of Medellin. Two of his bodyguards were killed, and, according to a policeman's eyewitness report, Mr. Hoyos was bleeding from the throat. His body was later found alongside the highway.

Our Select Committee on Narcotics Abuse and Control, on which I serve as ranking minority member, is fully familiar with the violence that has become a day-to-day occurrence in Colombia. The ruthless Colombian drug traffickers, over the past few years, have assassinated Colombia's Minister of Justice Rodrigo Lara Bonilla; news editor Guillermo Carro and a number of other journalists engaged in an antidrug crusade; Col. Jaimie Ramierez Gomez, commander of the Jamoes Colombian antinarcotics unit; killed 21 judges including one-half of Colombia's highest court; and attempted to assassinate former Justice Minister Enrique Parejo in Hungary, where he was serving as Colombia's ambassador.

Our Drug Enforcement Administration estimates that the Medellin cartel controls 80 percent of the cocaine that enters the United States. The narco-traffickers have been doing their best to prevent the Colombian Government from extraditing to the United States drug kingpins such as Ochoa for prosecution. The Colombian drug traffickers this week announced a total war on officials who try to extradite them to the United States to face criminal charges. Their objective is to terrorize and intimidate the entire Government of Colombia and its citizenry.

The tragedies of Colombia underscores the need for us to expand our efforts to awaken the world to the dangers of the narco-traffickers undermining the judiciary and holding governments hostage to their demands.

Having just returned from conferring with members of the European Parliament as well as with the leaders of several southeast Asian nations, I am convinced that a worldwide full scale war against these drug traffickers and their deadly product is the only way we will succeed in eradicating the menace of drug abuse and narcotics trafficking from the face of the Earth. Courageous men who will follow in Mr. Hoyos' footsteps need to know that they enjoy our Nation's full support for their noble efforts, as well as our prayers. And the narco-traffickers must learn that law-abiding nations will not retreat, even in the face of their wanton acts.

RESOLUTION ON RELIEF EFFORTS IN DROUGHT-STRICKEN AFRICAN NATIONS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. HALL of Ohio. Mr. Speaker, today along with several of my colleagues, I am introducing legislation to commend the President, the Secretary of State, and the Administrator of the Agency for International Development for the effective relief efforts they have organized for the people of Ethiopia and for other hungry, needy people in sub-Saharan Africa. This concurrent resolution also encourages these executive branch officials to continue and extend their efforts to reduce suffering in Africa.

Unfortunately, it is already clear that this year will be particularly difficult for millions of Africans—people who already are hungry and not particularly healthy. Our Government has an unequivocal stance on how to respond to this continuing tragedy: the United States people as represented by their government will continue to do everything possible, go anywhere, to stop hungry people from starving.

As we respond to the needs of millions of people across the African continent, we must be particularly ready to deliver medical supplies and other essental life-saving provisions as soon as and where they are needed. And we cannot forget the pain and suffering of the millions of people who have left their homes to travel sometimes hundreds of miles in search of a little bit of food and a cup of water.

I was in Ethiopia in December. I saw a videotape of young boys who had walked hundreds of miles from their homes in the Sudan in search of food. They looked near death. And they were the survivors. We must help these people.

For the benefit of my colleagues, the full text of the resolution follows:

H. CON. RES. 239

Concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people of Ethiopia and other drought-stricken nations in sub-Saharan Africa, and to encourage these officials to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes

Whereas in excess of 5,000,000 people in Ethiopia will need emergency food assistance during 1988;

Whereas additional millions of people in other nations of sub-Saharan Africa will need emergency food assistance during 1988;

Whereas the United States Government and United States private and voluntary organizations have taken a leading role in responding to the food emergencies in Ethiopia and across Africa during the past four years, and were instrumental in saving the lives of several million people; and

Whereas the humanitarian traditions of the American people are best represented by a generous, effective response to the present emergency food needs in Africa without regard to politics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the President, the Secretary of State, and the Administrator of the Agency for International Development for their efficient and timely response to the drought and the growing food emergency in Ethiopia and other affected nations of sub-Saharan Africa;

(2) encourages the President, the Secretary of State, and the Administrator of the Agency for International Development to continue and extend all efforts deemed appropriate to preclude the onset of famine in the drought-affected regions of Ethiopia and other sub-Saharan African nations;

(3) in particular urges the President, the Secretary of State, and the Administrator of the Agency for International Development to pursue all appropriate means to ensure the timely delivery of medical supplies and other essential life-saving emergency relief supplies needed to prevent the unnecessary loss of life;

(4) declares that the United States Government response to these food emergencies in sub-Saharan Africa should include all appropriate initiatives to prevent the dislocation of large numbers of persons across national borders and/or into relief camps; and

(5) further declares that the plight of those who have become refugees or have otherwise been displaced as a result of drought, civil strife, or regional conflict in sub-Saharan Africa should be addressed with an emphasis on ensuring the provision of basic human needs, including food, water, shelter, clothing, tools, and seeds.

THE NUCLEAR COOPERATION AGREEMENT BETWEEN THE UNITED STATES AND JAPAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BROOMFIELD. Mr. Speaker, today Congressman FASCELL, the chairman of the House Foreign Affairs Committee, and I introduced a resolution approving the proposed nuclear cooperation agreement between the United States and Japan.

This resolution is required by the Atomic Energy Act of 1954 as amended by the Nuclear Non-Proliferation Act of 1978, and further by the Export Administration Amendments Act of 1985. It is introduced by request, and commits neither of us to support the agreement. Rather, the resolution provides a legislative vehicle of the Foreign Affairs Committee and the House to express its views on this proposed agreement between the United States and Japan.

The Foreign Affairs Committee will be holding additional hearings on this very important matter. Several serious issues are involved from the impact of the agreement on the protection of U.S.-supplied nuclear materials, to nuclear nonproliferation concerns, and several environmental and safety considerations. I join Chairman FASCELL in urging all Members to

review the proposed nuclear cooperation agreement with Japan carefully.

RECOGNITION OF LERONE BENNETT, JR.

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DOWDY of Mississippi. Mr. Speaker, I would like to ask my colleagues here in Congress to join me in honoring a very special person, Mr. Lerone Bennett, Jr.

We in Mississippi are very proud of this accomplished author, journalist, lecturer, and historian who was educated in the public schools of Jackson, MS.

Mr. Bennett currently holds the position of senior editor at Ebony magazine. He has written several books, including "What Manner of Man: A Biography of Martin Luther King, Jr.," "The Challenge of Blackness," and "Before the Mayflower: A History of the Negro in America," which is now used in several colleges and universities as a textbook for black studies.

Before joining Ebony magazine, Mr. Bennett worked as a reporter and city editor of the Atlanta Daily World, as associate editor of Jet magazine, and associate editor of Ebony magazine. He has served as an advisor and consultant to several national organizations and commissions, including the National Advisory Commission on Civil Disorders. Mr. Bennett has also served as a delegate to the Sixth Pan-African Congress, in Tanzania, and the Second World Festival of Black and African Art in Nigeria. Mr. Bennett's short stories, poems, and articles have won critical acclaim. They include Rhetoric and Literature, Coming of Age in Philosophy, Myths and Motifs in Literature and the Media and the Critics. His books and short stories have been translated into French, German, Japanese, Swedish, Russian, and Arabic. Mr. Bennett has traveled extensively in Europe and Africa. He has lectured in colleges and before audiences in all regions of the country. A graduate of Morehouse College, Mr. Bennett now sits on the Morehouse College Board of Trustees.

Mr. Speaker, there will be a homecoming ceremony in Mississippi to welcome Lerone Bennett home and to thank him for the inspiration he has given to thousands of his admirers over the years. Please join me in extending our very best wishes to Mr. Bennett on this special occasion.

A TRIBUTE TO PRESIDENT CHIANG CHING-KUO

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. QUILLEN. Mr. Speaker, January 13, 1988, was a sad day for all the Chinese people in the Republic of China on Taiwan. Their leader, President Chiang Ching-Kuo, died of a heart attack.

In the last 12 months, the late President Chiang Ching-Kuo ended martial law and permitted opposition groups to form. Last winter he allowed Taiwan citizens to visit their relations in China. Indeed, the late President Chiang laid a firm foundation for democracy to flourish in Taiwan.

I join my friends in the United States Congress in sending my condolences to President Lee Teng-hui of the Republic of China on Taiwan. I hope and trust that Taiwan will continue to grow economically and politically in the future.

INTRODUCING THE PARENTAL ASSISTANCE WITH TUITION BONDS ACT OF 1987 AND THE PARENTAL ASSISTANCE WITH TUITION SAVINGS CERTIFICATE ACT OF 1987

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WILLIAMS. Mr. Speaker, today, I am introducing two bills, both designed to help parents save for their children's college educations.

Americans have long realized the importance of a college education; its attainment not only adds to the quality of life but also represents an economic boost. In support of this view, the U.S. Census Bureau recently published data from its 1984 "Survey of Income and Program Participation." These data indicate that individuals with college degrees earn nearly twice the income of high school graduates. Obtaining a college degree provides an important economic benefit, not only to the individual but also to Government. Therefore, the cost of attaining a college degree is a matter of growing concern to families, students, and Government.

In contrast to the obvious importance of obtaining a college degree, American families are not saving adequately to meet future college costs. According to a 1984 survey conducted by the National Association of Independent Colleges and Universities, fewer than 20 percent of parents with incomes under $20,000 saved for college; about 52 percent of parents with incomes between $20,000 and $30,000 saved for college; and about 70 percent of parents with incomes over $30,000 saved for college.

According to the 1980 survey of high school seniors and their parents conducted by the Department of Education, about two-fifths of the families of college students had saved for college costs; the median amount saved was $2,500. Unfortunately, about one-quarter of the middle-income parents who did save, waited until their children were enrolled in high school to begin saving.

As these two surveys indicate, most parents are not saving sufficiently to provide for their children's college education needs. Therefore, it is the purpose of this legislation to provide parents with an incentive to save so that they might better provide for their children's postsecondary education needs.

The first bill, The Parental Assistance with Tuition Bond Act of 1987, amends the Tax Code, as follows:

First, the Secretary of the Treasury would be directed to issue a special savings bond, designated for use in meeting postsecondary education costs.

Second, parents who buy these bonds would be able to deduct a portion of their costs—up to $2,000 annually for low-income families; for families with higher incomes, the tax advantage is ratably reduced—from their annual income before determining their tax liability. The maximum tax deduction per child would be $36,000 over 18 years.

Third, students who exchange these bonds for the costs of attendance at postsecondary education institutions pay no tax on interest the savings bonds have earned over their life. However, if the bonds are cashed in for other purposes, the student pays taxes on the interest, including a 10-percent penalty. Students who own regular savings bonds may have these bonds grandfathered into this interest exemption provision.

The bill would also direct the Secretary of the Treasury to implement support activities to encourage the participation of parents, the private sector, and others in this savings bond program. These activities include: First, stimulating use of payroll deductions; second, encouraging businesses, nonprofits, charitable groups and educational organizations to participate by helping needy students acquire bonds; and third, reconstituting the Savings Stamp Program to enable school-aged children to participate in saving for their college education.

The Parental Assistance with Tuition Savings Bond Program does require a change in both the Tax Code and in the Internal Revenue Code. These changes are needed to encourage participation by families of all income levels and to ensure that the bonds are used for postsecondary education. This bill will encourage savings which in turn will make more money available for Government activities and could thus decrease the need for Government borrowing.

The second bill I am introducing today, the Parental Assistance with Tuition Savings Certificates Act of 1987 does not amend the Tax Code in any way. Instead, this bill gives to the Secretary of Education authority to issue and redeem a postsecondary education savings certificate to be used to pay some or all of the costs of attending a postsecondary education institution. In this way parents will be encouraged to put aside funds for their children's education.

This legislation contains two provisions designed to encourage parental use of education savings certificates. First, the savings certificates are registered in the student's name. Therefore, the tax status of these certificates will be based on the child's lower income rather than on the parents' higher income. However, for purposes of determining the family contribution in calculating eligibility for federally funded student aid, these educational savings certificates will be treated as paren-

tal assets. In this way, the portion of their value that would be considered under current needs analysis procedures would not only be less overall but also would vary as a function of total parental assets. Thus, for example, in families with low incomes, none of the value of these savings certificates likely would be factored into the family's expected contribution in determining eligibility for student aid under title IV of the Higher Education Act.

Second, the legislation contains a provision to encourage schools to accept these savings certificates as payment for all or part of their attendance costs. Institutions which accept these certificates, and which hold their average tuition increases to under a 3-percent increase over the CPI during the 3 previous years, would be eligible to receive an incentive payment based on each institution's pro rata share of all such certificates redeemed for postsecondary education.

The educational savings certificate legislation also directs the Secretary of Education, working with the Secretary of the Treasury as appropriate, to implement support activities to encourage the participation of parents, the private sector, and others in this savings bond program. These activities include: First, stimulating use of payroll deductions by parents for the purchase of educational savings certificates; second, encouraging businesses, nonprofits, charitable groups and educational organizations to participate by helping needy students acquire savings certificates; and third, reconstituting the Savings Stamp Program to enable school-aged children to participate in saving for their college education.

Some months ago, I also introduced H.R. 2509, the Parental Assistance with Tuition Investment Act of 1987. This legislation, which now has 65 cosponsors in the House and has been introduced in the Senate by Senator PELL, establishes a trust that would accept parental savings for postsecondary education, invest these funds in safe Government investments, and pay out the invested funds to educational institutions on behalf of the eligible student in whose name the savings have been invested. This legislation also modifies the Tax Code to create favorable tax incentives for saving for future college costs.

Collectively, these three bills provide a number of options for consideration by the Congress, parents and students, institutions of postsecondary education, and others concerned about enhancing the Nation's ability to provide all its citizens with the benefits of a college education. I encourage my colleagues in the Congress to examine all three bills and to share their thoughts with me. I encourage my friends in the higher education community to do the same. And, I hope that parents and students around the country will also provide the Congress with their thoughts on these three bills. In this way, I believe that the Congress can move on legislation that grows out of this debate, legislation that will be effective, and legislation that will complement our existing student aid programs.

PRESIDENT CHIANG CHING-KUO

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. TALLON. Mr. Speaker, citing President Chiang Ching-kuo's political initiatives during the last year, both the Washington Post and the New York Times have generously praised President Chiang's achievements as a statesman.

In my view, Chiang's most important legacy is his having laid the groundwork for full democratization in the Republic of China.

It must be recognized that Western-styled democracy is by and large a foreign concept to most traditional Chinese, who are used to an authoritarian form of government. Therefore, it was Herculean for President Chiang to change the way the Chinese people think. He persuaded his countrymen that economic prosperity could not be sustained without parallel progress in the area of democratic reforms.

He sought, to the best of his ability, to weed out nepotism, parochialism and corruption in the military and other branches of government. By ruthlessly stamping out poisonous elements in the military and in the Nationalist Party, he earned his people's confidence, thereby making his political reforms possible.

Mr. Speaker, having visited Taiwan and met President Chiang, I know he had his people's confidence; and more importantly, he had their unwavering love and affection. Most importantly, he made them believe that democratization is and will continue to work well in Taiwan.

NATIONAL CIVIC INDEX: RANKING THE CITIES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. SCHROEDER. Mr. Speaker, last November at a National Conference on Civic Renewal in Boston, a national civic index was created as a means for evaluating approaches to community problem solving. The conference, sponsored by the National Civic League, brought together representatives of local government, business and nonprofit organizations in an effort to focus on strengthening the civic infrastructure of American communities.

The national civic index has become an effective tool for self-evaluation, and already it has been applied in a number of U.S. cities. Denver is one of them.

Denver Post senior editor Bill Hornby recently wrote an incisive column about the national civic index and its application by the Greater Denver Chamber of Commerce. Other communities across the country may find his observations interesting and helpful.

[From the Denver Post, Jan. 14, 1988]

HOW DOES METRO DENVER STACK UP ON THE NATIONAL CIVIC INDEX?

(By Bill Hornby)

Is metro Denver's "civic infrastructure" in as good as or better repair than its physical base? Are the political and social processes by which its people solve community problems in as good shape as its roads, bridges, buildings and other built facilities?

The National Civic League, with former Coloradan John Parr as president and Richard L. Anderson of Aurora as a national adviser, probably has accumulated more understanding of how American communities do or don't solve their problems than any other political science study group. Out of this, it has shaped a questionnaire by which any community can evaluate its civic strength. A Western community of any size needs no costly analyst to get this self-evaluating list of questions and put itself on the couch.

Called the National Civic Index, the questions cover elements deemed essential to an effectively working community—Citizen Participation, Community Leadership, Government Performance, Volunteerism and Philanthropy, Intergroup Relations, Civic Education, Community Information Sharing, Capacity for Cooperation and Consensus Building, Strategic/Long Range Planning, and Inter-Community Cooperation.

Still in its infancy and subject to revision through experience, the NCL Index was used to kick off the 1987 Leadership Denver program of the Greater Denver Chamber of Commerce, and has proven a useful tool in other communities.

As Parr puts it, "Healthy communities have the ability to deal with problems and challenges in a collaborative fashion. That is, through joint action among governmental, private sector and non-profit entities. The components of the Index make up what we think to be the critical underpinnings of a community's ability to resolve problems, meet challenges and set directions for the future."

How does metro Denver stack up under the specific questions of the NCL Index? Answers would vary with the state of mind of the answerer, and whether or not he or she was relatively bruised or unbruised from recent community struggle. Don Bain's scorecard might differ from Federico's, and Al Cohen's or Phil Anschutz's from Dave French's!

In pondering specific questions, it strikes this corner that it is in Government Performance, Intergroup Relations and Inter-Community Cooperation that metro Denver's long strides are yet to be made.

The evaluating questions under Government Performance are: "Does the city systematically address qualitative concerns about city services? Are certain neighborhoods given inordinately special treatment? Are alternative ways of delivering services openly considered and utilized when appropriate?" Good questions!

Under Intergroup Relations—"Does the community have programs to stimulate communication between diverse populations? How often do small, specific conflicts escalate to involve larger issues and a wider range of groups? How involved are various 'solidarity' groups in developing broad public policy and providing community-wide services?"

The Index explanation adds, "While all communications have a certain number of coherent 'solidarity' groups, the degree to

which they cooperate in resolving broad issues and co-exist in harmony is an essential measure of civic health." Just how well does Denver stack up when it comes to cooperation among its Hispanic, black and Anglo institutions?

On Inter-Community Cooperation, while the region is making great strides in recent months, these Index questions still bother: "How do local government entities in the area relate to each other? How do region-wide problems or policy disputes get resolved? Does business do economic development or the non-profit sector provide services on a regional basis?"

NCL, in distilling its Index, was convinced "there are fundamental differences between communities that work and those that don't. Some communities argue over their problems while others put their differences aside to solve them. The questions we asked ourselves were what accounts for these differences; what are the basic characteristics of communities that work?"

Denver and the region have had a great deal of good planning under way in the past few years. Our problem has been more than execution of the plans than their creation. But in the constantly changing economy and environment in which we huddle beneath the Rockies, it never hurts to take a fresh look at these basics.

You might like to get the whole Index from NCL at 55 West 44th St., New York, N.Y. 10036, and do a little civic psychoanalysis yourself. It certainly couldn't do the old hometown any harm.

ARCHBISHOP ANTHONY J. BEVILACQUA, THE PRIDE OF BROOKLYN'S CATHOLIC COMMUNITY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to a Brooklyn native son, who has recently been appointed to one of the most important positions in the Catholic Church. A few weeks ago, the Holy Father named Bishop Anthony J. Bevilacqua to be archbishop of Philadelphia.

It is with great pride that I point out to my colleagues that Archbishop Bevilacqua was born and educated in Brooklyn. He began his religious instruction at Brooklyn's Cathedral College and later attended the Seminary of the Immaculate Conception in Huntington, NY. The Archbishop's towering and diverse intellectual strengths are evidenced by the fact that he has also earned a doctorate in Canon Law at the Gregorian University in Rome, an advanced degree in political science at Columbia University, and a doctorate in civil law at St. John's University.

Mr. Speaker, throughout my career in public service, in the New York Assembly and in the Congress, I have had the immense pleasure of working directly with Archbishop Bevilacqua on a number of critical issues. The Archbishop served Brooklyn's Catholic community with distinction, first as director of the diocese's migration and refugee office and then as Brooklyn's auxiliary bishop. He is one of the Nation's authorities on refugee and human rights matters and has always provided me with expert counsel on these important issues.

Several years ago, Archbishop Bevilacqua left the Brooklyn diocese to assume the role of bishop of Pittsburgh. Although he moved away from our city, the Archbishop will never cease to be a beloved member of the Brooklyn family. Now that he is moving to another great city in Pennsylvania, I'm sure my colleagues will join the people of Brooklyn and me in extending to Archbishop Bevilacqua our most sincere congratulations and best wishes for a productive and inspiring career as archbishop of Philadelphia.

THE POSTAL SERVICE DISADVANTAGED BUSINESS PROCUREMENT ACT OF 1988

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LELAND. Mr. Speaker, last year the Postal Service released its comprehensive statement on postal operations. In the midst of pronouncements about the Postal Service complying with this act or that regulation, was the startling revelation that in 1986, only 5.9 percent of all contract dollars went to minority businesses. This is a dramatic decrease from 1985 when 10 percent of all Postal Service contracts went to minority businesses and the lowest percentage since 1981. In terms of dollars and cents, this is a drop from $237 million spent with minority businesses in 1985, down to $186 million in 1986. This is appalling. Instead of building on a record that was improving incrementally, the Postal Service has taken a huge step backward.

The Postal Service's disappointing lack of involvement with disadvantaged business concerns, those small businesses that are owned and controlled by minorities or women, is forcing me to introduce legislation today mandating that every year, at least 10 percent of all contract dollars be spent with such disadvantaged business concerns.

We should not have to legislatively mandate that the Postal Service give more than token consideration to minority and women owned businesses. The Postal Service, however, has resisted previous efforts to encourage, even cajole them into being more receptive to minority contractors. As part of the Federal Government, the Postal Service should be a positive role model for the Nation. Unfortunately, when it comes to providing equal opportunities for all, regardless of race or sex, the Postal Service exhibits, to put it mildly, a lack of commitment. I cite as an example the fact that nearly half, 49.7 percent, of all EEO cases filed with the EEOC by Federal employees are filed by Postal Service employees. And believe me, my colleagues, I am seeking legislative means of changing this sad state of affairs also.

The legislation that I introduce today will bring the Postal Service in line with existing Federal policy. Section 8(a) of the Small Business Act authorizes Federal programs that encourage and assist small minority businesses in contracting with the Federal Government. Recent court cases, including a landmark case before the Supreme Court, considered the provisions of section 8(a) and the procedures and constitutionality of this statute were upheld.

The legislation that I introduce today will not result in additional costs to the taxpayers nor postage rate payers. This measure stipulates that in every fiscal year, the Postal Service is required to set goals for contracting with disadvantaged business concerns. These goals cannot be lower than 10 percent, nor can actual contract dollars spent with disadvantaged business concerns drop below 10 percent without sanctions being imposed on the Postal Service. For women owned and controlled businesses, the goals and actual dollar amount must be at least 5 percent each fiscal year. I want to make clear that this bill does not represent a limit on the extent to which the Postal Service may contract with disadvantaged business concerns. Quite the contrary. We have set a minimum standard with which the Postal Service must at least comply. To accomplish this, the Postal Service must reevaluate its policies, and change them where necessary, so that they are more conducive to minority businesses and encourage minority participation. I suggest the Postal Service start by removing some of the many procedural roadblocks to contracting with the Postal Service and launch serious efforts to solicit minority business participation.

Finally, this bill is comprehensive, covering all aspects of contracting with disadvantaged business concerns, including solicitation of bids and proposals, the responsibility of prime and subcontractors, the use of inventions, patents and licenses, research and development, payment to the covered businesses, penalties for misrepresentation of minority or small business status and a required annual report to Congress on compliance with the statute. To see that the legislation is carried out to its fullest, the bill also contains a provision that creates an Office of Small and Disadvantaged Business Utilization.

It is time the Postal Service joined the rest of the Federal Government in working to assist and encourage the growth of small, minority and women owned and controlled businesses. It is good public policy and helps the businesses involved, the economy and the Postal Service. I encourage my colleagues to support this measure.

A NATIONAL NETWORK OF FREE COMMUNITY PHONES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WYDEN. Mr. Speaker, 2 months ago the Pacific Northwest Bell Telephone Co. kicked-off a unique program to help the needy. It's called the Community Connection, and consists of free telephones for local service at 14 centers around Oregon. Located at senior citizen centers, community centers, public assistance offices, and the like, these free phones have already been hailed as a ringing success.

The program is the result of a proposal I made last summer, when I asked Pacific Northwest Bell to consider how much good such a network of free local service could do those without jobs, homes, or simply the financial wherewithal to afford their own phone.

The community phones are already being used heavily, particularly by Oregonians seeking jobs. The service, paid for by the company's shareholders, is relatively low cost: about $1,600 per location annually. For this modest sum, an immeasurable amount of good can be done. About 65,000 Oregonians, and 7 million people nationwide, are without residential phone service. About 650,000 of those homes are headed by senior citizens, who face special problems when emergency medical help is more than a bedside call away.

This network of free phones can serve as a community lifeline, bringing people who need to check in with a sick relative, a potential employer, or a child's teacher into the 20th century. Today, I join the chairman of the Telecommunications Subcommittee, Mr. MARKEY, its ranking minority member, Mr. RINALDO, and Messrs. AUCOIN, DEFAZIO, DENNY SMITH, and ROBERT F. SMITH, in urging other local phone companies to follow the lead of Pacific Northwest Bell. We are calling on local phone companies nationwide to establish free community phones in their own areas in a true display of good corporate citizenship. Our hope is that someday all Americans, regardless of financial means, will have access to this vital utility.

I urge my colleagues to join us in support of this resolution.

THEIR STYLE OF DEMOCRACY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SHUMWAY. Mr. Speaker, next week the Congress will once again consider whether the United States should provide humanitarian and military assistance to the democratic resistance in Nicaragua.

The leaders of the other Central American nations that signed the peace accord in Guatemala last August agree that the Sandinistas have failed to comply with its essential provisions concerning a general amnesty, a cease-fire or internal reconciliation.

In an editorial which appeared in yesterday's Washington Post, Jeane Kirkpatrick discusses the democratic reforms recently announced by the Sandinistas and the undemocratic practices which continue in Nicaragua. She also raises some interesting questions about the possibilities for any real and lasting democratic reform in Nicaragua in the absence of pressure from the Nicaragua resistance which brought the Sandinistas to the negotiating table. I commend this article to the attention of my colleagues.

[The article follows:]

[From the Washington Post, Jan. 25, 1988]

THEIR STYLE OF DEMOCRACY

(By Jeane Kirkpatrick)

The Central American peace accord signed in Guatemala last August was a plan, not just an expression of good intentions. It committed its signatories, the five presidents of Central America, to establish authentic democratic processes and carry out national reconciliation. A time frame for compliance was provided. Then time ran out.

When the presidents met in Costa Rica a week ago to examine the question of compliance, it was clear to all (except possibly Daniel Ortega) that Nicaragua had not fulfilled its promises. There has been no general amnesty, no cease-fire, no internal reconciliation. Controls over speech, press and assembly had been relaxed, but freedom in all domains remained sharply limited. Central America's presidents said as much. Now they said Nicaragua must either comply or give up the pretense, and must do so at a time when the U.S. Congress would be considering continued aid to the contras.

The pressure precipitated an interesting and often contradictory scramble in Nicaragua that has already produced new promises, new punitive actions and new proposals for peace talks. The Sandinista response—including its latest proposal Thursday for urgent talks with the contras—makes it clear the Nicaraguan government does not relish the choice with which it has been confronted.

The contradictory actions of the Sandinistas were reflected in last week's headlines. "Nicaragua Cancels State of Emergency," The Washington Post announced on Page 1 of its Jan. 17 edition. "Five More in Nicaraguan Opposition Are Arrested by the Security Policy," The New York Times said on the same page on the same day. Both headlines were accurate.

On the same day that Managua announced the lifting of a state of emergency, police arrested leaders of Nicaragua's democratic trade unions, private sector, independent press and democratic political parties. They were interrogated for some 36 hours and released.

This was not the first time opposition leaders were arrested at the same time the government sought to convince the world of its democratization. It also happened eight days after the signing of the accords, when the Nicaraguan government forcibly broke up a peaceful demonstration and arrested Lino Hernandez, director of the independent Permanent Commission on Human Rights, and Alberto Saborio, president of the Nicaraguan Bar Association. Both arrests were clearly designed to intimidate.

Now Hernandez, Saborio and 10 associates once again are victims of the Sandinista desire to proclaim freedom and control its use.

It is not the only contradiction. An amnesty was declared for 3,500 political prisoners providing they are accepted by the United States. While the state of emergency was lifted and the constitution restored, the official newspaper Barricada warned that the restoration of civil rights "should not be misinterpreted as a blank check for irresponsibility and subversion."

"They are telling us that this is their style of democracy," said La Prensa Director Violetta Chamorro, whose brother-in-law, La Prensa editor Jaime Chamorro, was arrested.

Is this "style of democracy" acceptable to the U.S. congressmen who have tied their support for aid to the contras to Nicaragua's compliance with the Central American accords? The vote is scheduled for the first week in February, and some Democratic leaders have indicated they will make an all-out effort to block further aid to the contras. They call their policy "a risk for peace."

But it is necessary to ask what is being risked.

The most recent Sandinista proposal for peace talks is clearly designed as a further measure to influence the U.S. Congress against providing additional aid. Still, Congress cannot avoid the fundamental questions—which are unchanged by the Sandinistas' latest overture.

Is there a chance for democracy in Nicaragua without continued pressure on these would-be totalitarians?

Is there a chance for peace in El Salvador while the Sandinista regime rules Nicaragua?

Is there a chance for economic development in Central America while the region is thus afflicted by repression, revolution and civil war?

Is there any good reason for Democrats who do not desire a Communist Central America to oppose aid to the contras?

But opponents of aid have a question of their own: Is it morally justifiable for those who believe in peace and democracy to support the use of force by Nicaraguans against the Nicaraguan government?

El Salvador's president, Jose Napoleon Duarte, provided the answer to this last question in a speech before the United Nations General Assembly:

"Force can only be acceptable," Duarte argued, "when there are no institutional processes available to open the political system, and then should only be used for the purpose of opening that system."

Supporters of democracy must agree. There still remain no institutional processes through which internal or external opposition to the Sandinistas can effectively participate in the country's political system. It is therefore up to Congress to help the rulers of Nicaragua understand that democracy is their only alternative.

CONTRA AID

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BATES. Mr. Speaker, the Reagan administration has not only abused its authority in providing lethal aid to the Contra rebels in Nicaragua, it has also ridiculed our commitment to the principles of international law as set out by the United Nations.

Let me quote from a statement which the U.S. Government supported through U.N. Resolution 2625, the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States:

No state * * * has the right to intervene, directly or indirectly, * * * in the internal or external affairs of any other state.

Every state has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state.

The administration's Central American policy has clearly violated this declaration. I urge my colleagues to join me in opposing any further military assistance to the Contras, a true demonstration of our belief in the principles of international law.

A BRIEF HISTORY OF CUMBERLAND COLLEGE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ROGERS. Mr. Speaker, during 1988, Cumberland College in Williamsburg, KY, will be celebrating its centennial. For 100 years Cumberland College, the College of the Mountains has maintained its founding mission: "To provide a quality liberal arts education within the means of mountain people."

The founders of Cumberland College include such men as Gen. Green Clay Smith, who was almost President of these United States, and R.C. Medaris, after whom novelist John Fox, Jr., modeled the character Sherd Rains in three of his novels.

On the Cumberland College campus a plaque honors four of the college's early supporters. In tribute to T.B. Mahan, James P. Mahan, Dr. Ancil Gatliff, and John W. Siler, the plaque makes the great understatement, "They builded better than they knew."

Early supporters of Cumberland College include John D. Rockefeller, Andrew Carnegie, Jay Gould, and William Jennings Bryan.

Cumberland College opened its doors as Williamsburg Institute on January 7, 1889, with 2 teachers and 199 students. Today, Cumberland College is still alive, well, and vibrant with over 2,100 students, faculty, and staff.

As Williamsburg Institute opened its doors for students that morning in 1889, Mr. John Wesley Siler, one of the college's first trustees, was present. He was there sponsoring, encouraging, and pushing forward four young men: A.J. Meadors, A.J. Parker, A.S. Petrey, and E.L. Stephens, all of whom were in the first graduating class in 1893. Siler said, "Go forward young men, this school will never die. We will pass on, but the college itself will live."

These founders did build a strong, lasting, influential educational institution. As of today, more than 10,000 graduates of Cumberland College have gone forth to serve as medical doctors, dentists, pharamacists, attorneys, business men and women, teachers, social workers, ministers and missionaries, and in many other capacities as they minister to the needs of others.

What is truly remarkable is that over 65 percent of Cumberland College's graduates return to the hills and hollows of Appalachia to serve their fellowman and to encourage their friends, neighbors, and families to seek an education in order to improve their lives and to lift themselves out of their poverty.

Cumberland College's alumni include two Governors of Kentucky, Edwin P. Morrow and Bert T. Combs; one U.S. Congressman, Eugene Siler, Sr.; the highest ranking naval officer ever to emerge from the State of Kentucky, Adm. William T. Blakely; and many other high ranking military officers.

Today, Cumberland College is like a bright, shining city set on a hill, illuminating the way for all who come truly seeking a quality liberal arts education. Cumberland College sits in the heart of Kentucky's Fifth Congressional District and serves primarily a 14-county area in the Kentucky mountains and three countries in the mountains of Tennessee. Some 75 percent of Cumberland College's students come from this area and over 90 percent of them must receive financial aid, yet, in keeping with its mission, during its first 100 years, Cumberland College has never refused a student because he or she lacked funds. Cumberland College is an island of hope in a sea of despair.

The past is but a prologue; the best is yet to be.

There always have been those few who dreamed the impossible dream and were willing to sacrifice everything to bring it to pass; so shall it continue to be.

In the words of the immortal Daniel Webster:

If we work upon marble, it will perish. If we work upon brass, time will efface it. If we rear temples, they will crumble to dust. But if we work upon men's immortal minds, if we imbue them with high principles, with the just fear of God and love of their fellow men, we engrave on those tablets something which no time can efface, and which will brighten to all eternity.

Cumberland College is the bright, shining city set on a hill that is now celebrating its 100th year of providing a quality liberal arts education and is planning for another 100 years of educational service to students from the mountains of Appalachia, from across the Nation, and from around the world.

Cumberland College will continue in its mission to its constituents, for in the words of poet Robert Frost, Cumberland College has "* * * promises to keep and miles to go before it sleeps."

In planning for the future, Cumberland College has made a series of promises to its constituents: (1) To offer a first-class educational opportunity within the means of mountain people; (2) To provide an atmosphere which fosters distinctive spiritual growth; (3) To aid in developing socially responsible citizens; (4) To urge each student to endeavor to reach full potential; (5) To make available opportunities for self-help through work study; (6) To cultivate an appreciation for physical and mental health; and (7) To help uplift this low-income area through Appalachian outreach programs.

The good that Cumberland College does for the mountain area can be seen in the following comparison. Nationwide, we are told, there is a ratio of about 1 medical doctor for every 1,700 people, and in this area there is a ratio of about 1 medical doctor for every 5,000 to 7,000 people. Most of the area's medical doctors are Cumberland College alumni. Cumberland College continues striving to better the health and the health services of Appalachia.

While Cumberland College maintains an enrollment of around 1,900 students, size is not what counts. What matters is Cumberland's caring concerns and demanding expectations for the students from the hills and hollows, the mining camps, and the isolated mountain areas.

I know that the Members of the House join with me in congratulating Cumberland College during its centennial celebration and in wishing Cumberland College the best of success as it enters its second century of service.

TRIBUTE TO DELORES HRYCYK—CITIZEN OF THE YEAR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to Mrs. Delores Hrycyk, of Pulaski, PA—a brave and determined woman who is being honored on January 30, 1988, as Citizen of the Year by the United Veterans Council.

Mrs. Hrycyk was one of the organizers of Solidarity USA and she led the fight for the restoration of medical and supplemental pension benefits for LTV retirees. These benefits had been concealed when LTV Steel filed for chapter 11 in July 1986. Her fight led her several times to Washington for important rallies. She also collected thousands of signatures in a petition campaign to reinstate the benefits. I have worked with her very closely and I am glad to count her as one of my friends. I have seen how tirelessly she works. I can also say that she has made a difference.

I know that Delores will continue fighting for the rights of LTV retirees. It is my privilege to be fighting beside her and I look forward to working with her again and I am thrilled that she is receiving this award. So, Mr. Speaker, it is with great pride and appreciation that I pay tribute to Mrs. Delores Hrycyk, an extraordinary woman and an exemplary citizen.

MARITIME UNION STANDS BEHIND IMPORT REDUCTIONS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BENTLEY. Mr. Speaker, since my first election to Congress I have urged this body to work with the executive branch and to help bring about responsive legislation needed to reduce our trade imbalance. I am encouraged by the recent support offered by the International Longshoremen's Association [ILA] to the AFL-CIO commitment to restrict foreign imports.

The announcement of this support was made earlier this month in Atlantic City by ILA's President John M. Bowers to the New Jersey State AFL-CIO Legislative Conference on January 12, 1988. ILA's commitment to support import reductions will possibly cost some longshoremen jobs. I applaud their contribution to America's future because if we are not prepared to work together and pay the price necessary to reduce foreign imports in the United States, then the problem of an eroding industrial base will only continue to exist in America.

We need more individuals like ILA President Bowers and members of the maritime union who offer their support to reducing the trade imbalance. Illegal dumping by foreign countries continues to affect our domestic market.

In many instances, as a result of foreign imports, American workers are forced to sit idly while foreign producers are free to provide services to American consumers. A stronger domestic trading policy must be achieved in this country if we are to continue to be a first-class superpower.

Mr. Speaker, I insert at this time for the RECORD a copy of the formal remarks of ILA President John Bowers:

REMARKS OF JOHN BOWERS

(Opening salutations)

President Charlie Marciante; Secretary-Treasurer Edward Pulver; officers and members of the New Jersey State AFL-CIO, on behalf of my fellow officers and members of the International Longshoremen's Association, I am happy and privileged to extend warm fraternal greetings to my brothers and sisters of this great union body.

The ILA values its association with the New Jersey State AFL-CIO and we're equally proud that our Executive Vice President, Donald Carson, serves as a member on your Executive Board.

The ILA is thrilled to include and welcome the International Brotherhood of Teamsters back into the AFL-CIO family. I was in Florida in October when General President Jackie Presser told Lane Kirkland he wanted to come home again.

I think the Teamsters reaffiliation with the AFL-CIO is the greatest thing to happen in the labor movement in a long time.

Our union takes particular satisfaction with the Teamsters rejoining the AFL-CIO.

Donald Carson and I have been working closely with Jackie Presser and Teamster Vice President Walter Shea for close to three years now, trying to resolve jurisdictional problems we've had at several port areas around the country.

With the Teamsters back in the house of labor, these problems will be more easily solved.

This conference affords all unions an opportunity to salute the New Jersey State AFL-CIO as a leader among labor bodies because it consistently espouses an important trade union principle in its legislative efforts: protecting and promoting American union jobs.

The ILA is proud to reaffirm our affiliation with you and join you in this important mission.

Sometimes, however, the price for fighting for the principles of free trade unionism is steep.

Last year, the ILA paid an extremely high price for fighting for American jobs.

As a result of our members' refusal to handle Russian lumber that was produced at their slave labor camps in the early 1980s, the ILA was sued for $9 million.

We've exhausted all appeals and must pay the fine.

However, our members knew when they were protesting against the Russians that they were not just condemning the Soviet slave camps, but also protecting and preserving American jobs.

ILA members knew of the dangers of allowing slave labor products to come into our country. The result could be the elimination of millions of American union jobs.

In retrospect, their protest was a costly one but necessary to preserve standards of human dignity. I do not regret what our membership did.

When I was elected president of the ILA in July 1987, a television reporter asked me what the ILA's position on international trade was going to be.

I think the reporter expected me to say that the huge quantity of imports into the U.S. was good for ILA manhours. Perhaps he thought I'd say that one-way trade was better than nothing.

It's true my union makes a living by handling import cargo.

But the sad fact of life in today's world is that millions of American workers have lost their jobs, perhaps permanently, because of our trade policies.

The ILA wants what every union in America wants, I told the reporter. We don't appreciate foreign countries dumping their products—most produced by low paid or slave labor—in our markets while denying us access to theirs.

As I said earlier, the ILA values its affiliation with the AFL-CIO too much to allow our union to take a selfish position of indifference to the trade imbalance.

My union is ready to join the AFL-CIO to stop the endless flow of import cargo from coming into this country.

My membership does not mind tightening their collective belts to help more American union workers get their jobs back.

We demand fair trade. We don't believe in free trade.

Brothers and sisters of the New Jersey State AFL-CIO, we in the labor movement do not need to be the authors of trade legislation bills.

We should be the practitioners of a policy that has the better than 14 milion members of the AFL-CIO thinking American products and buying American products.

Products produced by skilled union workers: Union suits; union shoes; union made computers. We should drive American made cars and encourage our family and friends to do likewise.

In other words, we don't need Congress to legislate something we can accomplish if we unite in purpose.

Let's put America back to work;
Say union yes.
Thank you very much.

WHAT HODEL DID NOT TELL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mrs. BOXER. Mr. Speaker, some months ago Secretary of the Interior Donald Hodel proposed one of the strangest ideas to come from this administration—breaching O'Shaughnessy Dam and draining the Hetch-Hetchy Valley. Unfortunately, the environmental fight over Hetch-Hetchy was lost in 1913. Unless and until an environmentally acceptable substitute is found to provide water and power to San Francisco and all the people Hetch-Hetchy serves, the proposal shouldn't even be considered because it will only cause needless fear and worry mixed with false hope.

The following editorial which ran in the San Francisco Chronicle on January 12 highlights important aspects of this matter.

I commend it to the attention of my colleagues:

WHAT HODEL DID NOT TELL

When Secretary of the Interior Donald Hodel proposed last year that the city's O'Shaughnessy Dam, the source of its drinking water, be razed to restore a second Yosemite Valley for public park use, we found it impossible to share his unquestioning enthusiasm. A lot of people, including some Southern California politicians, cheered the secretary on. San Fransicso's discomfiture is Downey's and Azusa's joy if the subject is water.

In San Francisco, however, there was no joy. Hetch Hetchy is lifeblood. Its destruction must be regarded seriously. So we decided the other day to chat with some of the people who run Hetch Hetchy. We have been astonished at what they say. Secretary Hodel talks grandly of restoring a new and awesome Yosemite Valley to public access. That valley is seven miles long and one to 1.8 miles wide, some 4,480 acres, all crowded, to boot.

The Hetch Hetchy people told us, however, that the area behind O'Shaughnessy Dam totals about 800 acres. It seems apparent that no new and grand Yosemite Valley sleeps beneath the waters but rather a mini-park which dwindles down to a width of a few hundred feet and is only about a mile long. Hardly room enough for another Camp Curry much less another Ahwanee. Or their parking lots.

All of this should be interesting to San Franciscans, we believe. Some say that replacing O'Shaughnessy Dam with another water source (which might mean building another high dam) would cost something more than $1.5 billion. This brings Don Hodel's mountain fantasy to a cost of something more than $1.875 million per acre. The price seems a little high for a comparatively small valley that has been under water for so long.

Maybe it's worth it for a unique reason: unquestionably Hetch Hetchy Canyon would offer visitors the sight of the biggest bath tub ring ever created by man.

COX CABLE HAMPTON ROADS HONORED

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. PICKETT. Mr. Speaker, too often we take for granted the good public service work performed by many cable television companies. So today, I want to tell my colleagues something about one of eastern Virginia's leading cable companies, Cox Cable Hampton Roads. In 1987, Cox marked another year of service to more than 150,000 households in Hampton Roads, making it the 14th largest cable system in the Nation.

One of the fundamental principles on which the deregulation of the cable television industry went forward is that of responsible public programming. Cox carefully and energetically fulfilled that mission in 1987 as in past years. Typical of the system's accomplishments this year was the creation of the Cox Naval Affairs Project [C-NAP], which is broadcast by Cox over its systems in Hampton Roads, Pensacola, and San Diego. The C-NAP project provides Navy families in my district, and in other cities served by Cox where there is a major naval facility, with important information about naval matters that affect their lives. It has

been enthusiastically received and fills a genuine need for these families.

Cox Cable Hampton Roads has been honored for its production entitled "Liberty, Sail of the America's," which is a spectacular documentary of the tall sailing ships entering the port at Norfolk. It has also broadcast numerous public-interest documentaries, including one on drunken driving and another on local neighborhood watch programs.

Mr. Speaker, with this kind of sensitivity and response to community needs, it is little wonder that Cox Cable Hampton Roads won more than 30 service awards last year. It is an example for other cable television companies to follow, and I commend it for a job well done.

TAIWAN PRESIDENT CHIANG CHING-KUO REMEMBERED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. KLECZKA. Mr. Speaker, Taiwan's distinguished President Chiang Ching-kuo, whom I had the honor to meet during my trip to that country a year ago, died on January 13, 1988. Almost immediately, Vice President Lee Teng-hui was sworn in as President, making him the first native-born Taiwanese to become President since 1949, when the Nationalists moved to Taiwan.

Mr. Lee's ascension to the Presidency in this country of 19 million people is an eloquent testimony to the legacy left by President Chiang. During his tenure as President, Chiang tried his very best to integrate native Taiwanese into a government that has been controlled by mainlanders since 1949. To ensure that on one in his own family would succeed him as leader on Taiwan, Chiang—himself a mainlander—worked tirelessly and effectively to prepare Vice President Lee as his constitutional successor.

The Chinese people, mainlanders and Taiwanese alike, will surely miss their late president. Like them, I, too, will remember him as a man who devoted his public leadership to the honorable goal of bringing the mainlanders and the Taiwanese together.

A LIVING CONSTITUTION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. WHEAT. Mr. Speaker, in celebration of the 200th anniversary of the Constitution of the United States, the Black Archives of Mid-America, Inc., is sponsoring a program in Kansas City, MO, which might be of interest to a number of my colleagues. The program will be held during Black History Month, February of this year, and its focus will be on the intellectual origins and evolution of the Constitution.

The centerpiece of the Black Archives' program will be a symposium of lectures and group discussions entitled "The Constitution and You" involving a number of distinguished speakers. The symposium will be attended by high school students as well as teachers, school administrators, and college students from the Kansas City metropolitan area. It will also be broadcast via satellite to a number of other schools throughout the State of Missouri. I am pleased to have accepted an invitation to participate in this noteworthy event. Mr. Speaker, as I look forward to the commencement of these proceedings, I would like to share with my colleagues some of my thoughts on this truly remarkable document, the Constitution of the United States.

September 17, 1987, marked the 200th anniversary of the signing of the Constitution of the United States. Over 11 years elapsed between the signing of the Declaration of Independence on July 4, 1776, and the signing of our present Constitution on September 17, 1787. Clearly, the seed of liberty takes time to take hold and to grow. But the years it took to produce this Constitution provided the time necessary to build a durable foundation for our Nation.

This historic document is one of the oldest blueprints for a system of government still in force in the world today. Though there are many older nations in the world, there is none that has sustained such a remarkable expansion of individual rights and freedoms as we have had in the United States. If the American spirit of rugged individualism is the fuel for our continuing growth and success, the American Constitution is the vehicle that has allowed that individualist spirit to move our society forward in an orderly way.

However, the process of drafting a Constitution for our Nation was anything but orderly. Debate amongst our Founding Fathers was sparked by philosophical tension and resolved by political compromise. The framers of our Constitution brought stongly held beliefs about the nature of government and individual rights to the Constitution Convention, and those beliefs often clashed head-on with each other.

After all, the framers did not magically create the Constitution out of nothing. They did not pull a rabbit out of a hat. Constitution-making did not begin at Philadelphia. Today, the Constitution is considered old, but it was modeled after numerous other documents that preceded it.

One of those sources is the British Constitution, which is not a constitution drawn on paper, but a set of customs, practices, precepts, and documents that together are considered the British Constitution. Our Constitution is also drawn from the charters of the original colonies. The charters were not constitutions by name, but they had the same purpose—to set out the fundamental terms by which that colony would be governed.

Finally, our Constitution is drawn from a rich history of political theory. The framers were well-versed in the writings of famous political philosophers, and many were to become famous political philosophers themselves. John Adams, James Madison, Alexander Hamilton, and Benjamin Franklin each drew upon a great body of experience to assist in the crafting of our Constitution.

Each of these sources—the experiences in Britain, in the colonies, and in political theory—came together to form the basis of our Constitution.

Today, our Constitution guarantees "the Blessings of Liberty to ourselves and our Posterity", stating the tenet most basic to our representative government. It guarantees that no majority, however strong or vocal, may unjustly deprive the minority of its basic rights and freedoms and ensures that all public officials and the laws they enact will be subject to the approval of the people.

Indeed, in his first inaugural address, President Abraham Lincoln said that "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution". The Bill of Rights builds upon this foundation by guaranteeing specific rights, such as freedom of speech and religion, the right to due process and protection from unreasonable searches, detainments, or punishments.

As we celebrate the bicentennial of this document, we cannot help but note its original exclusion of groups of Americans. Many people believe that the words "All men are created equal" flow from the Constitution, but they do not. They are from the Declaration of Independence, a document born 11 years before the Constitution. And the simple truth of those words—that all men are indeed created equal—did not get fully translated into the Constitution.

The Constitution begins with the words "We, the people of the United States." But, as a female suffragist declared in 1853, "Which 'We the people'? The women were not included."

Not just women, but blacks, too, were excluded. Blacks, who were slaves at the time, were in effect treated as property, not as human beings. They were viewed as somehow less than human. In fact, they were viewed as exactly "3/5" human.

Now that may sound cruel and unrealistic today, but it was actually part of the Constitution drafted by the Founding Fathers. When the Great Compromise provided for proportionate representation in the House, the next logical question became how to count the slaves. Were they to be considered people or property?

On this point, the States were divided into Northern and Southern factions because of the large number of slaves in the South. If they were counted, Southern States would get several more representatives in the House, even though the slaves could not vote and had virtually no legal—or human—rights.

The compromise reached between the delegates came to be know as the "Three-Fifths Clause" of the Constitution. Article 1, section 2, clause 3 of the Constitution provided that Members of the House of Representatives would be apportioned among the States according to the number of all "free persons" as well as "three-fifths of all other persons". Those "other persons" were black slaves.

Even James Madison, who understood and generally opposed the institution of slavery, defended the 3/5 clause as a reasonable compromise that roughly reflected the legal status of a slave: a human for certain purposes, and chattel for others.

In the famous Federalist paper No. 54, Madison elaborated on this point when he wrote the following of slaves: The true state of the case is that they partake of both these qualities: being considered by our laws, in some respects, as persons, and in other respects as property. In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty, and chastised in his body, by the capricious will of another; the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property.

In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others; the slave is no less evidently regarded by the law as a member of society, not as a part of the irrational creation; as a moral person, not as a mere article of property.

The Federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property. This is in fact their true character. It is the character bestowed on them by the laws under which they live; and it will not be denied, that these are the proper criterion.

Southerners wanted blacks counted for purposes of representation in Congress—not for black representation, but for Southern representation in Congress. On the other hand, they did not want slaves counted for tax purposes. If States had to pay taxes to the Federal Government based upon their population—the more people, the more taxes—then Southerners did not want slaves counted as people. As it turned out, the 3/5 clause ended up basing both representation and the amount of taxes a State paid to the Federal Government on the 3/5 formula.

The 3/5 compromise gave Southern States additional political weight in Congress and angered New Englanders and others in the North. It revived old arguments that if Virginia could count its slaves, then Massachusetts should be able to count its cattle. Such was the status of black people under the original Constitution.

However, even in making the political compromises of their era, the framers of the Constitution had the vision to create a document that would transcend the prejudices of their times. As social views about the roles of blacks, women, and other groups have advanced, it has been possible to incorporate these views into the Constitution, reaffirming and expanding upon its basic principles.

For example, the 13th, 14th, and 15th amendments to the Constitution—the "Civil War Amendments"—extended protection of basic civil rights to all Americans. The 13th abolished slavery; the 14th prohibited States from denying to any person due process of law or equal protection of the laws; and the 15th protected voting rights against governmentally imposed racial discrimination.

Of the 14th amendment, which guaranteed due process and equal protection under the law, Justice Oliver Wendell Holmes said it "was adopted with a view to the protection of the colored race, but has been found to be equally important in its application to the rights of all." Indeed, the 14th amendment has been invoked not only to protect the rights of blacks, but to forbid the denial of equal rights to any citizen.

The 19th amendment corrected another glaring injustice in the original Constitution by giving women the same basic right that had been denied to blacks—the right to vote.

Keeping pace with the times * * * evolving with the changing nature of our existence * * * this is the key to the strength and longevity of our Constitution.

If we are to ensure that these ideals remain alive for another century, we must be willing to continue to make the necessary additions to the Constitution to supplement its commitment to the ideals of personal liberty.

Despite numerous political crises and dramatic social and technological change, the Constitution is as visionary today as it was over two centuries ago. Even now, the ideals behind the Constitution are considered by many to be bold and even radical. In a way, our revolution is still new, still growing, still receptive to change.

Thomas Jefferson once wrote, "I am not an advocate for frequent changes in laws and Constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manner and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. 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."

It is precisely the flexibility of our Constitution that has allowed it to weather change and made it such a successful and emulated framework for democratic government. Certainly its bicentennial is a time for praise and reflection. But more importantly, we must renew our commitment to advancing our ideals of freedom and liberty. This is the true spirit of our remarkable, living Constitution.

CELEBRATING THE RELEASE OF ALEXANDER PARITSKY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to rejoice in the release of a long-suffering Soviet refusenik, Dr. Alexander Paritsky.

Dr. Paritsky rose above his oppression and his oppressors; his courage and determination never wavered. His release gives the world hope that the injustice and persecution will soon end, and that fundamental liberties and freedoms will soon be granted to Soviet Jews.

Dr. Paritsky's struggle mirrors that of thousands of Soviet Jews. In our efforts on their behalf we must never compromise; we must never forget; we must never rest.

Welcome to freedom, Dr. and Mrs. Paritsky.

TRIBUTE TO MS. THELMA PUISYS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DYMALLY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Thelma Puisys, a Bellflower resident whose invaluable contributions have touched the lives of many disadvantaged citizens in the Bellflower community.

Thelma Puisys, along with support from family and friends, has administered a Holiday Food Basket Program for over 25 years in the Bellflower community. At a recent city council meeting, she announced that at age 85 she is sorrowfully retiring from administering the program.

Originally pioneered by the Bellflower Coordinating Council, Thelma Puisys faithfully served as a volunteer on the Food Basket project for 12 years until the club was disbanded in 1974. At that time, Ms. Puisys, solely inherited the program.

In the beginning, the only outside funding she received was a modest contribution from the Salvation Army. When the donation was exhausted, it was not uncommon for Thelma to use personal funds to assist those seeking help.

However, after 13 years, the Holiday Food Basket Program gained full community support and now serves nearly 155 clients through donations of food and toys from local businesses, service organizations, and individual contributions.

Among the organizations which donate to the program are the Bellflower Kiwanis Club, the Bellflower High School Key Club, the Soroptimist Club, the Bellflower Women's Club, the Rancho Los Cerritos Board of Realtors, and the Salvation Army. Additionally, 50 handmade rag dolls are donated annually to the project by inmates of the Los Angeles County Sybil Brand Institute.

Born one of six children in Cushing, OK, Thelma early on learned concern for her fellowman. When she moved to Bellflower 31 years ago she brought that concern with her. "I love people. This gives me a lot of pleasure, and the best return on my investment is to see those who have once been helped, help those who are in need," she said.

Thelma's efforts have not gone unrecognized. In 1985 Cerritos Community College voted Thelma "Woman of the Year," Bellflower Rotary nominated her as "Senior of the Year" and the Bellflower City Council has honored Thelma at numerous meetings for her dedicated service to the Bellflower community.

Bellflower Mayor M.G. "Mike" Brassard has described Thelma as "a model citizen" and "one who we'd all like to be more like." "The Thelma Puisys of the world are what makes America great," says Mayor Brassard.

In addition to the Food Basket Program, Thelma served on the Bellflower Traffic and Safety Commission for 21 years. She also vol-

unteered 20 years of service to the Los Angeles County Sheriff's Department—Lakewood Station. Ten years were dedicated as a board member for the Little House Women's Alcohol Recovery Home, and over 12 years she faithfully served as a chamber ambassador.

Thelma's contributions to the city of Bellflower are unending. She is a past president of the Bellflower Soroptimist Club, the Bellflower Woman's Club, the Board of Realtors, the Bellflower Art Association. Also, she is a board member of the Salvation Army and the Fleet Reserve Auxiliary No. 196.

It gives me great pleasure today to join Mayor M.G. "Mike" Brassard and the entire Bellflower Community to take this opportunity to honor Thelma for her outstanding contributions to the city of Bellflower and the people of California.

TRIBUTE TO ASSEMBLYMAN LLOYD G. CONNELLY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a most distinguished member of the Sacramento community, Assemblyman Lloyd G. Connelly, on his acceptance of the City of Hope's 1988, Spirit of Life award. It is an honor to salute such a dedicated and deserving individual.

Lloyd's record of service to the Sacramento community is outstanding. Upon graduating from the California State University, Sacramento, Lloyd went on to earn his law degree from the McGeorge School of Law. He began work at the Legal Center for the Elderly and Disabled before opening the law practice of Olson, Connelly, and Hagel.

It is in the field of public service that Lloyd has most truly distinguished himself. During his tenure in the State legislature, Lloyd has led the way in public policy development. He has been the primary mover behind some of California's most important toxic waste laws, and has been a leading author of consumer, aging and insurance reform legislation. Lloyd's committee assignments reflect his dedication to the people of Sacramento. He serves as the chairman of the assembly's Committee on Aging and Long-Term Care and the Judiciary's Subcommittee on the Administration of Justice. Furthermore, Lloyd sits on the Environmental Safety and Toxic Materials Committee.

Throughout his career, Lloyd has earned the respect and praise of the entire community. During his freshman term in the legislature, he was named Assembly "Rookie of the Year" by the California Journal. The journal further recognized him as one of the best prepared lawmakers in the lower house and one of its hardest workers. In 1985, Lloyd was honored by the Planning and Conservation League as "Legislator of the Year" for his work in the environment. Also, Common Cause awarded him the National Public Service Award in 1986, for his record as a defender of the rights of citizens to participate in government and as a sponsor of campaign finance legislation.

Mr. Speaker, on behalf of the people of Sacramento and the State of California, I want to congratulate Lloyd on a truly outstanding job. His dedication to the community is most admirable and I thank him for his tireless efforts. I wish Lloyd luck in all his future undertakings and I know that he will continue to provide Sacramento with his fine service and devotion.

JOSÉ MARTÍ: A GREAT PATRIOT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. PEPPER. Mr. Speaker, January 28 is the 135th anniversary of the birthday of a great patriot of the Americas, José Martí. He was a revolutionary, a statesman, a philosopher and writer.

Born in Havana in 1853, Martí devoted his life to the struggle to establish a democratic Cuba. At the age of 17 he was exiled to Spain for his opposition to colonial rule. He published a pamphlet, based on his personal experiences, that exposed the horrors of political imprisonment. Then, after graduating from the University of Saragossa, he moved to Mexico City to begin his literary career. After returning to Cuba under a general amnesty in 1878, he joined in the opposition to the Spanish Government and once again was forced into exile. This time he moved to New York where he lived off and on until 1895. He returned to Cuba to join the war for independence that he helped to organize. Unfortunately, he died in one of the first battles.

Martí moved often in his lifetime from Mexico to Guatemala to Venezuela as he searched for political freedom, finding it finally as a New York-based correspondent for Latin American newspapers. "I am, at last, in a country where everyone looks like his own master," he wrote. "One can breathe freely, freedom being here the foundation, the shield, the essence of life."

Martí expressed—and continues to represent—the true aspirations of the Cuban people for liberty and justice. "I want the first law of our republic to be the reverence of Cubans for the total dignity of man," he wrote. His philosophy lives on in the hearts of Cubans. "A nation is made of the rights and opinions of all its children," he wrote, "and not the rights and opinions of a single class."

I urge my colleagues who want to understand the Cuban people to begin with a study of José Martí. An excellent start would be Carlos Ripoll's "José Martí, the United States, and the Marxist Interpretation of Cuban History," which explores the meaning of this visionary's thoughts.

A TRIBUTE TO SINGER EQUIPMENT CO.

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Singer Equipment Co. of Reading, PA. Singer Equipment was recently recognized as the 1987 "Dealer of the Year" by Foodservice Equipment and Supplies Specialist magazine. This award marks the first time that this national honor has been received by a company based outside a major metropolitan area.

In the Reading area, we have long been familiar with Singer's outstanding achievements in the foodservice equipment and supplies field. First founded in 1918 by Frederick Singer, the company has prospered over the past 70 years. Under the current leadership of Henry Singer, Singer Equipment has grown to employ over 100 people and to maintain average annual sales volumes of over $14 million. As former president of the Foodservice Equipment Distributors Association, Henry Singer's many accomplishments are widely recognized throughout the industry. He is ably assisted at Singer Equipment by Secretary-Treasurer Bernie Singer, Vice President of Finance Anita Reuben, Vice President of Operations/Purchasing John Vozzo and Vice President of Key Accounts Jesse Brown. Through their dedication and commitment, Singer Equipment has expanded into one of the Nation's most-respected foodservice equipment and supply firms.

Singer Equipment has recently moved to a new facility where its tradition of excellence and unparalleled service is certain to continue. Singer's selection as "dealer of the year" is testament to this fine tradition. I congratulate Henry Singer and all of Singer's officers and employees on this well-deserved honor. I know that my colleagues will join me in recognizing Singer Equipment and in wishing all of its employees continued success and good fortune in the years to come.

TRIBUTE TO JAMES E. HOULIHAN, JR.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Dr. James E. Houlihan, Jr., who is retiring after 18 years as president of Middlesex Community College.

When Middlesex Community College first opened its doors in the fall of 1970, it enrolled 573 students in 11 academic programs. The campus, at that time, consisted of two leased facilities on the grounds of the old Veterans Administration Hospital in Bedford, MA. Few could have dreamed that it would expand into the thriving institution it has become today. But President Houlihan dreamed it, and he did it.

Under the guidance of President Houlihan, enrollment has grown to 2,800 students in the day division, and over 12,000 students at night. Middlesex now offers 40 academic programs, and continues to provide the continuing education and community service classes that it pioneered, and for which it is still renowned. The college owns a 200-acre campus site on the Bedford-Billerica border, and has branched out to establish sites in Burlington and Lowell. And, just last November, Middlesex received its third accreditation from the New England Association of Schools and Colleges, guaranteeing that it will continue to provide educational excellence.

As Middlesex Community College's one and only president, James Houlihan must receive the lion's share of the credit for this remarkable growth. President Houlihan came to Middlesex from Quinsigamond Community Collage in Worcester, MA, where he was a dean as well as chairman of the Humanities Department and professor of Music. He holds a bachelor's degree in philosophy and music from Harvard College, a master's degree in teaching from the Harvard Graduate School of Education, and a Doctorate in music and administration of higher education from Boston University. Throughout his lifetime and his career, President Houlihan has stood for excellence—both in education and in administration. The success of Middlesex Community College is a direct tribute to his hard work and abilities.

President Houlihan's accomplishments have been of value not only to Middlesex Community College, but to the entire Commonwealth of Massachusetts. If, as it is said, the direction in which education starts a man will determine his future life, then President James E. Houlihan, Jr. has left quite a legacy of opportunity and direction for thousands of young men and women. I join his friends and colleagues in congratulating him on his well earned retirement, and in wishing him well in his future endeavors.

IN HONOR OF DR. DAVID E. FARKAS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to a friend and fine community leader, Dr. David E. Farkas as he is honored by the Los Angeles Hebrew High School at a gala dinner dance on Sunday, January 31, 1988. Los Angeles Hebrew High School is one of the largest Jewish afternoon high schools in the country. It was founded in 1950 and has provided a meaningful secondary Jewish education to thousands of students at nine branches throughout the Los Angeles area.

David Farkas has always maintained a deep commitment to quality Jewish education through his active involvement and financial support of all levels from nursery school to university.

Most especially, he has devoted himself to L.A. Hebrew High. During his teen years he studied and graduated from Beverly Hills High School and the Los Angeles Hebrew High School, as did his brothers and sisters. For the past 16 years he has served the school in many leadership positions and currently serves on the board of directors as president-elect and scholarship chair. His oldest son, Joel, a 1985 Hebrew High graduate, will be followed by Jordan, class of 1988, and Liat, entering in September 1988.

Dr. Farkas attended USC where he earned both his undergraduate and dental degrees. He also spent a year at the Hayim Greenberg Institute in Jerusalem and in 1966 received an A.H.L. degree from the University of Judaism.

David Farkas and his family have been active members of Adat Ari El for many years. He has served on the board of the temple and on the board of Heschel Day School, where he was a founding parent. I have personally known and liked David and his brother, Danny, very much since our days together as high school classmates.

In 1976, Dr. Farkas was the recipient of the American Friends of Hebrew University Torch of Learning Award, recognizing his efforts on behalf of Hebrew University and his concern for quality Jewish education.

Dr. Farkas has been a leader in professional associations, including the San Fernando Valley Dental Society, Alpha Omega Dental Fraternity and Sun Valley Chamber of Commerce. David also is a member of the Prime Minister's Club of the State of Israel Bonds, Patrons Society of the University of Judaism, Society of Founders of Hebrew University and its School of Dentistry, and the Young Leadership Cabinet of the United Jewish Appeal.

It is with great pleasure that I ask my colleagues in the U.S. House of Representatives to join me in saluting this fine American.

THE TRAGEDY OF TAWANA BRAWLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RANGEL. Mr. Speaker, as we approach the turn of the century, I am saddened, disgusted, and outraged that oppression can continually be permitted to flourish in this Nation. On November 24, 15-year-old Tawana Brawley was brutally abducted and raped by a gang of white men in Dutchess County, NY.

The horror of this teenager's ordeal almost extends beyond the limits of the imagination. Tawana, an honor student, and cheerleader, was repeatedly raped and sodomized for 3 days. Her abductors, then, left her wrapped in a garbage bag with "nigger", "KKK", and their excrement plastered on her body.

Miss Brawley's nightmare was prolonged, however, with the defective medical and police care she subsequently received. This young black girl was only treated for trauma and exposure; she did not receive treatment for her internal injuries or health care routinely provided for rape victims. Moreover, the Dutchess County police has been accused of attempting to discredit Tawana because of the fear of local white backlash.

In the face of this tragedy, I can only offer my praises to the black community that has rallied around its wounded child. Although sympathy from the surrounding white community has been virtually nonexistent, the NAACP and other black leaders have offered their support to Tawana and her family. A protest march was recently held in response to this attack.

As black Americans, we know all too well the destructive pervasiveness of the racism that spurred this attack. The history of our existence in this Nation is lined with beatings, lynchings, and rapes that, unfortunately, have given us the experience to know that Tawana Brawley will not completely recover from this attack. Although she may physically heal, the mental scars will never disappear.

We blacks know that the justice and medical systems have often worked against us. In the past, some public servants have refused to provide us with the same humane assistance that is afforded our white counterparts. It is unforgettable that we, the victims of racism, have often been blamed for our ill treatment.

Tawana's attack must also be understood in light of what it means to be female as well as black in a frequently hostile society. Rape is not a sexual act, but one of aggression. For centuries, men have used violence against women as an instrument of conquest. Akin to their land and jewels, women are often perversely seen as property and, thus, open game in times of war.

Compounded with racism, rape has even greater historical consequence for black women in the United States. Dating back to slavery, white males, motivated by racism, used the open rape of black women to exert domination over black men. The condition of enslavement left black men powerless to aid their women. Later, black men were largely denied access to the political and economic institutions in the country that could ensure appropriate prosecution of such rapists. It is not surprising, therefore, that these six men chose the rape of this particular child as a reaffirmative of white domination. The racial slurs left on Tawana's body are a testament to this motivation.

Now that ugliness of Tawana Brawley's ordeal is before us, every Member of this Congress and every citizen of this Nation must work to stamp out the oppression that has marred her. The media has afforded this attack an amazingly small dose of coverage. Isn't lack of action secretly condoning the situation?

So many of us can remember powerful, multiracial coalitions formed in this country to topple the pernicious influence of institutionalized and legally sanctioned racism. With this spirit, we cannot afford to be complacent and just say Tawana Brawley's attack was horrible and forget it. Instead, we must fight for our rights, our children, and our community by not allowing our fellow citizens to readopt precivil rights era attitudes based on intolerance and ignorance. The time is ripe for every American to let the world know that we will not stand for the needless sacrifice of another of our children to the clutches of evil.

A BILL TO AMEND RULE XXI OF THE RULES OF THE HOUSE

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. CAMPBELL. Mr. Speaker, if your congressional district is at all like mine, you are hearing from your constituents, reading newspaper editorials, et cetera—people wondering what is going on with Congress. I am proud of this institution, and am proud to be a Member. I want our fellow citizens to be just as proud of their Congress.

The public seems to be concerned, rightly or wrongly, that Congress often plays games with important legislation. I am proposing a rule change to limit those sensitive and controversial situations in which unrelated matters of legislation are added to issue-specific legislation, for whatever reason. Those situations are not frequent, but when they occur, the discomfort and suspicions of the public are heard. We need to polish up, if not restore, the public image of Congress, to boost the public's confidence in the honorable processes of this institution. My bill is intended to help do these things.

The bill I am introducing would change the rules of the House regarding consideration of legislation. What I propose is already the rule or the law for a majority of our State legislatures. My proposal would amend rule XXI of the Rules of the House by adding the following language:

8. No bill shall be considered in the House if it contains more than one subject.

Beyond the important imagery, it just makes sense, as most States realize, for legislators to be able to make their decisions on a piece of legislation based upon the primary purpose for its introduction, the subject to which it primarily addresses. This bill is not intended to do anything to disturb the rights and duties of authorizing and appropriating committees in their legitimate exercise of those rights and duties, nor change budgetary law.

Please join me in this one small effort to enhance the confidence and pride in Congress and to provide for greater certainty in what legislation can or should contain. If you wish to cosponsor, please contact me or Ken Lane of my office at 225-4761.

SEAN MACBRIDE: A MAN OF JUSTICE, A MAN OF PEACE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. DOWNEY of New York. Mr. Speaker, Ireland and the world have lost a great man, Sean MacBride. Many Members had the happy opportunity to meet him and discuss Irish affairs and the nuclear arms race and we are saddened to think that no longer will we enjoy the benefit of his great vision and passion.

Following Sean MacBride's life takes us on a tour of the landmarks of 20th century history. He grew up in the heady atmosphere of the Irish Renaissance and very early joined the battle against English rule over Ireland. He rose to become chief of staff of the Irish Republican Army.

In the newly independent Ireland he led an active political life, eventually establishing a new political party, the Republican Party, which was instrumental in ending the long rule of Eamon De Valera's Fianna Fail Party in 1948. He served as Foreign Minister from 1948 to 1951.

Like many great Irishmen before him, Sean MacBride occupied the international stage with confidence and eloquence. He was a strong advocate of a united Europe. He was one of the first presidents of the Council of Foreign Ministers of the Council of Europe. He was also a vice president of the Organization for European Economic Cooperation.

Sean MacBride's breadth of vision was evident in his work at the United Nations where he served as an Assistant Secretary General. Those of us who have worked to end apartheid owe a great debt to his work as United Nations' Commissioner for Namibia.

In 1974, his career seemed to reach a peak when he received the Nobel Peace Prize in recognition for his work on international human rights. Yet his restless spirit was not content and he continued his wide-ranging activities. Three years later, he was awarded the International Lenin Prize for Peace for his work on nuclear disarmament.

Near the end of his long and brilliant career, Sean MacBride turned his attention back to his native Ireland to engage himself in the troubled politics of Northern Ireland. He sponsored an antidiscrimination code for U.S. companies in the north. The MacBride principles, modeled on the Sullivan principles, are an important tool in the effort to protect the rights of Catholics in the north. In a sense, Sean MacBride returned to his roots, to the long struggle for Irish independence.

It seems to me, Mr. Speaker, that Sean MacBride's life exemplifies the injunction "if you wish peace, work for justice."

I know, Mr. Speaker, that my colleagues join me in sending condolences to his children and the people of Ireland. Truly, we have lost a great citizen of the world.

PERSONAL EXPLANATION

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to explain my absence for the quorum call on January 25, 1988. Due to congressional business, I was unable to respond.

TRIBUTE TO DANIEL LIPSKI

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOODY. Mr. Speaker, I am privileged to honor Daniel Lipski on his retirement from the Milwaukee Fire Department after 44 years of dedicated service to his community.

Dan joined the department on March 16, 1944, and quickly advanced through the department ranks. In 1965 he was promoted to fire captain, in 1973 he was asked to serve as the 6th battalion chief and in 1985 he was promoted to deputy chief. At each level he demonstrated superb leadership and effective administrative skills.

He has assisted the Wisconsin State Crime Lab in the instruction of fire ground sketching in arson fires, as well as providing valuable assistance to the district attorneys office. In addition, he is registered as an instructor in mine rescue procedures by the Mine Safety and Health Administration, U.S. Department of Labor. He also has been registered with the U.S. Bureau of Mines in mine rescue procedures since 1964.

An excellent example of Dan's contribution is his effort to establish the mine rescue unit in Milwaukee. As a result of Dan's hard work, knowledge, and insight, this unit, which was the first in a large municipal fire department, is recognized as one of the finest in the country.

I join with the Milwaukee Fire Department, Dan's many friends, and the entire Milwaukee community in saluting his efforts and expressing our sincere appreciation for his many years of service.

THE 70TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE CELEBRATED IN THE LEHIGH VALLEY OF PENNSYLVANIA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. RITTER. Mr. Speaker, I congratulate Lehigh Valley Americans and the Ukrainian Congress Committee of America for their constant vigilance and resolution to actively remember the hopeful days of Ukrainian independent 70 years ago.

Ukrainian independence from Russia was proclaimed by the democratically elected Ukrainian Central Council of Rada on January 22, 1918, in its Fourth Universal Decree. The decree asserted that, "from this day forward, the Ukrainian National Republic [UNR] is the independent, free, and sovereign state of the Ukrainian people." The Universal Decree noted, "the ancient dream of our forefathers" had come true. "People of Ukraine: by our own power, your will and your word, a free Ukrainian republic now exists in your land," it stated. The Ukrainian National Republic existed only 4 years before the Russian-Bolshevik armies invaded Ukraine and replaced the UNR with a Communist regime.

In the Lehigh Valley, the Ukrainian Congress Committee of America, in brotherhood with Ukrainians the world over is this week celebrating and commemorating Ukrainian independence. Lehigh Valley Ukrainian-Americans are witnesses to the tragedy and the potential of their homeland. Lehigh Valley citizens stand in solidarity with those trapped behind the Iron Curtain, denied the most basic human rights. It is the Ukrainian people in

America and many other nations who keep alive the Ukrainian heritage, language and values, always hopeful to see them once again flourish in their native land.

We have heard much about glasnost and the Intermediate Nuclear Forces [INF] Treaty. Mr. Gorbachev and many news reports are increasingly reflecting what has been called a new era in United States/U.S.S.R. relations. We are told that things may be changing in the Soviet Union, that the society is being opened, that people are being given more freedom. Yet, the Commission on Security and Cooperation in Europe, or Helsinki Commission, of which I am a ranking member, has uncovered a different picture.

At an October 22, 1987 Helsinki Commission hearing, Ukrainian activist Danylo Shumuk described the reality of life in the U.S.S.R. and Ukraine. Until his release last January, Mr. Shumuk was the longest-serving prisoner of conscience known. All totaled, he spent 37 years in Polish, German, and Soviet prisons and camps, and 5 years in exile. He says:

The Soviet Union consists of various republics, each with its own language, culture and spirituality. But the existence of separate "independent" republics is only theoretically recognized. In reality, the U.S.S.R. is a Russian Communist empire with an authoritarian regime of government, which does not tolerate the slightest signs of a desire for independence, freedom, and democracy. For expressions of free thought, for strivings toward independence, the Russian Communist empire starved over 7 million people in Ukraine in 1933. Later approximately the same number of people perished in prisons and labor camps, some having been sentenced for possessing a handful of grain gleaned from the fields to save children from death by starvation.

On this the 70th anniversary of Ukrainian Independence I once again register my strongest protest to the Soviet authorities for their treatment of Ukrainians and all other peoples from captive nations. Self-determination is a God-given right that is being denied the Ukrainian people.

Yet, as Ukrainian-Americans and others strive to keep the flame of freedom for Ukraine burning brightly, the Soviet Government stands opposed. Again, according to Mr. Shumuk:

* * * on the 70th anniversary of the Bolshevik revolution, the terror of Russification * * * has reached a culmination point. In the capitol of Ukraine, in Kiev, there are only 34 Ukrainian language schools and 152 Russian-language schools and in such traditionally Ukrainian cities as Donetsk, Voroshilovhrad, Mykolayiv and Chernihiv there are none. In the historical Ukrainian city of Zaporzhzhis there is only one, and 95 Russian schools.

The Ukrainian people, and their hope for independence, are not forgotten. They will not be forgotten. If we, following the lead of Lehigh Valley Ukrainian-Americans remember, celebrate and commemorate, if we remain steadfast and strong, in time, we will once again see a free and self-determined Ukraine. The Ukrainian people, oppressed and denied their rights, depend on us. We shall not let them down. As cochairman of the House Ad Hoc Committee on the Baltic States and Ukraine I once again pledge myself to work with Lehigh Valley Ukrainian-Americans in an historic effort to restore freedom to Ukraine.

THE 50TH ANNIVERSARY OF NANSEN LODGE 410, INTERNATIONAL ORDER OF SONS OF NORWAY

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOLINARI. Mr. Speaker, I rise to congratulate Nansen Lodge No. 410, International Order of Sons of Norway in Staten Island, NY, on celebrating its 50th anniversary, Saturday, January 30, 1988.

In 1938, Nansen Lodge was founded with 81 members, today, the lodge has grown to nearly 700 members. I have had the pleasure of visiting Nansen Lodge many times. The lodge has given the community of Staten Island a rare opportunity to protect the heritage of Norway and to continue teaching its values.

Nansen Lodge No. 410 can be very proud of its many contributions to the community. But most importantly, Nansen Lodge has continued to take the lead in the social and cultural life on Staten Island, keeping this tradition over its 50-year life. Again, I extend to Nansen Lodge my very best and wish it many more years of success.

OBSTACLES TO FINANCIAL SERVICES RESTRUCTURING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. LAFALCE. Mr. Speaker, the U.S. Congress has not been able to fashion a response to developments in the financial marketplace. Many, such as myself, have argued that we must modernize the antiquated laws which govern our financial services industry. The stock market crash of October 19 and the legislative proposals to restructure the banking system present two important opportunities for Congress to address the difficulties it has in legislating on financial issues. As Stephen Friedman points out an article which appeared in the New York Times, January 14, 1988, there are some significant structural obstacles to achieving this goal. I ask unanimous consent that this article be printed in the CONGRESSIONAL RECORD.

FINANCIAL REFORM? NOT IN THIS LIFE

(By Stephen J. Friedman)

The Brady Commission has delivered to President Reagan its findings on the causes of Black Monday and instability in the financial markets, and we now await further reports by numerous institutions, both public and private. While we don't know what those later studies will add to the Brady Commission's recommendations, we can be sure of one thing: Few, if any, concrete suggestions will be translated into regulatory law. Congress just doesn't have the capacity to act on financial issues.

Our political system once earned praise for its capacity to mediate conflicting interests in a country of remarkable cultural and geographic diversity. As the number and political power of factions have multiplied, however, the effectiveness of Congress in striking the compromises required to make a pluralistic society function has shrunk.

The evidence is presented yearly in the inability to deal adequately with the budget. But nowhere is it more plain than in financial regulation. Here Congress is plainly more a part of the problem than of the solution.

The financial markets are characterized by many powerful players. Those players tend to be organized into industries and, for historical reasons, each industry—securities, banking, futures, etc.—has a separate regulator.

Over the years, the industries have grown together. For example, banks provide many investment products and securities firms own banks and market certificates of deposit. But the regulatory system has not evolved in concert with these changes because Congress could not make the hard decisions needed to lay the groundwork.

Part of the problem lies with the committee system. For example, both the House and the Senate have separate committees for the securities and futures markets. That's because the futures markets grew up to serve agriculture. But there has been an explosion of financial futures contracts over the last 15 years, and it is often alleged that they have played a central role in creating market instability—through complex, computerized trading strategies like portfolio insurance and program trading.

There is no intellectually respectable argument for the existing system of separate regulators for securities and options on securities, and for financial futures and options on financial futures. Yet a merger of the regulatory functions would eliminate the jurisdiction over these instruments of the agriculture committees in the House and Senate—and thus this simple step is not viewed as "realistic" by Washington professionals.

The Brady Commission, properly recognizing the need for overall regulation of the financial markets, suggested that the Federal Reserve "coordinate" the activities of the other regulators. In point of fact, the Federal Reserve lacks the experience to perform that role. Moroever, what is needed is very clear accountability in regulation. Coordination implies a dispersion of responsibility.

Why did the Brady Commission not recognize what everyone pointed out within five minutes of the report's release—that this is not a good solution? Undoubtedly, because the commission was advised that reform of the regulatory structure is unrealistic.

Each industry group has a vested interest in its own regulator. Change forces legislators to attack those vested interests with no political payback. It is viewed by the industry groups as a zero sum game: What helps one is seen as hurting another. Thus, any Congressional action will anger some powerful group. To make matters worse, there is no political capital to be gained by legislators in reorganizing the financial regulatory system. The result is continuing inaction.

Legislators and Congressional staff complain that there is too much fragmentation among the interested groups—for example, that bankers cannot agree even among themselves, no less than with the securities industry, about revising the Depression-era Glass-Steagall Act, which separates the

banking and securities industries. But these complaints miss the point.

Representative government requires leadership in striking compromises, good judgment and a willingness to do the right thing when the national interest demands it. When Congress fails to act in the face of a clear need for action over a sustained period of time, the result cannot be dismissed with a shrug and a passing reference to "political realities." It is a true failure of constitutional function, a true constitutional crisis.

CONGRATULATIONS TO CLARENCE G. KATZKE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to extend my congratulations to Clarence G. Katzke as he celebrates the 40th anniversary of his business, the Katzke Paper Co. I would also like to share his story, a story of hard work and determination that led to his success.

Clarence Katzke was born in Chicago on December 22, 1917. He later served valiantly in the U.S. Army during World War II receiving two decorations, the Purple Heart and the Bronze Star. After serving his country, Clarence left Chicago to seek opportunities in the growing West. In 1948 he arrived in Denver and opened the Katzke Paper Co. Clarence lived in this storefront operation, and made deliveries from the back of a 1941 Chevrolet. His business was based on the principal of "Quality and Service Above All Things." The business steadily expanded, and now, 40 years after its opening, the Katzke Paper Co. is a successful multimillion-dollar enterprise.

Not only has Clarence created a major business from a meager beginning, he has also played a role in the community he adopted. Clarence is active in his church, as well as other organizations such as the 7th Armed Division Society and the Military Order of the Purple Heart. Two years after arriving in Denver he married Gay Marberger.

Again, my warmest congratulations to Clarence and Gay Katzke on their success, and my best wishes for 1988. Clarence Katzke is a symbol of entrepreneurial initiative and community service, and it is a pleasure for me to recognize and share with my colleagues this example of what makes America great.

A CONGRESSIONAL SALUTE TO OLIVIA HINES

HON. GLENN M. ANDERSON

OF CALFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a distinguished civic leader in my district, Mrs. Olivia Redman Hines. Mrs. Hines will be honored on January 28, 1988, by the San Pedro community as San Pedro's Citizen of the Year. This auspicious occasion gives me an opportunity to publicly express my gratitude for her work on behalf of the community of San Pedro.

Born in Walnut Hills, OH, Olivia's family moved to Los Angeles when she was still a child. She graduated from Jefferson High School in Los Angeles, and attended UCLA for a period ot time. From there Olivia went to the Department of Social Services, where she worked for 22 years.

It was after she quit her supervisory position with the Department of Social Services that San Pedro gained a full-time community servant. Olivia has devoted an enormous amount of time and energy to the Boy Scouts, establishing the Scouts in Government Day in the Harbor District, and helping to run the Scouts Cabrillo Beach Base Camp in San Pedro for 11 years. She was awarded the Scouts' highest honor, the Silver Badge Award for 30 years of service to the organization.

This dynamic woman has not limited her talents to the Boy Scouts; she has served on the board of the Harbor Area YWCA since 1975, and is also active with Friends of the Library. She volunteers with the Emergency Alert Response System at San Pedro Peninsula Hospital and the First Methodist Church of San Pedro. In addition, Olivia is on the San Pedro Centennial Committee and will organize the city's centennial parade.

Currently, Olivia works for the Golden State Homemakers Inc., helping to arrange house cleaning and other services for the elderly.

My wife, Lee, joins me in extending our warmest congratulations to Olivia Hines on this special occasion. The citizens of San Pedro are lucky to have such an outstanding woman in their midst. On behalf of the community of San Pedro, we wish Olivia Hines all the best in the years to come.

PRESIDENT CHIANG CHING-KUO IS MOURNED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SUNDQUIST. Mr. Speaker, I would like to take a moment to express my condolences to the family of President Chiang Ching-kuo and to the people of Taiwan, who lost a great leader on January 13, 1988.

President Chiang ushered in a new era for his island nation by teaching his people the importance of self-respect and self-reliance. Perhaps most importantly, he taught his nation not to fear the future, but to embrace it and welcome the chance it brings for prosperity and success. Characteristic of a true leader, President Chiang was able to inspire and motivate his country, even in Taiwan's darkest hours of virtual diplomatic isolation from the world.

Through President Chiang's devoted efforts, Taiwan has developed and maintained clearly successful commercial and cultural ties with most of the free world.

Mr. Speaker, I had the distinct honor of meeting President Chiang not long ago and from personal experience, I can say that we have lost a friend, a world-class leader, and a steadfast supporter of the causes of liberty and democracy.

While the people of Taiwan mourn the loss of their leader, I wish to extend to them my deepest sympathies.

GULF NATIONS: GET OFF THE FENCE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. SMITH of Florida. Mr. Speaker, for 8 months now U.S. military forces have been policing the waters of the volatile Persian Gulf. The ostensible justification for this military venture is to ensure that the Iran-Iraq war does not disrupt the flow of oil to the West. Yet another effect of U.S. policy is the enhanced security of the nations lining the Persian Gulf—Saudi Arabia, Kuwait, Bahrain, to name a few. Unquestionably, these countries are strengthened by our continued presence and military commitment.

It would seem equitable, then, that we could depend on those very states we are protecting to provide us with the means necessary to do the job efficiently and with minimal risk to our people. This, however, is not the case. The article printed below argues that the gulf nations should allow U.S. military forces access to their airfields and docks. It is an argument that is correct and should be accepted by the Persian Gulf nations enjoying our protection.

[From the Defense News, Jan. 18, 1988]

GULF NATIONS: GET OFF THE FENCE

It is time for Saudi Arabia, Kuwait and other friendly nations in the Persian Gulf to stop straddling the fence and provide access to the airfields and docks that the United States must have in order to defend them. American military personnel should not be asked to risk their lives under conditions made more arduous by the very friends it seeks to protect.

Kuwait has gained much from the reflagging scheme but refuses to provide even minor accommodations for its protector.

Saudi Arabia last year took a small step in the right direction. Limited access to airfields quietly was provided on a case-by-case basis. Oman and Bahrain provided limited facilities. What is needed is guaranteed access to specific facilities for so long as American forces are in the region to protect U.S. and Arab interests.

The refusal of Saudi Arabia, a U.S. friend of 40 years, to provide adequate basing is particularly puzzling. Certainly the reason cannot be that Saudi Arabia wants to keep secret from its neighbors the extent of its military relationship with the United States.

To lobby for the proposed sale of U.S. missiles to Saudi Arabia in March 1986, the Saudis sent Congress and the press a statement that said: "A full-time U.S. military mission in-country was established by mutual agreement almost 30 years ago . . . The American military presence is headed by a U.S. Air Force Major General who has over 1,500 American military personnel in his command." The statement notes that the United States operates an airborne warning and control system (AWACS) fleet from bases in Saudi Arabia,

and helps maintain Saudi-owned AWACS planes.

Sufficient precedent already has been set. The provision of adequate bases requires no new policy or political departure.

The situation in the gulf is indicative of what has gone wrong with U.S. foreign policy. Too many nations look to the United States for no-risk protection at bargain basement prices. Defense Secretary Frank Carlucci said last Thrusday that "the degree of cooperation from our friends in the Arab world and around the gulf is unprecedented." However, Undersecretary Fred Ikle issued a Pentagon report on long-term strategy last Tuesday that says the United States "should continue to encourage other friends [in the gulf]—Saudi Arabia, for example—to make bases available in an emergency." The United States asks too little of some of its friends. Americans are tired of it and in the near future will begin insisting upon two-way relationships or none at all.

King Fahd of Saudi Arabia is a U.S. ally skilled in the give-and-take of international politics. He should provide the bases forthwith and urge other Arab states to do likewise.

VIRGINIA MORSE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. EDWARDS of California. Mr. Speaker, it is with deep regret that I have learned of the death in Santa Barbara of Virginia Morse.

A distinguished Carmel, CA, artist, Mrs. Morse leaves behind a legacy of paintings, pottery, writing, and photography that her husband John Boit Morse, describes as "a celebration of life." Over the years I have seen and admired many of Mrs. Morse's paintings and pottery pieces. She was possessed of an exciting and immense talent.

Virginia Morse's husband was John Boit Morse, nationally known Carmel artist and former president of the Del Monte Properties Co. She was the daughter-in-law of Samuel F.B. Morse, founder of what is now the Pebble Beach Co., where is located the world famous Pebble Beach golf links.

Virginia Morse was born October 20, 1916 in Benton County, IN. She earned her bachelor's degree at Smith College, her master's from the University of Nebraska. She did postgraduate studies at Oxford University at the Art Students League in New York City.

Mrs. Morse turned to the arts after working as a journalist. She was a Time magazine correspondent for about a decade, assigned to Washington, DC, during World War II.

Mr. Speaker, in addition to the lovely works of art that Virginia Morse leaves behind, she also leaves a host of friends and relatives whose lives will be enriched because of knowing her. I count myself as one of those lucky persons.

A TRIBUTE TO RAY AND EDITHA EDWARDS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MOORHEAD. Mr. Speaker, on Sunday evening, February 7, the many friends of Ray and Editha Edwards will gather at the Beverly Hills Hotel to say thanks for the more than 40 years of commitment to their community and to the savings and loan industry.

The tribute will be hosted by Dinah Shore, Carl Karcher, the city of Glendale and the California League of Savings Institutions. The Edwards requested that all proceeds from the gala be given to the Criminal Justice Legal Foundation for the advancement of victims' rights.

Mr. Speaker, Raymond D. Edwards is the chairman of the board of Glenfed, Inc., and the Glendale Federal Savings and Loan Association. He was born in Los Angeles and was raised in Glendale. He attended the University of Calfiornia at Berkeley where he received a bachelor of arts degree in economics.

Following service in the U.S. Navy during WWII, he joined Glendale Federal Savings and Loan in 1945 as a teller. In 1949, he was named secretary to the board of directors and, soon thereafter, was named vice president, then executive vice president. In 1965, he became president of Glendale Federal. Seven years later, he became chairman and chief executive officer. He became chairman of the board of Glenfed, Inc., the parent company of Glendale Federal Savings and Loan, in November of 1985.

Throughout his 41 years in the savings and loan business, Ray Edwards has assumed a leadership role in industry affairs. He was founder and first president of the Conference of the Federal Savings and Loan Associations. He has served on the U.S. Savings and Loan League's Legislative Committee and the president's economic policy committee of the National Savings and Loan League.

Mr. Edwards has served as president and on several committees of the California Savings and Loan League. He also helped establish a Federal section within the league and served as its first chairman. In addition, he was director of the Federal Home Loan Savings Bank Board of San Francisco for 6 years. He is currently serving as trustee for the Foundation for Savings Institutions.

Ray Edwards has also actively participated in many civic and service groups throughout the greater Los Angeles area. He is the founder and past president of the Glendale Citizens for Law and Order. He has served as honorary chairman and past president of the Glendale Symphony Orchestra Association. The Glendale Symphony Orchestra is a splendid orchestra and a proud community tradition. At the foundation of its success is Glendale Federal and Ray Edwards. They have given the orchestra their time, effort, and resources.

The list of commitments and activities goes on. He is chairman of the board of the Glendale Redevelopment Council; he is a recipient of the 1986 Medal of Honor Award presented by the Building Industry Association of Southern California; he is on the board of trustees of the California Museum Foundation; he is a member of the Glendale Community College Foundation, and he is chairman of the city of Glendale Diamond Jubilee. In addition, he is a member of Kiwanis, the Community Chest, the Red Cross, and the PTA. He is a member and former director of the Oakmont Country Club.

Editha Edwards was born in Glendale. She attended the University of Southern California and served in the WAVES during WWII. She has been an active member of many community philanthropic and charitable organizations over the past four decades, including serving in the local PTA and the YWCA. She is active in the Philanthropic and Educational Organization for Women, as an advisory committee member of the Twelve Oaks Lodge Retirement Home. She is also past president of the Glendale Community Foundation.

Mr. Speaker, the contributions of the Edwards cannot be measured. They have given with generosity, with humility, with eagerness. They have shared their gifts, their time, their love. We have all benefited from their devotion and their good will. On behalf of the residents of the 22d Congressional District, I am delighted to express my gratitude to Ray and Editha Edwards and to play a small role in a highly deserved tribute.

TRIBUTE TO HIS EMINENCE, JOHN CARDINAL KROL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to His Eminence, John Cardinal Krol, retiring Archbishop of Philadelphia.

Cardinal Krol has had an extraordinary 51-year career in the Catholic Church. This son of Polish immigrants was ordained to the priesthood in Cleveland in 1937. He studied canon law in Rome and at Catholic University, where he received his doctorate.

In Cleveland, then Monsignor Krol served as Chancellor of the Archdiocese. He was consecrated as a bishop in 1953, and served as auxiliary bishop to the Archbishop of Cleveland.

In 1961, John Krol was named Archbishop of Philadelphia, and became the spiritual leader of the city's 1.3 million Catholics. In 1967, he was elevated to the Sacred College of Cardinals by Pope Paul VI.

While Archbishop of Philadelphia, the Nation's fourth largest Catholic diocese, Cardinal Krol served as an undersecretary of the Second Vatican Council, president of the National Conference of Catholic Bishops and as host of the International Eucharistic Congress in 1976.

Cardinal Krol has also distinghished himself as a member of the President's National Citizens Committee on Community Relations and as a trustee to both the Catholic University of America and the Catholic League for Religious Assistance to Poland.

His tireless efforts have led to countless honors, including the gold medal from the Paderewski Foundation, the Philadelphia Free-

dom Medal and the Legion of Honor gold medal of the Chapel of Four Chaplains.

Cardinal Krol's reputation as an able administrator and authority on canon law has earned the respect of Catholics and non-Catholics alike, both in this country and around the world. His celebrated career of religious leadership and 27 years as Archbishop of Philadelphia merits our gratitude and our admiration.

I join the people of Philadelphia in paying tribute to John Cardinal Krol.

THIRD INTERNATIONAL WOJAC CONFERENCE RESOLUTIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. FRANK. Mr. Speaker, there are a number of grave problems in the Middle East which attract newspaper headlines and television coverage. But there are other serious issues in that region which get less coverage, in part because they involve fewer people than some of the more dramatic issues, and in part because they are played out in societies which are repressive and do not allow free access to the news media. Among those problems is that of the Jews who remain imprisoned against their will in Arab countries.

The great majority of Jewish inhabitants of Arab countries have left for Israel and other places, as a result of the tensions which tragically divide the Arab and Jewish communities in the Middle East. But there are Jews who remain behind in Arab lands, and in many cases they are the victims of prosecution and oppression. This is a particular problem in three Middle Eastern countries which unfortunately are governed in ways which are antithetical to democracy and which do not recognize human rights: Syria, Iraq, and Yemen.

To represent the interests of those people left behind in Arab countries, and to represent as well the interest of those who are expelled from Arab countries, there exists an organization known as the World Organization of Jews From Arab Countries, or WOJAC. Recently, WOJAC held its third international conference here in Washington at the Omni Shoreham Hotel. I had the privilege of meeting with representatives of that organization at that time, and I was struck by their commitment to alleviating the plight of those less fortunate than themselves. A great deal of attention is legitimately given to the severe problems afflicting the Arab refugees of the series of Middle Eastern wars. It is clear that peace will only come to that troubled area when these Arab refugees are treated fairly and an overall political solution in the area must deal with this. The representatives of WOJAC also point out that an overall settlement must also look to the interests of those Jews left behind in Arab countries, and their questions of compensation for those forceably resettled because of the Middle Eastern war should apply equally to Arabs who fled what is now Israel, and Jews forced to flee Arab countries.

Mr. Speaker, I insert the resolutions of the Third International WOJAC Conference:

RESOLUTIONS OF THE THIRD INTERNATIONAL CONFERENCE WOJAC—THE WORLD ORGANISATION OF JEWS FROM ARAB COUNTRIES—OMNI SHOREHAM HOTEL, WASHINGTON, DC, OCT. 28, 1987

Whereas United Nations General Assembly Resolution 181 of November 29th 1947 was rejected by the Arab League, which waged war against Israel, and this war gave rise to an exchange of populations between Palestine Arabs and Jews from Arab countries

Whereas some Arab States still deny human rights to Jews, in violation of basic international instruments, including "the right to leave," as enshrined in the Universal Declaration of Human Rights.

Whereas more than 900,000 Jews who left Arab Countries as refugees those who today number nearly half the Jewish population of Israel and those living in other countries constitute a major Middle East refugee movement that has not been adequately recognized.

Whereas Israel, having limited resources, absorbed the Jewish refugees from Arab countries at a cost of over $11 billion.

Whereas the Arab League rejects a humanitarian solution to the Palestinian Arab refugee problem.

Whereas the State of Israel has declared, in a resolution adopted by the Knesset on October 26th 1987, that "Israel, for its part, has made it known that within the framework of a peace settlement, it will be prepared to compensate the Arabs who left Israel," and

Whereas UN Security Council Resolution 242 of November 22, 1967 stipulated that a comprehensive solution of the Arab Israel conflict must necessarily include "a just settlement of the refugee problem," which includes the claims of Jewish refugees from Arab countries.

The World Organisation of Jews from Arab Countries urgently calls upon those Arab Governments concerned, particularly Syria, Iraq and Yemen:

To cease persecution of those Jews still living in their midst and to grant them their basic rights, and permit those who wish to emigrate to do so without hindrance; at the same time, the conference notes with appreciation those Arab governments which have adopted a moderate attitude toward their Jewish citizens.

WOJAC calls upon Syria to permit all those Jews who wish to emigrate to do so, and particularly to grant exit permits to Jewish women wishing to marry, in accordance with the promise made by President Hafez Al Assad to President Jimmy Carter in Geneva in 1977.

WOJAC calls upon the Arab States:

To meet their international obligations by providing full compensation and indemnification for property and assets, as well as their cultural patrimony of which Jews were deprived.

To return to Jewish ownership and administration all religious and cultural properties.

To cease the political exploitation of the Palestinian Arab refugees and to work for a prompt humanitarian solution.

The World Organisation of Jews from Arab Countries reaffirms its solidarity to Israel's ongoing efforts to implement the Peace Treaty with Egypt and to develop friendly relations and establish a lasting peace with other Arab States.

WOJAC appeals to Jews throughout the world:

To support its struggle on behalf of Jews from Arab countries for the realisation of their legitimate rights.

WOJAC appeals to the International Community, as well as to the United States government, presently negotiating for the release of hostages held in the Lebanon, not to forget the tragic plight of the Lebanese Jewish hostages, nine of whom have already been executed.

To use its influence upon Arab governments to fulfill their obligations for the protection of their Jewish minorities and to support the legitimate rights and claims of Jewish refugees from Arab countries.

WOJAC appeals in particular to the government and people of the United States of America to intensify their efforts to resolve the longstanding problems of Arab and Jewish refugees and to facilitate their integration into the societies in which they live.

CONGRESSMAN DALE E. KILDEE PAYS TRIBUTE TO REV. AVERY AND MILDRED ALDRIDGE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to an extraordinary couple whose compassion and spiritual integrity have been a powerful force for good in my hometown of Flint, MI—Rev. Avery and Mrs. Mildred Aldridge.

On Sunday, January 17, Dr. Aldridge and his wife celebrated 31 years of pastoral service at the church Dr. Aldridge founded, the Foss Avenue Baptist Church in Flint. Their friends, family, and congregants gathered to commemorate this couple's remarkable commitment to their church and their community, and I would like to add my voice to theirs on this very joyous occasion.

Dr. Aldridge's service to his congregants goes far beyond speaking to them from the pulpit every Sunday. He has become an integral part of their lives because he is willing to meet people right where they are—to minister to their real needs and to counsel them from his own experience, strength, and hope. Reverend Aldridge's congregants are a cross section of the Flint community, from diverse backgrounds and with varied needs. His commitment to a spiritual way of life and his unflinching honesty about his own struggles and victories have been a constant source of comfort and inspiration to people of all walks of life in need or in pain.

Dr. Aldridge has also been an impetus in Flint for a deeper community involvement. He is founder of both the Foss Avenue Christian School and the Concerned Pastors for Social Action. Both organizations fill a tremendous need in Flint. The Concerned Pastors for Social Action has become an important voice for human dignity and social action in our community. This group reflects the challenge of Reverend Aldridge's own philosophy—that a spiritual commitment leads to action, and a helping hand to an individual or an entire community is not simply an ideal, it is a way of life.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S.

House of Representatives to join with me in commending Rev. Avery and Mrs. Mildred Aldridge on the occasion of their 31st anniversary at Foss Avenue Baptist Church. Their selflessness has touched the lives of countless people and continues to serve as a message of bright hope to our entire community.

DAV RESPONDS TO SPATE OF EDITORIALS AGAINST UPGRADING THE VA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. MONTGOMERY. Mr. Speaker, since early November, many of the Nation's newspapers have collectively devoted a considerable amount of editorial attention—mostly negative and completely unjustified—to the effort to upgrade the Veterans' Administration to a Cabinet-level department.

Curiously, many of these editorials share an entirely too coincidental similarity in words, phrasing, and clichés, that suggests a concerted effort to prevent this long-overdue action. I have to wonder why when such a move is in the best national interest, involves insignificant costs, does not expand government, and affords the Nation's defenders the deference they have earned. Why would editorial boards oppose it?

Perhaps Butch Joeckel, executive director of the Washington headquarters of the Disabled American Veterans, has hit upon one reason for this media opposition. I would like to share with my colleagues his thoughts on the matter:

A DIVISIVE PEN

In the month after the House Committee reported the bill on November 10 giving the VA Cabinet rank, the *Post* published more than a dozen articles, letters and columns on the proposal. Three of the *Post's* four editorials against the measure appeared before the Senate Committee's December 9 hearing on it. Predictably, the paper's report of that hearing headlined criticism of the proposal despite its virtually unquestioned likelihood of passage.

The unique intensity of the *Post's* coverage alone, not counting an indirect swipe at the idea in an editorial about the Dallas Cowboys, invites attention. But the more widespread editorial commentary provoked by the legislation is more important to consider.

We have found expressions of opinion in about twenty newspapers (of some 1700 dailies nationwide) during the same month, from cities that include New York, Washington, Philadelphia, Detroit and Atlanta. All but one (from Waco, Texas) have opposed Cabinet status for the VA.

In addition to this rather remarkable uniformity of view, the same reasoning and even phraseology recur with surprising frequency. More than half of the editorials, for example, condemn support for the proposal by reference to "special interest" lobbying for a larger share of the budget, and more than half use the word "clout" to identify the villain.

We would not be shocked to discover that certain editorial rooms have spoken with each other about the matter. Nor are we surprised to observe behavior that seems at least to be conscious parallelism if not concerted action. Our concern instead begins with the hypocrisy suggested in the hostile commentary.

The double standard is best illustrated by the *Post's* second editorial (Nov. 25, 1987), asserting that supporters of the bill claim "with a wink" that it won't increase the budget, when "of course" the *Post* knows that isn't true. So much for the integrity of the President, 399 House members and veterans' organizations to which belong some seven million Americans.

The *Post* then expects its own arguments to be accepted at face value when, after paying lip service to the "special obligation" owed veterans (as do three-fourths of the editorials we have read), it goes on to wave the flag of deficit reduction and declare that at some point, that obligation expires. Why should the *Post's* pious handwringing over the deficit be accepted as its real agenda any more than the *Post* accepts as genuine the rationale of the bill's supporters?

A clue to what this double standard may conceal is contained in the *Post's* first editorial (Nov. 12, 1987), which says the budget problem will "only get worse" as World War II veterans become eligible for benefits by reason of age (current average: 65). The reference has more than demographic significance, because it begs comparison with the unmentioned, new generation of veterans from the Vietnam War (average age: 40).

The significance of the generational issue is threefold. First, the different experience of the two wars produced different attitudes that have been a crucial element of the divisiveness that has adversely affected veterans' affairs for the last decade. Second, no one can doubt the professional skepticism bred in the media by the government's information policy during the Vietnam War. Third, the Vietnam generation is now assuming leadership in America's institutions, including the media.

Our theory is that for powerful historical reasons, certain like-thinking press leaders may be perpetuating the divisions of the Vietnam War by unconsciously working out their generational conflicts in the forum of veterans' affairs. At least, continuation of those divisions can be the effect of the monolithic reaction of newspapers so far moved to comment on a Department of Veterans Affairs.

The country has lived enough with the image of Vietnam veterans popularized by those who profit financially from extreme stereotypes, pitted against the twin Goliaths of an ungrateful society and an insensitive generation of earlier veterans by those who profit ideologically from seeming to occupy the moral high ground.

President Reagan supports Cabinet status for the VA partly out of a desire to honor Vietnam veterans and Congressman Montgomery believes the move will help heal the wounds of the Vietnam era. Both are World War II veterans. Every veterans' organization representative who testified at the Senate hearing on the bill, all of whom supported it, was a Vietnam veteran.

It is time to reflect the reality that Vietnam veterans are welcomed, not to say treasured, part of the national mainstream and that, in the critical area of veterans' affairs, the older generation and the younger are mutually reaching across the vanishing divisions to face a united future.

We hope that 1988—twenty years from the Tet Offensive—will see the establishment of a Cabinet department in recognition of this truth, and as an occasion for turning pens as well as swords into plowshares.

CHARLES E. JOECKEL, Jr.,
December 14, 1987.

Mr. Joeckel, a combat-disabled Vietnam veteran, is executive director of the one-million-member Disabled American Veterans.

A FAREWELL TO NANCY PIGMAN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. GARCIA. Mr. Speaker, as chairman of the Subcommittee on International Finance, Trade, and Monetary Policy, I would like to acknowledge the career of Ms. Nancy S. Pigman in public service which spans 34 years—14 years in Congress and 20 as Congressional Relations Officer for the U.S. Export-Import Bank.

Ms. Pigman joined the Eximbank in August 1967. She headed the Bank's congressional relations staff and was Eximbank's legislative liaison with the U.S. Congress. Her job included monitoring all legislation directly affecting or of interest to the Bank, responding to myriads of requests for information from Members of Congress and congressional committees, and preparing appearances of Bank officers before Congress.

Before her career with Eximbank, Ms. Pigman was an intern in the office of U.S. Congressman Jacob K. Javits of New York and appropriations and legislative assistant to U.S. Senator Leverett Saltonstall of Massachusetts.

Thursday, January 28, 1988, will be Ms. Pigman's last day at the Eximbank but a beginning of a new phase in life—retirement. Congress will be losing a valued friend and resource. Ms. Pigman was of top caliber among the congressional relations officers of the Federal agencies. Having worked both for Congress and the Bank, Ms. Pigman knew well how to keep harmonious the relationship between Congress and the Eximbank. Many of us who have dealt with her have truly benefited from her thorough understanding of Eximbank's programs and the congressional process.

I congratulate her for her dedication to public service and would like to thank her for a job well done. I along with the subcommittee members and staff will miss her dearly and wish her Godspeed.

FREE WORLD LOSES GREAT ALLY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. ARMEY. Mr. Speaker, last week, the free world lost a great ally in the fight against communism. President Chiang Ching-kuo led the Republic of China during a period of spectacular achievement. Today, Taiwan is in

many ways a model of the developing nation's of the world.

Under his stewardship, economic growth skyrocketed upward at an average annual rate of 10 percent. His dedication to the principles of free enterprise has made the Republic of China a prosperous land of optimism and hope. It is now the fifth largest trading partner of the United States and has joined the ranks of the world's leading economic powers. The people of the world have much to learn by studying the wise policies of President Chiang.

I had the honor and privilege of meeting President Chiang during my last visit to Taipei. He was a well-informed, amiable statesman who understood his nation's crucial role as a force for stability in an often troubled region of the world. He will be greatly missed.

PRESIDENT CHIANG CHING-KUO

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1988

Mr. COLEMAN of Texas. Mr. Speaker, it was widely reported that President Chiang Ching-kuo had been seriously ill for a long time before his death on January 13, 1988. Yet to the public, he put his love of his country ahead of concern for himself, and he sought to give the impression that he was hale and hearty to prevent his declining health from unduly alarming his people.

In fact, despite a great deal of physical discomfort and possibly pain, he kept all his appointments right up to the end, including the arduous task of meeting with foreign visitors and subordinates.

When Ambassador Chien visited with him last December, for example, President Chiang made only vague references to his leg and back problems, while he kindly consulted Ambassador Chien on a number of policy matters. All in all, no matter how personally uncomfortable it was for him, President Chiang always had his country and his people uppermost in his mind.

To his country, President Chiang gave his whole life and sought nothing personal in return. He was truly a remarkable leader in the 20th century, and I trust that Chinese history books will view him as the man who best embodied the concept of "country above self." He was, in my opinion, as dedicated to his country and his people as any leader could aspire to be.

Mr. Speaker, I once had the honor to meet His Excellency, President Chiang, on a visit to the Republic of China; I will always remember that visit with fondness and affection. The people of the United States of America have always had a special bond with the people of the Republic of China, and this bond of friendship and esteem continued to strengthen and enhance under the leadership of President Chiang. The American people have lost a good friend; the people of the Republic of China have lost a great leader; the West, a voice of freedom; but our special bond will remain and endure.

Chiang Ching-kuo will be remembered as a proudly nationalistic leader and one who played a leading role in the evolution of his nation's government. As the attached eulogies point out, he moved freely among his people and presided over the transition from an underdeveloped agrarian state to a modern, free-trading capitalist economy. His grateful people can look back on leadership that helped produce one of the world's most vibrant economies: the third-highest per capita income in Asia ($3,700); its 4.4 million households today have an average income of $12,000; its average savings rate of $10,600 ranks highest in the world, and about 80 percent of all families own their homes.

Indeed, as a major newspaper pointed out, President Chiang's political reforms matched those in the economy. He has broadened the base of his country's democracy, ended the 40-year rule of martial law and allowed the creation of an opposition political party.

Mr. Speaker, the highly respected Wall Street Journal observed that President Chiang's vision deserves to be honored by all the democracies of the world. It should and will be honored by the U.S. Government, and perhaps more importantly, by the American people who still honor and cherish our historical and fraternal bonds with the people of Taiwan.

We will miss him deeply and the free world will miss him as well. I extend our condolences to the people of the Republic of China and their leaders, and wish them the best of success and prosperity in the future.

Mr. Speaker, I request that the attached eulogies from some of America's leading newspapers be entered in the CONGRESSIONAL RECORD so my colleagues can achieve a better understanding of President Chiang's remarkable achievements and his contributions to democracy and freedom.

[Wall Street Journal, Jan. 15, 1988]

TAIWAN IN TRANSITION

Nationalist Chinese President Chiang Ching-kuo, who died Wednesday at the age of 77, leaves behind on Taiwan one of the liveliest, most rapidly liberalizing societies in Asia. He will be missed.

It's impressive to look back on Mr. Chiang's achievements for Taiwan since he took over leadership after the death of his father, Chiang Kai-shek, in 1975. An initial drive for liberalization was derailed in 1978 by the shock of U.S. derecognition. By the mid-1980s, with Taiwan prospering, Mr. Chiang was back on track—easing restrictions, some of which had been in effect since the Nationalists fled from the Chinese mainland in 1949.

The past year-and-a-half brought the lifting of martial law, the organization of a vocal opposition party, and for many on Taiwan an end to the ban on visits to the Chinese mainland. The government relaxed longstanding currency controls and pushed ahead with serious tariff reform to open the economy to imports. Mr. Chiang also sought to ensure that no dynastic interests would stand in the way of democratization. The vice president, Lee Teng-hui, sworn in yesterday as Mr. Chiang's successor, is a native Taiwanese.

It was not unusual during Mr. Chiang's lifetime to hear him criticized abroad for clinging stubbornly to the hope that someday all of China might enjoy the freedoms now flowering on Taiwan. But it is for this stubbornness most of all that Chiang Ching-kuo deserves today a full salute. Mr. Chiang understood that for China there is no fast and simple solution. More important, he insisted that however long China must wait, reunification will come only when it brings with it not compromise for Taiwan but freedom for the mainland.

When we spoke with Mr. Chiang in October, he was not looking to reunification by military force, but to the hope that a free and democratic Taiwan might someday show all of China a way out of its agony. This is a vision that deserves to be honored by the democracies of the world. In the words of Chiang Ching-kuo, they would be doing so "for the sake of China and the Chinese people."

[From the Journal of Commerce, January 14, 1988]

CHANGE IN TAIWAN

Taiwanese president Chiang Ching-kuo, who died Wednesday at the age of 77, proved to be an unexpectedly strong leader during an important period in Taiwan's history.

Mr. Chiang, who effectively exercised power in Taiwan since 1972, was the son of nationalist Chinese leader Chiang Kai-shek. The elder Chiang, who brought his nationalist government to the island following its ouster from the mainland by Mao Tse-tung's communists in 1949, designated Chiang Ching-kuo as his successor in the expectation that he would maintain the existing order. Instead, the younger Chiang presided over the transformation of Taiwan into a world economic power. Per capita income in the island nation was barely $1,300 when he assumed the presidency in 1978; today, it is close to $4,000. Taiwan's exports to the United States, just over $5 billion when Mr. Chiang took power, were more than five times that amount last year.

Taiwan has successfully made the leap from manufacturing shoes and clothing to producing sophisticated manufactured goods. The country's most pressing economic problem has been figuring out what to do with the country's $72 billion in foreign reserved, among the largest in the world.

This economic progress, ironically, came even as Taiwan's official stature in the world declined. Only a handful of countries now recognize Taiwan's claim to be the sole representative of the Chinese people. Almost all now maintain diplomatic missions to the People's Republic of China in Beijing, while keeping unofficial representatives in Taipei.

Although Mr. Chiang never formally acknowledged the government on the mainland, Taiwanese authorities have recently shown flexibility in dealing with Beijing for the first time. Taiwanese citizens are now allowed to visit the People's Republic, and direct trade between the two countries is growing, even if neither government officially acknowledges that it occurs.

In the last years of his term, Mr. Chiang proved acutely sensitive to the winds of democracy that are blowing across East Asia. He began preparations for transition to democracy, freed many political prisoners, eliminated press censorship and last year ended the marital law that had prevailed on the island for 38 years. The task facing the new president. Lee Teng-hui, is to maintain the pace of change in hopes that Taiwan can avoid the political turmoil evident in other Asian countries with less foresighted leadership.

[From the Washington Times, Jan. 18, 1988]

CHIANG CHING-KUO

The darkest moment in the 10-year rule of Taiwan's President Chiang Ching-kuo, who died Wednesday at the age of 77, was the denunciation of the U.S. Mutual Defense Treaty with the Republic of China by President Carter in 1978. It was a moment that many on the island of 19.6 million had foreseen but that few liked to contemplate. That dreaded event allowed Mr. Chiang to demonstrate his enormous gift for leadership, which was indispensable in maneuvering the Republic of China through the transition to non-recognition by its most important ally. If he leaves no other legacy to his nation, it will be the skill, moderation and foresight he demonstrated during his presidency.

He studied as a youth in the Soviet Union, during a temporary flirtation between Soviet communists and Chinese nationalists. Mr. Chiang gained from the experience a Russian-born wife and a deep appreciation of the catastrophe of communism. What he did not learn about communism from Joseph Stalin he absorbed from the experience of the Chinese civil war and the subsequent rise of brutal Chinese communists.

Mr. Chiang inherited his leadership from his father Chiang Kai-shek, one of the world-historical figures of this century, but his style of leadershop differed significantly from his father's austere, paternalistic authoritarianism. As president, Chiang Ching-kuo moved freely among his people, wore informal civilian clothes instead of his father's military uniform and disarmed friends and foes with a chuckle that would be the envy of most American politicians.

He presided over the transition of Taiwan from a backward agrarian state into a modern capitalist one. The nation boasts the third-highest per capita income in Asia ($3,700); its 4.4 million households today have an average income of $12,000 and its average savings rate of $10,600 ranks highest in the world, according to Dr. Martin Lasater of the Heritage Foundation's Asian Studies Center. About 80 percent of all families on Taiwan own their homes. Such economic progress fulfills the slogan of the father of the Chinese revolution. Sun Yat-sen, "Land (or wealth) to the people"—not through redistribution by the state but through the free energies of the people themselves.

Chiang's political reforms matched those in the economy. His successor as president, Lee Teng-hui, is a native Taiwanese whose rise to prominence symbolizes the integration of the ethnic majority on the island into the political mainstream dominated since 1949 by the mainland Chinese. Under Chiang native Taiwanese came to compose 70 percent of the Kuomintang and the majority of the military forces. Chiang also ended the 40-year rule of martial law, permitted a liberalization of press laws and allowed the formation of an opposition political party, the Democratic Progressives, that last year took part in elections for the first time since the occupation of the island in 1949.

Taiwan faces an uncertain future. Not all political factions embraced Mr. Chiang's reforms and some in the military or the aging Chinese elite of the KMT establishment may try to regain power they once held. Economically, Taiwan is too dependent on the U.S. market and faces strong competitors in Japan, South Korea and other miraculous Asian economies. Despite liberalization, the government retains some trappings of authoritarianism, which must be removed despite provocations from dissidents. The country's relations with the United States, with the mainland and with much of the rest of the world remain uncertain since U.S. derecognition pushed it toward non-nationhood.

Such problems are not necessarily fatal, however, and the United States, which depended on nationalist forces in World War II, the Korean conflict and the Vietnam War and helped foster Taiwan's political and economic evolution, owes the country a historic debt that future administrations should honor. Chiang guided his country from almost feudal rule toward liberal democracy; the United States should support and encourage further development in the Republic of China.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 28, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 29

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to review practices and operations under the National Labor Relations Act.
SD-430

10:00 a.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on the implications for the Alliance of the Intermediate-Range Nuclear Forces (INF) treaty.
SR-325

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

1:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

2:30 p.m.
Armed Services
To continue hearings on strategy and capabilities for NATO defense, focusing on the implications for the Alliance of the Intermediate-Range Nuclear Forces (INF) treaty.
SR-325

FEBRUARY 1

9:00 a.m.
Foreign Relations
To resume hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

FEBRUARY 2

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-619).
SD-366

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 1731, to establish a demonstration program for employment opportunities for severely disadvantaged youths.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1988.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.
SD-538

Foreign Relations
To resume hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-216

Judiciary
To hold oversight hearings on the judicial selection process.
SD-226

Small Business
To hold hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal

procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

2:30 p.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

FEBRUARY 3

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Wendy L. Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

SR-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities market, focusing on events surrounding the stock market crash of 1987.

SD-538

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence
Closed business meeting.

SH-219

10:30 a.m.
Judiciary
Court and Administrative Practice Subcommittee
Business meeting, to mark up S. 951, to establish the Federal Courts Study Commission on the future of the Federal Judiciary.

SD-226

2:00 p.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on S. 1934, to provide for the construction of a Federal office building adjacent to Union Station in Washington, DC to consolidate certain judicial branch offices.

SD-406

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 4

9:30 a.m.
Judiciary
Business meeting, to consider pending committee business.

SD-226

Rules and Administration
To continue hearings on Senate committee resolutions requesting funds for operating expenses for 1988.

SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

Foreign Relations
To continue hearings on the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to review recent developments in the securities markets, focusing on events surrounding the stock market crash of 1987.

SD-538

FEBRUARY 16

2:00 p.m.
Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 17

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 18

2:00 p.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 19

10:00 a.m.
Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

FEBRUARY 23

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.

SD-106

FEBRUARY 24

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

MARCH 3

9:30 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars

SD-106

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418