United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

## SENATE—*Tuesday, March 22, 1988*

*(Legislative day of Monday, March 21, 1988)*

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

### PRAYER

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

Let us pray:

In the words of moderator Joe Cunning opening the New Castle Presbytery—"God grant us Your blessing * * * this day. Help us to learn the lessons You teach us. Save us from making the same mistakes over and over again. Save us from falling to the same temptations time and time again. Save us from persisting in courses of action which we ought to have learned long ago can lead to nothing but trouble. Save us from doing things that annoy other people. Help us to grow stronger, purer, kinder. Help us to shed old faults and gain new birth until by Your grace life becomes altogether new. Hear our morning prayer for Your love's sake. Amen."

(Joe Cunning, moderator, New Castle Presbytery, which is the first Presbytery in the United States, upon the 688th meeting with the above prayer.)

### 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, March 22, 1988.*

*To the Senate:*

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

JOHN C. STENNIS,
*President pro tempore.*

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

### RECOGNITION OF THE MAJORITY LEADER

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

Mr. BYRD. I thank the Chair.

### TIME OF TRIAL FOR POLICY TOWARD AFGHANISTAN

Mr. BYRD. Mr. President, yesterday was Afghanistan Day, and the beginning of a week when the shape of United States policy toward that country, occupied and savaged by Soviet forces for nearly a decade, must become sharper and more certain. Recent reports indicate that the policy of the administration, particularly as it regards the steadiness of our commitment as a nation toward the Mujahidin, should be reevaluated on an urgent basis.

There is no doubt about where the Senate stands on this matter. This body passed a resolution on February 29, 1988, which restated categorically longstanding Senate policy, namely, that United States assistance to the Afghan fighters should continue, uninterrupted, and undiminished, until Soviet forces and advisers are out of the country—not when they are half out, or, even worse, when they start to withdraw.

The distinguished Ambassador of Pakistan, Mr. Marker, visited with me in my office yesterday and briefed me thoroughly on the position of the Government of Pakistan on this matter. I congratulated him on the longstanding, courageous position that Pakistan has shown on this issue, in supporting the Mujahidin, on housing some 3 million Afghan refugees and in working closely with the United States.

There have been some very disturbing reports over the weekend. First, the New York Times reported on the day before yesterday, March 20, 1988, that:

> Despite President Reagan's vocal backing of the guerrillas, and unbeknown to Mr. Reagan, the United States made a commitment in 1985 to end military aid to the Afghan guerrillas at the beginning of the Soviet troop withdrawal.

I hope this is not a true account. It amounts to a cutting off of an American commitment at a very critical time. The Soviets now are putting out the line that the United States and Pakistan are posing stumbling blocks to the Soviet withdrawal from the nation. Can anyone be so naive to think that the Soviet decision to abandon their invasion and occupation was somehow dependent on the good behavior of the United States—that we should be so grateful to the Soviet regime for deciding to get out that we should rush to abandon our commitment to the Afghan fighters? The credibility and steadfastness of America should not become a casualty of the Soviet decision to withdraw.

Last week, Soviet officials declared that they plan to leave with or without a Geneva agreement—an agreement which includes some sort of American "guarantee" of noninterference by Pakistan and Afghanistan in each other's affairs. That, stripped of its diplomatic language, seems to mean that the United States ceases to aid the Mujahidin at some point very early in the Soviet withdrawal. I believe that such a "guarantee" is unwise and breaks a commitment which should not be broken. Indeed, one of the key Afghan guerrilla fighters was reported by the New York Times this past Saturday, March 19, 1988, to be accusing the United States of conspiring with the Soviet Union against Afghanistan. The leader, Mr. Hekmatyar, suspects a superpower deal at the guerrillas expense.

Mr. President, any agreements reached regarding the future of Afghanistan must be open convenants, "openly arrived at." They must be known to the world. The United States

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



AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

must not, by our actions, fuel such rumors. We should avoid implications that the United States and Soviet Governments are secretly deciding the fate of Afghanistan. The world should know what is going on in Afghanistan. We should not fall into a trap of cozy intrigue which feeds rumors of fast-dealing with the Soviets under the table and behind the scenes.

The Soviets have declared that they will get out, no matter what. Fine. Let us see how fast they can do it. They do not need our help in getting out of Afghanistan any more than they had it in getting in.

Mr. President, I do not believe that President Reagan wishes a diminution of the good word of the United States to result from his policy toward Afghanistan during the next critical few months. This has been a bipartisan success story to date, extending over nearly a decade, spanning two administrations, from both parties. We should see it through to a successful conclusion, which is an Afghanistan that has had its political sovereignty restored, free of the cancerous lesions of Soviet occupation and domination.

Indeed, the President has written me a letter dated March 11, 1988, in which he has attempted to spell out his policy more carefully. I have read that letter carefully, and am today responding to it. Unfortunately, I cannot say that my concerns over United States policy in the event of Soviet withdrawal have been satisfied.

In my response, I point out that the current emphasis on "symmetry" raises more questions than it answers. I take it that symmetry means that United States aid to the guerrillas is to cease once Soviet aid to the Kabul regime ceases, and at a point in time when some, but possibly only a minor portion of Soviet forces have departed from that country. As I wrote the President on February 25, 1988:

> The question of the "symmetry" of withdrawal or suspension of assistance is a murky one, with obvious dangers. What, in fact, constitutes "assistance?" Certainly a reasonable definition would include the in-country military forces, military and civilian advisers, as well as material and financial aid. I fail to understand why we would terminate our only form of aid, namely military assistance, in return for Soviet agreement to terminate only one form of their efforts to subjugate that nation. The shocking result of that formula is to telegraph the end of our commitment to the Mujahidin while the Soviets maintain the major portion of leverage in Afghanistan.

In addition, the President in his letter cites as his key to any change in United States aid policy the necessity for the Soviet withdrawal to be "complete" and "irreversible." As I have written to him today:

> How is it possible to determine that the Soviet withdrawal is "irreversible" on the first day of withdrawal? How can the United States give up the only leverage we have—military assistance to the resistance—and rely on the Soviets' good intentions to complete their withdrawal?

Mr. President, the Soviet Foreign Minister, Mr. Shevardnadze is in Washington this week, and the question of aid to Afghanistan is reported to be a major subject of discussion. I hope it is crystal clear to the administration as to where the Senate stands on this issue. I hope there is no misunderstanding about the depth of feeling on this matter. The argument that United States aid impedes a Soviet withdrawal should be debunked for what it really is, namely, a ploy by the Soviets to entice the United States to soften its commitment and make it easier for them to score a diplomatic and political victory and to lessen what is clearly a military quagmire and political disaster for them. The Soviets are just trying to make a very bad hand a lot better. But the United States holds the high moral cards of credibility and honor and must not weaken the cause of the resistance or make secret deals with the Soviets that would reward them for failing to devour Afghanistan.

I urge the President to personally make a thorough review of policies which may well have been made without his full understanding or knowledge.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times of March 20, 1988, a copy of the President's letter addressed to me, a copy of my letter addressed to the President, and an additional article relating to this matter.

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

THE WHITE HOUSE,
*Washington, DC, March 11, 1988.*

Hon. ROBERT C. BYRD,
*Majority Leader of the Senate,*
*U.S. Senate, Washington, DC,*

DEAR SENATOR BYRD: It was good to talk recently with you about my determination to help the Afghan Mujahidin achieve rapid, complete and irreversible withdrawal of Soviet troops and freedom for the Afghan people. This was the same position I expressed forcefully to General Secretary Gorbachev during the Summit here in December and with Secretary Shultz spelled out in greater detail during talks late last month with the General Secretary and Foreign Minister Shevardnadze.

In view of your statement of Afghanistan before the Senate last week, I would like to bring some points to your attention which deal with the concerns you have expressed.

Since 1985, we have indicated our conditional willingness to serve as a guarantor if a satisfactory settlement was reached. Our objectives have been: prompt and complete withdrawal of Soviet forces; restoration of Afghanistan to an independent and nonaligned status; self-determination for the Afghans; and return of refugees in safety and honor. These are the same basic points contained in the resolutions adopted overwhelmingly by eight successive sessions of the United Nations General Asssembly. I have emphasized these points and our support for the brave Afghan Mujahidin in my meetings with Yunis Khalis in November and General Secretary Gorbachev last December.

We have told the Soviets that to be credible for the United States, the Government of Pakistan, the Resistance and the entire free world, their withdrawal must be front-loaded (i.e. fifty-percent (50%) out within first three months), must actually begin to take troops out on the first day an agreement enters into force, and must be irreversible. If this occurs, we are confident of being able to detect and verify by our own national means whether the Soviets are acting in good faith. If not, any commitment by the United States would be off.

We have also told General Secretary Gorbachev and Foreign Minister Shevardnadze in recent months that any commitment to guarantee the Geneva instruments must be symmetrical, i.e., cessation of military or other aid to the Resistance must be matched by a cessation of similar aid to the regime in Kabul. We are confident that the above conditions, combined with the steadily increasing quantity, quality and sophistication of military equipment for the Resistance will enable them to deal effectively with military problems they might face. The Senate Select Intelligence Committee was briefed in detail on March 3 about current and programmed support from various sources for the Resistance. Contrary to erroneous reports, there have been no decisions to reduce or suspend military support and the overall rate of delivery continues to increase, although there has never been a steady, even rate of delivery from week to week and month to month. The enhanced support which the Resistance will receive over these several months, plus that already on hand, will actually strengthen rather than weaken their position vis-a-vis the remaining Soviet forces and the weak armed forces of the Najibullah regime. We, of course, wish to see that regime relinquish political power as soon as possible and be replaced by a regime which represents the vast majority rather than a small minority of the Afghan people.

Looking ahead, the Administration and Congress must be prepared to assist Pakistan, the Afghan refugees and whatever new, non-Communist government emerges in Kabul. The problems of refugee return and relief, plus reconstruction of wartime damage, will be demanding ones and will require broad international assistance. However, we must continue our own outstanding leadership role and set an example for others to follow.

Sincerely,

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U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
*Washington, DC, March 22, 1988.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: Thank you for your letter of March 11 outlining the Administration's policy on several aspects related to an Afghanistan settlement, particularly on the issue of termination of assistance to the Afghanistan resistance. I have serious reservations about the policy you have outlined.

You indicate that in recent months the Administration has told the Soviets that "any commitment to guarantee the Geneva accords must be symmetrical, i.e., cessation of military or other aid to the Resistance must be matched by a cessation of similar

aid to the regime in Kabul." However, the question of the "symmetry" of withdrawal or suspension of assistance is a murky one, with obvious dangers. What, in fact, constitutes "aid?" Certainly a reasonable definition would include the in-country military forces, military and civilian advisors, as well as material and financial aid. I fail to understand why we would terminate our only form of aid, namely military assistance, in return for Soviet agreement to terminate only one form of their efforts to subjugate that nation. The shocking result of that formula is to telegraph the end of our commitment to the mujaheddin while the Soviets maintain the major portion of leverage in Afghanistan.

In terms of the Geneva negotiations, it is unclear what exactly the United States is being asked to guarantee. I understand that no one in the Senate has been shown copies of these proposed accords. I certainly have no idea what is in these agreements, particularly the instrument which the United States is considering signing, the accord on guarantees.

It is also my understanding that the Administration has opened bilateral discussions with the Soviets on a mutual termination of assistance. While this new Administration position may appear to some to be equitable and balanced, I believe it involves a withdrawal of a long-standing American commitment to the Afghanistan resistance to support them until the Soviets have withdrawn totally from Afghanistan.

I call attention to the position taken by the Senate in a unanimous vote on February 29, 1988, that "the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujaheddin is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections." I enclose a copy of this resolution.

Mr. President, you state in your letter that to be credible, the Soviet withdrawal must be front-loaded, must actually begin on the first day an agreement enters into force, and "must be irreversible." How is it possible to determine that the Soviet withdrawal is "irreversible" on the first day of withdrawal? How can the United States give up the only leverage we have—military assistance to the resistance—and rely on the Soviets' good intentions to complete their withdrawal?

Reliance on, in your words, "our own national means . . . to detect and verify . . . if the Soviets are acting in good faith" obviously is essential. But if we determine that they are not acting in good faith, what recourse do we have if we have terminated our assistance program? It would place the Government of Pakistan in an extremely difficult position for the United States to ask for assistance to restart the aid program. I simply do not believe that course of action is feasible.

Yesterday, I met with the Ambassador from Pakistan, to commend his government for its longstanding efforts and courage in supporting the mujaheddin. I believe it is more important than ever to closely coordinate our program and policy with that nation as well as with the mujaheddin leaders.

Mr. President, as I have said repeatedly on the floor of the Senate, I do not believe the Soviets need enticements from the United States to leave Afghanistan. We should not reward the Soviets for having failed to devour Afghanistan.

I respectfully urge you to make a thorough review of any commitments which may have been made without your full support or knowledge.

Sincerely,

ROBERT C. BYRD.

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[From the New York Times, Mar. 19, 1988]

AFGHAN REBEL FACTION LEADER VOWS WAR BEYOND ANY PACT

ISLAMABAD, PAKISTAN, March 18.—The leader of a powerful Afghan guerrilla party and major recipient of covert American military assistance, whose aim is a "pure" Islamic state, consistently accuses the United States of conspiring with the Soviet Union against Afghanistan.

Yet the leader, Gulbuddin Hekmatyar, denies that he is anti-American, as is frequently charged.

"But there are people in America who are against our jihad," Mr. Hekmatyar said in an interview in Peshawar, the Pakistan city never the Afghan border that is the center for the seven parties fighting the Moscow-backed Government of President Najibullah in Kabul.

He used the term for an Islamic holy war that is also the common word for the fight against Afghan Government forces and their Soviet allies.

"They are in the Government, in the parties, in the public," Mr. Hekmatyar continued, speaking in English. "There is a class of people who support our struggle because they are against the Russians, not as an Islamic struggle."

Mr. Hekmatyar strongly opposes the Geneva talks on Afghanistan, with the United Nations acting as mediator between the Afghan Government and Pakistan. The talks, which resumed after an offer in February by Mikhail S. Gorbachev to begin withdrawing Soviet troops within two months after an accord is reached, have been blocked by differences on military aid and the shape of a postwar government.

"Gorbachev would not have made this announcement without an understanding with the United States," Mr. Hekmatyar said. "The Washington reaction proved that there is a secret conspiracy. If the Geneva accords are signed, you will find us on the battlefield. I personally will be inside Afghanistan."

The rebel leader, a 39-year-old former engineering student, who speaks in a soft but insistent voice with the certainty of a man expounding dogma, leads a wing of Hizbi Islami, or Islamic Party. In the frequent discord of the loose guerrilla coalition, Mr. Hekmatyar's wing of the split party stands out for being coherent and consistent.

CURRENTLY LEADING REBELS

On Tuesday, Mr. Hekmatyar was named chairman of the coalition. The post rotates every three months among the seven leaders.

Mr. Hekmatyar, who always wears traditional Afghan dress, preaches an Islamic revolution. Unlike his fellow alliance leaders, who strike above all an orthodox, anti-Soviet and anti-Communist tone, he advocates a radical program that rejects a return to the traditional ways of Islam that dominated Afghanistan during the monarchy that was overthrown in 1973 and survived through the political struggles that preceded the move of Soviet troops into Afghanistan in December 1979.

"We want a pure Islamic state in Afghanistan," said "Brother" Hehmatyar, as his associates refer to him. "Before 1973? That was never an Islamic system. It was completely against Islam."

The leader was less forthcoming when asked to define the differences between the "pure" Islam he advocates and the traditional system of the past. The rule of King Mohammad Zahir Shah, who led the deeply Moslem country for 40 years, was not Islamic, Mr. Hekmatyar said.

"Islam says the ruler should be elected by the people," he said. "Not Zahir Shah."

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[From the New York Times, Mar. 19, 1988]

IF A GENEVA TRUCE IS SIGNED, YOU WILL FIND US ON THE BATTLEFIELD

PURITY BUT NO DETAILS

Unlike the other rebel leaders, Mr. Hekmatyar, who is aware of the impression his words make in the Western press, was reluctant to spell out his philosophy of "pure" Islam as a political and social system.

When asked about the application of Islamic law, with stern corporal punishment including amputation of limbs or stoning to death of offending women, he replied, "Islam will be implemented in all aspects."

Asked about education for women, Mr. Hekmatyar said the Koran requires education for all. As for whether women should be educated like men—as doctors, engineers or lawyers, he said: "There are some differences. Each class should be educated according to its nature. It will be decided in the future."

Islamic fundamentalists believe that women should be educated for nothing but strict observance of the faith, with a stress on domestic life.

In 1986, when the seven leaders were invited to meet President Reagan, Mr. Hekmatyar was one of three who boycotted the reception. "I was not in favor of it," he said. "We didn't want the world to think the war in Afghanistan is a struggle between the two superpowers, and I was afraid America would compromise with Gorbachev over Afghanistan."

Nonetheless, Western officials said Mr. Hekmatyar continued to receive a significant share of the American arms aid, which is largely distributed by Pakistani intelligence agencies.

His favored treatment by Pakistani intelligence is believed to stem from the fact that he found refuge there at least three years before Soviet troops moved into Afghanistan, and has since maintained close relations with the military and intelligence agencies.

A well-known Islamic student leader at Kabul University, he fled here after an unsuccessful uprising against the leftward trend of the Government of President Mohammad Duad. Pakistan favored him because of his opposition to the creation of a separatist state of Pushtun tribesmen, who live on both sides of the border. The separatist threat has been a major concern of Pakistani governments since the founding of their state in the late 1940's.

Mr. Hekmatyar is himself a Pushtun but opposes separatism because of his advocacy of a larger Islamic brotherhood transcending national frontiers. Part of his revolutionary doctrine, according to Westerners who know him, is the abolition of all traditional structures, such as Pushtun tribalism,

in favor of his notion of an egalitarian Islamic state.

FEARED BY OTHER REBELS

Most diplomats regard Mr. Hekmatyar as the most competent and the most feared of the guerrilla leaders. But they said that he was not feared so much by the Communists as by his allies and not regarded as the most aggressive rebel chief. They believe that his commanders, although heavily armed, preferred to save their men and weapons to establish Nizbi Islami's dominance over all other groups, once the Soviet forces have left the field to the Afghan factions.

Although no one here ventures estimates of his troop strength or the share of the military supplies furnished by the United States that Mr. Hekmatyar has received, it is assumed that his forces are among the most numerous and best supplied.

Although the Hekmatyar wing is not known to have distinguished itself in many actions against Soviet or pro-Soviet Afghan forces, their leader's Islamic zeal has motivated his troops to mount occasional raids into Soviet Central Asia. He is said to believe that the largely Moslem border republics of the Soviet Union are ripe for Islamic revolution.

The raids have consistently been followed by devastating reprisals, in which entire Afghan villages have been leveled, according to diplomats.

These envoys and Afghan moderates, who always speak anonymously and express fear for their lives if they are identified, accuse Mr. Hekmatyar's units also of raiding caravans taking arms and supplies to forces of other parties. This has included a horse caravan carrying medicine on behalf of the French relief organization Doctors Without Borders.

GUNPLAY AT A MEETING

Earlier this month, according to reliable Western diplomats, the animosity that moderate leaders harbor against Mr. Hekmatyar led to a confrontation at an alliance meeting between him and Sibghatullah al-Mojaddedi, head of the Afghan National Liberation Front during which both men drew their pistols. They were separated by their allies.

Unconfirmed reports also link Mr. Hekmatyar's party to assaults on Afghan moderates, particularly supporters of the return of the former King. Mr. Hekmatyar denied such charges in the interview but said he was ready to investigate any evidence presented against his men.

A diplomat reported that after the murder last month in Peshawar of Prof. Syad Bahouddin Majrooh, who had published a poll showing wide support for the former King, representatives of the Hekmatyar wing warned Afghan refugees that those who back King Zahir Shah would share Professor Majrooh's fate.

Late last year, two Americans who accompanied a Hekmatyar unit into Afghanistan were said by the party to have been killed in a Soviet attack, but a suspicion persists among diplomats and relief organization workers that they were murdered by the guerrillas.

Pakistan is holding five suspects, reported to be members of a Hekmatyar unit, on suspicion of killing a British cameraman last December. Diplomats said the Briton had accompanied a unit of another fundamentalist party and was believed to have filmed a clash between the two forces. He was killed, according to a survivor of the clash who has testified to Pakistani authorities, when he refused to turn over his camera and film to the Hekmatyar guerrillas.

[From the New York Times, Mar. 20, 1988]

REPORT SAYS U.S. DEMANDS ON AID MAY IMPEDE AFGHAN PACT

(By Martin Tolchin)

WASHINGTON, March 19.—A demand by the Reagan Administration that the Soviet Union end assistance to the Afghan Government at the same time that the United States cuts off aid to the country's guerrilla forces could prove a major obstacle to a Soviet withdrawal from Afghanistan, according to a staff report to the Senate Foreign Relations Committee.

A DEMORALIZED REGIME

The report faulted the Administration for its failure to raise the issue until recently. "As a result," the report said, "it appears to some foreign observers that the symmetry dispute is an attempt to sabotage the Geneva talks" on negotiating the withdrawal of Soviet forces from Afghanistan.

But the report noted that it was not necessary to resolve the issue in the context of the Geneva negotiations, adding that "some observers believe it will be finessed through a U.S.-Soviet understanding to which differing interpretations may attach."

The symmetry issue was of secondary importance, the report said, because "no amount of Soviet military aid without Soviet troops can save the demoralized and discredited Kabul regime from collapse."

Despite President Reagan's vocal backing of the guerrillas, and unbeknown to Mr. Reagan, the United States made a commitment in 1985 to end military aid to the Afghan guerrillas at the beginning of a Soviet troop withdrawal. When the Soviet withdrawal appeared within reach, the commitment led the Administration to compensate for the aid cutoff by making stringent demands on the Russians, including the "symmetry" demand. Kabul has categorically rejected such a cutoff in Soviet support.

The report said the nine-month Soviet withdrawal period would expose the Afghan rebels to some risk. It was possible that the Russians might use the withdrawal period for attacks on the guerrillas whose leaders say they have supplies for one or two months of fighting at current levels.

The United States could minimize such risks with two "insurance measures," according to the report. First, Washington could take steps to maintain a pipeline for delivering assistance to the rebels in the event that any accord broke down. Second, the United States program that provides food, medical supplies and financial aid to Afghans living in territory controlled by the rebels could be increased.

PAKISTANI CONCERNS

A second major obstacle to a withdrawal of Soviet troops, the report said, was a Pakistani demand that an interim Government be formed in Kabul prior to the signing of any agreement negotiated in Geneva.

"The Pakistani Government is concerned that an agreement which leaves the Najibullah regime in Kabul will insure continued civil strife in the country," the report said. "Under these circumstances, Pakistan fears the refugees will not go home."

There are nearly three million Afghan refugees in Pakistan.

The report said that although the Pakistani analysis appeared at least partially correct, "the Government is under intense external and internal pressure to drop this demand."

"The Reagan Administration does not believe the creation of an interim government should be a precondition for an agreement for a Soviet withdrawal," the report said.

The report noted that Iran, which shelters two million Afghan refugees, could have some leverage in the Geneva negotiations. Iran was able to disrupt the accord by increasing support for rebel groups. "Iran's ability to disrupt the accord is a factor the Soviet Union must consider," the report said.

## RESERVATION OF REPUBLICAN LEADER'S TIME

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

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein.

The Senator from Wisconsin.

## IS THE WALL STREET JOURNAL BECOMING A KNEE-JERK LIBERAL?

Mr. PROXMIRE. Mr. President, you could have knocked this Senator over with a feather recently when he read in the Wall Street Journal, of all places, a spirited defense of progressive taxation. Now, do not get me wrong. The Wall Street Journal is a great paper. I doubt if there has ever been a time when any paper anywhere has covered in its news column the business and the economy of this immensely complex society of ours more objectively and expertly than the Wall Street Journal does today. But the Journal's editorial columns are an entirely different animal. When the Journal shifts gears from their superlative news columns to their editorial opinions, the saintly Dr. Jekyll becomes the manic Mr. Hyde and with a vengeance. That is why this Senator could hardly believe it when the article he had been waiting for for years denouncing the regressiveness of the Social Security payroll tax showed up, of all places, right in the middle of the Journal's March 17 editorial page. This estimable article was written by the Journal's chief economic correspondent in Washington, Alan Murray.

Murray's article starts off like straight-from-the-shoulder Wall Street Journal right wing reaction. The just-created National Economic Commission, says the article—

Will recommend reductions in Social Security benefits—that you can bet on, and for a very simple reason—that's where the big money is.

But then Murray rips off the cover and exposes a widely ignored truth. He writes:

If the commission cuts benefits, it should also take a close look at the payroll tax that funds Social Security. The tax has grown tremendously in recent years, and is in bad need of an overhaul.

Is Murray right? Yes and no. The Social Security tax is monumentally, shamefully regressive. Think of it. Here is a tax that makes not the slightest bow toward justice or fairness. It contains no exemption, none, for very-low-income workers. There is no deduction for essential expenditures for anyone regardless of how poor or needy they might be. Does the tax increase as ability to pay rises? No, indeed. In fact, here is a tax that is actually capped at $45,000 per year. What does that mean? That means for a Member of Congress who is paid $89,500 per year by the taxpayer, only the first $45,000 is taxed. The remaining $44,500 is exempt. For a big bucks investment banker or Fortune 500 CEO who makes $500,000 per year, a whopping 90 percent of this income is totally exempt. And for the really rich and famous who just clip coupons and harvest dividend checks and enjoy million-dollar annual unearned incomes, all of it—that's right, all of it—is exempt from the Social Security tax.

So here is where Alan Murray is absolutely right. The Social Security tax is regressive, very regressive. He is also right in saying it is a very big revenue producer for the Federal Government. As Murray points out, this tax as recently as 1950 raised only about 5 percent of Federal revenues. Today it raises 25 percent. For most of the American people, it is a bigger tax than the Federal income tax. This is true for families with single-earner income of $40,000 per year or families with two earned incomes of $40,000. It is an effective flat tax of 15 percent on all wage or salary income. So far Murray is right.

So where is he wrong? He is wrong in ignoring the fact that there is a reason, and an acceptable reason, for the regressiveness of this Social Security tax. And because Mr. Murray ignores this justification for the regressiveness of the payroll tax, he is wrong in his contention that the National Economic Commission will necessarily recommend a cut in Social Security benefits. In fact, if they take the time to understand this tax and the benefits it provides, they will not recommend such a reduction. Murray should recognize the basic fact that this payroll tax is dedicated to a single purpose. That purpose is to provide a retirement income for elderly Americans. Not one nickel of the huge proceeds of the Social Security payroll tax can be spent, or should be allowed to be spent, for national defense, environmental protection, housing, or any other purpose not expressly related to the retired beneficiaries who have earned benefits by working and paying the tax for at least 10 years and in most cases 30 or 40 years. Social Security is simply a return on a very rough actuarial basis of forced savings. It is social insurance, with the emphasis on insurance. Tens of millions of workers who paid the heavy premium for this insurance with their tax are entitled to receive the benefits.

Under these circumstances, would the National Economic Commission act rightly in recommending reductions in Social Security benefits? The answer to that question follows from the answers to two other questions. First, are the benefits provided by law excessive? At this moment, about 35 million Americans receive Social Security checks every month. The average check is about $500. Millions of those recipients are elderly, retired Americans who have paid into Social Security for many years. They rely on that monthly $500 or so as their sole, or virtually their sole source of funds. So how much is $500 per month? It is well below the poverty line. A reduction in Social Security benefits would shove these elderly further below the poverty line.

So how about a means test so the Economic Commission could recommend a cut in benefits for those millions who have income that supplements their Social Security benefits? Such a means test would convert Social Security from an insurance program, which it is, to a welfare program. It would cut off from some or all of the benefits many of those who have paid into Social Security and paid in heavily for many years.

Would it be possible to cut the Social Security tax without reducing Social Security benefits? After all, the system will run a surplus of $38 billion this fiscal year. Conservative projections forecast an astounding $10 trillion reserve for Social Security by 2020. So what is wrong with that? Plenty. A cut in the payroll tax without reducing benefits would have two adverse effects. First, it would diminish the enormously constructive role Social Security is playing and will continue to play for the next 30 years in reducing the deficit. Second, it would gut the actuarial soundness of the system which relies on running up a massive balance to take care of the post World War II baby crop that will be retiring after the year 2020.

Certainly Alan Murray may be right in predicting that the National Economic Commission will cut Social Security benefits. But it is very unlikely they would recommend a reduction of any kind in a Social Security tax that will play such a huge role in solving the deficit problem. After all, cutting the deficit is the prime reason the Commission was created. Finally, looking at how a progressive tax would affect the members of that Commission, it is unrealistic to assume they would call for replacing the regressive Social Security tax with a tax that would slash into their own after-tax income that is now virtually untouched by the payroll tax. Come to think of it, it is also unrealistic to expect the Congress to enact a new tax law that will hit Members of the Congress so hard when the current Social Security tax touches them so gently.

Mr. President, I ask unanimous consent that the article by Alan Murray in the March 17 Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, Mar. 17, 1988]

DEFICIT PANEL SHOULD EXAMINE PAYROLL TAX ROLE

(By Alan Murray)

You can bet your last Treasury bill that the National Economic Commission, created to devise a plan for cutting the budget deficit, will recommend reductions in Social Security benefits. After all, that's where the big money is.

But if the commission cuts benefits, it should also take a close look at the payroll tax that funds Social Security. The tax has grown tremendously in recent years, and is in bad need of an overhaul.

The payroll tax accounted for a bare 5% of the nation's total tax revenues in 1950; today, it has risen to 25%. When President Reagan says that taxes account for the same percentage of our economic output as they have throughout the postwar period, he's right—but only because surging payroll taxes have offset a decline in income and excise taxes.

The drawback is that the payroll tax, unlike the income tax, isn't based on ability to pay. The earned income tax credit reduces the payroll tax burden for those at the very bottom of the income scale, but the $45,000 cap on taxable earnings also reduces the burden for those at the top of the scale. The vast majority of Americans are stuck in the middle, paying what amounts to a flat 15% tax on earnings, regardless of their incomes. (Only half of that is actually paid by the employee, but most economists agree that the impact on an employee's take-home wages is the same as if he had paid the full amount.)

In the past few years, the problem has become even more acute. Revenue from the payroll tax has grown so rapidly that it now exceeds Social Security outlays, creating a surplus in the system's trust fund that is expected to total about $37 billion this year and grow to $100 billion a year by the middle of the next decade.

Technically, the surplus is separate from the rest of the budget. But in fact, it is all invested in Treasury securities. As a result, the extra money being raised by the payroll tax is transferred to general revenues. The payroll tax is no longer just as a means of

paying for current Social Security benefits, but has also become a way of financing the rest of government.

Defenders of the current system argue that a trust-fund surplus is needed to help defray the heavy costs that will be incurred when the baby boom generation retires sometime in the next century. They see it as a laudable effort by the current generation of workers to ease the tax burden on the next generation.

Their concern is legitimate. The nation is going to be top-heavy with retirees in the future, and the cost of supporting those retirees will be immense. But the only way to alleviate the tax burden on the next generation is to eliminate the deficit on *all* government operations, and perhaps even run surpluses. Running a surplus in the trust fund while the rest of government is deep in deficit serves little purpose.

At the root of the Social Security problem lies widespread confusion about how the system operates. From its inception, it was viewed as the government equivalent of a private pension fund, somehow separate from the rest of government. Workers put their money into the fund, and when they retired they expected to pull it back out, plus interest.

This view of Social Security helped generate popular support for the program. But the analogy to a private pension fund is weak, at best. For one thing, the vast majority of the money paid into the trust fund isn't invested; instead, it is paid out to current beneficiaries. Moreover, the relation between the amount a worker pays into the fund and the amount he eventually gets out varies.

Thus, there's no reason why the National Economic Commission shouldn't consider Social Security fair game in the commission's efforts to cut the budget deficit. It should be evaluated like any other government spending program.

But the commission should also look at the payroll tax as part of the total federal tax burden. If they do, they'll find that the growth of this regressive tax in recent years has whittled away the progressivity of the nation's tax system—a notion still supported by a majority of Americans.

Clearly, reducing the deficit must be the commission's top goal. That's the real measure of the burden this generation is leaving to its children. But in reducing the deficit, the commission also needs to keep one eye focused on the issues of fairness and ability to pay.

Some tax experts recommend a radical overhaul of the payroll tax system—for instance, replacing the current 15% flat tax with a set of progressive tax rates. That idea, however, is likely to prove too controversial for the commission's taste.

A less drastic remedy would be to match cuts in Social Security benefits with cuts in the payroll tax. The revenue needed to reduce the budget deficit could then be raised through offsetting increases in the income tax. The commission may want to avoid boosting the income tax rates set in the 1986 tax law, but it could still raise ample revenue by attacking some of the loopholes left untouched by the 1986 act.

Another change that would boost the system's overall progressivity would be to increase the tax on Social Security benefits. Under current law, 50% of benefits above a certain income threshold are subject to tax. By raising that figure to 85%, the government could bring in about $4.5 billion in new revenue each year from high-income retirees, according to the Congressional Budget Office. The tax on benefits is admittedly an awkward revenue-raising device that, in its current form, leaves some middle-income retirees facing unusually high marginal tax rates. But measures to mitigate that problem could be adopted without diminishing the revenue gain.

Reducing the deficit is critical. But the National Economic Commission should be careful to reduce the deficit in a manner that reflects our society's desire for progressive taxation.

Mr. PROXMIRE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

## FILING OF AMENDMENTS UNDER CLOTURE

Mr. BYRD. Mr. President, I ask unanimous consent that even though the Senate will be in recess from 12:45 until 2 p.m. today, Senators may have until 1 p.m. today to file their amendments in the first degree in accordance with the requirements of Senate rule XXII.

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

## MORNING BUSINESS PROVISION

Mr. BYRD. Mr. President, I also ask unanimous consent that following the disposition of the vote on the override of the President's veto today, there be morning business until the hour of 12:45 p.m., at which time the Senate will be going into recess.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak during that period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.0

## MEXICO AND THE DRUG TRAFFIC: PART III—RESULTING CRIME AND VIOLENCE IN THE UNITED STATES

Mr. WILSON. Mr. President, last Friday I spoke briefly about the flood of drugs entering the United States from Mexico. This morning, I will discuss how the drug empire affects crime and violence throughout America, not just in border communities.

The overflow of narcotics, marijuana, heroin, and cocaine from Mexico has transformed our southwestern border into a war zone. Illegal narcotics go hand-in-hand with crime and criminals, and where drug traffickers reside so, too, does violence.

With drugs pouring into the country from Mexico, street-corner assassinations and gangland-style violence have become commonplace in many United States cities, including our Nation's Capital.

A recent study completed by the Justice Department revealed that in 12 major American cities three-quarters of the men arrested for violent crimes tested positive for the use of some dangerous drug. The situation is so critical in southern California that in my home county of San Diego the sheriff considered arming his deputies with semiautomatic weapons quite understandably because in most U.S. law enforcement circles there is a feeling that often the officers are being literally outgunned in their war against drug dealers.

While traffickers often pack Uzi machineguns and Soviet-made AK-47 assault rifles some of which are equipped with laser scopes our law enforcement agencies often have only service pistols and shotguns for their protection. It has become routine, Mr. President, in major drug busts for the arresting officers to seize large caches of these very dangerous and sophisticated foreign-made weapons.

Drug-related violence is in no way limited to confrontations between NARCO smugglers and Customs agents along the border. As illegal drugs move inland away from the border and begin to infest our cities, violence follows very closely thereafter. Wholesale distributors and street dealers often are at each other's throats literally battling for control over territories in which to sell dangerous drugs.

In Los Angeles a gang member peddling crack in front of a liquor store was gunned down by a rival gang. Mr. President, that young man had come selling crack. He had intruded into a rival gang's territory trying to make a quick several hundred dollars. It was the fourth shooting to occur in front of that liquor store that week. Similar stories fill the pages of newspapers of Washington and New York and hundreds of other American cities large and small.

No community is immune. We have all heard of the problems southern Florida has had to face in terms of drug-related violence and corruption. The good news is that Florida is getting tough on drug dealers and for the first time in years it appears that its crime rate has begun to dip. The bad news is that many of those Florida traffickers now seem to have relocated to other States bringing with them a new wave of crime. Police in Los Angeles, Washington, Denver, Phoenix, Las Vegas, and Portland all have reported an increased presence of drug-related gang violence in their cities.

And with a sickeningly increasing regularity we read in newspapers or see on television news reports of the senseless killing of a young police officer in New York by a man high on drugs or of the coldblooded robbery murder of two Drug Enforcement Administration agents in Pasadena by two pushers. The threat to law offi-

cers, Mr. President, has become intolerable.

The international drug lords have planted the seeds of this violence by flooding our communities with their illegal drugs and the traffic and the peril that it creates are escalating. From 1986 to 1987 the Drug Enforcement Administration and the U.S. Customs Service reported a 300 percent increase in cocaine seizures in the Los Angeles area alone, and an overall 700 percent increase at Mexican border crossing points. Dangerous drugs harm more than drug users. In Mexico, the drug empire reaping billions in profits has totally undermined and corrupted Mexican law enforcement. In America the drugs supplied from Mexico breed crime and violence and also death with victims claimed both by drug overdose and by armed robbery of those seeking to support a habit. Illegal drugs have in short created a crime wave in the United States on a scale and of a viciousness that most local law enforcement cannot contend with.

Mr. President, to put it in simplest terms, stopping the flow of dangerous drugs entering the United States from Mexico is essential if we are to reduce crime in America. But a campaign waged against the drug traffic in Mexico cannot be effective unless and until Mexican authorities give full cooperation to U.S. antidrug efforts. And we simply cannot pretend that they are doing so now.

Until the Government of Mexico gives full cooperation to U.S. antidrug efforts all other cooperation in so many ways between our two nations, however desirable and necessary, is threatened because until full cooperation is given by Mexican authorities a wave of drug-related crime and violence will continue to threaten America's cities and towns, on our streets, in our parks, in schools, and on the playgrounds.

Mr. President, in my next statement I will examine the views expressed and efforts made by Mexican Government officials relating to the drug traffic and I will tell why they cannot be accepted as adequate or as a substitute for the full cooperation which the law demands.

Mr. President, I thank the Chair. I believe the Senator from Illinois has a statement. I yield the floor.

## RESPONSE TO THE STOCK MARKET CRASH

Mr. DIXON. I thank my friend from California both for his remarks this morning and for his kindness in yielding the floor to this Senator for some brief remarks.

I am delighted to see my friend, the distinguished Senator from Alabama, in the chair because he is a member of the Banking Committee, and the subject matter I am about to address is one he is familiar with. I am delighted to see my friend, the distinguished Senator from Missouri, on the floor because he is a member of the Banking Committee as well and is familiar with this subject matter.

Mr. President, I would like to call to the attention of the U.S. Senate a very interesting, informative, and I think, excellent editorial from the Sunday Chicago Tribune of March 20, 1988, entitled "Mr. Reagan's last Stand on the Crash." I want to read just briefly from it.

After two months of watching federal regulators bicker over how to reform the financial markets, President Reagan is trying to force them to iron out their differences.

His new interagency committee, headed by Treasury Secretary James Baker, won't go over the same ground plowed by six major studies since the markets came unglued five months ago. Instead, it will try to develop a coordinated response to the crash by early summer.

May I underline those words, Mr. President, ". . . a coordinated response. . ."?

This may seem like mere dillydallying, a maneuver to stall new regulatory laws by an administration with an aversion to regulations. But with a Democratic-controlled Congress bent on doing something, anything, to slap another set of restrictions on the markets, no matter how destructive or half-baked, a little constructive footdragging is precisely what's needed right now.

In the meantime, federal regulators and the various exchanges in Chicago and New York should quit their infighting and agree on ways to monitor the relationships between the stock, futures and options markets. This is the area singled out by the presidential Brady commission as in need of urgent attention. It wanted to put a superregulator such as the Federal Reserve Board in charge, but Fed Chairman Alan Greenspan wisely rejected that role for the central bank.

David Ruder, chairman of the Securities and Exchange Commission, offered his agency as the omnipotent regulator and called for higher margins, or collateral, on futures to dampen volatility. Wendy Gramm, not about to give up any turf as new head of the Commodity Futures Trading Commission, deplored that idea and the SEC power grab. She has the best approach, trying to focus attention on better information flow and the handling of larger volumes of securities and futures rather than on regulatory changes.

I stress that, Mr. President: "Trying to focus attention on better information flow and handling of larger volumes of securities and futures rather than on regulatory changes."

There is more, Mr. President, and I ask unanimous consent that the entire tribune editorial be printed in the RECORD.

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

MR. REAGAN'S LAST STAND ON THE CRASH

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His new interagency committee, headed by Treasury Secretary James Baker, won't go over the same ground plowed by six major studies since the markets came unglued five months ago. Instead, it will try to develop a coordinated response to the crash by early summer.

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Last week the SEC's Ruder retreated from his call for higher margins and pushed for coordinated trading halts to prevent the markets from breaking down during heavy trading. Wendy Gramm was receptive. But Nicholas Brady, the Wall Street executive who headed the President's first postcrash study, is talking darkly about another one waiting to happen unless the exchanges and regulators agree soon on reforms.

Brady, a confidant of George Bush, apparently thinks that scaring everyone into accepting his policies will keep him in a national spotlight and snare a seat in a Bush cabinet. But James Baker is still treasury secretary, and he—along with Greenspan, Ruder and Gramm—should be given time to reach a consensus. The goal should be supervising the linkages between markets without increasing government tinkering in them. If Washington binds them too tightly, their aggressive (and freer) competitors overseas will be only too happy to snatch their business.

Mr. DIXON. Mr. President, the futures industry has made every conceivable effort to arrive at an understanding with the New York Stock Exchange and others about what should be done and has worked with the regulators to achieve a balanced response to the problem in the marketplace. They continue to do that work every day.

I conclude by saying this: May we never forget that this is an international marketplace; that when something occurs in the United States of

America, in New York, in Chicago, it occurs in London, it occurs in Tokyo, it occurs in Hong Kong, it occurs in every conceivable marketplace in the world.

We will make a profound error if we act hastily, without having a consensus in the marketplace by the regulators and the people out there serving the public in the marketplace.

The President, in my opinion, has made an excellent suggestion. Secretary of the Treasury James Baker will do a good job in working out an accommodation.

The Presiding Officer knows that when we had the banking bill last year, it was the Secretary of the Treasury, in the end, who came to us and accommodated us so that we could get a consensus last year. He has done that again this year. He is trying to do it now. The President is asking us to wait until May 18 in order to achieve an understanding among those in the marketplace and the regulators about what the response should be, and I say that is a responsible approach.

I recognize what the distinguished chairman of the Banking Committee, the Senator from Wisconsin [Mr. PROXMIRE], has done. He is working on a bill now. I am happy to hear that. The distinguished chairman of the Agriculture Committee, the Senator from Vermont [Mr. LEAHY], has legislation. He has an important role, because his committee has jurisdiction over the CFTC. I say to all those fine Senators and their colleagues and friends that we should wait and see what the consensus is on May 18. There will be plenty of time after that to take the appropriate action.

I thank the Presiding Officer, the Senator from Alabama [Mr. SHELBY], and I thank the Senator from Missouri. I hope they share my view that we should not act in haste on a problem that needs thoughtful and careful attention.

Mr. BOND. Mr. President, I thank my good friend from Illinois for yielding the floor. I commend him for the very thoughtful statement he has made on a subject of great importance to this body and to the people of the United States.

We share his concern that when action is taken, it be coordinated action. I applaud his commendation of the committee to be headed by Secretary of the Treasury, Jim Baker. I think we will get the best possible advice from that body.

I commend my friend from Illinois for his leadership on this matter and others in the Banking Committee.

## TRIUMPH OF FREE ELECTIONS IN CENTRAL AMERICA

Mr. BOND. Mr. President, I am here to discuss today, for the benefit of my colleagues, a very interesting experience I had this past weekend.

Yesterday, I returned from Central America, where, for the first time in 50 years, in that region we had the opportunity to witness the peaceful transfer of power from one political party to another by means of the ballot box.

I was honored to be asked by President Reagan to go to El Salvador on the bipartisan observer commission headed by our colleague, Senator LUGAR, along with Representative MURTHA, 5 other Congressmen, and 11 other observers.

Our mission was to observe, along with similar delegations from many other countries, the process of the election for members of the Salvadoran National Assembly and municipal posts to determine whether the elections were fair and honest. As an American, accustomed as most of us are to the routine right of exercise of the right of suffrage, it was heartening to see the commitment of the Salvadorans to the exercise of the voting franchise and the relatively smooth operation of the process. In a country where the people have only had the right since 1982 to participate in free elections, between 60 and 70 percent of the 1.6 million registered to vote actually turned out to vote on Sunday.

As we visited polling places in the capital city of San Salvador and the third largest city of San Miguel, as well as polls in the outlying rural areas, we had the opportunity to witness the process and to talk, through translators, with the voters. Many had traveled considerable distances to reach the polling place that day. It was not uncommon to find people who had walked 2 to 3 kilometers. Still others rode in or on pickup trucks, dump trucks, or crowded buses with passengers packed on the luggage racks for 15 to 20 kilometers to come to the polling place.

The hardships to get to the polls were not insignificant. But that much greater discouragement to voting was the widespread effort at voter intimidation by the Marxist guerrilla organization, Farabundi Marti Liberation Nationale [FNLN]. This guerrilla group, with command and control headquarters in Nicaragua, is committed to a broad range of activities to achieve their ultimate objective of revolutionary triumph of the proletariat over the oppressors, which we understand to be the establishment of a Communist government. This guerrilla organization, which is supported and funded by the Sandinistas and the Cubans, has carried out active sabotage on public facilities to disrupt electricity, water, and telephone service. Indeed, we experienced the lack of electricity and water in the capital city. They have also kidnapped officials of opposing parties and engaged in the indiscriminate killing and maiming of campesinos, or peasant farmers, and their families.

In the week before the election, the FMLN used its access to radio and television in El Salvador as well as word of mouth to disuade Salvadorans from voting, among other things, by threats of violence and the warning of "transportation stoppages" on election day, which would include blowing up or burning of buses. In the week before the voting, to show the people of San Salvador what they meant, their labor union front organization overturned and burned government vehicles and privately owned buses.

The FMLN guerrillas knew they could not stop the election, but they hoped to show a low turn out by keeping candidates of their revolutionary front groups from participating by intimidation.

In one rural department, which roughly corresponds to one of our States, we visited the polling place where Salvadorans had come from the self-proclaimed guerrilla capital in the neighboring department to vote. By midmorning on Sunday, over 90 people from that town had come to vote.

Also, we found that in other areas, the transportation stoppage threat had discouraged voting. Also, farmers in many of the rural regions were reluctant to carry home the indelible mark on the little finger which is designed to discourage double voting, which I still bear on my finger, because I wanted to see how long it lasts. This mark on the finger, for a Salvadoran peasant, can be a target for retribution and even death from the left-wing guerrilla organization. It does not wash off easily. Many Salvadorans still carry it today.

Yet they were not afraid to vote.

The Salvadoran generally turned out in their Sunday best for a festive day in which the high point of the day was the exercise of the vote. When we asked these voters, through translators, why they were not afraid to vote, we received answers that they believed that God would protect them, and that they were accustomed to guerrillas, who no longer frighten them.

The voting procedure at the poll table, which accommodated no more than 300 voters, were simplified to permit easy voting for those who were not fully literate. Each voter had to present his or her carnet—a laminated badget with photo, fingerprint and address—and locate the voting table number on the list of registered voters. At that table, the voter was given one ballot for the election of deputies to the assembly and one for municipal officials. Each ballot had the symbols of the parties participating and the voters instructions were simply to mark an X through the symbol of the party to vote for the of-

ficials of that party. On the municipal level, the party with the most votes took all the offices; for the assembly ballot, again each department there was proportional allocation of vote, roughly among the top three.

Although we witnessed some minor foul ups, such as delayed opening of the polls, failures to have sufficient tables and chairs, to carnets that were not delivered to registered voters and names which did not appear on the lists, but these, though troublesome, were isolated incidents. Where there were delays up to 2 hours, the Salvadoran voters waited in line without complaint and with some good humor, a condition no American would accept. I wish we in America had such a commitment to voting.

The election was a powerful lesson on the value of the democratic rights to a free election for those of us who often take our access to the ballot box for granted.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## CIVIL RIGHTS RESTORATION ACT (GROVE CITY)—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the President's veto message on S. 557, which the clerk will report.

The assistant legislative clerk read as follows:

The President's veto message on S. 557, a bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, sec. 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

The Senate resumed consideration of the veto message.

The PRESIDING OFFICER. Under the previous order there will now be 1½ hours of debate on the veto message, to be equally divided and controlled by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Utah [Mr. HATCH].

Mr. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand, the Senator from Utah has 45 minutes and the other 45 minutes are under the control of the Senator from Connecticut and myself.

The PRESIDING OFFICER. The Senator is correct, minus what time has been used by the quorum call.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

The last President who vetoed a civil rights bill was impeached. I don't expect President Reagan to share Andrew Johnson's fate. But the fact that over a century has elapsed since the last civil rights veto is a good measure of the importance of this vote and the powerful bipartisan consensus that civil rights measures supported by Congress have historically enjoyed.

The President's veto is all the more deplorable, since this legislation confers no new civil rights at all. It is a civil rights restoration act, designed to restore the status quo ante—that is, the status of the law before the Supreme Court's unfortunate decision in 1984 in the Grove City College case.

The Reagan administration has misused that decision as an excuse to roll back the clock on civil rights.

The Supreme Court, at the instigation of the Reagan Justice Department, had accepted an erroneously narrow reading of the fundamental laws prohibiting the use of Federal funds to support discrimination against women, minorities, the elderly, and the disabled. The legislation vetoed by the President would do nothing more than restore these antibias laws to their pre-1984 condition.

Since 1984, hundreds of administrative enforcement actions to stop discrimination have been dropped, and victims of discrimination have been thrown out of court. From the beginning, many of us would have liked to use this legislation to broaden the reach of civil rights. But we accepted the principle of restoration as the basis for action, because we recognized that our first priority was to restore the law as it had been for the past two decades under the great civil rights statutes enacted in the 1960's and the 1970's.

This bill, therefore, does nothing more than reaffirm the basic principle of the 1964 Civil Rights Act, which President Kennedy explained as follows:

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

Title IX of the Education Amendments Act, section 504 of the Rehabilitation Act, and the Age Discrimination Act have extended that principle of nondiscrimination to women, the disabled, and the elderly.

I also want to take this opportunity to express my regret at the cavalier reasoning of the Supreme Court in gutting the four civil rights statutes at issue in this legislation. The Court found the intent of Congress unclear, and rationalized its decision in the Grove City College case by saying that if Congress had meant the laws to be interpreted broadly instead of narrowly, Congress could simply pass a new statute saying so.

But as we have seen, it is not all that easy to simply pass another law. The opponents of civil rights could not believe their good fortune in the Court's decision, and they have lost no opportunity in the past 4 years to capitalize on the judicial setback to civil rights by preventing any legislative correction.

So I hope that in the future, when the Supreme Court considers important social issues such as this, the justices will try harder to decipher the intent of Congress instead of taking the judicial path of least resistance by telling the legislative branch to try again.

As Justice Holmes once put it, the life of the law has not been logic, it has been experience. Whatever the logic of the Court's decision in the Grove City College case, the experience of the past 4 years is clear—large numbers of Americans have suffered violations of their fundamental civil rights and millions of Federal dollars have been dispensed to organizations and institutions that practice discrimination. That result is unconscionable and unacceptable and it never had to happen.

To those who make the preposterous claim that this bill violates the principle of separation of church and state, I reply that this legislation has been exhaustively examined and strongly endorsed by mainstream church leaders representing millions of Christians and Jews, and also by the association representing most of the private and religious colleges in America.

Indeed, most of these groups have worked closely with us on this legislation from the start. Some of them had expressed reservations about earlier versions of the bill. Some of them supported amendments that were not adopted. But they are unanimous in their support for the bill that passed the Senate and House. Those opposed to discrimination in America recognize the importance of this measure. They agree that it overturns the Grove City decision, without expanding Federal regulation of State and local governments or private corporations, and without infringing on freedom of religion.

Contrary to the incredible allegations by the Moral Majority in its mis-

chievous and deceptive campaign of misinformation and disinformation, the Civil Rights Restoration Act does not prohibit discrimination against homosexuals and does not give sweeping protection to alcoholics and drug addicts. Fortunately, Congress knows more about this civil rights measure than the Moral Majority seems to know. It is easy for Congress to see through the transparent distortions being used in this unseemly attempt to undermine civil rights. The opponents are proving once again that on this issue, as on many other issues, the Moral Majority is neither moral nor a majority.

This latest wave of scare tactics is now receding. It is reminiscent of the unconscionable campaigns against advances in civil rights throughout our history. We have overcome these anti-civil rights campaigns in the past and I am confident that we will overcome this assault today.

The Civil Rights Restoration Act is no leap into the unknown. It merely returns four important civil rights laws to their former scope. For 20 years, until 1984, these laws had operated to bring us closer to our goal of equal justice for all.

It is time to stop the hysteria and stop the use of Federal funds to discriminate against women, minorities, the disabled, and the elderly. The Civil Rights Restoration Act should have been enacted into law with President Reagan's signature, and now it is up to Congress to enact it into law by overriding President Reagan's veto. Once again, we in Congress can demonstrate the wisdom of the Founding Fathers, who gave us the power to override Presidential vetoes precisely because, in their wisdom, they anticipated circumstances such as this.

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

Mr. HATCH. Mr. President, I yield such time as he may require to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, surely Congress can advance the cause of civil rights without putting government in the business of regulating religion.

The President has promised that he will work with Congress to pass alternative legislation that does not entangle government with our churches and synagogues. I think we should take him up on his promise. I will vote to sustain the veto.

The issue before us is not whether Congress will overturn the Grove City case. We will and we should do that. The issue is whether we can avoid the excesses of this legislation without doing violence to its underlying purpose. I am convinced that we can.

Under the bill now before us, a church which participates in the Meals on Wheels Program would have to meet Federal access requirements for the handicapped. Clearly, this goes too far in telling religious organizations how to go about their business.

My concerns in this regard are not new. When the bill was on the floor of the Senate, I voted for two amendments to broaden the religious tenets exemption and to limit the bill's applicability to religious organizations. Both amendments were defeated. Now we have a chance to correct in new legislation what we failed to correct in this bill.

Advocates of the present bill have branded those who have raised concerns as religious zealots who are against civil rights. That characterization is grossly unfair. The vast majority of my constituents who have spoken out on this issue are committed to equal opportunity. But they do not believe that the basic values of this country depend on government telling religions what to do, and they are deeply worried that government is reaching into the practice of their religious beliefs.

From personal experience, I can attest that in the hearts of my constituents, basic human decency is alive and well. And so is a strong belief in the separation of church and state.

Mr. President, let us sustain the President's veto, and then let us enact immediately a bill that overturns Grove City in a manner consistent with religious liberty. On this matter of moral principle, let America affirm its belief in civil rights with one voice, and not with the anger which now divides us.

Mr. HATCH. Mr. President, I believe the distinguished Senator from South Carolina wanted to go next. I would be happy to yield to him, if he is available.

I wish to thank the distinguished Senator from Missouri for his cogent and important remarks. He happens to be an Episcopalian minister. His church has endorsed this bill and yet he sees the important reasons why we have decided to stand up on this bill.

It is not really a question of civil rights, but the extent to which the Federal Government can proceed to regulate the lives of churches. I just have to thank him for his eloquent statement on behalf of what the President is trying to do.

This is not really an issue of civil rights. All of us would vote to overturn the Grove City decision and apply the title IX decision and, as far as I am concerned, the other statutes, as well. But, sometimes there is merit in having them apply only to that particular program or activity or, in the case of religious institutions, to only that congregation or that particular institution that has violated some regulation.

I am happy to yield 5 minutes to the distinguished acting Republican leader.

Mr. SIMPSON. Mr. President, it is a difficult situation, obviously, for many of us.

On January 28, 1988, I voted in favor of final passage of this bill, the Civil Rights Restoration Act. In my 9 years here, no one has ever been able to indicate anything but sensitivity on my part with regard to civil rights.

It is unfortunate that that still arises in America, that if you do not like a bill like this that somehow you are not committed to civil rights. That is very unfortunate. It is kind of sad, in a way; kind of racism in reverse. It is always kind of disgusting to me.

Anyway, 27 of my colleagues voted in favor of this legislation on the passage. Republicans and Democrats are committed to the original legislative intent of the Civil Rights Statutes and there is no one among us who in any way feels that somehow the Federal Government should subsidize discrimination. That is absurd.

However, many Senators and the White House are concerned that this does not adequately define the scope of coverage for certain entities—and Senator HATCH has done a beautiful job of explaining that and will again in a short period of time before the vote at noon today—religious organizations, small businesses, and local governments—or the types of Federal assistance that would require compliance under the act; for instance, on this question of the ultimate program beneficiary versus Federal financial assistance.

And, you know, one of the ironies of it all is, as we do this to America, to farmers, to small bsuinesses, to the church groups, we do not do it to ourselves in the U.S. Congress. Is that not interesting? I wonder when the people of America are going to figure that one out.

We do not put this on ourselves because it is a burden on ourselves, we who hire and fire people at will in the Congress. We do a beautiful job of that. You simply walk in in the morning and you go—you are gone. There is no appeal process. There is no nothing. That is the way we do our business in Congress. I hope the people of the United States are aware of that. I think they are. But we could do a good thing if we could put ourselves under this.

I voted in favor of the limiting amendments, which would have addressed those concerns by limiting the scope of Federal involvement. I voted for Senator HATCH's amendment. I voted for Senator DANFORTH's amendment, the abortion neutral language.

I think the President has sent us a very appropriate veto message. He has submitted an alternative piece of legis-

lation which he believes achieves the intentions of S. 557, and I intend to support that proposal. I intend to vote to sustain the President's veto.

I am a little disturbed, too, though, about the massive misinformation campaign being waged against this legislation, which charges that all sorts of new rights will emerge as a result of this bill. And my constituents in Wyoming are truly fearful of what they perceive this legislation will do. So I guess that I have always felt, as elected representatives, that we have a responsibility to inform and help educate our constituents to the full meaning and consequences of this and any other pending legislation. If we had been successful in that responsibility and obligation, I think the misinformation campaign would have had very little effect upon a knowledgeable public.

But I understand carefully what they are saying. I really do. I come from a State with a lot of religious schools and people who have decided the public school system does not quite get the job done. Why should we think of them as being evil or mean spirited? I certainly do not. I admire them. They have fears and legitimate concerns about the scope and application of this bill and that the act in its present form is not as effective as it could be.

So I think the President has presented us with something that could be more efficient. It is a great temptation, in an election year, to make a partisan issue of important legislation. We will do a lot more of that this year, you can bet a buck. But civil rights are much too important for political partisanship and so, Mr. President, in sustaining the President's veto, I intend to work with the administration to strengthen this civil rights legislation, preserve its goal while addressing the legitimate concerns expressed about its scope and coverage by honest and concerned and thoughtful people in the United States.

I would also indicate that even though the Republican leader will not be able to be present because of many previous commitments, that if he were here he would assist in sustaining this veto. I think that is important for our colleagues to know, on both sides of the aisle, as to the position of Senator DOLE: Yes, he has the same concerns that we all do about this. He has some certain reservations. But, on balance, he has asked me to share with my colleagues that, were he present and voting he would vote to sustain the President's veto.

That is the message from our leader. I want to share that with you. He will submit a statement in the RECORD and I ask unanimous consent that that statement be entered in the RECORD as if delivered.

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

Mr. SIMPSON. Finally, Mr. President, it seems to me that the President's bill, S. 2184, is a remarkable piece of work. It might even be something where we would offer, at an appropriate time, a unanimous-consent request before the vote that if the veto is sustained we would take up the President's bill under a time limit, certain time limit with only specified amendments to be in order. That seems like an act of good faith for those who feel strongly about the issue. If the veto is sustained we would not dither about and go into the usual holding pattern, we would simply take up the President's bill under a time limit, time agreement under, even, expedited procedures if that be the case, with only specified amendments to be in order.

I think that is certainly something to be considered and certainly could be discussed and certainly objected to if that be the wish of the body and will of the Senate.

I thank the President; I thank the Senator from Utah. I greatly admire his efforts and his very important effort at his debate and presentation of a hearing and tough issue that is not just this simple, as previously indicated by some.

Mr. DOLE. Mr. President, I have always supported legislation to overturn Grove City to restore the broad civil rights coverage that existed prior to that case. I feel strongly that taxpayer funds should not be used to subsidize discrimination in any way. Moreover, such legislation is of vital importance to disabled Americans, who are still fighting to establish their rightful place in the civil rights movement. Section 504 is the only comprehensive civil rights law protecting the disabled. And section 504 has been eviscerated by Grove City.

At the same time, I recognize that S. 557 is not a perfect bill. I am not fully satisfied with it. I wish that more of the language contained in the administration's bill had been adopted. But the fact remains that the administration and its congressional allies had the opportunity to offer amendments, and they were voted down. This is a highly complex piece of legislation. The issues are highly technical. It took 4 years of hearings, debate, drafting, and redrafting to develop a consensus proposal. People of good will still differ over the meaning of some of the bill's provisions. But unfortunately, much, if not most of the public controversy has focused not on areas where there is good faith disagreement, but rather on serious misconceptions about what this bill does.

HOMOSEXUAL RIGHTS

First and foremost, it should be emphasized that this bill does not grant any kind of rights to homosexuals. There are no differences between the President's proposal and S. 557 on this issue. Both bills contain identical language on the question of discrimination against persons with contagious diseases. This language is consistent with current law and makes clear that persons with contagious diseases are not protected under section 504 if they pose a threat to the health and safety of others or if they are unable to perform the essential functions of the jobs. There is no other language in either bill that could be construed in any way to have anything to do with homosexuality or discrimination on the basis of a person's sexual preference. In addition, none of the four underlying civil rights statutes have ever been interpreted to prohibit discrimination on the basis of a person's sexual preference.

ABORTION

Nothing in this bill could be construed to require recipients of Federal funds to provide abortions or abortion services. Here again, S. 557 and the administration's bill are identical. Both include the Danforth "abortion neutrality" amendment which states that "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 abortion * * *" and further that "No provision of this Act * * * shall be construed to force or require any individual or hospital or any other institution, program, or activity to perform or pay for an abortion."

FARMERS AND RANCHERS

S. 557 continues the exemption for "ultimate beneficiaries" of Federal assistance which means, under agency regulations and longstanding administrative practice, that farmers and ranchers receiving farm subsidies or price supports, as well as individuals receiving other types of aid such as food stamps, social security, and so forth, are not subject to these civil rights laws. The President's bill also continues the exemption for ultimate beneficiaries, but in addition, specifically names farmers and ranchers as exempt. Proponents of S. 557 have argued that this is unnecessary and potentially dangerous since naming farmers and ranchers without naming other types of ultimate beneficiaries could give rise to the argument that Congress did not intend to automatically exempt them also.

RELIGIOUS ORGANIZATIONS

The administration has argued that as drafted, S. 557 would cover an entire church, even if it only received Federal funds, for example, for a day care center or refugee placement program. S. 557's sponsors have said that this is incorrect, and that only the part of the church or synagogue that received Federal funds would be cov-

ered. I am sympathetic to the administration's concerns, however, this appears to be more a matter of interpretation than substantive disagreement. The courts should interpret S. 557 consistent with the explanation of the sponsors and their repeated assurances that they do not intend to go beyond pre-Grove City law. It should also be pointed out that major religious groups, including the Catholic Conference which originally opposed the bill, are satisfied with the explanation of the sponsors and now support the bill.

RELIGIOUS SCHOOLS

The administration's bill would expand the religious tenet exemption in title IX to include institutions "closely identified" with a religious organization. Current law exempts only those schools "controlled by" a religious group.

An amendment to S. 557 containing the administration's language was defeated, 39 to 56. Though I agree with the stated purpose of the administration's language, no problems have arisen under the current exemption. Indeed, over 150 schools have already been granted an exemption and there is no evidence that any school has ever been required to violate its religious tenets in order to comply with title IX. It is also worth noting that while it led the fight for this amendment, the National Association of Independent Colleges and Universities now supports S. 557.

SMALL BUSINESSES

Small businesses that receive Federal funds will not be required to make costly structural changes to their facilities to make them accessible to the handicapped. Both S. 557 and the administration's bill codify the small business exception from section 504 building accessiblity requirements currently contained in the section 504 regulations.

DRUG ADDICTS AND ALCOHOLICS

S. 557 does not grant new rights to drug addicts and alcoholics. As does the administration's bill, S. 557 contains no changes in current law on this issue. Under current law, alcoholics and drug addicts are not protected under section 504 if they pose a threat to health and safety or are unable to perform the essential functions of the job.

GROCERY STORES

The administration bill would exempt grocery stores or other business entities receiving food stamps. S. 557 is silent on this issue. The U.S. Department of Agriculture has testified that under current law, grocery stores receiving food stamps are not covered. I agree with this view; Senator KENNEDY and others do not. The important point is, S. 557 does not deal with the question one way or the other.

CONCLUSION

Mr. President, the Grove City debate has been going on since 1984. Nearly everyone, including the administration, agrees that legislation to overturn Grove City is needed. We have had hearings and debates; we have drafted and redrafted. This is probably one of the most closely scrutinized pieces of legislation in Senate history. The administration has raised valid concerns, many of which have been addressed in S. 557. Indeed, though the veto has drawn attention to the areas of disagreement, we should not discount the many areas where agreement was achieved. In fact, most of the President's bill is drawn directly from S. 557.

While I wish we could have passed a bill the administration supported, I do believe that many of the concerns about this bill are based on misconceptions. The bill's proponents have repeatedly assured us that the intent is merely to restore the law to its status prior to Grove City. Agencies and the courts should strictly adhere to that intent.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 6 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I urge my colleagues to vote to sustain the veto by the President and to support the administration proposal to resolve the Grove City dispute.

Regarding my concern about this legislation, S. 557 represents a significant increase in Federal jurisdiction over churches and synagogues, private and religious schools, and the private sector. The major issue involved in this legislation is the need to carefully balance and protect constitutionally guaranteed freedoms and rights against the significant authority of the Federal Government. Stated simply, this legislation goes too far. Due to the broad expansion of Federal intervention into the private sector, this legislation is unacceptable.

Since S. 557 was introduced, its proponents have chosen to distort the real issue. They promote the premise that one is either in favor of this legislation, or is in favor of federally subsidized discrimination. This simplistic approach is used by some of the proponents to disguise their true motive which is to expand Federal authority. Federal financial assistance should not be allowed to fund discriminatory activities. No one could rationally argue otherwise. However, this bill vastly expands not only program-specific coverage, but institutionwide coverage as well. It does not restore the reach of the four civil rights laws in question to their pre-Grove status, but extends them well beyond what is justifiable.

Before any Senator casts his or her vote to override the President's veto, I urge each Senator to examine the administration proposal which effectively resolves this Grove City issue. The President's proposal balances and protects constitutionally protected rights and guaranteed freedoms against the reach of Federal Government authority. This administration proposal addresses serious concerns raised by S. 557. It resolves the problems raised in regards to religious liberties; the overextention of coverage applying to entire corporations; grocers that receive food stamps, farmers, private schools; and, coverage of State and local governments. More specifically, it:

First, provides that when one part of a church or synagogue receives Federal assistance, then only that part may be regulated by Government, rather than the entire religious institution;

Second, provides that when private secondary or elementary schools receive Federal aid, only the school that receives that aid, and not the entire school system is subject to Federal regulation;

Third, limits corporate coverage to the plant or facility that actually receives Federal assistance unless the assistance is given to the corporation as a whole;

Fourth, explicitly exempts farmers, and;

Fifth, provides that merely accepting food stamps does not lead to the regulation of grocers and supermarkets.

In summary, the President's proposal more appropriately resolves the Grove City problem than does S. 557. The administration proposal restores civil rights coverage to what it was before the Grove City decision. This restoration is a balanced, reasonable approach which should be adopted in this body in lieu of S. 557.

In closing, scrutiny of S. 557 shows that it significantly increases Federal jurisdiction beyond what is justified over religious institutions, private schools, and the private sector. I do not believe that those who voted in favor of S. 557 clearly understood its broad reach. I urge each Senator to vote to sustain the President's veto. This body can then swiftly act on the administration's proposal which appropriately balances the constitutional guarantees with the reach of Federal authority.

Mr. President, I just want to say this. Some people feel, because this bill has the words "civil rights" in it, that it is a true civil rights bill. This is not a civil rights bill. This is an extension of Federal authority and that is what has gone on here for years and years and that is one reason we have such a big deficit today. Over $2.5 trillion. We have not balanced this budget but once in 27 years. Federal authority, extending Federal authority.

There is only so much power. Are we going to exercise power as the Constitution allows or are we going to keep shifting it to Washington? Unfortunately, over the last 40 years, the Congress has shifted more and more power to Washington.

I say the American people are sick and tired of it. People want to see the Federal Government stay within the powers delegated under the Constitution it borders and not deprive the States and citizens of their rights. This bill goes into religion, it goes into private schools, it goes into private competitive business.

I say to you, it is a dangerous bill and that this bill should not become law. The only way now to stop it is to sustain the President's veto and then we can vote on the bill that he has come forward with, which is a reasonable, balanced bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 45 seconds to myself.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have heard many reasons why people should oppose this bill, but the idea that this bill somehow has contributed to the Federal deficit really goes beyond any kind of understanding on my part.

Second, Mr. President, I would hope that the suggestion that has been made by the acting Republican leader, that all we have to do is sustain the President's veto and enter a unanimous consent agreement for consideration of the President's bill would be dismissed out of hand. This administration has had 4 years to send up bills. Their spokesmen have testified time and time again against any effective reversal of the Grove City decision. Now, after 4 years, in the 11th hour and 59th minute, to propose some kind of so-called alternative policy I think is a blatant attempt to buy votes and we should reject it if we are faced with it.

Mr. President, I want to yield to the Senator from Oregon who was one of the earliest supporters of the Civil Rights Restoration Act. I yield 3 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I strongly urge this body to override the veto of the President for this reason: This bill does nothing more, and is intended to do nothing more, than restore the state of the law as we thought it was prior to the so-called Grove City decision.

Mr. President, let me simply illustrate what we thought the law was, what Grove City did, and what we are trying to change.

The Grove City decision was an interpretation of the words "program or activity," and the Supreme Court in the Grove City case said "program or activity" means the specific program or activity that receives Federal funds. For example, if in a college the English department received Federal funds, we assumed prior to Grove City that the entire college was covered, and if the English department received Federal funds, the French department could not discriminate.

The Supreme Court said no, "program or activity" means just the program or activity that gets the money. If the English department gets the money, it cannot discriminate, but if the French department does not get any money, it can discriminate.

So this bill simply started out to reverse the interpretation of the words "program or activity" to say it means what we thought it meant, institutionwide. Only when we looked into this bill we found out that the other Civil Rights Acts, the principal ones that exist in this country—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—all used the words "program or activity."

We had no reason to think when the administration argued this position that the Supreme Court would interpret "program or activity" otherwise in those other titles. So we had to change it for all four. But prior to Grove City, we meant institutionwide applied in all of those acts and all we have done is change the law back to what we thought it was. We have not expanded it beyond what we thought it was. We have not attempted to add any new obligations beyond what we thought existed. There was never a more status quo bill. Frankly, I would have liked to have gone beyond what this bill does, but in fairness we said we would simply go back to what we thought was the status quo prior to Grove City.

I hope by an overwhelming margin we will vote to simply reinstate fairness for all Americans, be they disabled or minorities or women or the elderly and give them the opportunity that everyone else in this country assumes as a matter of right.

I thank the Chair and I thank the Senator from Massachusetts.

Mr. RUDMAN. Mr. President, I will vote today to override the President's veto of S. 557, the Civil Rights Restoration Act. I will do so because the bill restores into law an important principle: an organization—a private business, a school, or a community organization—desiring the benefit of Federal dollars must not discriminate against individual Americans on the basis of gender, race, age, or a handicap. This principle was the legal policy of the United States until the Supreme Court's 1984 decision, and S. 557 simply reinstates it.

Like most of my colleagues, I have received many phone calls from constituents who oppose the bill. These good people from New Hampshire recount horror stories about what S. 557 would force them or their church to do, tales that they believe because they have been spread by opponents of the measure. If these horror stories had any truth to them, I would not be voting for this bill today.

This issue is far too important to the rights of millions of Americans and to the moral fiber of this country to be analyzed on the basis of misstatement and misinformation. It is important, therefore, that we all understand precisely what the bill will and will not do.

First, this bill will not create any new civil right. Only those groups currently protected by our civil rights laws will be entitled to protection under this act. Some opponents of this bill have characterized it as requiring the hiring of homosexuals by Christian schools. Neither this bill nor the underlying statutes mention homosexuals, sexual preference, or any other phrase that could possibly be interpreted as granting rights to homosexuals as a class. The administration clearly agrees with my analysis because, while they asked for a number of changes in the bill, they did not ask for language to ensure or clarify that neither the bill nor existing law protects individuals on the basis of sexual preference. It does protect individuals on the basis of gender, as it should.

Second, the bill does not change the definition of what constitutes Federal financial assistance. Tax-exempt status has not been considered Federal financial assistance for the purpose of these laws, and will not be when this bill is enacted. The mere receipt of a Social Security pension, veterans' benefits, welfare, or similar benefits is not considered Federal financial assistance as I speak, and it will not be considered Federal financial assistance if the bill becomes law.

Third, the bill will not change the definition of who is a recipient of Federal financial assistance. If a business, university, or church receives Federal financial assistance today, it is subject to the civil rights laws. If a member of the church receives veteran's benefits, that fact alone will not subject the church to the civil rights laws under current law. More generally, an organization will not be deemed to be receiving Federal financial assistance merely because one of its members, customers or clients receives some Federal benefit. It is true that some types of assistance, notably aid for college students, Medicare, and Medicaid, will trigger coverage of the organiza-

tion receiving those funds, but that is only because those Federal funds inure to the direct benefit of the university or hospital. But that is true even if S. 557 does not become law. All S. 557 does is clarify which activities of an organization receiving Federal financial assistance are subject to the civil rights laws.

Fourth, nothing in this bill will affect the practice of religion in a church or synagogue, nor could it. The first amendment continues, intact, as the fundamental guarantor of our religious freedom and I am confident the Supreme Court would strike down legislation which interferes with that. It is true that, should a local church decide to accept Federal funds for some purpose, the nonreligious aspects of the church will be covered by the prohibitions against discriminating on the basis of gender, race, age, or handicap. Although I voted for an amendment by Senator HATCH which would help clarify the applicability of these laws to churches, the defeat of that amendment does not, in my view, provide sufficient grounds to vote against this bill which is endorsed by the U.S. Catholic Conference, the Presbyterian Church, the Episcopal Church, the Evangelical Lutheran Church, the Methodist Church, and many other religious organizations.

Mr. President, I have touched on just a few examples of the misinformation that has been generated about this bill. Although some dispute these points, the clear language of the bill coupled with the language of the existing law compels these conclusions.

S. 557 will simply require that if an organization wants the benefit and use of taxpayer dollars, paid into the treasury by men and women, blacks and whites, handicapped and nonhandicapped Americans, it cannot discriminate against the very people who provide those funds. If this reasonable requirement is too onerous for an organization, then it should not take the money. S. 557 is a good bill which has been discussed for 4 years, and it deserves to become law.

I cannot complete this statement, however, without commenting on what is perhaps the most extreme irony of this debate. Last year, I stood on the Senate floor and expressed my distaste for the serious campaign of distortion that was waged against the nomination of Judge Robert Bork to the U.S. Supreme Court, as did many of my colleagues. We were joined in that condemnation by some of the very people who have generated such a sense of fear and apprehension in many of our constituents about S. 557. There is no excuse for inciting that fear under false pretenses, and I sincerely hope that this does not become the standard for debating matters which directly or peripherally touch upon civil rights.

Mr. KENNEDY. Mr. President, I am delighted to yield to the Senator from Connecticut. This has been a bipartisan effort. The Senator from Connecticut has been the principle cosponsor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I pay a special tribute to the distinguished Senator from Massachusetts for having worked long and hard through the parliamentary maze, through opposition both within his own and within my party to achieve this moment today. It stands as a high tribute to his perseverance, to his compassion, to his vision.

Next, Mr. President, I would like to highlight just two very short sentences in Senator RUDMAN's statement. He said:

> Like most of my colleagues, I have received many phone calls from constituents who oppose the bill. These good people from New Hampshire recount horror stories about what S. 557 would force them or their church to do, tales that they believe because they have been spread by opponents of the measure. If these horror stories had any truth to them, I would not be voting for this bill today.
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> This issue is far too important to the rights of millions of Americans and to the moral fiber of this country to be analyzed on the basis of misstatement and misinformation. It is important, therefore, that we all understand precisely what the bill will and will not do.

Senator RUDMAN states the case well in trying to clear up that fog of misinformation.

Now, Mr. President, this is as important a day as any of us have experienced or will experience in the near future. It has the potential of being a restatement, a restatement of our national commitment to equality of opportunity for all. Equal opportunity for all, to be a matter of national policy rather than individual whim.

Mr. President, how wonderful it is to view the strivings of those young people in a special Olympics setting. We cry and we laugh as we watch their strivings. For the few minutes of a day our hearts are touched. And maybe we will even reach into our pockets to supply a few pennies for those special Olympics.

And yet it was not so long ago that those very special men and women sat in the dark corners of institutions forgotten by our society, relegated by our prejudices to the darkness of dispair, of being nothings in America.

For how long did the blacks of this Nation, until they found a voice in Dr. King, fulfill a role that was no more than being servants within their own country? Then Dr. King spoke from the steps of the Lincoln Memorial in Washington, and a nation's conscience and activism was touched.

No longer were these Americans to be denied the opportunities of jobs, education, and prosperity.

How all of us thrill today as we see the achievements of women throughout our society. Not just in historical roles but as athletes, decisionmakers in Government, and leaders in business.

And now of course, it is easy to laugh as we view the zaniness of the promise of eternal youth in a movie such as Cocoon, forgetting completely that for so many years to be old, was in fact, to be supremely lonely.

After we get through with all the technicalities about this legislation, it comes down to these people, because they are the ones who were and are affected. This legislation is about your neighbor, whether that neighbor happens to be elderly, a woman, a black or handicapped in any way. They are what this legislation is about.

It is about flesh and blood and a history of exclusion. They did not amount to a hill of beans before we made national statements of commitment to opportunity. We didn't rely on the fact of feeling a little warm inside on a particular moment of a particular day. It had to be a 365-day-a-year statement of national purpose. Not left to individual whim, beneficence or kindness. We set high expectations for ourselves as a nation, and we set the tough standards that go with manifesting those expectations.

The instant legislation was not meant to be a cream puff. It says we are not going to subsidize discrimination and, if you do discriminate, the full force of the law comes down on your head. The law, in this instance, is not just a Federal Government.

It is, all of us, 250 million Americans. We do not want to see dark corners anymore. We do not want to see loneliness anymore. We do not want to see doors shut in one's face because of skin color or gender. We have better things to do than to return to times best forgotten.

Greater lies ahead. Mankind's opportunities are too important to be left to the leavings from mankind's table. That is what this bill is about. It is a technical correction of the past and the promise of even more opportunity for the future. We know by virtue of history that when it came to opportunity, neither individual inspiration nor States' rights can achieve the destiny of the United States of America. Only an entire nation can do that. Today our Nation addresses its future and sets its destiny.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I want to commend the Senator from Massachusetts and the Senator from Connecticut for standing up on this issue. This is not a partisan issue. This is something that ought to appeal to the basic good instincts of every Member of the Senate and the House.

In 1984, when I was in the House, I was the chief sponsor in the House of the Civil Rights Restoration Act to attempt to reverse that Grove City decision, and it passed the House 375 to 32.

There are, I think, just two basic questions. One is: Should we go back to the pre-Grove City decision? And that is all we are attempting to do. The sentiment clearly in this body is that we should, and we should, for those who dredge up specters of all kinds of things happening, let the record be clear, I heard the Senator from Massachusetts say earlier today, and I have heard the Senator from Connecticut say: We simply want to go back to the pre-Grove City decision. That is it.

Then, I guess the more fundamental question is: Are we going to try to make real the dream of a Constitution for equality? Those who wrote the Constitution talked about forming a more perfect Union. It was not a perfect Union then; it is not a perfect Union today, but it is a better Union today with opportunities there for minorities, for women, for others.

The Grove City decision grew out of the title IX Grove City appeal. It was not very many years ago the average woman working full time was making 59 cents compared to a man working full time. That has lifted a little, but very little. It has gone up to about 63 or 64 cents, but for those women under the age of 30, it has gone up to 85 cents compared to the dollar the man makes. That is not good, but it is much better because of the force of law. We have a long way to go.

The unemployment rate for employables who are handicapped is astronomical. The unemployment rate for those who are handicapped who also happen to be black is today 82 percent. That is almost unbelievable.

We have to do better in our society. I do not think one here suggests this is the whole answer, but it is at least a small step forward to guaranteeing opportunity to everyone.

Senator WEICKER talked just a little bit before about the Olympics. Let us talk about the real Olympics, and that is the race of life. There are people in the race of life who have handicaps. Let us remove those handicaps insofar as possible, and we can help do that by overriding the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, the President's veto of the Civil Rights Restoration Act was an unfortunate mistake.

This bill does not create a broad new mandate for Federal intervention in the daily lives of Americans. Instead, it restores the fundamental premise of all our civil rights laws: That there are no rights without remedies.

The bill passed the Senate and the House with broad, bipartisan support because it achieves a very simple and straightforward result: It will assure that Federal tax dollars raised from all the people cannot be spent to discriminate against some of the people.

The bill says that institutions which receive Federal funds must obey the laws which say that minorities, women, the elderly and the handicapped cannot be treated unfairly simply because they happen to be black, or female, or physically impaired or old.

That is a matter of simple justice. Americans have embraced the idea that all of us are created equal since we became a Nation. And in the past several decades, Americans have also expected their Government to live up to that ideal in practice.

That is what this bill will ensure.

Because this is such a bedrock ideal, so broadly shared by the American people, some of those who are unwilling to see it adopted in practice have resorted to misinformation, distortion and, in some cases, outright untruths in order to obscure that simple fact.

In the past week, my offices in Maine, as well as my Washington office, have received telephone calls from hundreds of Maine people opposed to this bill.

These people have been told it will force them to hire homosexual ministers for their churches or homosexual teachers for their schools and day care centers.

They have been told it will give new privileges to drug addicts. Others have been told that their freedom to practice their own religion will be endangered.

Some elderly Social Security recipients have even been told that it will mean that they can no longer give a donation to their own church. Rarely has the legislative process been so subjected to such a campaign of misinformation and distortion.

None of these concerns reflects anything that has ever happened in the State of Maine. Instead, they reflect a campaign of misinformation and distortion launched from Lynchburg, VA.

The people of Maine are the victims of a national effort undertaken by the Virginia-based Moral Majority and joined by the Washington-based Free Congress Foundation, the Florida Coral Ridge Ministries and other outside groups with their own agendas who are spreading outrageous untruths in order to pursue their own goals.

The truth is that nothing in the bill has any effect on any church's choice or training of ministers.

The truth is that nothing in this bill will require anyone to hire homosexual teachers.

The truth is that nothing in this bill expands the rights of any drug addict.

The truth is that nothing in this bill affects how any American spends his or her Social Security check.

The truth is, of course, that nothing in this bill overrides the first amendment to the Constitution, which guarantees to all Americans the right to the free exercise of their own religious beliefs.

Pastors in Maine have been told that the bill declares active homosexuals, transvestites, alcoholics and drug addicts, among others, to be handicapped and therefore protected under civil rights laws.

The truth is that the bill contains no such declaration.

Pastors in Maine have been told that when the attempt to "railroad" the bill began, the Moral Majority blew the whistle.

The truth is that this bill was not "railroaded." It has been before the Congress for 4 years.

And the truth is that in 4 full years of public hearings, argument and debate, neither the Moral Majority nor any of its supporters has ever offered any evidence that it would affect the status of homosexuals, drug addicts or transvestites.

Pastors in Maine have been told that lawsuits are now prepared and waiting for this act to become law.

But the legal analysis on which the Moral Majority relies, which was sent to my office, says: "We make no prediction that litigation * * * will be widespread or that schools and churches will always lose these cases." The documents they claim to be using do not even support the distortions that are being made.

Maine pastors have received a memorandum about "the gay rights bill." There is no such bill. This bill has nothing to do with gay rights. It protects racial minorities, ethnic minorities, and religious minorities. It protects women. It protects the handicapped. And it protects old people. But it does nothing whatsoever about homosexual people.

The memo says that the bill, combined with present court cases, would qualify drug addicts, alcoholics, active homosexuals, and transvestites, among others, for Federal protection as handicapped.

That is not true. The bill does not change the definition of who is handicapped. And there are no Supreme Court rulings which require anyone to consider alcoholics, drug addicts, active homosexuals or transvestites to be handicapped.

This memo says that under this bill, churches and religious leaders could be forced to hire a practicing homosexual drug addict with AIDS to be a teacher or youth pastor.

This is the most blatant untruth of all. No American Government has ever had or could ever get the power, under our Constitution, to dictate any choice of pastor in a church—whether it be a youth pastor or any other.

If there were even a grain of truth in this claim, why would the American Baptist Churches support the bill—which they do? Why would the Evangelical Lutheran Church of America support the bill? Why would the United Methodist Church, the Church of the Brethren, the Episcopal Church or the Presbytrerian Church, U.S.A., support this bill?

These major religious denominations do not fear that their religious faith will be offended by a requirement to pursue an injunction common to all faiths: To deal justly with all.

The American Baptist Churches, U.S.A., say they "believe that discrimination against any of God's children is sin."

The United Methodist Church "affirms all persons as equally valuable in the sight of God * * *."

The Presbyterian Church (U.S.A.) urges Congress "to protect the rights of all Americans by overriding the President's veto."

The Church of the Brethren says the bill "represents the most basic moral and traditional teachings of our church."

The Churches of Christ "call upon Congress to resist the scare tactics being employed by some opponents of this bill" and override the President's veto.

The Evangelical Lutheran Church in America urges a veto override, based on the Government's "fundamental duty to protect all people from discrimination."

Major Jewish organizations, the Quakers and others all recognize the fundamental issues of justice embodied in the bill. None believes their religious liberties will be affected.

The Catholic Church of the United States, which operates more religiously affiliated institutions of learning, health care and social services than any other, supports this bill.

The American Association of Retired Persons, the Nation's largest and best-known association serving the rights of Social Security recipients, asked the Senate to override this veto.

Virtually every group representing the physically and mentally handicapped, the health care community, the child welfare community, the major faith communities of our Nation—all support this legislation.

The misinformation about this bill would be laughable were we not dealing with the basic rights of Americans.

The frequent claims of intrusiveness made against this bill arise from an assumption that discrimination should be barred only in extreme circumstances. It is said that Grove City College did not discriminate—only that it refused to fill out Federal paperwork.

Grove City College used $1.8 million in Federal grants from students for its basic tuition costs in the decade from 1974 to 1984, as well as additional funds in the form of guaranteed loans. It refused to provide assurances of compliance with title IX law.

In this debate, a great deal of time has been expended on the unfairness of demanding such assurances. It is surprising that there is not more concern about simple accountability.

We do not permit GI education funds to be spent at any school simply on a verbal assurance that the school will provide the education it claims to provide. We demand accountability. Why is accountability for general education funds intrusive when accountability for GI bill funds is not?

The bill does what any responsible government must do. It makes those who use and spend public dollars accountable for the way they spend those dollars. There is nothing intrusive or unfair about that.

All institutions, religious and secular alike, have a simple choice: To accept Federal funds and obey the law, or not to take Federal funds.

Simply put, if an institution accepts tax funds, that institution may not discriminate. We cannot eliminate private prejudice and bigotry by law. But we need not and should not subsidize them.

Thirty-four years ago, the Supreme Court told American schools to desegregate their classrooms with "all deliberate speed." But 10 years later, "all deliberate speed" had become massive resistance.

So when Congress passed the 1964 Civil Rights Act, Federal funds were tied to the mandate to stop racial discrimination, as President Kennedy's message on the bill requested:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

That vision of "simple justice" is as accurate today as it was then.

The only thing that has changed is that we have since recognized that discrimination can also prejudice the rights of women, of disabled people and elderly people.

It is no accident that in the decade after the Civil Rights Act was passed, black college enrollment doubled.

In the days before section 504 of the Rehabilitation Act was passed, men and women with epilepsy were often barred from employment. Diabetics faced subtle, and sometimes not-so-subtle discrimination. Those confined to wheelchairs found their way barred to schoolrooms and law courts.

In the days before title IX of the Education Act amendments was enacted, the Agriculture School at Cornell required female applicants to have SAT scores 30 to 40 percent higher than male applicants.

The 1964 gold medal swimmer at the Tokyo games, Donna DeVerona, was forced to end her athletic career as a teenager. Her teammate, Don Schollander, also a gold medal swimmer, went to college on an athletic scholarship.

In 1964, there was not one single women's athletic scholarship in this country. In 1984, there were over 10,000. It is no coincidence that in this year's winter Olympics, American women won more gold medals than American men.

When the Supreme Court ruled in 1984, in Grove City College versus Bell, that civil rights obligations reached only the specific "program or activity" where public funds are used, all these gains were threatened.

Since 1984, the Education Department has dismissed, rejected or withdrawn almost 700 discrimination cases. Racially based discrimination has been documented in the college systems of 10 States.

The Justice Department's own case against the higher education system of Alabama was dismissed because not even the Federal Government could trace each and every Federal dollar through the system, as the courts required.

The fallout of the Grove City case has been dramatic. But in the face of real injustice, opponents of this bill can cite only speculative difficulties at best.

And some of those opponents have resorted to falsehoods.

The effort to give life to the great ideals of our Constitution has always been a struggle against entrenched habit, accepted convention and established inequities.

We want a just society. To achieve justice, we must pursue justice.

In this veto override, let us reaffirm that historic commitment and reinstate the full force and vigor of the civil rights laws, to vindicate, after 25 years, President John Kennedy's vision of "simple justice."

That is the fair way, that is the right way, that is the American way.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, for almost 75 years this body remained silent on the issue of slavery while the churches and private schools of our Nation spoke out against it, while they provided the leadership that mobilized public support that ultimately brought slavery to an end. For 150 years this institution, for all practical purposes, looked the other way when discrimination was rampant in our land, and during that 150 years the pulpits of the churches of America flamed in righteousness against bigotry and against discrimination. While this body was silent on integrating our public institutions of higher education and schools in general, private schools provided the early leadership in bringing integration to our society.

I think it is important today as we debate this veto override to recognize that the major cutting edge issue here is not civil rights but the extension of Federal power to institutions that historically have been the very voices of civil rights. We seek here today not to extend the power of the Federal Government to attack bigotry and prejudice but to place the heavy heel of Government upon the very institutions that led this Nation against discrimination and against bigotry when even this great deliberative body was silent on those issues.

Now, Mr. President, why after all these years do the churches of America and the private institutions of higher learning suddenly need Federal regulation in the area of discrimination? What we are looking at here is a massive extension of Federal power, and I ask my colleagues, is the freedom of America and Americans in religious matters better left in the hands of the churches of America or placed in the hands of Government?

Is government a neutral body which oversees in great wisdom disputes among its people or is it ultimately a participant in that debate which chooses sides based not on right and wrong but on the basis of politics?

I submit, Mr. President, that this veto should be sustained. The President has made a proposal which makes many changes, among them one which is absolutely critical and indispensable. The change has to do with religious tenets and churches and synagogues. This body unwisely rejected an amendment dealing with these issues, but we have an opportunity to go back and do it right.

Now, Mr. President, let me simply ask some questions that I think are relevant. Let me pick a private institution in my own State, the University of Dallas. The University of Dallas is a religiously affiliated institution, but it is not controlled by the Roman Catholic Church. It does not have a religious exemption under existing law. It does not take Federal funds as an institution, but it does have students who get guaranteed student loans. If the President's veto is overriden, because some chemistry professor may get a small grant to look at some particular property in chemistry or because a student at the University of Dallas may get a guaranteed student loan, the Federal Government's heavy hand of intervention will be able to reach into this private church-related institution.

The University of Dallas has a seminary which trains clergymen for the Roman Catholic Church. The seminary is run in conjunction with the University of Dallas and those who graduate get degrees from the University of Dallas. 8

Under this bill if a student at the University of Dallas gets a guaranteed student loan to study sociology, the Federal Government would have the ability to intervene, with clear jurisdiction under this new law, into the operation of a Roman Catholic seminary. Mr. President, by that intervention, are we promoting freedom? Is not religious freedom part of the constitutional guarantee? Who are we to intervene into the teachings of a seminary in the name of civil rights? Churches have doctrine. We have recognized from the beginning of the Republic that those doctrines were sacred and they were private.

It is clear to me that we are making a mistake by intervening in these areas. This could be easily corrected by simply having a provision that provided a general exemption on religious tenets, and by excepting churches and synagogues this could be corrected. But by not correcting it, when disputes arise within a seminary between the teachings of the church and what are perceived to be the laws and standards of the Nation, the Federal Government will become an arbiter in what can and cannot happen, and what standards will and will not be tolerated in a seminary in Dallas, TX. And I submit that is wrong.

I object to this bill basically for two reasons. One is philosophical. Government intervention into religious institutions is not the source of freedom. It is not the source of civil rights. These institutions were speaking out on civil rights when this great body was silent on those issues. Who are we to intervene into their private religious activities in the name of civil rights?

Second, I object on a practical basis. Who are we to intervene in the practices that are being used in employment, in a private institution, in a Catholic seminary? I submit, Mr. President—Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER (Mr. FOWLER). The Senator may proceed.

Mr. GRAMM. I submit, Mr. President, that makes no sense. Who are we to extend the hand of Government into a church which is carrying out a public activity in the name of child care or feeding the poor when that individual activity happens to get some funds from the Federal Government? Should we then be able to expand the power of Government to accommodate and to ultimately control the functioning of that church? Should we have the capacity, because one student gets a guaranteed student loan, to dictate practices in a seminary that happens to be located in an institution which is not directly controlled by the church? I submit that we do not, and we should not have that power.

Mr. KENNEDY. Would the Senator yield?

Mr. GRAMM. I would be happy to yield.

Mr. KENNEDY. Could he tell us why then the Catholic Church and the Catholic Conference is strongly supporting this legislation?

Mr. GRAMM. The only thing I can say——

Mr. KENNEDY. As well as major Protestant and Jewish groups?

Mr. GRAMM. If I might respond, the only thing I can say is that they obviously are not speaking for the institution that is going to be affected in this case. The point remains and it is irrefutable that if this veto is overridden, because this seminary in Dallas, TX—and it is not unique, I speak of it simply because it is in my State—is affiliated with an institution that is not directly controlled by the church, though that institution is church related, that this seminary will come under Federal jurisdiction under this law. I submit that is wrong, that is an absurd result, and that should not be tolerated.

Maybe the distinguished Senator from Massachusetts and I may disagee with the teachings of the church on some subject related to abortion or related to family values. But who are we to intervene into that seminary and into that private school? I do not feel myself qualified to do that, nor do I believe the distinguished Senator from Massachusetts is qualified, nor do I believe Federal judges are so qualified.

So this is a clear-cut case where we have an institution that has not qualified for religious exemption, which does have programs that are clearly church related and programs that are clearly going to come under this law.

Mr. KENNEDY. Under the existing law and regulations regarding the religious tenet exemption, a school or department of divinity normally entitled to a religious tenet exemption, if needed, and I do not think that at this point in the debate, the record ought to be distorted and misrepresented.

Mr. GRAMM. If I may simply finish my time, clearly the schools of divinity that are separately constituted are excluded, but departments of divinity which are affiliated with schools that are not directly controlled by the church that give degrees from the university and not from the church are going to be affected, and not just those programs but other programs at the University of Dallas and religious related institutions all over the country are going to come under Federal control. I think that is a mistake. It is one that is easily corrected without trampling on civil rights, religious freedom, and the rights of groups to associate on the basis of shared values. That represents a very basic civil right which cannot be trampled on in the name of expanding the rights of the individual.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont [Mr. STAFFORD] is recognized for 2 minutes.

Mr. STAFFORD. Thank you, Mr. President. I would like to reaffirm my support and commitment to the Civil Rights Restoration Act of 1987 and ask my colleagues to join with me in overriding the President's veto. We need to send a clear and decisive message to the American people that discrimination, in any form, will not be tolerated.

I was an original sponsor of title IX of the Education Amendments, as well as section 504 of the 1973 Rehabilitation Act. The narrow ruling handed down in Grove City versus Bell has permitted discrimination to reenter our education system despite these two acts as well as the 1964 Civil Rights Act and the Age Discrimination Act of 1975. Clearly, the intent of these measures has been lost by the court ruled "program-specific" rather than "institutionwide" definition originally intended by legislators. When Congress enacted these four statutes, they were attempting to provide an effective and permanent remedy against discrimination. Overriding the veto will restate our commitment to the permanent eradication of discrimination.

It is unfortunate that in order to guarantee equality for all individuals, we have to mandate it in Federal law and hinge enforcement on the receipt of Federal funds. Women, minorities, elderly, and disabled people should not have their tax dollars fund institutions that discriminate against them as individuals.

A century has passed since a President of the United States has vetoed a civil rights measure forwarded by the Congress. I urge my colleagues to join me today in rejecting the administration's efforts to prevent enactment of the Civil Rights Restoration Act of 1987.

Mr. President, I have a letter from a former very distinguished Secretary of Education, Terrel Bell, and in the first two paragraphs he writes to me:

I am writing to urge you and your colleagues to vote to override the President's veto of the Civil Rights Restoration Act, which previously passed the House and Senate by strong bipartisan margins. The legislation necessarily restores coverage of civil rights laws to their original intent and purpose.

When I was Secretary of Education, * * *

Incidentally, he was a Republican Secretary—

* * * we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell grant program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes if it received any federal assistance. We believed that if you take federal funds you must comply.

Mr. President, I ask unanimous consent the balance of that letter be made a part of the RECORD.

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

MARCH 21, 1988.

Hon. ROBERT STAFFORD,
*U.S. Senate Office Building, Washington, DC.*

DEAR SENATOR STAFFORD: I am writing to urge you and your colleagues to vote to override the President's veto of the Civil Rights Restoration Act, which previously passed the House and Senate by strong bipartisan margins. The legislation necessarily restores coverage of civil rights laws to their original intent and purpose.

When I was Secretary of Education, we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell Grant program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes if it received any federal assistance. We believed that if you take federal funds you must comply.

With the exception of a few small private institutions, there was broad acceptance and support of the civil rights laws to protect minorities, women, and the handicapped from discrimination. At the time I could see no reason to come forth with a new interpretation of these laws. It would cause strife and bitterness among those currently enjoying the protection of the civil rights laws.

It was clear to me then, as it is now, that the Department of Justice is determined to weaken civil rights enforcement in the nation's colleges and schools. Their position was, in my view, harmful to American education and potentially damaging to the rights of minorites who fought against discrimination.

It was a great disappointment to me when the Supreme Court handed down the decision in Grove City College v. Bell, affirming the Justice Department's position.

The Civil Rights Restoration Act is as much a Republican bill as a Democratic bill. As you know, thirteen high ranking government officials from the Johnson, Nixon, Ford, and Carter administrations have all testified in support of the legislation to overturn the Grove City decision.

I am grateful for your leadership in this effort and I hope the Congress will, at long last, reaffirm its commitment to civil rights by overriding the President's veto.

Sincerely yours,

TERREL H. BELL.

Mr. CONRAD. Mr. President, I will vote to override President Reagan's veto of the Civil Rights Restoration Act. I supported passage of this measure in January because I believed in its basic purpose—to improve enforcement of our civil rights laws by making sure that Federal funds are not used to support discrimination. I continue to believe that legislation is needed to ensure this result.

The controversy surrounding the bill and the veto must not obscure what the legislation is all about. In the wake of the Supreme Court's decision in Grove City versus Bell in 1984, this country's ability to deter discriminatory practices by institutions which receive Federal funding has been significantly weakened. The Court's decision limited the application of antidiscrimination laws to the specific program or activity receiving Federal aid. Thus, female students could be kept out of a school's athletic programs if such programs received no Federal aid even though the school got Federal funding for other purposes. Disabled veterans who had defended their country could be denied jobs or admission to universities even though part of the institution received a government grant. The Court held that Congress would have to certify whether it intended that the entire organization be covered in these situations. That's just what the bill does—and that's all it does.

There is no truth to the charges that the Civil Rights Restoration Act would require schools, churches, or any employer to hire homosexuals, alcoholics, drug abusers, or victims of AIDS. Existing civil rights laws do not forbid discrimination based on sexual preference, and neither does the Civil Rights Restoration Act. Current law does not require an employer to hire people with contagious diseases that threaten the health of others—or people with medical problems or disabilities that prevent them from performing the job. And the Civil Rights Restoration Act clearly states that protections afforded to the handicapped do not apply to individuals with contagious diseases that endanger public health or to individuals unable to function on the job for any reason. The heated campaign to defeat this legislation has distorted its meaning and spread considerable misinformation about what the measure actually entails.

During Senate debate on the bill, I supported an amendment to eliminate any ambiguity on the subject of abor-

tion. The Danforth amendment, included in the legislation vetoed by the President, states clearly that hospitals, schools, and other institutions or organizations receiving Federal funds cannot be forced to provide or pay for abortion services. I regarded this clarification as vital—and believe it should have dispelled any doubts about the legislation's intent.

The vetoed bill also included an exception for religious institutions: in these cases, the prohibition on discrimination extends only to the specific activity receiving Federal funds. Thus a church receiving funding for a social service project would not be precluded from generally hiring from within its membership. I was impressed to see that the United States Catholic Conference, Lutheran, Baptist, and other major religious organizations advocate passage of this bill.

Nothing, of course, requires an organization to accept Federal funds. But those who benefit from Federal assistance should be willing to uphold our civil rights laws—and I believe most are. Federal revenues should not be used to support discrimination against women, minorities, the elderly and the disabled, and I believe government should have the power to assure that these groups can freely participate in programs and activities which receive Federal support. That's why I supported the Civil Rights Restoration Act 2 months ago—and why I still do.

Mr. ARMSTRONG. Mr. President, as recently as this morning the Washington Post assured us again that S. 557, the Grove City bill, will not adversely affect churches. The Post editorialized, "As for churches that receive Federal money to run social service projects—day care, nursing homes, and so forth—discrimination would not be allowed in that specific project." The Post was implying that only the specific project and not the entire church would be covered by Federal law. The Post is wrong.

Here is what S. 557 says:

"[T]he term 'program or activity' means *all of the operations of* * * *

"(3)(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 * * *

*"any part of which* is extended Federal financial assistance." (Emphasis added.)

Therefore, if a church takes Federal financial assistance for a day care program, for example, "all of the operations of" the entire "geographically separate facility" become a "program or activity." That means the entire church is covered. And probably more.

On page 18 the report says,

"In specifying limited coverage of an entire plant as the ['geographically separate facility,' the bill refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would *not* be considered geographically separate." (Emphasis added.)

Therefore, if one church program takes Federal funds the entire church is covered *as are all of its facilities* that "are part of a complex or that are proximate to each other in the same city." Where a church takes targeted Federal financial aid, the report (at page 18) says, *"only the full operations* of the geographically separate facility will be covered by the civil rights laws." (Emphasis added.) (Is "only" not a wonderfully simple and comforting word? Why, this bill will "only" extend Federal regulation to the "full operations" of a church.)

Church school systems are simply covered in their entirety if any one school program in any one school receives Federal financial assistance. The report says on page 17,

"If federal financial assistance is extended to *one* of three secondary schools which comprise a system operated by a Catholic Diocese, *all* of the *operations of all three of the schools in the system are covered."* (Emphasis added.)

That statement from the report simply restates what is clear in the bill. Once again, here is what S. 557 says:

"[T]he term 'program or activity' means *all of the operations of* * * * (2)(B) [any] other school system * * * *any part of which* is extended Federal financial assistance." (Emphasis added.)

The bill's intrusion into religious matters could have been cured, but the committee defeated—by a vote of 5 to 11—a Thurmond amendment that would have retained "program specific" treatment of religious organizations. A Hatch amendment to the same effect was defeated on the Senate floor by a vote of 36 to 56. 134 CONGRESSIONAL RECORD. S. 147-155 (daily ed. Jan. 27, 1988) (amendment no. 1384). In light of those votes it is hard to see how the Post, and many others, can talk about the narrowness of this bill.

The committee's explanation of the Thurmond amendment is especially instructive. Here it is in full from page 27 of the report:

By a vote of 5-11, the committee defeated an amendment proposed by Senator Thurmond that would limit coverage of programs or activities operated by religious organizations to the particular subunit of the organization which receives federal funds. In other words, this amendment would not overturn the Grove City College decision as it applies to programs or activities which receive federal financial assistance, as long as the programs or activities are run by a religious organization. The dual system of civil rights protections for programs carried out by religious and secular organizations contained in this amendment is unprecedented in the history of our civil rights laws. For example, religious employers are subject to Title VII in the same manner as non-religious employers. With the narrow exception of the religious tenet exemption in Title IX, religious recipients of federal financial assistance have been and are subject to the prohibitions on discrimination of the four civil rights laws in the same manner as non-religious recipients of federal aid. There has been no trampling of religious liberty under these laws in the more than twenty years they have been in effect. S. 557 simply will restore the coverage of these laws to their pre-Grove City College scope.

The committee rejected the Thurmond amendment for two reasons: First, the amendment would have limited coverage of religious institutions to the unit of the organization that actually received Federal assistance. The majority was opposed to limited coverage. They wanted the entire church covered, and they got what they wanted.

Second, the committee was afraid of establishing an "unprecedented" "dual system of civil rights protections." This interesting argument has the unfortunate defect of being wrong. Title VII, which the committee goes out of its way to cite (it is out of the way because S. 557 does not amend title VII but title VI), does indeed contain exceptions for religious employers:

Section 702 has an exemption for a church "with respect to the employment of individuals of a particular religion to perform work connected with the carrying on" of the church's activities. 42 U.S.C. 2000e-1 (1982). Just last summer the Supreme Court upheld this section against a constitutional challenge. In *Corp. of the Presiding Bishop, Church of Jesus Christ of Latter-day Saints* v. *Amos,* 55 U.S.L.W. 5005 (decided June 24, 1987, without dissent), the court held that section 702 is not an unconstitutional establishment of religion. Amos was especially significant because it concerned a church's secular activities. The court said Congress based section 702 on the permissible legislative goal of reducing governmental interference with the ability of a church to define and carry out its religious mission. Section 703 of title VII also has an exemption for religious schools if the school is "owned, supported, controlled, or managed" by a particular religion or if the curriculum is "directed toward the propagation of a particular religion." 42 U.S.C. 2000e-2(e)(2) (1982).

Therefore, the report's statement about the title VII precedent is wrong, and its claim about "dual systems" is misleading. Perhaps if these facts had been known prior to the votes on the Thurmond and Hatch amendments one of the amendments would have been adopted.

S. 557 will cover an entire church even if just one part of the church receives Federal financial assistance. S. 557 will cover an entire religious education system even if only one part of one school receives Federal financial assistance. The committee intended these results. Unfortunately, however,

the committee's actions—and the Senate's—may have been based on an inaccurate understanding of the 1964 Civil Rights Act. Tomorrow, when we vote again on S. 557, I ask that you reconsider your earlier vote in light of the bill's impact on religious liberty.

Ms. MIKULSKI. Mr. President, I rise in support of the Civil Rights Restoration Act. This is now the fourth year that Congress has debated how to overcome the implications of the Grove City decision. We must not let another session of Congress end without passing this important legislation.

It's been almost 25 years since the Federal Government committed itself to ending invidious discrimination in this country. We, as a nation, said we wouldn't stand for bigotry in our schools, our public accommodations, our housing, or in our voting booths. And we particularly said we wouldn't stand for using taxpayer's money to subsidize that bigotry.

When Congress passed the Civil Rights Act of 1964, Americans took the first major step to stop publicly supported discrimination. Under title VI of the act, we prohibited any program or activity that received taxpayers' money from discriminating about race, color, or national origin.

Title VI became a major weapon for attacking the separate and unequal society that denied basic civil rights and opportunities to millions of Americans. As time passed, we realized that invidious discrimination takes many forms—so we moved to protect the rights of women, disabled people, and the elderly.

Title IX of the Education Amendments of 1972 prohibits sex discrimination in education programs that receive Federal assistance. Its mandate is clear, simple, and effective: Schools that benefit from tax dollars can't discriminate because of gender.

The Supreme Court's 1984 decision in the Grove City case destroyed that simplicity, and severely limited the effect of title IX and its companion laws. It's time to restore the protections for women and men, blacks and whites, old people and young people, handicapped and nonhandicapped, that the Grove City decision curtailed. That's what S. 557 will do, and that's all it will do.

The educational opportunities lost because of this unfortunate decision are gone forever. The young woman denied an athletic scholarship won't apply to college again. Craig Neff, in Sports Illustrated—a magazine, I should mention, not known for its radical political posture—points out that between 1972, when Congress passed title IX, and 1983, the number of women participating in college sports "mushroomed" from 32,000 to 150,000. Title IX made that possible, and Grove City gutted title IX.

To quote Craig Neff:

> The impact [of Grove City] was immediate. The Department of Education's Office of Civil Rights (OCR) had been conducting title IX compliance reviews and investigations of college athletic departments, but it now found itself without a legal basis for doing so. Within a year of Grove City, the OCR had suspended 64 investigations, more than half involving college athletics.

Mr. President, the students whose cases were closed because of Grove City have finished their colleage careers. But we have an opportunity to re-open the doors for hundreds of thousands of present and future students.

Education is a big issue this election year, and it should be. Education is the door to opportunity—the opportunity to choose one's own destiny. We simply cannot continue to deny even one more student a guarantee of equality, or to subsidize discrimination with our hard-earned taxes.

The impact of Grove City has been real and devastating. Since 1984, hundreds of discrimination investigations have been dropped or curtailed—at least 674 in the Department of Education alone. The cases that will never be heard, much less remedied, cover everything from the loss of a teaching job by an elderly woman to a denial of admission to medical school for a wheelchair-bound student.

Mr. President, discrimination has no place in our society. And that principle cuts both ways. We don't let the government discriminate against people because of their religious views. That's why I've been particularly troubled by the scare tactics used by some opponents of this bill. They have raised the specter of religious liberty when this bill has absolutely no effect on that liberty.

We've had 4 years of exhaustive analysis of this bill, and have consulted with every major religious organization in the country. How can some people assert that S. 557 infringes on religious beliefs when almost every single major religious group in America has studied the bill and endorsed it?

Look at the list: the U.S. Catholic Conference of Bishops, the National Council of Churches, the American Jewish Congress, the American Baptist Churches, the Evangelical Lutheran Church of America, the Union of American Hebrew Congregations, the Church of the Brethren, the United Methodist Church, the Episcopal Church, the Anti-Defamation League of B'nai B'rith, the Presbyterian Church USA, the American Jewish Committee, the Church Women United Network-National Catholic Justice Lobby.

Mr. President, these religious groups are filled with enlightened, intelligent, articulate people with a comprehensive knowledge of Federal law and how it relates to our religious beliefs. It just defies logic to argue that they would support a bill that infringes in any way on those beliefs.

We shouldn't let the scare tactics of a few outweigh reason. We should override the President's veto and restore the strength of this country's commitment to equality for all.

Mr. ADAMS. Mr. President, I rise today to express my deep concern about the President's veto of the Civil Rights Restoration Act and the impact that this action could have on the rights of women, minorities, disabled persons, and the elderly.

In 1964, Congress passed the Civil Rights Act—the most sweeping piece of legislation in this Nation's history. The passage of this act signaled to all that the time had come for this Nation to put a halt to discriminatioin in all forms—acknowledging the basic dignity of the human spirit. It was a signal that the equality of all people, of which our Founders spoke, would move a step closer to becoming a reality for all Americans. Finally, passage of this act was a signal that the Federal Government would assume its rightful role in the fight for equality by ensuring the programs which receive Federal funds did not discriminate against people based upon race, religion, color, or national origin.

The fight for equality did not end in 1964—it had just begun. It soon became apparent to those of us in Congress that discrimination in this Nation was not limited to people of color but extended to other segments of our society—to women, to the handicapped, and to the elderly.

Recognizing the repugnancy of discrimination, Congress took action. Title IX of the 1972 Education Amendments was enacted to protect the rights of women in educational programs and activities receiving Federal assistance. Section 504 of the 1973 Rehabilitation Act was enacted to prohibit recipients of Federal funds from discriminating against disabled persons. And in 1975, Congress passed the Age Discrimination Act prohibiting discrimination on the basis of age in the delivery of services and benefits supported by Federal funds.

The Civil Rights Restoration Act is an attempt to reassert the intent of Congress in enacting these laws by overturning the decision of the U.S. Supreme Court in the case of Grove City versus Bell. That decision was based not upon an interpretation of the Constitution, but rather, upon a clear misunderstanding of the intent of Congress in enacting title IX of the 1972 Education Amendments. The decision stands for the proposition that Federal funds may be used to subsidize an institution which fosters and promotes discrimination. As one who served in the House of Representatives when this measure was enacted, I can say without hesitation that the

intent of Congress was to flatly prohibit the granting of Federal funds to institutions which practice discrimination in any form.

The President's decision to veto the Civil Rights Restoration Act is based on the notion that it will interfere with the free exercise of religion. Such is not the case. Churches and synagogues are free to operate without Federal interference as long as they do not accept Federal funds. This is the situation which existed prior to the 1984. During the 20 years between passage of the Civil Rights Act of 1964 and the Supreme Court's decision in Grove City versus Bell, religious freedom in this country flourished. The fact of the matter is that the Civil Rights Restoration Act will not hamper the free exercise of religion in this country, but will hamper the efforts of those who seek to engage in discriminatory practices which are repugnant to our basic beliefs of equality and human dignity. I find it curious that the opponents of this act claim it will inhibit the free exercise of religion yet it has the support of virtually every major Prostestant, Catholic, and Jewish religious organization in this Nation. Someone is wrong in this great religious debate, but I do not think it is the Council of Churches, the American Jewish Congress, the National Council of the Churches of Christ, the Church of the Brethren, the American Baptist Churches, the United Methodist Church, the Presbyterian Church (U.S.A.), the U.S. Catholic Conference of Bishops and the Union of American Hebrew Congregations, all of whom have endorsed the Civil Rights Restoration Act and urged Congress to override the President's veto of this bill.

I believe it is incumbent upon the Congress to override the President's veto of this act. In so doing, Congress will be sending an important message to all that we will not stand by and idly watch while the rights of women, minorities, the disabled and the elderly are eroded. Those of us who fought for civil rights in the 1960's know that retreat is synonymous with defeat. We did not accept defeat in the 1960's and we will not accept retreat in the 1980's.

Mr. BRADLEY. Mr. President, immediate enactment of the Civil Rights Restoration Act is essential to ensure full compliance with our Nation's civil rights laws. Today the President appeals to Congress to sustain his veto. While his appeal is in keeping with his administration's pitiful record of enforcing the civil rights laws of our Nation, to sustain his veto would be unconscionable.

This President and this Justice Department's lax enforcement of our civil rights laws threaten to erode the hard won guarantees of civil rights for all Americans, regardless of race, color, national origin, sex, handicap, or age.

The purpose of the Civil Rights Restoration Act is to clarify the intent of these original civil rights laws, an intent interrupted by the Supreme Court's unfortunate misinterpretation of congressional intent in their Grove City College ruling.

I call for an immediate, bipartisan override of this callous veto. The conscience of our Nation demands nothing less.

Mr. KERRY. Mr. President, I regret very much that the President has chosen to veto the Civil Rights Restoration Act. The act is an important statement of a national reaffirmation to the cause of civil rights. I will vote to override the President's veto and enact this legislation into law, and I hope that my colleagues will do the same.

In the 1960's this Nation made a commitment to civil rights for all of our citizens. Many Americans participated in that struggle. Some sat in at lunch counters. Some demonstrated on college campuses. Some were freedom riders in the South. Some were arrested and went to jail. Some even gave their lives.

As a result of these efforts, we passed a law, the Civil Rights Act of 1964, which made civil rights a reality in this country. We enshrined those struggles in the law of the land, and by that action we began a process of changing the mentality of a nation, of changing attitudes and age-old prejudices. We have come a long way in that struggle in the past 20 years.

While we have made considerable progress in America in achieving civil rights for all of our citizens, a recent update of the Kerner Commission Report of 1968 indicates that there is still much more that needs to be done.

The new report concludes that "America is again becoming two separate societies." While race relations have improved in some areas, the situation of black Americans in our inner cities is even worse than it was 20 years ago.

The report states that "quiet riots" are taking place in our cities, consisting of unemployment, crime, drugs, poverty, poor housing, and school segregation. As the report states, these "quiet riots" are "more destructive of human life than the violent riots of 20 years ago."

I commend former Senator, Fred Harris, and the other panelists for issuing their timely and important reminder. There is still much more that needs to be done to fulfill the dream of Martin Luther King. And the Congress must lead the way in that effort.

I was very pleased when the Senate took an important step forward in the civil rights struggle, by passing the Civil Rights Restoration Act in January. This legislation, of which I was an original cosponsor, would reverse the Supreme Court's ruling in the Grove City case of 1984, and restore the full protections of our civil rights laws to minorities, women, the handicapped, and the elderly.

The Supreme Court's decision in February 1984, in the case of Grove City College versus Bell was a step backward in the continuing struggle for civil rights in this country. In that decision, the Supreme Court ruled that title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in most education programs and activities receiving Federal financial assistance, applies only to the particular program receiving Federal aid, not to the entire institution. The effect of this misguided decision has been to strip away constitutional protections against discrimination for women, minorities, the elderly, and the disabled in our society.

I was particularly pleased that the Senate passed legislation to reverse this bad decision, by an overwhelming bipartisan margin of 75-14. That is why it is with such regret that we now find ourselves forced to revisit this issue and refight this battle once again. But the President's insistence on vetoing this bill makes it necessary to do so.

The time has come to restore the full protection of our civil rights laws to all Americans. The Senate should pass this legislation now, to make a clear statement to the American people that we still believe in the ideals of the civil rights movement.

President John F. Kennedy said:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

That is what this legislation is designed to ensure. The four areas of law covered by this bill are laws which were written to assure that Federal funds would always go to prevent discrimination, not to promote it.

These are laws for which many people have worked and struggled. Some have even given their lives in the movement for civil rights in this country. And over the past three decades, since the Supreme Court's landmark decision in Brown versus Board of Education, this Nation has made great progress toward the goal of equal justice for all.

But that progress has been seriously threatened by the Court's regressive decision in the Grove City case. As a result of the Reagan administration's broad interpretation of the ruling in Grove City, the impact of the ruling has been extended to reach corporations, local governments, hospitals, airports, and many other facilities which receive Federal funds. Ed Meese, William Bradford Reynolds and Company

have extended the Grove City ruling far beyond the educational institutions to which the actual holding applied. While the Court's ruling in Grove City was damaging enough, the Reagan administration has made it much worse.

This is not just a matter of abstract legalisms. It means that, if this decision is not reversed, there would be no Federal enforcement mechanism and no adequate legal recourse for many injustices. For example, as a result of the Grove City decision, a high school girl may be put on a waiting list for a science class until all the boys who want to enroll have had a chance to do so. And it means that a public school may decide to hold separate dances for black students and white students.

Incidents like these should be only sad memories of a distant past in America. But unfortunately, they are all too real. They can happen even now, in 1988, in cities and towns across the United States. Too many people have struggled too long, and sacrificed too much, for us to turn our back on civil rights now.

Twenty years ago, in April of 1968, Dr. Martin Luther King gave his life in the struggle for civil rights in this country. Dr. King once wrote, in a letter from the Birmingham jail, that "Injustice anywhere is a threat to justice everywhere." Let us once again make American justice a model for all the world. Let us reaffirm our national commitment to civil rights in 1988 by keeping the teeth in our civil rights enforcements laws.

Mr. BOND. Mr. President, today I am voting to support the President's veto of S. 557, the Civil Rights Restoration Act of 1987.

I supported this bill when it came before the Senate in January. I voted in favor of it despite a number of concerns I had regarding specific provisions contained in the bill because I believed it was important to address the serious problems brought about by the Grove City case.

In Grove City versus Bell, the U.S. Supreme Court ruled that title IX of the 1972 Education Amendments applied only to the specific program or activity that received Federal assistance. I do not believe Congress intended such a narrow interpretation, and I continue to support efforts to make it clear that title IX applies institution-wide.

My concerns regarding S. 557 involved three separate issues. First, I shared the concerns of many of my colleagues that the bill could result in hospitals being forced to perform abortions against their will. For this reason I supported Senator DANFORTH in his successful move to amend the bill to state, "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." This language made it clear that hospitals could not be forced—under the civil rights laws—to provide abortions if they did not otherwise want to do so.

Second, I was concerned about the bill's overbroad coverage of religious institutions under the civil rights laws. As passed by the Senate, S. 557 stated that if any part of a church or synagogue accepted Federal funding, then not only the funded program, but the the entire church or synagogue, would be subject to coverage under the Federal civil rights laws. Thus, if for example a church ran a Meals-on-Wheels Program out of its basement, its other activities could be subject to Federal regulation as well.

Because of these concerns, I supported an amendment offered by Senator HATCH which would have made it clear that only the part of a religious institution which accepted Federal funds would be subject to Federal regulation. Unfortunately that amendment was rejected by the Senate.

Finally, I was concerned that the bill could have a negative impact on the Nation's small businesses and farms by expanding the amount of Government bureaucracy they would be forced to deal with or by discouraging businesses from participating in federally subsidized programs—job training programs, for example.

I supported the bill in the hope that these problems would be addressed in a House-Senate conference committee. I believed it was more important to get the bill out of the Senate and on its way to the President. Unfortunately, House Members were not given the opportunity to amend the Senate-passed bill. Thus, the bill was sent to the President with flaws approved in the Senate.

The President's proposal, the Civil Rights Protection Act, addresses the problems created by the Grove City case while, at the same time, addressing the three issues that I have already mentioned.

The President's bill retains the language added by Senator DANFORTH to ensure that the bill is abortion neutral.

The President's proposal deals with religious institutions in an unobtrusive manner. It would extend Federal regulation to any church-run program that accepts Federal funds. Unlike, S. 557, it would not subject an entire church or synagogue to Federal regulation when only one specific program is subsidized. This is, I believe, a much more responsible approach.

Also, the bill contains provisions to make it clear that small businesses and farms are not subject to unecessary regulation and Government interference. The bill does this by making it clear that certain small businesses—such as grocery stores which accept food stamps—will not be subject to new Federal regulation.

Protecting the civil rights of our people is one of the most central responsibilities of the Federal Government. In the past 20 years, we have made tremendous strides in ensuring that our society provides equal opportunity and equal protection for everyone. This is central to an open society that encourages each and every citizen to reach for his or her own highest dreams.

Throughout my two decades in public service, I have recognized the importance of strong civil rights protections and I have worked to provide equal opportunity for all in this society. The Civil Rights Protection Act which President Reagan has proposed will allow us to do just that. I am confident that, if the President's veto is sustained today, the Senate leadership will schedule an early vote on the measure so we can pass this bill, send it to the President for his signature and enact it into law.

Mr. CHAFEE. Mr. President, today I will vote to override the Presidential veto of the Civil Rights Restoration Act of 1987. I do not casually make this vote. As an original cosponsor of this legislation, I feel strongly that this is a desperately needed and appropriately constructed measure.

The Civil Rights Restoration Act is needed in order to clarify the broad scope of coverage of our Nation's civil rights laws. When we as a nation give money to a program, we ask that it be conducted fairly, intelligently, and honorably. Federal funds should not subsidize discrimination—it is that simple. In the last 20 years we have made significant strides toward eliminating discrimination in a variety of important areas. Now is not the time to turn back.

For 4 years now, since the Supreme Court's decision in Grove City versus Bell, we have been trying to restore credibility to this Nation's civil rights laws. In 1984 the Supreme Court adopted a narrow interpretation of title IX of the Education Amendments of 1972. The Court's decision limited the Government's ability to enforce civil rights laws in federally supported institutions, by applying sanctions only to the specific program affected—college athletics, for instance—rather than to the entire institution. Unfortunately, this narrow interpretation applied not only to title IX of the Educational Amendments of 1972, but also to three other important civil rights laws: Title IV of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. This country's greatest achievement, freedom and dignity for all, was—and still is—in critical danger.

And so, 4 years ago, we set out to clarify the scope of these laws. Our sole purpose was to provide institutionwide protection against discrimination based not only upon sex, but upon race, national origin, disability, and age. But the road to the introduction of this corrective measure has been long and troubled.

There were numerous concerns that previously introduced versions might broaden the coverage of these laws beyond their effect prior to the Grove City decision. These concerns have now been addressed, and the relevant provisions tightened. There were concerns that the measure would have an adverse effect on persons whom we never intended to reach. There is now a specific exemption for small providers in the language of this bill. There was a concern that food stamp recipients, students receiving school loans, and farms operating with Federal subsidies would be subject to the law, as ultimate beneficiaries of Federal funds. They, too, have now been specifically exempted in the statute.

This legislation does exactly what it was intended to do—restore civil rights protection to the level that existed before the Grove City decision.

Because I feel strongly that we have finally achieved the measure that will accomplish our worthy goals, I deeply regret the President's decision to veto. We have come down a long road to the final reparation of the state of civil rights in this country. To let this chance pass would be injurious.

Mr. METZENBAUM. Mr. President, in the last few days, last ditch efforts have been made to distort the content of this bill and scare Members of Congress into voting to sustain the President's veto.

I am confident that this propaganda will not stop us from restoring the civil rights of millions of Americans.

This vote to restore the civil rights of women, minorities, older Americans, handicapped Americans is a vote which will unify this country, not divide it. This vote to restore civil rights is a vote which will strengthen our country, not weaken it.

The most recent charge is that this bill will destroy religion in this country. But many religious organizations disagree and support this bill. They include the U.S. Catholic Conference, the National Council of Churches, the American Jewish Congress, the African Methodist Episcopal Church, the Reorganized Church of the Latter Day Saints, the American Jewish Committee, the Lutheran Church, the Presbyterian Church, the Episcopal Church, the Churches of Christ, the Baptist Joint Committee, The Friends Committee on National Legislation, Church Women United, and many others.

The U.S. Catholic Conference said,

> We believe that [the Civil Rights Restoration Act] does much to strengthen Federal civil rights protections while safeguarding vital concerns about * * * religious liberty.

The American Baptist Churches said that,

> * * * this legislation would do much to restore liberties of people threatened by * * * intolerance * * *

The Evangelical Lutheran Church said,

> Religious liberty is not at risk by this legislation * * * . This legislation is critically needed * * *

The United Methodist Church said,

> [We] have worked for four years to see this critical civil rights legislation passed.

These religious organizations support the basic principles we want to restore to law: That Federal financial assistance should not go to institutions that discriminate and that all Americans should receive the benefits of federally funded programs.

There is no coercion here. When an organization—any organization—cannot abide by these principles, it should refuse Federal financial assistance.

I'm proud to vote to override the President's veto and proud that Senators on both sides of the aisle will join me in doing so.

This override vote will clearly demonstrate to the American people that there is bipartisan support for the restoration of civil rights.

This override vote will help to make the ideal of equality a reality in our Nation.

Thank you, Mr. President.

Mr. DIXON. Mr. President, I rise today to urge my colleagues to vote to override the President's March 16, 1988, veto of the Civil Rights Restoration Act, S. 557, and to reject the alternative legislation that the President proposed.

After thorough debate, this body overwhelmingly approved S. 557 on January 28, 1988, by a vote of 75 to 14. During the debate, the Senate rejected several amendments, including provisions that are essentially identical to those that are contained in the alternative bill that the President has proposed.

Except for the "abortion neutral" provision, which I supported, S. 557 restores only those civil rights that existed prior to the Supreme Court's 1984 Grove City College versus Bell Decision.

Specifically, S. 557 prohibits entities that accept Federal financial assistance from discriminating on the basis of race, color, sex, national origin, handicap, and age. The Court decision limited the discriminating coverage to the specific educational programs or activities which received Federal funds.

I deplore discrimination, and strongly feel that the Federal Government should not be about the business of subsidizing it. I feel certain that a majority of the people of the State of Illinois support me in this position.

During the past few days, I have heard from many of my Illinois constituents who expressed some specific concerns about provisions of S. 557. I want to assure them and any other persons who may have similar fears of the following:

First, title IX of the Education Amendments of 1972 already protects the religious freedom of a college or university when its students receive Federal financial assistance and the school is closely affiliated with the religious tenets of a church; and

Second, S. 557 assures employers that they are not required to hire persons with a contagious disease or infection when the person poses a direct threat to the health and safety of others, or when the person with the disease or infection cannot perform the essential duties of the job.

Mr. President, I urge my colleagues to override the veto of S. 557. This action would send a clear message to everyone that discrimination will not be tolerated in this country in any institution that receives Federal financial assistance.

Mr. FORD. Mr. President, I regret that President Reagan decided to veto the Civil Rights Restoration Act, S. 557. I believe he got some bad advice from staff who simply have not read this legislation or deliberately misrepresented the facts. The bottom line is, public tax dollars should not be used to support discrimination against our elderly, the handicapped, minorities, or women. Without the Civil Rights Restoration Act, this will occur. I will vote to override the President's veto of this legislation.

I have read the President's veto message. I have listened carefully to those of my constituents who have contacted my office about the veto override. And I have concluded that there has been incredible misinformation spread about this legislation. I want to set the record straight as to what this bill will and will not do.

First, farmers in Kentucky who receive crop subsidies and loan guarantees are not currently subject to action under the civil rights laws and that will not change under this legislation. Similarly, individuals who receive food stamps, Social Security benefits, and welfare payments will not be forced to comply with the four major civil rights laws.

Second, this legislation in no way provides any antidiscrimination protection for homosexuals. Discrimination based on sexual preference has never been prohibited by any of the civil rights laws. S. 557 does not change current law in this regard. Any organization, church, business, or individual may continue to discriminate

against homosexuals. While there has been legislation introduced which would amend the civil rights law to specifically prohibit discrimination against homosexuals, legislation which I do not support, The Civil Rights Restoration Act absolutely does not expand coverage of the civil rights laws to homosexuals.

Third, this bill does not provide protection for individuals with AIDS. Under current law, employers can fire or refuse to hire individuals with contagious diseases who pose a direct threat to the health and safety of others. This has been the case since enactment of section 504 of the Rehabilitation Act in 1973. This policy was recently affirmed by the Supreme Court and this legislation in no way expands protection for individuals with AIDS. Similarly, this bill does not expand protection for drug addicts.

Fourth, churches and synagogues which receive Federal financial assistance for such programs as Meals-on-Wheels, refugee assistance, low-income housing, and schools will not be required to conform their religious teachings and doctrines to comply with the civil rights laws. Churches and synagogues are today subject to these civil rights laws if they receive Federal money, and the Civil Rights Restoration Act does not change that. This bill only returns the scope of coverage of the four civil rights laws to where it was prior to the 1984 Supreme Court decision in Grove City. But quite frankly, while I have a hard time understanding why a church or synagogue would tolerate discrimination against our elderly, minorities, and handicapped, these institutions are free to discriminate on any basis if they simply do not accept Federal funds.

Finally, there is nothing in this legislation which can be characterized as antifamily. If there were, I and my colleagues would not support it. The fact is that this legislation in no way impacts the individual family. Individuals who receive Federal support payments are not receiving Federal financial assistance for the purposes of the civil rights laws. There is no Government intrusion into the sanctity of the family.

Furthermore, this legislation contains very important antiabortion language, which I voted for. This language not only ensures that S. 557 does not require that religious hospitals perform abortions, but eliminates from the books current proabortion regulations. As a strong supporter of the right-to-life movement, I welcome this language.

If churches, synagogues, businesses, schools, and other organizations want to discriminate against the elderly, the handicapped, minorities, and women, they are free to do so. But the taxpayers of America will not subsidize that discrimination with Federal funds.

Misinformation campaigns are commonplace in Communist countries. They have no place in America. Nothing in this legislation prohibits any organization or individual from discriminating against another. It simply prohibits them from doing so with Federal money.

I am pleased to join with the numerous religious and church organizations supporting this legislation, as well as other mainstream American groups. I ask unanimous consent that a partial listing of the responsible groups supporting this legislation be printed at this point in the RECORD.

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

U.S. Catholic Conference of Bishops.
American Baptist Churches.
National Council of Churches.
Presbyterian Church USA.
Evangelical Luthern Church of Am.
The Catholic Health Association.
Paralyzed Veterans of America.
American Council of the Blind.
American Foundation for the Blind.
National Council of Senior Citizens.
League of Women Voters.
Business & Professional Women's Clubs.
American Jewish Committee.
Episcopal Church.
American Jewish Congress.
United Methodist Church.
Church Women United.
Church of the Brethren.
AARP.
Cystic Fibrosis Foundation.
Disabled American Veterans.
Easter Seals Society.
National Urban League.
AFL-CIO.
American Bar Association.
PTA.

Mr. McCONNELL. Mr. President, I don't think there is anyone in this body who would vote against a bill which honestly and fairly enhanced the civil rights of American citizens. It would be a violation of the oath that each of us makes to uphold the Constitution to oppose any measure that truly protects the rights of freedom and equality envisioned by our Founding Fathers and expanded by Congress.

Some people say that the easiest way to get support for anything in Washington is to call it reform. We found that to be true with the campaign finance issue, where a disastrous, antidemocratic, unconstitutional bill garnered 53 cosponsors because someone had slapped the reform label on it—guaranteed to be reform or your vote back. Yet, when we were discussing this bill on the floor, it became painfully obvious that many of the bill's cosponsors had no idea what it actually contained, or what it actually would do. It was an embarrassment, to say the least.

I certainly hope that the stirring banner of civil rights, with all its rich history and idealism, is not being used in such a superficial, cynical manner. Yet, we have before us today a bill called the Civil Rights Restoration Act, and when you look at this bill, and consider its vague, intrusive horizons, you begin to see how ironic and incorrect that title is.

Now, if our purpose is to restore the civil rights curtailed in the Supreme Court decision in Grove City College versus Bell, we can do that today. I have supported such legislation in the past, and would do so again without hesitation. This legislation would give back civil rights that the Supreme Court took away.

S. 577, the so-called Civil Rights Restoration Act, would take away people's civil rights to be left alone by the Government, to worship as they see fit, and to pursue their livelihood without having to file forms in triplicate with a giant, impersonal bureaucracy every step of the way. Overall, this bill promises less freedom and more government in every corner of America. If unchanged, S. 557 would:

Allow the watchful eye of the Federal Government into every store, church, school, farm, and hospital in the country.

Diminish the protected religious freedoms which are and always have been the cornerstone of this great Nation.

Paralyze every activity with endless reporting requirements and request forms, to be fed into a vast, slumbering bureaucracy.

Let Washington bureaucrats take over decisions once made freely by individuals, small businessmen, farmers, and the like.

During the Senate's consideration of S. 557 last month, Senator HATCH offered an amendment which I strongly supported, protecting churches, synagogues, and religious schools from the amorphous, broad reach of this bill. Without such amendment, S. 557 could potentially narrow the "religious tenet exemption" contained in Federal antidiscrimination laws.

This was a freedom of religion issue, a test of how much Congress values the right to worship as one sees fit. This amendment made each Member of this body face up to the decision of how much the Federal Government sitting in Washington, DC, should impose its values and notions on religious, devout people throughout this country. Congress rendered its shameful decision on this issue, defeating the Hatch amendment by 39 to 56. It wasn't even close, Mr. President. It wasn't even close. Thus, I am compelled to fight S. 557 as long as it threatens the right to worship.

But this bill does not stop at the churches and synagogues. It forces the Federal Government into every small business, school, farm, and charity

program in America. Well, George Orwell was a little bit off the mark: It took this Congress 4 extra years to erect big brother and put him in every nook and cranny of our citizens' private lives. When you look at the vagueness and breadth of this bill, it is not hard to hear the death knell of States' rights and individual freedom in this country.

We can expect that those on the other side will take to the floor and bash the President over this veto. But the bottom line—and I think the people who live outside this "square mile surrounded by reality" understand this perfectly well—is that it is the President who is trying to protect the rights of Americans—all Americans. It is the President who is resisting an unprecedented expansion of Federal power into the lives of private citizens and the affairs of small businesses, churches, and local governments.

I am proud to stand with the President on this issue, and will stand with him again when his veto is challenged by this body. I voted against S. 557 when it was originally before the Senate in January. It was a threat to freedom and religion then, and the passage of time has not improved it. In fact, the real problems with this bill have only started to become clear, after Congress hastily considered it and passed it, as if Congress was afraid to look over its shoulder.

Well, I urge those of my colleagues who voted for this bill to look over their shoulders, reexamine this bill, and consider that there is a way to fully restore the civil rights lost by an unfortunate Supreme Court decision—a way I totally support—without threatening individual freedom and the right to worship, without moving this country toward a creeping totalitarianism.

I urge those who voted for this bill to check whether they are in fact representing their constituents on this crucial issue. How many people have written them and called them, expressing their legitimate fear about this amorphous bill? What will these Members tell them, after S. 557 has closed down church soup kitchens, choked farmers in red tape, and made small businesses throw in the towel with all the reporting and liability excesses this bill will foster?

I urge my colleagues to listen to their telephones ringing off the hook, to see their mailrooms piling up with telegrams and letters, to listen to the voice of the people back home, who are speaking out of fear of the tremendous, unlimited, power which the Federal Government is claiming for itself today in this bill.

In my home State of Kentucky, where farmers and small businesses are the lifeblood of the economy, this bill would be a disaster. This bill declares that a farmer who receives a crop subsidy, no matter how small, or hires a student part time under a Federal work-study program, will have all of his farm operations subject to a wide range of laws and regulations, including handicapped access and housing standards.

The reporting and inspection requirements alone will crush many small farm operators. Make no mistake—this is not an issue of discrimination; it is an issue of regulation. The farmer who decides to let an unproductive worker go will have to think every time: Could I be sued? Is there any possible way to say that I discriminated? Maybe the worker has an alcohol or drug problem; but if there is any way to claim discrimination—no matter how absurd under the circumstances—that farmer is going to face the possibility of a lawsuit with every personnel decision he makes.

A church operating a day care center that receives any Federal assistance will discover that the entire church suddenly is subject to Federal law and regulation. One result of this is that church day care facilities will have to hire carriers of infectious diseases, and possibly drug addicts and alcoholics—whatever and whomever the Federal courts tell them to hire.

A grocery store, no matter how small, which accepts food stamps—as a service to the poor and homeless—will suddenly be required to file endless forms with the Federal Government and comply with endless regulations created by the bureaucracy. A small business that hires one part-time student on a work-study-program will be drowned in Federal regulations and controls. If it is part of a chain, then all the stores will be affected.

Now, some supporters of this bill say: If the person does not want all these regulations and interference, they should not take the Federal money. On the surface, that sounds perfect. But we ought to ask ourselves why we created those Federal programs in the first place. It is true: If S. 557 is enacted, most people will decide that the assistance just isn't worth the trouble.

But who will suffer? It will be those people whom these Federal programs were designed to help: The economically needy student who won't get hired, the homeless who can't use their food stamps, the parents who can't find affordable, trustworthy day care from their church or synagogue, the poor who see the soup kitchens closed down—these are the people who will pay the price for Congress' failure to read and consider the bills it passes.

With these few examples, it should be clear why this Senator, who represents a small, rural State with a lot of struggling people, is obliged to oppose this bill. S. 557 will build yet another wall keeping my State from economic growth and progress. I don't want that for my State, and I intend to fight it.

Now, if this body sustains the President's veto, then what will become of civil rights legislation in Congress? Is that the end of civil rights restoration? Certainly not. President Reagan accompanied his veto message with a real Civil Rights Restoration Act, one that addresses every civil rights issue identified by those supporting S. 557—without infringing on the personal and religious freedoms of decent, hard-working Americans.

Specifically, the President's bill would provide that:

If only one part of a church or synagogue receives Federal assistance, then only that part can be regulated by the Government, and must comply with all Federal civil rights laws.

The Federal Government shall respect the religious tenets of organizations which are closely identified with, but not controlled directly by, religious groups.

Farmers would be explicitly exempted from the bill's reach.

Coverage of civil rights laws would be extended throughout an entire business facility if any part of the facility receives Federal assistance—but coverage would extend no further, to other facilities owned by the business.

The mere acceptance of food stamps from poor and homeless persons does not increase coverage for grocery stores.

When private secular or religious schools receive Federal assistance in any form, coverage will extend throughout the school, but not to other schools in the system if they do not also receive Federal aid.

Full coverage of the civil rights laws shall extend to all local agencies and departments receiving Federal aid, but not to other agencies and departments which do not receive Federal aid.

I have said before and will say again, I believe that Grove City should be reversed. I believe that the civil rights which were curtailed by that wrongful decision must be fully restored. In fact, I have cosponsored and voted for legislation to accomplish these goals. I would do it again. But S. 557, as passed by this body and vetoed by the President, promises less freedom and more government in every corner of America.

My objection has nothing to do with discrimination; it is an objection to regulation. It is an objection to restrictions on personal freedom and the right to worship. We don't need to put big brother in the churches, in the schools, on the farm, and in struggling people's businesses to protect civil rights. Let's protect civil rights, but let's do it right.

I urge my colleagues to sustain the President's veto on this unwise bill, and urge them to support meaningful

legislation to overturn Grove City and restore the civil rights which this body affirmed by law over the last two decades.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, a President's exercise of the veto power is a serious matter. Article I of the Constitution affords us the authority to override that veto.

When we consider whether to override, a number of considerations must be balanced. Not the least of these considerations is the need to support our President, particularly in times of crisis.

Notwithstanding these considerations, in the past I have regularly voted to override Presidential vetoes. I have done so, in fact, eight out of nine times. So, I am not afraid to oppose the President when he is wrong. On most of these occasions, I was joined by a majority of my colleagues.

Today presents another occasion to balance the arguments for and against an override of the President's veto.

I take a back seat to no one when it comes to promoting the civil rights of every person in this great land of ours. My faith has instilled in me an abiding belief that all of us are equal in the eyes of our maker. So my commitment to equality isn't solely based in mere laws passed by legislatures, or in my role as a Member of this body, as seriously as I take my responsibilities. It's much deeper than that.

I know many of my colleagues feel the same way, for many of the same reasons.

After the Supreme Court's 1984 decision on a narrow construction of program-specific coverage in the Grove City case, we in the Congress labored long and hard to work on restoring our original intent regarding the application of the Nation's civil rights laws.

Our goal—to return the state of the law to what we thought was the case before the Supreme Court's ruling. We had a consensus on that goal.

I was among those who sponsored legislation to overturn the narrow result in Grove City, and return application of the civil rights laws to bar discrimination. Institutions receiving Federal funds should not discriminate—there is absolutely no quarrel with this principle.

When we were able to debate this issue, I looked forward to seeing the legislative process played out.

The legislative process normally means careful committee consideration and debate, full discussion here on the floor of the Senate, and an opportunity to offer amendments to resolve ambiguities and make improvements. The other body is supposed to proceed likewise. Ultimately, any differences are to be worked out, and other refinements made, in conference.

We debated S. 557 in the Senate for 3 days. I was anxious to try to make improvements in this measure. A number of amendments were offered. I supported some of them, in an effort to make a better product.

I was pleased that one of these amendments, offered by Senator DANFORTH, was included in S. 557. Ultimately, I supported the bill on final passage from the Senate, thinking that it would be further considered and amended by the other body. I was hopeful that the two versions of the bill would then undergo further refinement in a conference committee. That's the way the legislative process is supposed to work.

I assumed that the other body might see fit to consider amendments as we did—such as an exemption for those education institutions closely identified with the tenets of a religious organization, or to narrow the law's application to that portion of a religious institution receiving Federal funds, rather than the entire institution.

However, a quick turn of events deprived the legislative process of its full measure of deliberation when the leadership of the other body declined to permit any amendment to the Senate bill—other than a minority party substitute bill that didn't have any chance of passing. This was especially surprising given this bill's label as "the most important civil rights bill in more than 20 years."

Over the past 3 days, literally thousands of Iowans have voiced their concern to me that this legislation will violate their civil rights. They have urged me to work on a compromise measure that will accomplish the goal of affording civil rights for all Americans. Therefore, I stand ready to work with congressional leadership and the administration to enact true civil rights protection legislation. We can prohibit discrimination by those who receive Federal financial assistance, without jeopardizing other equally important civil rights.

Upon reflection of what has happened since last January, when the Senate last had an opportunity to speak on this issue, I have determined that it would be best to take a step back from our recent labors and have another look at this bill and the alternative offered by the administration. I, therefore, will cast my vote to sustain the decision to veto S. 557 and hope to bring these points to my colleagues' attention for refinement and clarification:

First, as one can't judge a book by its cover; so don't judge a bill by its title—the "Civil Rights Restoration Act" is really the "Massive Expansion of Federal Powers" Act.

Second, the bill goes far beyond the mere reversal of the Supreme Court's 1984 Grove City ruling—it's deceptive to argue otherwise.

Third, the bill's ambiguous and murky language is certain to lead to an avalanche of litigation over the expanded coverage of religious-oriented schools, small businesses, farmers, and local governments—the Grove City case had nothing to do with these entities.

Fourth, why not simply spell it out in the bill that farmers receiving crop subsidies aren't covered by massive Federal recordkeeping requirements? Or that corner grocery stores taking food stamps don't have to install ramps or elevators?

Fifth, the President's alternative bill spells it out, and is a true civil rights bill—committed to the principles of equal employment opportunity and antidiscrimination.

Sixth, I supported this bill earlier in the hope that further clarifying amendments could have been considered in the House; but the House leadership thwarted fair consideration of any other amendments.

Seventh, I urge the Senate leadership to immediately take up the President's bill—a true civil rights bill we all can support.

NATIONAL ASSOCIATION OF HOME BUILDERS' SUPPORT FOR THE CIVIL RIGHTS RESTORATION ACT

Mr. CRANSTON. Mr. President, I would like to clarify the position of the National Association of Home Builders [NAHB] regarding this legislation. In the words of the president of the association, Mr. Dale Stuard, in his March 21 letter to me—and in an identical letter to the chairman of the Labor and Human and Resources Committee's Subcommittee on the Handicapped [Mr. HARKIN]—the Association "support[s] the Civil Rights Restoration Act of 1987."

This is in contrast to the position expressed by the Association last week in support of the veto of this bill. Beginning late last week, however, I and certain members of the majority leadership in the House, as well as Senator HARKIN, discussed the issues involved with representatives of NAHB, and we were able to satisfy them that this bill would not result in the hardships for their members about which they had such serious concerns. As a result, Senator HARKIN and I had an exchange of correspondence with NAHB in which we addressed their concerns and they, in response, announced their support for the legislation.

Mr. President, I am pleased to be able to provide this clarification and ask unanimous consent that copies of our letter to NAHB and the NAHB response to me be printed in the RECORD.

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

U.S. SENATE
*Washington, DC, March 21, 1988.*

Mr. DALE STUARD,
*President, National Association of Home Builders, 15th and M Streets, NW., Washington, DC.*

DEAR MR. STUARD: The National Association of Home Builders has raised several concerns regarding the potential impacts of the Civil Rights Restoration Act of 1987 on property owners, tenants and home builders. These concerns relate primarily to the following issues: The impact of the Act upon existing buildings (subsidized and non-subsidized); the impact of the Act upon non-housing activities of a business predominately involved in providing housing; and the definition of the term "federal financial assistance".

First let us clearly state that a business involved in providing housing would have to comply with these requirements only after the date it receives federal financial assistance. If federal financial assistance is involved there will be some expense in altering existing structures to make them accessible to handicapped persons. However, it is not intended that every part of every building must be accessible to handicapped persons. Rather, the common areas of buildings should be accessible. There is no intention that building owners would have to undertake inordinate expenditures in order to comply with handicapped accessibility requirements. In most cases, the cost to make existing buildings accessible to handicapped persons will be no more than 1 cent per square foot on the average.

There was also the question raised regarding the reach of the law to non-housing activities (e.g., commercial and manufacturing activities) and non-subsidized housing activities. If the non-housing activities are conducted in a form that is legally and operationally separate and distinct from the housing activities, and if the non-housing activities receive no federal financial assistance, then such non-housing activities are not affected by this law. Additionally, non-subsidized housing is not affected by this law, unless owned by an entity that is not legally and operationally separate and distinct from the entity that owns the subsidized housing.

Several concerns have been raised regarding the definition of federal financial assistance. You have raised specific concerns regarding the FHA and VA loan programs, FDIC and FSLIC insured loans, as well as GNMA and FNMA secondary market activities.

Pursuant to the Department of Housing and Urban Development's interim regulations under section 504 of the Rehabilitation Act of 1973, the term "federal financial assistance" does not include a procurement contract or payments pursuant thereto or a contract of insurance or guarantee. Thus, under the regulations, FHA and VA insured or guaranteed loans would not constitute federal financial assistance. Nor would the secondary market activities of government sponsored enterprises (*e.g.*, FNMA or GNMA) or loans insured by FDIC or FSLIC constitute federal financial assistance.

We wish to emphasize strongly our commitment to ensuring that the law as interpreted in the future by courts and administrative agencies complies with the understanding set forth in this letter. Should legislation be required to correct any interpretation by any entities which contradicts any of these understandings, we will do out best to enact such legislation. In this context we note that the Senate will soon be considering some related issues in the context of the Fair Housing Act, on which we expect to continue to work together.

In particular, the Fair Housing Bill will deal with the question of requirements for handicapped accessibility, including retrofit and rehabilitation requirements, and we believe the best course of action to meet our mutual concerns will be to ensure that any agreement reached dealing with accessibility requirements during the fair housing deliberations be made explicitly applicable to the accessibility requirements triggered by the Civil Rights Restoration Act.

Sincerely,

TOM HARKIN,
*Chairman, Subcommittee on the Handicapped, Committee on Labor and Human Resources.*

ALAN CRANSTON,
*Chairman,*
*Committee on Veterans' Affairs.*

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NATIONAL ASSOCIATION OF HOME BUILDERS,
*Washington, DC, March 21, 1988.*

Hon. ALAN CRANSTON,
*Majority Whip, S-148, U.S. Capitol, Washington, DC.*

DEAR MAJORITY WHIP CRANSTON: On behalf of the National Association of Home Builders, I would like to take this opportunity to thank you for your March 21 letter regarding NAHB's concern with the scope of the Civil Rights Restoration Act of 1987.

As you know, we have never opposed civil rights legislation. Rather, our concern related to the potential impact of S. 557 on retrofitting existing buildings and the scope of the definition of "federal financial assistance."

Having raised these concerns, we are now satisfied that they have been adequately addressed. Your letter, as well as the legislative history, clearly spells out that there is no intent on the part of Congress for property owners to incur substantial expenditures in order to make existing buildings accessible to the handicapped. Furthermore, we have been assured that FHA and VA loan programs, FDIC and FSLIC insured loans, and GNMA and FNMA secondary market activities do not constitute federal financial assistance. Moreover, it has been clarified that unsubsidized housing would not be covered if legally and operationally separate from subsidized housing.

Accordingly, we support the Civil Rights Restoration Act of 1987.

Sincerely,

DALE STUARD,
*President.*

Mr. METZENBAUM. In the last few days, last-ditch efforts have been made to distort the content of this bill and scare Members of Congress into voting to sustain the President's veto.

I am confident that this propaganda will not stop us from restoring the civil rights of millions of Americans.

This vote to restore the civil rights of women, minorities, older Americans, handicapped Americans is a vote which will unify this country, not divide it. This vote to restore civil rights is a vote which will strengthen our country, not weaken it.

The most recent charge is that this bill will destroy religion in this country. But many religious organizations disagree and support this bill. They include the United States Catholic Conference, the National Council of Churches, the American Jewish Congress, the African Methodist Episcopal Church, the Reorganized Church of the Latter Day Saints, the American Jewish Committee, the Lutheran Church, the Presbyterian Church, the Episcopal Church, the Churches of Christ, the Baptist Joint Committee, the Friends Committee on National Legislation, Church Women United, and many others.

The United States Catholic Conference said:

> We believe that—the Civil Rights Restoration Act—does much to strengthen Federal civil rights protections while safeguarding vital concerns about * * * religious liberty.

The American Baptist Churches said that:

> This legislation would do much to restore liberties of people threatened by * * * intolerance.

The Evangelical Lutheran Church said:

> Religious liberty is not at risk by this legislation * * *. This legislation is critically needed.

The United Methodist Church said:

> We have worked for 4 years to see this critical civil rights legislation passed.

These religious organizations support the basic principles we want to restore to law: that Federal financial assistance should not go to institutions that discriminate and that all Americans should receive the benefits of federally funded programs.

There is no coercion here. When an organization—any organization—cannot abide by these principles, it should refuse Federal financial assistance.

I'm proud to vote to override the President's veto and proud that Senators on both sides of the aisle will join me in doing so.

This override vote will clearly demonstrate to the American people that there is bipartisan support for the restoration of civil rights.

This override vote will help to make the ideal of equality a reality in our Nation.

Mr. KARNES. Mr. President, I am a strong believer in civil rights, but the Grove City legislation is much more than a civil rights bill. It opens the door for broad Federal intrusion into some of our most personal and cherished rights, like the free exercise of religion. I began to become very concerned last August when I read the civil rights bill to prepare for my vote. You can find bizarre things in legislation when you settle down to read the language.

I was shocked to learn that it would have left the door open for massive Federal intervention into basic activities of churches and synagogues. It could allow for new and totally unnecessary requirements for farmers and

ranchers. It could subject small businesses to extra regulations that could cost jobs and hurt their operations. In short it became clear to me from the very beginning that this bill was deceptively named. Instead of being called the "Civil Rights Restoration Act," it should be called the "the Expansion of Government in Our Lives Act."

Subjecting bona fide churches and their congregations to lawsuits under the Grove City bill could affect this vital aspect of family life in America. The mere threat of court action would have a chilling effect on church life. This expansion of Government power may jeopardize one of the cornerstones of freedom in our country—the independence of our churches from governmental influence.

I believe we can have strong civil rights without destroying the constitutionally protected religious freedoms and the family values that they are designed to protect.

I have been criticized by some for voting against the Grove City bill. I voted against the Grove City bill when it wasn't the popular thing to do. You can imagine that if you vote against anything called civil rights bill, that some people are going to get the wrong idea. But I firmly believe people should be allowed to worship their God according to their own moral values, with minimal intrusion by the courts or by Congress. When legislation like this comes to the Senate floor for a vote, I feel it is important to stand up and be counted in favor of family values and religious independence, instead of simply going with the rest of the crowd.

If you care about family values, or religious independence, or farming and ranching, or small business and jobs, this vote affects you.

I am not a newcomer to this issue. I first published an article in Nebraska newspapers last August that detailed my strong misgivings about this bill. I said at that time I am a strong supporter of civil rights, a vital aspect of our freedoms, but that we must be careful not to introduce new Federal intrusion into matters where it is ill-advised or totally unnecessary. Mr. President, I submit a copy of that article for the RECORD to be printed.

I applaud President Reagan's extensive efforts since last year to address the problem areas in this bill. He is not a newcomer to this bill either. He has consistently outlined the reasons why he cannot support the bill. I have a copy of his letter to my distinguished colleague, Senator HATCH, dated January 28, in which the President explained why he opposed the overly broad provisions in the bill, and why he was seeking support on Capitol Hill to oppose the current legislation. The President has consistently sought a better piece of legislation, but he knew that the current bill would need to be rejected first. I congratulate him for his early identification of the problems in the Grove City legislation, and his consistent efforts to get a better bill.

It is time for Congress to uphold the President's veto and begin work on a solid civil rights bill that will protect women, minorities, elderly and disabled people and protects our religious freedoms and unnecessary Federal intervention. The President's alternative clarifies the gray areas that create such great concern with churches, synagogues, small businessmen, women, farmers, ranchers, and schools. If the veto is sustained I will work tirelessly to enact into law the President's alternative which achieves effective civil rights restoration and reform without challenging the values of religious freedoms that I believe are found in S. 557.

Mr. President, I also ask unanimous consent to have the following Omaha-World Herald editorial of March 22, 1988 included in the RECORD as a part of my statements.

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

[From the Falls City (NE) Journal, Aug. 14, 1987]

FARMERS BEWARE: THE NEW CIVIL RIGHTS BILL

(By Senator David K. Karnes)

The United States Senate is thinking about giving farmers the gift that keeps on giving—headaches. That's right. More regulation of the business of farming. Only this particular bill could change the way of life on the farm as well as the way of doing business, depending on how a court might see it.

Surprised?

It's true. The Labor and Human Resources Committee of the United States Senate is preparing legislation to expand already existing civil rights statutes. The language of the legislation is just loose enough to leave the door open for some complex and disturbing legal consequences.

Of particular concern to me is the possibility that farmers would be brought under the civil rights laws as "ultimate beneficiaries" of federal assistance programs.

Under current law "ultimate beneficiaries" are not regulated by the civil rights acts. That is, farmers receiving deficiency payments, loan guarantees, commodity loans, disaster payments, or price supports—all government programs—have not been regulated because they are "ultimate beneficiaries." However, if the past history of other federal law, like the OSHA regulations, can be a guide it is entirely possible that S. 557 could be expanded far beyond the limits of its current language.

Section 7 of the proposed legislation states that none of its amendments shall be construed to extend the application of the civil rights laws to ultimate beneficiaries of Federal financial assistance excluded from coverage before enactment. It does not, however, make clear which ultimate beneficiaries are now excluded. I would prefer that farmers would be specifically excluded in the body of the act. Nor does it address the issue of exclusion of those persons receiving benefits from programs that may be enacted in the future.

Would S. 557 require farmers to come under the Civil Rights laws as the price for participating in new farm programs down the road? I have asked that question; thus far, no one has given me sufficient assurance to the contrary. It is not enough to say that the bill does not alter or affect who is a recipient of federal financial assistance. The language must be modified to erase all doubt. If our worst fears are realized, then it is not inconceivable that farmers, even small operations, could be subject to increased federal paperwork requirements, random on-site compliance reviews, and numerous other regulatory burdens. It is even possible that farmers will have to make physical changes on their farms—at their own expense—to comply with the civil rights requirements.

We have no way of knowing all the impacts the new legislation could have on the operations of a farmer, but the possibilities are varied and quite disturbing.

It would be a mistake to believe that those who are opposed to this bill are opposed to civil rights or want to turn back the clock to the time and the events that necessitated the enactment of these laws. I simply want to make certain we know precisely how far the bill would go toward making life more difficult for farmers. Loose drafting of legislation can yield some amazingly bad and surprising results.

The American farmer is maintaining a precarious balance. Overburdened already by low commodity prices, excess surplus stocks, and the lack of affordable financing, legislation of this type could be the final act that sends many farmers over the edge.

The goal of the 1985 Farm Bill was to reduce government involvement in the life of the American farmer. We need to strive toward that goal, not in the opposite direction.

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[From the Omaha (NE) World Herald, Mar. 22, 1988]

CIVIL RIGHTS NOT THE ISSUE IN GROVE CITY COLLEGE BILL

Backers of the Grove City College bill distorted the issue when they packaged their bill as a civil rights litmus test and accused President Reagan of turning back the clock on civil rights by vetoing it. Legitimate arguments against the bill didn't get the attention they deserved as the vote on the override approached.

Contrary to the allegations of the bill's supporters, Reagan's veto and the alternative he offered didn't constitute a retreat from the concept that discrimination is wrong. The White House proposed strengthening the civil rights laws—but without the congressional bill's serious intrusions on the activities of private individuals and organizations.

Congress passed its bill as a response to the 1984 Supreme Court ruling in the Grove City College case. The court said that the government's civil rights authority extends to college programs and activities that receive federal funds—but not to programs and activities that don't receive federal funds. Congress voted to extend federal authority to entire institutions, as well as businesses, private organizations and state and local governments, if any of their branches received federal aid.

The congressional version, in other words, went far beyond overturning the Supreme

Court decision. The White House says it could have these effects:

If a grocery store accepted food stamps, the government could force the store to have a work force that mirrored the racial composition of the community. Small businesses could be forced to file periodic compliance reports and submit their personnel records to federal inspectors.

Farmers and businesses that hired a part-time federally assisted work-study student could have their entire operation open to federal inspectors.

If a state agency used federal funds, the entire state government would be covered.

A national social service organization would be covered if one local affiliate received federal funds.

A business would be covered if it contributed its own funds to a federally assisted school district, private school or private social service program.

To be against such a sweeping expansion of authority isn't to favor illegal discrimination. As Paul A. Gigot wrote recently in the Wall Street Journal, "Genuine acts of discrimination remain covered by the great civil rights laws of the 1960s, of course, as no one disputes they should be."

Likewise, most people of good will don't dispute the principle that federal funds should not be used to subsidize illegal discrimination.

But harassing farmers who hire work-study students and businesses that participate in adopt-a-school programs is not the way to make society more humane. A number of congressmen and senators, including Sen. David Karnes, R-Neb., who voted against passing the bill in January, have displayed the wisdom to see the issue as it is and the courage to reject the distortions of the bill's supporters. They deserve special praise.

Mr. BENTSEN. Mr. President, despite overwhelming bipartisan majorities in both Houses of Congress in support of the Civil Rights Restoration Act, President Reagan has exercised his veto power. Now we have the opportunity—and responsibility—to override that veto.

The long struggle to guarantee Americans their basic civil rights led to a series of laws which we can all be proud of, laws which prohibited discrimination on the basis of race, sex, age, or physical handicap. In 1984, however, the Supreme Court radically restricted the application of these laws in the Grove City case. At last, the Congress has a chance to restore the protections which our people had prior to that Court decision.

Already there are unjustified claims that this law could somehow infringe on our religious liberties. That is not the opinion of the American Baptist Churches, or the United Methodist Church, or the Church of the Brethren, or the Presbyterian Church USA, or the Episcopal Church, or the Evangelical Lutherans of America, or the U.S. Catholic Conference, or the American Jewish Congress—for all of those groups, as well as many others, support this law.

Unfortunately, opponents of this legislation have stirred up a duststorm of criticisms, suggesting that this law will lead to ridiculous and unintended burdens on schools, churches, and shopkeepers. That is just not true.

These hypothetical horror stories are reminiscent of the arguments used years ago when we first approved the landmark legislation preventing discrimination on the basis of race, national origin, sex, age, or disability. Those arguments were farfetched then and are still wrong now.

For example, this law will not require churches to hire homosexuals. None of our civil rights statutes has ever been interpreted to provide protection on the basis of sexual preference; neither does this bill do that. This law will not force small store owners to make expensive structural adjustments when that is clearly not feasible. The Senate specifically included an exemption for small providers.

We also protected farmers, by continuing the exemption already in the law for those farmers who receive payments under various agricultural support and marketing programs.

What this law will do is restore those civil rights Americans used to have. It will reestablish the legal situation and legal protections which were in effect prior to the Supreme Court's decision. It will forbid federal subsidies to those who practice illegal discrimination.

President Reagan's last-minute alternative would permit large numbers of institutions that receive Federal aid to discriminate and still get Federal funds. That is not acceptable to me, and I doubt that it is acceptable to the overwhelming majority of Congress. We should not condone and should never subsidize discrimination.

By insisting on this law, we are not expanding the powers of the Federal Government; we are not encroaching on religious liberties. We are simply restoring the basic civil rights of millions of vulnerable Americans. That is a necessary and proper role of government, to establish those wise restraints that make us all free.

Mr. WARNER. Mr. President, there is no question that the Congress of the United States is dedicated to the goal of enacting meaningful civil rights legislation in this Congress. The fact that 27 Senators on this side of the aisle voted for S. 557 on final passage clearly demonstrates our commitment to the goal and stated purpose of this civil rights legislation. I support civil rights for all Americans and I voted for the bill when it passed the Senate.

However, while it is for the Congress to make the law, it is the responsibility of the executive branch to implement and enforce the law, and of the citizens of this Nation to live with and comply with the law.

The President has now vetoed this bill. In his veto message, the President referred to the problems of administering the bill as passed. He gave very specific, understandable detailed explanations of problems with the bill.

The President's message clearly indicates that there are some major questions as to the scope and intent of the legislation that may only be resolved in the courts. For example, to what extent will a church that serves meals on wheels programs for the elderly be covered? To what degree will existing buildings have to be retrofitted if FHA loans, VA loans, or other federally guaranteed loans to individuals, corporations or partnerships are used to purchase, or build, single or multifamily housing. These questions are not clearly addressed by the legislation.

In other situations, the current law is in a state of change and there is the possibility that future judicial decisions will alter the assumptions upon which the legislation is passed today. For example, will a corner grocery store that accepts food stamps be covered? Will future judicial determinations require farmers who receive Federal crop subsidies to be covered.

We now have the opportunity with the President's veto to clarify these questions and then pass an even better bill. The Congress is not only capable of resolving, but is responsible for resolving these questions now instead of leaving it to the courts for later.

The President is committed to the elimination of invidious discrimination through vigorous enforcement of Federal civil rights laws. I do not doubt the sincerity of that intention. I understand that the proposal forwarded to the Congress with the veto uses S. 557 as a starting point and adds changes to address: problems of implementation; the scope of the legislation as to certain types of institutions and businesses; and the type of federal aid that requires implementation of Federal civil rights statutes.

The Congress has the obligation to send to the executive for implementation legislation which is practical and will not result in years of litigation and uncertainty for the citizens of this country. I hope that the Senate will seriously consider the President's new proposals and work with him to achieve meaningful and practical civil rights legislation that we can vote for, and the President can sign this year.

Mr. DOMENICI. Mr. President, I would like to say a few words about the extremely important bill we are considering again here today, S. 557, the Civil Rights Restoration Act.

This bill is designed to reverse the 1984 Supreme Court decision in Grove City versus Bell and restore the scope of four very important civil rights statutes: Title VI of the Civil Rights Act; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

I have heard from many of my good friends in New Mexico who have deep concerns about this bill. I have taken these concerns very seriously and I have gone back and taken another look at this bill, reviewing it in light of the concerns that have been expressed. I have re-researched this matter and talked with discrimination law experts and constitutional scholars who are first amendment and freedom of religion authorities.

Mr. President, I must tell you that I believe that the concerns that have been expressed stem from a misunderstanding of what passage of this bill will mean.

In order to explain this, it is important to review what the Grove City decision was all about.

In the Grove City case the Supreme Court ruled that the four civil rights laws that I mentioned earlier applied only to the individual programs of a school or other organization that receives Federal funds, and not to the entire college or organization of which the program is a part.

Therefore, under the Grove City decision, a college that receives Federal funds as a part of its financial aid program would only be prohibited from discriminating against individuals in relation to its financial aid programs. In all other areas, the college would be free to discriminate.

Mr. President, neither the Congress nor the President believe that the scope of these civil laws should be limited in the way the Court ruled in Grove City. Almost everyone agrees that the Grove City decision should be overturned because it is an incorrect interpretation of congressional intent. Congress has always intended that the laws that prohibit discrimination not be limited in the way interpreted by the Supreme Court in the Grove City case.

For too long, discrimination on the base of race, sex, age, and physical handicap has been a blight on this country. So long as people in America are subjected to these types of discrimination, we are not a free people.

Our civil rights statutes need to make certain that taxpayers' dollars are not used to initiate or perpetuate bias and prejudice. The Federal Government should not encourage or subsidize discrimination. The task of eliminating discrimination from institutions that receive Federal aid can only be accomplished if civil rights statutes are given their original broad interpretation.

Mr. President, we need to restore to the civil rights laws the original broad coverage that they had before the Grove City decision. Everybody agrees with that. The President does, the Senate does, the House of Representatives does, the American people do.

I was very pleased to cosponsor legislation in 1984 along with Senator DOLE and others that would have restored the original scope of these laws. That bill did not become law, and for the past 4 years, while legislation has been drafted and redrafted and hearings have been held, discrimination against individuals on the basis of race, sex, age, and physical handicap has occurred because of the Supreme Court's decision. It is time to put a halt to that.

The Civil Rights Restoration Act will correct the Grove City decision. It would amend the four civil rights laws that I have just mentioned to restore their original institutionwide application. It would make clear that discrimination is prohibited throughout entire agencies, institutions, education systems, and corporations if these institutions receive Federal funding. S. 557 restores the original intent of the Congress regarding the application of these civil rights laws.

That is all that this bill does. With the exception of a provision to ensure that hospitals will not be forced to perform abortions, the Civil Rights Restoration Act restores the law back to where it was before the Grove City decision. If there were problems with the underlying statutes before Grove City, they remain.

Discrimination on the basis of race, sex, age, and physical handicap is prohibited by Federal law and has been prohibited by Federal law for the past generation. This bill does not change what constitutes discrimination.

The Civil Rights Restoration Act does not change who is protected. It does not grant any new rights to any person or groups. Federal law does not grant homosexuals any special rights, nor does this bill. Federal law does not prohibit discrimination against alcoholics, drug addicts, and persons with contagious diseases where the persons present a danger to the health and safety of others or cannot perform their jobs. This bill does not change that.

Under this bill, small businesses will not be required to make expensive structural changes to their buildings to make them accessible to the handicapped.

The Civil Rights Restoration Act does not change the status of grocery stores that accept food stamps. I don't believe that such grocery stores are covered under the civil rights laws, and the law has never been interpreted in that way. But if they are covered, they always have been, and this bill does not cause them to be covered.

Under existing law, farmers and ranchers who receive farm subsidies or price supports are not subject to these civil rights laws. This bill does not change that.

As I said, the bill adds nothing new to Federal law as it existed prior to the Grove City decision, with a single exception.

The bill does change existing law to prevent hospitals from being forced to perform abortions.

A concern was expressed during the hearings on this bill that the civil rights laws could be interpreted to force hospitals to perform abortions, even if the hospitals are opposed to abortion.

I am very pleased, Mr. President, that the Congress was able to correct this problem by adopting the Danforth amendment, making these laws abortion-neutral. I voted for that amendment and argued strongly for it.

That amendment makes it clear that Congress will not force private organizations to perform or finance abortions—these are things we in Congress have long said we would not tolerate in our own programs.

Mr. President, it makes great sense to say that institutions should not discriminate, but it is not discrimination for a hospital to say, "We don't choose to perform abortions, and we will not perform them." No one should be forced to perform or pay for an abortion against his or her will. I am very pleased that S. 557 clarifies this point.

Although I support the Civil Rights Restoration Act, let me make it clear that there are some problems with the four civil rights laws that are the subject of this bill. These problems have existed since long before the Grove City decision. These problems result from ambiguities in the laws themselves and from court decisions interpreting the law.

The bill now before us did not create these problems, but they are problems nonetheless.

When the Senate considered this bill in January I voted in favor of two amendments to correct some of these problems with these four civil rights laws.

The first would have limited coverage of these laws when applied to religious organizations that receive Federal funds. Under the amendment, the antidiscrimination provisions would apply only the specific programs and activities operated with Federal funds by a religious organization, rather than the entire religious organization. This would have done much to assure that the Federal Government does not interfere with legitimate religious beliefs.

The second amendment would have expanded the religious tenets exemption, allowing schools closely identified with the tenets of religious organizations—but not officially controlled by a religious denomination—to claim an exemption from certain sex discrimination provisions.

Although no school has ever been denied a religious exemption under the law, I supported the amendment because it would have enabled schools like Georgetown and Notre Dame to

have access to religious tenets exemptions they do not now have under the civil rights laws and allowed them to be exempt from compliance with certain rules that could be at odds with some of their fundamental beliefs.

These amendments would have changed the four civil rights laws, not merely restored them to their previous coverage. However, I believe that they were reasonable and important amendments. Yet, both amendments were rejected by the Senate.

Therefore, the religious tenets exemption and other provisions affecting religious organizations are exactly the same as they have been for the past decade. They have not changed.

This is not to say that these provisions in existing law are perfect—I don't think they are. But these provisions in the bill are not new.

I believe that after we pass this bill, Congress ought to go back and reexamine some of the problems with the underlying civil rights statutes.

In the meantime, though, we need to take this first step and overturn the Grove City decision by restoring to our civil rights laws the broad prohibition against discrimination that they should have, that they historically have had until the Supreme Court's decision in Grove City. That is all this bill does. And that is why I will vote to override the President's veto.

Mr. GORE. Mr. President, the Civil Rights Restoration Act is the most important piece of civil rights legislation of this decade. I cosponsored this bill and have strongly supported it because it will ensure that our tax dollars are not supporting discrimination on the basis of race, sex, age, or physical disability.

That was the intent of Congress when these four civil rights statutes were originally enacted. Congress reaffirmed this intention when it passed this bill by large, bipartisan majorities in the House and Senate this year. President Reagan made a mistake last week in vetoing this bill. Today, Congress will correct that mistake by overriding his veto.

I am proud of the progress we have made in the South and across the country in eliminating prejudice and discrimination. It is in this proud tradition that I take a stand against discrimination, and refuse to accept a presidential veto of much-needed civil rights legislation. In this day and age it is simply unacceptable to allow any Federal moneys to go to institutions that practice discrimination on the basis of race, sex, age, or physical disability.

Throughout my years in Congress I have fought to protect the working men and women of this country. I have worked so that America is truly a land of opportunity for everyone and that there are no artificial barriers to how far any individual can advance. This bill will ensure that people are not kept out of organizations for reasons based on prejudice, that women are not sexually harassed, and that the disabled are not kept out merely because they cannot get through the door or up the stairs.

The committee report on this bill tells the stories of blatant discrimination occurring at federally funded institutions—though not in the specific programs that were receiving aid—and the Justice Department's Office of Civil Rights closing the cases because "it found the alleged discrimination did not occur in a program or activity which was a direct recipient of Federal financial assistance."

There has been much misinformation about his bill. It does not affect ultimate beneficiaries; Those that accept food stamps, Medicaid and Medicare benefits, or Social Security checks from private citizens. In addition, farm subsidies do not constitute Federal funding. There has also been much concern about religious schools: Religiously controlled schools are eligible for a religious tenets exemption if to comply with the applicable sex discrimination provisions would violate the religious tenets of the institution.

Others have expressed concern that small providers would be unduly burdened with requirements of structural alterations to ensure that their facilities be handicapped accessible. The bill does not require costly alterations on the part of smaller organizations if there are alternative ways of providing the services.

Finally, there has been concern that the bill requires the employment of individuals who pose a health threat. This is simply not so. The Rehabilitation Act specifically states that if an employee poses a health risk, he or she may be taken out of the workplace.

These concerns are all adequately addressed in the bill. Unfortunately, opponents of the bill have misinformed the public. They have charged that it goes against religious principles. I think that it is a central theme of Judeo-Christian tradition that we treat our neighbors fairly, regardless of the color of their skin, their age, their sex, or any physical disability.

This legislation does not apply to private action; we cannot legislate against private prejudice. But we can ensure that Federal funds are not used to subsidize actions based on unreasonable prejudices that amount to arbitrary discrimination. I strongly believe that Americans do not want their tax dollars used in this manner. For this reason I will vote today to override the President's veto of this important civil rights bill. I urge all my Senate and House colleagues to join me. We need to show the American people that we in Washington do not condone discrimination and we certainly will not fund it.

Mr. CRANSTON. Mr. President, President Reagan's veto of the Civil Rights Restoration Act came as no surprise. The Reagan administration urged the Supreme Court in the Grove City case to narrow the scope of coverage of the Nation's civil rights statutes and has fought for the past 4 years against restoring the effectiveness of these statutes.

The veto demonstrates, once again, that this administration is out-of-step with the Nation on the issue of civil rights.

There is a broad consensus in this country, and in the Congress, that Federal funds should not be used to subsidize discrimination. The Civil Rights Restoration Act is designed to do just that—help ensure that Federal funds are not used to subsidize discrimination against individuals because of race, sex, age, or disability.

Mr. President, this legislation passed both the House and Senate by overwhelming bipartisan margins. It was debated, revised, and scrutinized for 4 years. It is time that we enact it into law.

This Nation has come too far and struggled too hard to put invidious discrimination behind us to turn back now. The Grove City College decision brought civil rights enforcement proceedings to a grinding halt throughout the Nation. The record on S. 557 amply documents the numerous civil rights complaints and cases which have been dismissed or curtailed because of the narrow strictures imposed by the Grove City decision.

The Federal Government has a moral and a constitutional responsibility to assure its resources are not used to discriminate. It is not enough just to give lip service to the principles of equality of opportunity which are the foundation of our democracy. It takes a commitment to making those promises a reality.

That's what this legislation, and the civil rights struggle of the past three decades, is about—making the promise of equality a reality.

The veto should be overridden.

Mr. RIEGLE. Mr. President, I rise today to express my support for overriding the President's veto of S. 557, the Civil Rights Restoration Act of 1987.

It is truly an unfortunate situation we have before us. The President, against the counsel of his own advisers, has vetoed important civil rights legislation which prohibits discrimination against an individual on the basis of his sex, race, age, or handicap. As my colleagues know, the legislation before us was written in response to the 1984 Supreme Court decision in Grove City versus Bell. In that decision the Supreme Court narrowly con-

strued title IX of the Education Amendments of 1972 to mean that antidiscrimination laws would apply only to the programs for which Federal funds had been received. Hence, under Grove City, a college admission office that received Federal funds would be barred from discriminating; however, if the same college's science department did not receive Federal funds, antidiscriminations law would not apply.

The result of the Grove City decision was the opening of a gaping hole in our 20 year commitment to ending discrimination in our great Nation. Clearly, Mr. President, Congress did not intend for such an inequitable result when it passed civil rights legislation, and our vote today will set the record straight. No longer will institutions be able to practice selective discrimination; but rather, our vote today will reaffirm our national commitment to ending discrimination against minorities, women, elderly, and disabled persons.

Mr. President, opponents of this legislation have argued that it provides an unwarranted intrusion into religious freedoms enjoyed by all Americans. Yet, national church leaders from the Catholic bishops to the Evangelical Lutherans and the American Hebrew Congregation support this legislation and its goals. In addition, S. 557 leaves in place the current religious tenet exemption to title IX. Hence, no college or school controlled by a religious group will be required to adopt policies that conflict with its religious beliefs.

Others have argued that this legislation will have a profound and costly effect on small grocery stores that accept food stamps and on farmers who receive Federal crop subsidies. Yet, both the language of the bill and the committee report make it clear that such would not be the case. The committee report states that farmers receiving crop subsidies would not be covered by this legislation. In fact, they've not been covered since 1964. Others excluded from coverage include recipients of Social Security, Medicare, and Medicaid, and individuals who receive food stamps.

It is an unfortunate fact that discrimination still exists today against women, minorities, elderly, and disabled persons. Although we cannot legislate what is in the hearts of the people, we can send a clear message today that scarce Federal resources will not be used to fund institutions which discriminate.

Mr. President, the legislation before us will restore reason and balance to our Nation's civil rights laws. I hope my colleagues will agree and will vote with me to override the President's veto. Thank you.

Mr. DASCHLE. Mr. President, as the Senate prepares to vote on the motion to override the President's veto of the Civil Rights Restoration Act, I think it is important that each Senator, and the American public, make an honest effort to separate fact from hyperbole before reaching a final opinion on the legislation.

The debate surrounding the Civil Rights Restoration Act is unquestionably highly charged. As I listen to the speculation about the potential effects of this legislation, there is little doubt why the debate has generated such widespread attention.

Each Member of this body has heard alarming reports about what could happen if this bill becomes law. For example, some opponents of the bill suggest that it would force employers to hire homosexuals, or retain employees who cannot perform their jobs because they are alcoholics or have infectious diseases. Others claim that the bill would force certain churches to ordain women or require religiously affiliated hospitals to perform abortions. Finally, some assert that ultimate beneficiaries of Federal aid, such as farmers who merely receive price and income supports and loans or Social Security recipients, would be covered by the bill.

These would be alarming prospects, were they true. They are not, however, justified by fact.

If any of these charges were true, a vast majority of the Senate, including myself, would not have supported this bill. Nor would so many religious organizations and other groups have urged Congress to override the President's veto.

The Civil Rights Restoration Act is a straightforward bill which will simply restore the ability of victims of discrimination—including blacks, the elderly, the handicapped, and women—to seek redress in the manner they did prior to the 1984 Supreme Court decision in the Grove City case. It is a bill that clarifies the original intent of Congress that the civil rights laws be interpreted to apply to all the programs and activities of an institution that receives Federal funding, rather than to just the specific program which receives that funding.

During Senate consideration of this legislation, precautions were taken to ensure that the Civil Rights Restoration Act will perform as advertised. Thus, when concern was expressed that the bill might have the unintended effect of requiring religiously affiliated institutions to perform abortions if they received any Federal funding, the Senate added a provision to the bill stipulating that colleges, universities, and other institutions closely affiliated with churches may get an exemption from the law, as in the past. I voted for that provision. This religious tenets exemption has been available for 16 years, has been granted to more than 200 institutions, and has not been denied once.

The Civil Rights Restoration Act has broad-based support, both within and outside the Congress. It was thoroughly debated by the Senate and the House, and it passed both Chambers by overwhelming margins.

The list of religious organizations which support the Civil Rights Restoration Act is instructive. It includes the U.S. Catholic Conference of Bishops, the American Lutheran Church, the Association of Evangelical Lutheran Churches, the Lutheran Church in America, the Union of American Hebrew Congregations, the American Baptist Churches and the Church of the Brethren, to name just a few.

In fact, the U.S. Catholic Conference has circulated a letter which states that, "we believe that it (the Civil Rights Restoration Act) does much to strengthen Federal civil rights protections while safeguarding vital concerns about human life and religious liberty." I commend this letter to my colleagues' attention and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

Mr. President, whenever the President vetoes a bill, the Congress must take this action very seriously. Even the most ardent supporters of the Civil Rights Restoration Act should re-examine their support in light of the President's veto.

I have done just that.

The Civil Rights Restoration Act is not a partisan issue. Senators on both sides of the aisle joined together when this legislation passed in February by a vote of 75 to 14. I expect that on the vote today, once again, Republicans and Democrats will join together to override the President's veto.

Similarly, religious organizations of diverse faiths have announced their support for the Civil Rights Restoration Act. Like the majority of the Senate, they do so in order to return our civil rights laws to their pre-Grove City status.

For these reasons, I will join the vast majority of the Republicans and Democrats in Congress to pass this legislation over the President's veto.

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

U.S. CATHOLIC CONFERENCE,
*Washington, DC, March 14, 1988.*

DEAR SENATOR: I write on behalf of the nation's Roman Catholic bishops to urge you to vote to override the veto of the Civil Rights Restoration Act. We strongly support this legislation which recently passed the House and Senate by overwhelming margins. We believe that it does much to strengthen federal civil rights protections while safeguarding vital concerns about human life and religious liberty.

This important legislation will strengthen the federal commitment to combat discrimination based on race, gender, age, national origin and handicapping condition. We be-

lieve government has a fundamental duty to protect the life, dignity and rights of the human person. This is why we supported the goals of the Civil Rights Restoration Act, successfully urged its modification in several important respects, strongly urged final passage in this amended form in both the House and Senate and urged the President to sign it.

As you know, the United States Catholic Conference expressed some serious reservations about the original bill. In the bill vetoed by the President, Congress made several essential improvements, including the "abortion neutral" amendment. This amendment, which we strongly supported, ensures that no institution will be required to provide abortion services or benefits as a condition of receiving federal funds. If this bill does not become law, we fear these important guarantees will be lost and the existing regulations under Title IX could once again threaten to force institutional cooperation with abortion. We also believe this legislation as interpreted by the committee report and floor debate adequately accommodates our legitimate concerns in the area of religious liberty.

No piece of legislation is perfect and people of good-will can disagree over these matters. However, we believe the Civil Rights Restoration Act with the important improvements made by the Congress is a significant victory for civil rights and an important step forward in insuring that our nation's civil rights laws do not require any institution to violate fundamental convictions on human life.

We are pleased by the overwhelming bipartisan support of this vital legislation. We hope you will join in this broad based effort to help our nation live up to its pledge of "liberty and justice for all" and vote to override the veto of the Civil Rights Restoration Act.

Sincerely yours,

Rev. Msgr. DANIEL F. HOYE,
*General Secretary.*

Mr. DECONCINI. Mr. President, I rise today to cast my vote to override the President's veto of the Civil Rights Restoration Act.

The Civil Rights Restoration Act has been one of the most highly scrutinized pieces of legislation this body has addressed in many years. Throughout the debate waged in the national press and in the Senate, facts have been twisted and misrepresented. So much so as to lead one to believe this legislation is meant to completely overhaul the current state of civil rights law. That is not the case. The Civil Rights Restoration Act is intended to, and does, return the civil rights law to the state which existed prior to the Grove City decision by the Supreme Court. In Grove City the Court held that only the specific program or activity of an institution receiving Federal funds must conform to the existing civil rights laws.

I have received numerous letters and phone calls raising concerns on the application of the Civil Rights Restoration Act to the hiring and firing of homosexuals, alcoholics, drug addicts, and persons with contagious diseases. I have heard additional concerns expressed regarding the coverage of the Civil Rights Restoration Act to churches and religious educational facilities. And finally, many of my Arizona constituents have contacted me regarding concerns associated with abortion and this legislation. Each is a valid concern, yet I believe now, as I did when I became an original cosponsor, that this legislation is the most important recent legislation strengthening the Federal commitment to combat discrimination based on race, gender, age, ethnicity or handicapping conditions without infringing on the rights of religious organizations and others to manage their own house.

I am not alone in my beliefs. My distinguished colleague, Senator SIMPSON, the Senate Republican Whip, has also concluded that we have "ended up with good language that does not interfere with religious liberties."

The Civil Rights Restoration Act amends 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. Title IX prohibits sex discrimination in education programs or activities receiving Federal financial assistance. Title VI addresses discrimination based on race, color, or national origin in a program or activity that receives Federal aid. Section 504 prohibits discrimination against disabled persons in programs or activities receiving Federal funds. The Age Discrimination Act prohibits discrimination on the basis of age in federally funded programs or activities.

Contrary to some of the most expressed fears, this bill does not require protections provided women under title IX to be extended to homosexuals. Nor has any other statute been interpreted by courts to provide such protection.

This bill would not preclude an entity from taking action against an individual solely on the basis of that individual's homosexuality. If, for instance, the religious tenets of an organization require it to take disciplinary action against a homosexual because of that person's sexual preference, section 504 of the Rehabilitation Act would not protect the individual. In addition, title IX would not protect the individual from disciplinary action. The case law has continually supported this position and this bill does not change that interpretation.

For example, in *Rowland* v. *Mad River Local School District*, 730 F. 2d 444 (1984) the U.S. Court of Appeals for the Sixth Circuit held that sexual preference is not a constitutionally protected interest.

In Rowland, a teacher was suspended, transferred and finally terminated after she disclosed that she was a homosexual. The teacher claimed that the school's actions violated her right to freedom of speech and to equal protection under the law.

The court first ruled that since Rowland was speaking upon matters only of personal interest, and not public concern, her statements did not constitute protected speech under the first amendment.

Second, the court found no evidence to support a finding that Rowland was treated differently from heterosexual employees. As a consequence, the court held that the school district had not violated Rowland's constitutional rights. In 1986, the U.S. Supreme Court refused to hear the case.

Many of the inquiries I have received have questioned the application of this bill in the area of alcohol and drug abuse as it relates to hiring and firing by employers who receive Federal funding. During the floor debate on this legislation, Senators HUMPHREY and HARKIN offered an amendment which was unanimously adopted. That amendment allows employers to exclude or fire a prospective or current employee if it is determined that he or she poses a direct threat to the health or safety of other workers. Actions may also be taken if such an individual cannot perform the duties required and no reasonable accommodations can be made to remove the safety threat or enable the person to complete his or her assigned duties.

This provision maintains the current law, section 504 of the Rehabilitation Act. In fact, since the 1978 amendments to that act, employers have acted with the knowledge that they do not have to hire or retain alcoholics or drug addicts. Additionally, courts have continually upheld the rights of employers to act in this manner.

For example, in *New York City Transit Authority* v. *Beazer*, 99 S.Ct. 1355 (1979) the U.S. Supreme Court upheld the transit authority's blanket exclusion of persons who regularly use narcotic drugs from employment. The Court considered the exclusion to be a policy decision and thus refused to interfere with the judgment of the transit authority.

Just as employers are not required to suffer consequences of an employee's alcohol or drug addiction, employers are also not required to hire or retain persons with contagious diseases if the employee poses a direct threat to the health and safety of others or cannot perform the functions of the job. In these types of cases such determinations must be made on an individual basis, just as with an alcohol or drug addiction hiring related decision.

As previously stated, this language was unanimously supported in the Senate, as well as passed in the House, and was found in the Sensenbrenner substitute which was endorsed by the

administration via a letter from Secretary Bennett.

The same standards regarding employment of individuals with contagious diseases apply to the admission of pupils to schools. This case-by-case review process is supported by the American Public Health Association which suggests that individualized review acts to promote the overall health of the general public.

Although I have responded to many questions and concerns on the above matters, the major concern of those who contacted my office has centered around this legislation's application to religious organizations and the application of the religious tenet exemption. Because of the nature of this concern, I believe a thorough explanation is in order.

Under the Civil Rights Restoration Act, complete coverage of a corporation, partnership, or other private organization, of which a religious organization is one, would result under two circumstances. In the first instance, where Federal financial assistance is extended to a private organization "as a whole," that is, assistance which is not designated for a particular purpose, the organization as a whole is required to meet the requirements of the Civil Rights Restoration Act. Conversely, a grant to a religious organization for a specific purpose, such as assistance to refugees, would not qualify as assistance to the religious organization "as a whole," and therefore would not require compliance with civil rights statutes.

Second, when "principally engaged in the business of providing education, health care, housing, social services, or parks and recreation" an organization must follow the Grove City legislation. It is self-evident that a church, diocese, or synagogue is a religious organization. As such, a religious organization would not be covered in its entirety even if engaged in education, health care, or social service programs, because the primary objective of a religous organization is religion.

Furthermore, and in lieu of the above classifications, a religious organization is not prevented from giving hiring preference to members of that religion in its federally assisted activities. However, this does not mean that a religious organization may engage in racial discrimination veiled in the cloth of religious preference.

Under title IX of the Education Amendments of 1972, education institutions controlled by a religous organization are exempt from compliance with the requirements of title IX. In order to acquire exempted status, an educational institution must file an application of exemption with the Department of Education. Since this process has been in effect, no institution has been denied exempt status. As a result of the exemption process, institutions qualifying for exempt status include institutions that: require sex discrimination in training students for the ministry; require differential treatment of pregnant students and employees; require differential treatment of men and women in athletic programs; require unmarried pregnant students to live separately from other unmarried women in a dormitory; require marital status to be considered for employment; prohibit men and women from swimming in the same pool; and mandate other religion-based differing treatment. Under the Civil Rights Restoration Act, religiously controlled educational institutions will be able to continue to choose to manage their facilities as they deem necessary in accordance with the teachings of their religious beliefs.

Finally, prior to the passage of the Civil Rights Restoration Act, concerns were expressed to me that this bill would require any institution not controlled by a religious organization to either provide or pay for abortions. To allay these concerns the Senate adopted the Danforth amendment which I cosponsored. The Danforth amendment provides in pertinent part that nothing in the legislation "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 abortion." By so stating, this amendment acts to make this legislation abortion neutral. I believe this amendment contributed to the overwhelming support for the bill which passed the Senate by a 75 to 14 margin and the House by a 318 to 98 margin.

I have repeatedly received reports that many of the religious organizations are opposed to the legislation. Yet when I take an inventory of the correspondence directed to me, I find what appears to be overwhelming support for the Civil Rights Restoration Act. After voicing serious reservations about the original bill, the U.S. Catholic Conference joined in supporting the legislation and urged the President to sign the act into law. But as we now know, the President chose not to sign the bill.

In addition, the Evangelical Lutheran Church of America writes "those of us who stand before you today are unwaivering in our support of this bill, and of its great need for our country today." The American Baptist Churches, U.S.A. states "we reiterate our continued support for this legislation and urge the Congress to override President Reagan's veto." Similar statements have been sent to me by the General Board of Church and Society, the United Methodist Church, the Presbyterian Church (U.S.A.), the Washington Office of the Episcopal Church, the National Council of the Churches of Christ, the Jesuit Social Ministries, the Quakers, and others.

The American Jewish Congress expressed its support recently by stating that "we strongly urge the House and Senate to override the President's veto." The AJC clearly summarized the issue, saying "(t)his remains a matter of simple justice."

Mr. President, I have been honored by an appointment to the U.S. Constitution Bicentennial Commission. I was fortunate enough to have joined my colleagues in the original room in which the Continental Congress convened, and we reenacted the drafting and signing of our Constitution. These activities have given me cause to reread many of our Nation's most treasured documents in a new light. If I might ask your indulgence for one moment, I would like to read something which I find appropriate here.

> When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the Earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent request to the opinions of mankind requires that they should declare the causes which impel them to the separation.
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

As we all know, that is the beginning of the Declaration of Independence.

Mr. President, I find these cherished words ring particularly true as I cast my vote to override the Presidential veto of the Civil Rights Restoration Act. In so doing I reiterate my support for all those certain unalienable rights on which our country was founded.

Mr. LEVIN. Mr. President, in the last few days, we have witnessed a remarkable campaign in support of President Reagan's veto of S. 557, the so-called Grove City bill. The concerns of the people who have contacted their elected representatives and urged them to sustain the veto are sincere. Unfortunately, their concerns are based on erroneous information.

Leaders of major religious organizations have spoken out against the misinformation being spread by those who wish to defeat the Grove City bill. The Evangelical Lutheran Church in American, one of the many religious groups supporting S. 557, says that those responsible for the anti-Grove City campaign are "spreading hysteria." The American Baptist Churches in the U.S.A., another religious organization supporting the bill, denounces attacks on the bill as "egregiously irresponsible misrepresentations."

Is it true that churches and religious schools will have to hire homosexuals as a result of this bill? No, it is not true. None of the civil rights statutes amended by this bill has ever been interpreted by the courts to provide pro-

tection on the basis of sexual preference; none of the agency regulations implementing these statutes have ever so provided; and nothing in the bill creates any such protection.

Is it true that if this bill passes, a church school won't be allowed to fire individuals with contagious diseases? No it is not true. An employer will be free to fire anyone who poses a threat to the health and safety of others or who cannot perform the essential functions of the job.

Some of the major religious groups supporting this bill—the Presbyterian Church, the United Methodist Church, the Episcopal Church, the Church of the Brethren, the U.S. Catholic Conference, and others—understand that the bill restores important protections to racial and ethnic minorities, to women, to the handicapped, and to the elderly, protections that were severely limited as a result of a 1984 Supreme Court decision. These religious institutions had no problem with the application of these civil rights statutes before 1984, and they are convinced that they won't have a problem after this bill becomes law.

To repeat, Mr. President, the concerns of those who have called and written in the past week are sincere. But they have been expressed in response to information that is just plain wrong. Homosexuals and drug addicts get no new rights under this bill. The activities of churches, synagogues, and religious schools will not be subject to new and intrusive scrutiny by the Federal Government. S. 557 simply reaffirms the coverage and enforcement practices that existed before the 1984 Supreme Court decision. Before 1984, the civil rights statutes were effectively preventing federally funded discrimination without infringing on religious liberty. They will continue to function in this way after S. 557 is passed.

Mr. President, I think most Americans oppose discrimination and support religious liberty. These are not mutually contradictory values. The Civil Rights Restoration Act preserves both these values.

Mr. BINGAMAN. President Reagan's veto last week of the Civil Rights Restoration Act was a regrettable disservice to millions of women, Hispanics, blacks, native Americans, elderly, and disabled Americans. Today, I hope the Members of the Senate will rectify President Reagan's wrong and vote to override the veto.

Since its initial introduction in 1984, I have been a supporter of the Civil Rights Restoration Act because I refuse to condone discrimination. My continued support for this act will be reflected by my vote today.

After the Supreme Court's 1984 decision in Grove City versus bell, the strength and effectiveness of major civil rights statutes were called seriously into question. The Court had ruled that title IX of the Education Amendments of 1972, which prohibits discrimination based on sex, applies only to the particular program or activity receiving Federal financial assistance, not to the institution as a whole. The implications of this ruling are far reaching because similar language is contained in several other civil rights statutes.

Earlier this year, a vast majority of the House and Senate agreed that we had no choice but to set the record straight. The intent of Congress always has been, and must continue to be, that the broadest interpretation be given to statutory construction of our Federal civil rights laws.

The evolution of civil rights laws in this country has been a slow and arduous process, and we have by no means reached a point where we can be complacent. The Grove City decision, the Presidential veto, and the recent dissemination of misleading and irresponsible information about this issue, illustrate this point.

I believe the act that passed the Senate by a vote of 75 to 14 2 months ago provides a solid basis for a full partnership between the States and Federal Government to abolish discrimination in our country. The Senate's vote today can reaffirm that commitment.

I sincerely hope that my colleagues will not be swayed into switching their votes solely because of pressure from the Moral Majority's recent negative and misinformed campaign to sustain the Presidential veto.

I, along with probably all the Members of this body, have received hundreds of calls and letters from constituents who, prompted by the Moral Majority's efforts, have become concerned about the impact of the act. I would like to take this opportunity to set the record straight on exactly what this bill entails.

In general, the Civil Rights Restoration Act amends title VI of the 1964 Civil Rights Act, section 504 of the 1983 Rehabilitation Act, title IX of the Education Amendments of 1972, and the Age Discrimination Act. These antidiscrimination measures relate to discrimination only on the basis of race, handicap, sex, and age, respectively. As I mentioned earlier, the act clarifies that these antidiscrimination measures apply to all parts of institutions that receive Federal assistance for any of their programs or activities.

Mr. President, at this point I would like to address in greater detail some of the important concerns raised by my consitituents.

SEXUAL PREFERENCE

The act does not provide protection on the basis of sexual preference. It relates to four antidiscrimination statues based only on race, handicap, sex, and age. Homosexual groups have recognized this and have sought new legislation specifically prohibiting discrimination on the basis of sexual orientation.

ALCOHOL AND DRUG ADDICTS

The act does not require an employer who receives Federal funds to hire or retain in employment all alcoholics and drug addicts. A person who is a current alcoholic or drug addict can be excluded or fired from a particular job if he or she poses a direct threat to the health or safety of others or cannot perform the essential functions of the job and if no reasonable accommodation can be made to remove the safety threat or enable the person to perform the functions of the job. Federal agencies such as the Centers for Disease Control, the Department of Labor, and professional organizations such as the American Academy of Pediatrics, and the American Hospital Association have issued guidelines for ensuring safety in the workplace. These guidelines can be relied on for determining reasonable accommodations.

PERSONS WITH CONTAGIOUS DISEASES

Again, employers may refuse to hire or to fire any person who poses a direct threat to the health or safety of others or who cannot perform the essential functions of the job if no reasonable accommodation can remove the safety threat or enable the person to perform the essential functions of the job.

RELIGIOUS ORGANIZATIONS

Complete coverage of a corporation, partnership, or other private organization occurs in only two circumstances:

First, the first is where assistance is extended to the private organization "as a whole." "As a whole" means general assistance that is not designated for a particular purpose. For example, 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.

Second, the second circumstance 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, diocese, or synagogue is by definition "religious."

Other than in these two circumstances, a religious organization is not covered in its entirety. In addition, none of the antidiscrimination statutes amended by the act bars discrimination on the basis of religion. Thus, a religious organization can prefer members of its religion for its activities as long as the religious preference is not a pretext for discrimination on the basis of race, sex, handicap, or age.

Finally, I would like to point out the many religious organizations which have found these provisions acceptable and which fully support the Civil Rights Restoration Act: U.S. Catholic Conference of Bishops, National Council of Churches, American Jewish Congress, American Baptist Churches, Evangelical Lutheran Church of America, Union of American Hebrew Congregations, Anti-Defamation League of B'nai B'rith, American Jewish Committee, Church of the Brethren, Presbyterian Church USA, Church Women United, Network-National Catholic Justice Lobby, United Methodist Church, and Episcopal Church.

ABORTION

The Civil Rights Restoration Act states that nothing in the legislation "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 abortion * * *."

SMALL BUSINESSES

The Civil Rights Restoration Act adds a new subsection to the Rehabilitation Act of 1973 that clarifies that small businesses, such as grocery stores and pharmacies, with fewer than 15 employees, are not required to make "significant alterations to their existing facilities to ensure accessibility to handicapped persons if alternative means of providing the services are available"—for example, if there is a larger grocery store with access ramps nearby.

SCOPE OF THE ACT

I would like to emphasize here that this act applies only to entities which receive Federal funds. That leaves a large majority of institutions and businesses outside the scope of this act. Any employer or entity is free to refuse Federal funding should the employer or entity so desire.

In addition, the act clearly states that its provisions do not extend to "ultimate beneficiaries," which are defined by statute as farmers receiving crop subsidies, food stamp recipients, and welfare and Social Security beneficiaries. These groups of "ultimate beneficiaries" are not covered under this legislation.

CONCLUSION

Finally, I have heard from some individuals that this bill will cause a major intrusion by the Government into the lives of private citizens and that many of our institutions will be turned upside down. This simply is not true.

When title VI was introduced in 1964—more than 20 years ago—opponents made similar claims. It was stated that "virtually every nook and cranny of the private lives of individual Americans would be touched and tainted by the obnoxious proposal." (110 Cong. Rec. 1619, 1964.) That did not happen, and it will not happen under the Civil Rights Restoration Act. Instead, I believe this country, which has become a better place since the passage of our first antidiscrimination laws, only will be made better still by the passage of legislation that rigorously safeguards these laws.

Thus, I can see no reason to oppose the passage of this legislation. If we as Americans truly believe in "equality and justice for all," we should support this legislation and guide it into law. Thank you.

Mr. LEAHY. Mr. President, President Reagan's veto of S. 557, the Civil Rights Restoration Act—the first veto of a civil rights bill to come before Congress in 121 years—should be overridden. The Senate and the House have debated and passed S. 557 by overwhelming majorities. I am proud to be an original cosponsor and strong supporter of this historic legislation.

The Supreme Court's 1984 Grove City decision greatly narrowed the prohibition against sex discrimination in education and foreshadowed similar restrictions on longstanding Federal protections against discrimination based on race, age, and handicapped status.

Since that time, we have worked hard to craft a bill that restores civil rights protection to its status before the Court decision. The bill before us today achieves this goal. It restores four important civil rights statutes to their former meaning and impact. And, in doing so, ensures that our tax dollars are not used to subsidize discrimination.

The Civil Rights Restoration Act goes to the very heart of who we are as a people, and what we can achieve as a nation. I know of no country that has made as much progress as we have made in using the law to end discrimination, and more than that, to redirect the public conscience to ever higher standards of fairness and compassion. Our laws have changed how we behave—they have also changed how we view each other.

Our efforts to restrict discrimination have set the moral tone for our maturity as individuals and our growth as a nation. By overriding the President's veto, we will reaffirm our commitment to civil rights and simple justice.

Mr. KASTEN. Mr. President, I rise to speak on S. 557, the Civil Rights Restoration Act.

I voted for S. 557 when it was considered by the Senate earlier this year, and will vote today to override the President's veto of this legislation. I support this legislation because I believe that Congress has a duty to make clear that Federal funds shall not be used to support discrimination.

There may be some who believe that discrimination—especially racial discrimination—is no longer a problem in our society. There may be some who believe that because of this the Federal Government can afford to refrain from a broad application of our civil rights laws. I do not subscribe to this point of view.

The Federal Government cannot legislate morality. But it does have an obligation to set an example. One way to set such an example is to insist that institutions accepting Federal funds agree not to do certain things—not perform abortions, for example, or in this case, not discriminate on the basis of race, sex, age, or handicap.

This legislation is necessary because of the 1984 Supreme Court decision in Grove City College versus Bell. This decision, while it dealt specifically only with title IX of the Education Amendments of 1972—prohibiting sex discrimination—also effected the application of the Civil Rights Act of 1964—race discrimination—section 504 of the Rehabilitation Act of 1973—discrimination against the handicapped—and section 309 of the Age Discrimination Act. The reason for this is that these four statutes all use substantially the same language, so that a decision dealing with one of them impacts on all of them.

In the Grove City decision, the Court effectively ruled that educational institutions accepting financial aid—including indirect aid such as Pell grants and loans provided to students—had only to comply with civil rights laws in the "program or activity" receiving such aid. In the example that has been often cited, if a college enrolled students accepting Federal financial aid, only the college's financial aid office would be required to comply with the civil rights laws.

This "narrow construction" of the civil rights laws is not what Congress intended when the laws were passed. The fundamental reason S. 557 is necessary is to restore the appropriate "broad construction" of these laws, thereby effectively sending the message that the Federal Government will not subsidize discrimination.

It is absolutely true that most educational institutions and most other institutions have no intention of discriminating. We should be thankful for this. Unfortunately, to ensure that discrimination is not practiced by institutions accepting public funds, some verification of compliance with the civil rights laws is necessary. This verification can impose an aggravating paperwork burden on smaller institutions especially. I feel strongly that the executive branch has an obligation to limit this paperwork burden as much as possible.

Having stated my support for S. 557, I must also state that I have reservations about his legislation. In the last few days, I have been contacted by hundreds of my constituents concerned that the bill as written would

impinge on the free exercise of religion or would force churches and religiously oriented schools to hire people who do not share their beliefs and values.

Mr. President, my reading of this bill is that it does not do any of these things. Congress does not intend it to do any of these things. If I thought S. 557 would do any of these things, I would oppose it.

True, I would have preferred more precise language than is used in this legislation. I supported two amendments that would have, respectively, specified a narrow construction of the civil rights laws where religious institutions are concerned and that educational institutions "closely identified with" a particular religion or denomination—for example, Marquette Univesity in Milwaukee—would not have to comply with provisions of the civil rights laws that violated the basic tenets of their faith. I voted for, and am pleased that the Senate adopted the Danforth amendment, which makes clear that nothing in this bill would require any hospital or other medical institution to perform abortions against its will.

But I am persuaded that the intent and effect of this legislation is not to extend the scope of the civil rights laws any further with respect to religion than was the case prior to the Grove City decision. I want to note one thing in particular that S. 557 clearly does not do.

None of the civil rights laws makes any mention of sexual orientation or preference as a protected group of people. Homosexuals are not protected by reason of proscriptions against discrimination by reason of race, or sex, or age, or handicap. S. 557 makes no mention of any special protection extended to homosexuals.

The charge made by one national organization that this bill would force churches to hire, as one group charged, "an active homosexual drug addict with AIDS as a youth pastor" is wrong. S. 557 simply does not change current law in this area.

But many of my constituents in Wisconsin, in good faith and sincerity, are concerned about how the executive branch of the Federal Government might interpret this law—or how the Federal judiciary might interpret it. I have heard the message they have been sending loud and clear.

If the language in this legislation is being implemented or interpreted by the courts in such a way as to interfere with the free exercise of religion, or impose on farmers, or cost jobs by forcing businesses to make massive, unjustified changes in their physical plants, I will be in the forefront of those seeking a change in the law.

If the executive branch and the judiciary cannot administer and interpret this law in a responsible manner, Congress will have to go back and spell out in very detailed and precise language how the law should be implemented and interpreted. Congress should not have to do this; its role is not to specify every detail of the implementation of the law. But if the executive branch or the judiciary cannot do their jobs, that is what Congress will have to do.

President Reagan has proposed a number of changes to S. 557 in his veto message. I have looked at these changes; I think that, if included in the bill, they would probably improve the clarity of this legislation.

However, I am not fully persuaded that they are necessary. Moreover, they are simply being made too late. Had the administration made these proposals while S. 557 was in committee or on the floor, the Senate could have considered them, either individually or as a package. But under Senate rules, it is simply not in order to consider them now.

I am, frankly, a little mystified as to why the administration, after standing on the sidelines for almost all of the debate on this legislation, chose this moment to propose changes in the bill. I would encourage the administration to take a more active and a more useful role in the legislative process in the future.

In conclusion, Mr. President, let me restate the need for this bill and the reason I am reluctantly voting to override the President's veto. It is vitally important that Congress make clear that the Federal Government will not tolerate discrimination in any activity with which it is associated. This is important enough that, notwithstanding some of the imprecise language in the bill, I believe S. 557 merits the Senate's support.

Mr. HATCH. Over the last few days an amazing thing has happened. There has been an outpouring of calls and telegrams to Capitol Hill that is unprecedented in my memory. In fact at one point 80,000 calls per hour came in to express concern about the Grove City bill. We all know that these Americans overwhelmingly support the President's veto. Now some media have suggested that this avalanche of calls has been stimulated by Moral Majority and Jerry Falwell. But, the fact is, no one group can create this kind of activity. It is just plain not true to suggest this legislation is opposed by a few evangelicals only.

Mr. President, I would like to read into the RECORD, the incredibly broad list of opponents who are now saying to the Congress—stop and rethink this ill-conceived legislation. They range from the U.S. Chamber of Commerce to Citizens for America, to the National Black Coalition for Traditional Values. They include:

MARCH 18, 1988.

GROUPS IN OPPOSITION TO GROVE CITY

Ad Hoc Committee in Defense of Life.

American Association of Christian Schools.

American Conservative Union

American Pharmaceutical Association.

Apostolic Coalition.

Assemblys of God.

Association of Christian Schools International.

Association of Pro-America.

Bott Broadcasting Company.

Catholic League for Religious and Civil Rights.

Christian Action Council.

Citizens for America.

Citizens for Educational Freedom.

Citizens for Reagan.

Coalitions for America.

College Republicans.

Committee to Protect the Family.

Concerned Women for America.

Conservative Alliance.

Conservative Caucus.

Contact America.

Coral Ridge Ministries.

Council for National Policy.

Eagle Forum.

Family Research Council.

Focus on the Family.

Free Congress.

Heritage Foundation.

Intercessors for America.

International Christian Media.

Lutheran Church—Missouri Synod.

Moral Majority.

National American Wholesale Grocers Association.

National Apartment Association.

National Association of Evangelicals.

National Association of Homebuilders.

National Association of Manufacturers

National Black Coalition for Traditional Values.

National Center for Public Policy Research.

National Family Institute.

National Grocers Association.

National Religious Broadcasters.

Public Advocate.

Rutherford Institute.

Save Our Schools.

United Families.

United Pentecostal Church.

U.S. Business and Industrial Council.

U.S. Chamber of Commerce.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. HUMPHREY] is recognized for 5 minutes.

Mr. HUMPHREY. I thank the Chair.

Mr. President, once again, Senators confront a difficult choice between succumbing to glib slogans or coming to grips with the enormous problems posed by a bill that bears the misleading title of Civil Rights Restoration Act.

This bill does not simply restore established protections against discrimination that existed before the Grove City decision—not at all.

Proponents of S. 557 have seized on the Grove City decision as a convenient pretext for a massive expansion of Federal regulatory power.

As the Wall Street Journal stated in an editorial of March 14, "Seldom has

a bill opened the door so widely for courts and Federal bureaucrats to intrude into the decisionmaking processes of employers."

Those of us who have taken the trouble to point out the many pitfalls and excesses of this latest Federal power-grab are falsely portrayed as opponents of civil rights. But invoking the slogan of "civil rights" can be no substitute for examining what this expansionist legislation will actually do.

The proponents have mocked concerns for example, that the bill expands Federal coercion in the area of homosexual rights and other exotic civil rights theories. Let me quote without any editorializing directly from a recent Federal court decision by Judge Gerhard Gesell in the case of Blackwell versus Department of the Treasury.

Plaintiff has alleged that the position he sought was eliminated because Treasury officials regarded the fact that he is a transvestite as a handicap. This is enough to state a claim under the Rehabilitation Act.

In a subsequent ruling in the same case, the judge said:

It is clear that transvestites are (handicapped persons), because many experience strong social rejection in the work place as a result of their mental ailment made blatantly apparent by their cross-dressing life-style.

So the claims that this bill goes far beyond the protection of basic and genuine civil rights are not mere myths or distortions. It is Federal judges who have applied these statutes to interfere with valid employer judgments dealing with antisocial behavior and dangerous contagious diseases.

The Wall Street Journal once again hit the nail on the head in its March 14 editorial on this bill, when it said, "Because of vague wording, all sorts of new 'rights' could emerge. Feminists, gays and other activist groups will be filing suits to foster new definitions."

So let the record be clear. The opposition to this bill has nothing to do with legitimate legal protections against race or gender discrimination. Those guarantees come from the Constitution itself, and from the multitude of existing Federal and State civil rights laws which are fully operative and enforceable irrespective of S. 557.

We are concerned, instead, about unwarranted and intrusive Federal regulation that goes far beyond earlier concepts of reasonability in the application of civil rights laws.

This bill will subject clergymen to Federal oversight regarding the details of their church programs and facilities; it will subject private and public school administrators to Federal interference in the area of contagious disease policy; and it will impose burdensome accessibility and retrofitting requirements on small businesses merely because they accept Federal food stamps from their low-income customers.

These are only a few examples of how this bill's primary result will be to expand Federal coercion of society, rather than to simply restore the status quo ante.

So I urge my colleagues to reject the argument that oppositon to unwarranted and unprecedented Government regulation of society is somehow opposition to legitimate civil rights. As Columnist Edwin Yoder wrote in an article entitled "The Hounding of Grove City College" in Monday's Washington Post, "The key issue here is not civil rights against civil wrongs, but a clash of two valid views of freedom."

The regulatory excesses that will arise out of S. 557 are clearly unacceptable. We should sustain the President's veto, and then go about designing a reasonable remedy to the problems created by the Grove City decision.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Edwin M. Yoder, Jr., published in the Washington Post, as well as the Wall Street Journal editorial to which I referred earlier.

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

[From the Wall Street Journal, Mar. 14, 1988]

CONGRESS ON THE LOOSE

President Reagan is expected this week to veto the "Grove City" bill, a document that makes any organization accepting any federal money subject to federal "civil rights" interpretations. Because of vague wording, all sorts of new "rights" could emerge. Feminists, gays and other activist groups will be filing suits to foster new definitions. The bill should be vetoed, but even some Republicans in Congress may vote to override.

It seems that Congress in this election year is hellbent to win special-interest votes. Republicans don't want to be left out. Beyond Grove City the vote-buying spree could have other consequences, some of them expensive. For example:

Child care. Everyone believes in child care but it is by no means clear that it is the responsibility of the nation's taxpayers. Senator Chris Dodd and a flock of interest groups this week will launch a big media hype to try to make it exactly that, at an ultimate minimum price tag estimated by Douglas J. Besharov on this page last Wednesday at $32 billion a year.

As Mr. Besharov noted, Senator Dodd's bill represents a subsidy for middle-class working mothers, which is why it has such marvelous vote-buying potential. With this new infusion of money and a new set of federal standards to restrict competition, childcare providers will be able to raise their fees. They are lending support to the Senator's media bash.

Mandated benefits. Senator Kennedy's bill requiring all employers to provide specified health-insurance benefits to employees working more than 17.5 hours a week has been reported out of his Labor and Human Resources Committee. He himself puts the price tag for business at $27.1 billion. The respected Institute for Research on the Economics of Taxation (IRET) says it actually will cost $100 billion and $25 billion in GNP. The senator has found a way to cost the nation thousands of jobs.

Minimum wage. The House Education and Labor Committee is considering a bill to raise the minimum wage to $5.05 an hour over the next four years from the current $3.35. After that, youths and marginally productive workers whose work effort is worth less than $5.05 will while away their time on the welfare roles or in some other unproductive endeavor. IRET estimates a loss of 300,000 to 750,000 jobs by 1990, the third year of the increases. If the higher minimums push up wage scales generally, yet more jobs will be lost to foreign competition.

For Grove City the costs are indeterminate but seldom has a bill opened the door so widely for courts and federal bureaucrats to intrude into the decision-making processes of employers. The bill is Congress's response to the Supreme Court's Grove City College decision limiting government influence to the specific areas where its money is put to use. Under the new law if any federal money comes in, even if it is to a grocery store accepting foods stamps, the entire organization is subject to federal interpretations of "rights."

Columnist Patrick J. Buchanan wrote last week that court judgments already have perverted the hallowed term civil rights. Racial discrimination is deplorable and citizenship rights belong to everyone, but courts and lawyers have shown themselves capable of creating "rights" that go well beyond basic constitutional protections.

Yet congressional Republicans are imploring the President not to veto Grove City. Why, they ask, should we antagonize liberal political-action groups in this election year?

There is a very good reason to do so. Taking a clear stand will give voters a real choice. They will be able to choose between politicians who pile new costs on taxpayers and those who don't. They will be able to choose between politicians who do and those who do not regard any kind of conduct, however obnoxious, as a "civil right." If no choice is offered, most voters will go with the incumbents.

Had Republicans offered such a clear choice in 1986, they still might be in control of the Senate. As for receiving the votes of the social-action lobbies, there is simply no way Republicans can outbid Democrats on that front. So why even try?

Child care for middle-class two income parents is not a public responsibility. Mandated employee benefits are not free goods. The ones mandated may not even be the ones some employees most desire. Some forms of discrimination are acts of simple prudence and save lives, as when drug or alcohol abusers are barred from operating trains and buses.

But if nobody makes these points, Congress simply will conduct its election-year spree. After the party is over, we again will be presented with the tab.

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[From the Washington Post, Mar. 21, 1988]

THE HOUNDING OF GROVE CITY COLLEGE

(By Edwin M. Yoder, Jr.)

The lopsided vote by which Congress reversed the Supreme Court's 1984 Grove City College decision signals that President Reagan's veto probably won't change the outcome. Nor should it, necessarily.

But Congress whooped this legislation through with an unwarranted air of self-congratulation. And the President in his veto message missed a chance to make a useful point about academic freedom, a sizable bit of which has been lost.

You might assume, if you didn't know otherwise, that the Grove City decision denied someone his civil rights. In fact, what the court said was merely that the Department of Education might sanction the small Pennsylvania college which chooses, for reasons not now fashionable, to separate boys and girls in its intramural sports program; but the sanctions, said the court, must be limited to the offending department.

Were Grove City one of those institutions whose financial structure is heavily marbled with federal subsidies, the college wouldn't have had a leg to stand on, let alone a federal case. But Grove City is among the few institutions which, as a matter of principle, shun the outstretched hand of federal almsgiving. The usual basis for federal sanctions was absent.

Yet there was a small chink in Grove City's armor. The college did not turn away students whose tuition is partly paid by federal grants or loans, administered by the U.S. Department of Education. That was the camel's nose in the tent.

Under a 1972 law, it seemed clear that sanctions (fund cutoffs) might apply to any college program nourished by federal aid—possibly including Grove City's grants office. But was the whole college subject to sanctions—to being second-guessed by federal bureaucrats—because federal grants to individual students happened to be an indirect part of its operating budget?

That was the issue the court addressed. And all the court did was to say no, restricting federal sanctions to the scope of the alleged violation. That is the interpretation of the law that Congress has now shouted down by huge margins. The "Civil Rights Restoration Act" declares, in effect, that a college or university offending federal regulations in any program, however, trivial, may be punished by the withdrawal of federal subsidy from all its programs.

But the president's veto message, with its alarmist imaginings of all sorts of threats to corporations and churches, flagrantly misses the real point: the truncation of academic freedom.

For two centuries the courts have made large allowance for the political independence of higher education. It began with the famous Dartmouth College case of 1819, argued by Daniel Webster. ("It is, sir, a small college, but there are those who love it.") The Marshall Court halted an effort by the New Hampshire legislature to revoke the college's original charter and convert Dartmouth into a public institution. The Supreme Court's solicitude for Grove City, another "small college," is in that tradition.

So energetic has been the federal hounding of Grove City, in pursuit of unisex intramural sports, that Justice Powell, no friend of discrimination, was moved to scold federal authorities. "An unedifying example of overzealousness," he called it—strong words for him, but certainly well warranted.

Zealousness aside, the key issue here is not civil rights against civil wrongs, but a clash of two valid views of freedom. In case upon case, for years and years, the federal judiciary has recognized the special vulnerability of educational institutions to political meddling and pressure—including the kind of pressure that emanates from the righteous causes of the moment.

In the past 20 years, that solicitude has been eroded, often because racial balancing in public or private colleges seemed a greater imperative than the full freedom of university administrators to make their own educational judgments.

Was the integration of the sexes on the playing fields of Grove City so great a cause, then, as to justify this legislation? Perhaps. But the unctuous self-righteousness that attended its passage is inappropriate. You can be sure that something has been lost as well as gained.

Mr. HUMPHREY. Mr. President, I yield whatever time remains back to the manager.

Mr. HATCH. Mr. President, I yield to the Senator from Idaho.

Mr. SYMMS. Mr. President, I will take just a few minutes today to make one last appeal to my colleagues to vote to sustain the President's veto of S. 557, the Grove City bill. As the distinguished Senator from Nebraska, Senator KARNES, said the other day, this legislation would be more properly titled the "Government Intrusion Act of 1988" for its pervasive coverage of private entities, including churches and synagogues, farms, businesses, and State and local governments.

All of us support Federal laws designed to protect individuals from invidious discrimination and ensure equality of opportunity. That is not the question at issue today. The question today is whether we will override the President's veto and support a bill which would quash fundamental freedoms from governmental intrusion and control, all in the name of civil rights. How long will civil rights endure when the almighty arm of Congress has eliminated basic elements of religious liberty and free enterprise?

Two great principles of government—liberty and equality—exist in tension within the language and spirit of our Constitution. It is a tension which has often set the parameters of debate within this body. It helps establish our character as a people, and it is essential to our system of government. It has made, and will continue to make, the United States a great nation to which people around the world, oppressed by their own governments, are drawn with hope for a new life for themselves and their families. S. 557 would destroy that important tension and tip the balance heavily against the principles of freedom. I believe its long-term impacts on the economy and the activities of private associations of American citizens will be debilitating to liberty and opportunity.

S. 557 represents a vast expansion of Federal power over State and local governments and the private sector. This expansion goes well beyond the scope of power exercised by the Federal Government before Grove City. I believe such an expansion of Federal power is unwarranted and ill-founded.

The President has sent us a substitute bill which incorporates many of the provisions included in S. 557, but eliminates the unwarranted Federal intrusion in private activities which was included in the bill we sent to the President's desk. I hope we will vote to sustain the veto, and urge the Judiciary Committee to give the President's substitute proposal expeditious consideration.

Mr. HATCH. I thank the distinguished Senator.

Mr. President, how much time remains to the Senator from Utah?

The PRESIDING OFFICER. The Senator from Utah has 8 minutes and 45 seconds.

Mr. HATCH. Mr. President, I have to clarify a few things. The debate between Senator KENNEDY and Senator GRAMM, I think, contains some matters that need to be clarified.

For one thing, the Senator from Texas is right, and the Senator from Massachusetts was right only insofar as a private religious school that is controlled by the religious institution is exempted by this bill. But not all are private religious schools, and there are only two that qualify in this country out of hundreds, actually thousands. The two are Catholic University and Brigham Young University, which are the only two completely controlled by their respective churches.

So the distinguished Senator from Texas is absolutely right. All these others are going to come under the onus of this bill and under section 3(b), which basically provides coverage throughout the whole institution if a Federal bureaucrat happens to disagree with the religious institution.

I notice that there is an opinion from Steptoe and Johnson with regard to two issues: whether farmers are covered by this bill and whether homosexuals are. I am not going to address the homosexual issue because, to me, that is somewhat irrelevant to this, and there have been some extreme comments made by some people opposed to the bill. Let me address the farm issue.

If we do not want this legislation to cover farms in America—almost every farm in America, large and small, take subsidies—why do we not say so in the bill? That is all the President is asking. Why should we leave it to the whim of a Federal judge as to whether a farm is or is not covered. The American Farm Bureau Federation thinks they are going to be covered. They presented testimony to that effect to the Senate Committee on Labor and Human Resources on March 19, 1987.

Some people claim that section 7 excludes farmers from coverage. It states that this bill does not "extend the application of the acts so amended to ultimate beneficiaries of Federal finan-

cial assistance excluded from coverage before the enactment of this act."

It suggests as much, but is not persuasive. The reason we need language in the bill specifically addressing farmers is that legislative history is not enough to protect farmers.

If we do not want this legislation to cover every farm in America, why didn't we just say so? We should not leave it to the whim of some Federal judge to determine whether a farm is or is not covered. The American Farm Bureau Federation certainly thinks that they are going to be covered. They presented testimony to that effect to the Senate Committee on Labor and Human Resources on March 19, 1987.

Now, some people claim that section 7 excludes farmers from coverage. Section 7 states that this bill does not "extend the application of the Acts [amended by this bill] to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act." The Senate Committee Report (pp. 24, 25) suggests as much, but is unpersuasive. An ambiguous colloquy in the Senate, in which one of the participants himself acknowledged that the issue was not resolved, is of no real help.

In any case legislative history is not enough to protect farmers. While farmers may have been regarded as "ultimate beneficiaries" under the current statutes, these statutes have been completely rewritten under S. 557. Before, the statutes covered programs or activities receiving Federal aid. Under this bill, private organizations, businesses, partnerships, and sole proprietorships are expressly covered if they receive Federal aid. Farms are obviously businesses.

A provision excluding ultimate beneficiaries at best excludes individuals such as persons on food stamps or Medicaid. Those individual ultimate beneficiaries are not businesses and run no risk of coverage as such. This is not so for a farmer—he or she operates a business.

I am not at all persuaded that legislative history is adequate to retain the pre-Grove City exclusion of farmers. Remember, in 1964, when debating the 1964 Civil Rights Act, its leading sponsor, Senator Hubert Humphrey, said he would eat the pages of the CONGRESSIONAL RECORD if the bill permitted quotas. We now know the Supreme Court would make Senator Humphrey eat those pages.

Moreover, even if I believed section 7 excluded farmers, it only applies to ultimate beneficiaries so regarded prior to enactment of the Civil Rights Restoration Act. What happens if we enact new farm programs after this bill goes on the books? At best, it is very unclear that farmers will be excluded from coverage under those new programs, and, in fact, I think they will be covered, no matter what we say in legislative history.

Mr. President, there has been a tendency to reduce the President's veto to the short phrase, "If you want to accept Federal money, you should not discriminate." No one in this Chamber supports discrimination. No one in this Chamber believes that Federal funds should be used to underwrite discrimination. No one in Congress wants to support discrimination against minorities, the aged, women, and those who are handicapped.

While it is easy to reduce the debate to this kind of historical simplicity, the problems with the Civil Rights Restoration Act do not arise because people want to discriminate. They arise because people want to exist without total domination by the Federal bureaucracy. All of the operations of the church become subject to Federal regulators, not just the program itself. All operations and activities of the church or synagogue will be covered and regulated.

In my State of Utah, the Farm Assembly of God conducts the Wee Willie Winkle Day Care Program, which is a State-licensed program. Of the 130 children in this program, the tuition for roughly one-third of the children is covered by Federal assistance.

The program is run in the church gymnasium and once this bill passes all of the activities of that church will be subject to regulation not just that particular day care center.

Now, has this day care program been accused of discrimination? No.

Have they discriminated against minorities, the handicapped, women or the aged? No.

Do they want to rush out and discriminate? No.

They simply want to help the community by providing a desperately needed service, day care for parents who are working or in some other Federal training or education program.

Now the pastor of the church called me to tell me that if S. 557 becomes law, he will have to remove all of those federally-assisted children. He does not want to do so, but he feels he would have no choice. He does not want to subject all of the operations of his church to endless Federal regulations.

Frankly, Mr. President, he has no idea of what this bill will do to him and to others in similar circumstances. The simple fact is that the Wee Willie Winkle Day Care Center is no more of a discrimination against Grove City College, the institution involved in the Grove City decision. It is sometimes forgotten but that school was never accused of discrimination. In fact the Court goes out of its way to make it clear it did not discriminate.

The fact is the debate today is not over discrimination. It is whether we can have an effective civil rights policy without regulating the activities of the church or synagogue.

Are we really helpless in our ability to draft legislation that would protect against discrimination while still protecting the rights of religious congregations, prayer rooms and other activities in the church.

Mr. President, if my colleagues want to vote to sustain the President's veto, then I will work with the majority leader and others, Senator KENNEDY, and anybody who is interested in completing action on this bill by the end of the day or this week.

The simple fact is we can protect minorities, women, the handicapped and aged without regulating churches. We can enforce equality without jeopardizing the religious freedom of synagogues. We can protect freedoms guaranteed all Americans without trampling the first amendment.

I hope my colleagues will join me in supporting the President's veto. The Grove City case should be overturned. But it can be accomplished without destroying rights guaranteed by the Constitution.

I think this mislabeled bill should not become law in its present form. Again it is not a question of civil rights any more than it is a question of religious rights and freedoms. Frankly, what is involved here, and anybody who reads this bill and reads section 3(b) has to realize, is that any church or congregation that takes any dollar of Federal assistance, becomes wholly liable.

It it is a religious school system and one of the schools makes a mistake, then the whole system becomes covered by this bill.

Frankly, I do not think we should be in the business of regulating churches in this country.

If you look at the first amendment, the first amendment lists as the first precious freedom that we have the right, the right to practice our religion the way we want to, freedom of religion.

Mr. President, let me just say this: This is an important bill. I would like to support it. No one feels more dedicated toward civil rights than I do. But I also want to support our religious institutions in this country and their rights to be free, their civil rights, and I do not want the long arm of the Federal Government coming in and interfering with religious rights.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. BOSCHWITZ] is recognized for 2 minutes.

Mr. BOSCHWITZ. Mr. President, if I could ask the Senator from Massachusetts to recognize the Senator from Washington first?

Mr. KENNEDY. The Senator from Washington, under the time constraint, is yielded 90 seconds.

The PRESIDING OFFICER. The Senator from Washington [Mr. EVANS] is recognized for 1½ minutes.

Mr. EVANS. Mr. President, during the past few weeks I have received from my constituents thousands of phone calls and letters expressing concern about the quote, "evils and horrendous effects" of the Civil Rights Restoration Act. I am convinced that most of those who have contacted me have done so after being exposed to a gross misinformation campaign by organizations such as the moral majority. And, after listening to the recent round of debate on the Senate floor, I am compelled to respond to the latest attacks on this most important legislation. It is interesting to note that most of the major religious denominations in this country support the legislation this Congress passed.

I have heard everything from, "this bill will require churches to hire homosexuals affected with the AIDS virus" to "this bill will unduly burden private sector firms with paper work." With regard to the former assertion, nothing in the bill requires directly or indirectly, a firm to hire someone afflicted with the AIDS virus. Whether or not an individual with AIDS will be considered "disabled" within the meaning of section 504 of the Rehabilitation Act is an entirely separate inquiry. That interpretation has been settled by the courts. Addicts and persons with contagious diseases must be treated as handicapped except when they present a danger to the health and safety of others or cannot perform the essential functions of their positions.

S. 557 is concerned only with restoring the scope of coverage under our civil rights statutes. It does not in any way expand the classes of individual protections. The bill does not make sexual preference a protected class. It does not expand the scope of our major civil rights statutes—it merely restores congressional intent. Those statutes clearly prohibit discrimination on the basis of race, sex, age and disability. Thus, the legislation does nothing more than prohibit discrimination by those institutions and entities receiving Federal funds.

As for the latter assertion about the compliance burdens on institutions and the private sector, this issue already has been debated at great length. And, the Senate has expressed its will clearly and unequivocally. Sure, it may be inconvenient for a private entity to fill out the forms necessary and precedent to receiving Federal aid. Yet, does mere inconvenience outweigh the paramount concern of eradicating discrimination? I think not.

I will vote to override the President's veto. The arguments presented in his message to Congress offer nothing new or revealing—certainly nothing which has not been previously discussed and rejected by the Senate. The Civil Rights Restoration Act has one simple purpose—to make federally supported discrimination illegal once again. It achieves this purpose by carefully defining the terms "program or activity" in each of the four statutes in a manner which is consistent with judicial interpretations and administrative enforcement prior to Grove City versus Bell. It does not infringe upon first amendment protections for religious entities. S. 557 preserves the existing law religious tenets exemption. For example, current title IX regulations provide for a religious exemption where an educational institution finds the statute is inconsistent with its religious tenets. To date, no institution has been denied an exemption. Furthermore, it is important to keep in perspective that the goal of our civil rights statutes is universal compliance. Immunity from such compliance should be granted cautiously and judiciously, as is the current practice of adjudication on a case-by-case basis.

The basic question is whether we will allow Federal funds to be used to condone discrimination. I do not believe the majority of Americans want their tax dollars used to subsidize discrimination. Congress must finish the job it started in 1964 by clearly stating that our civil rights laws cannot be effective if too narrowly applied. I urge my colleagues to override the President's veto so that we can reaffirm this Nation's commitment to the vigorous protection of the civil rights of American women, minorities, elderly and disabled citizens.

The PRESIDING OFFICER. The Senator has used his allotted time.

Mr. KENNEDY. Mr. President, I yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. BOSCHWITZ] is recognized.

Mr. BOSCHWITZ. Mr. President, I rise today to voice my support for the Civil Rights Restoration Act and to urge my colleagues to vote for an override of the President's veto of this important legislation.

In the past week, I have received well over 2,000 calls, many from friends, urging me to support the President's veto. One Republican County Convention adopted a resolution expressing "unified disgust" with my support of the Civil Rights Restoration Act and advised me I should seek other work in the event I vote for it.

Sometimes, of course, a Senator will have an honest difference of opinion with his constituents. I may disagree with some of my constituents about the best way to protect civil rights. At other times, however, our differences will be more a result of misunderstanding than strong disagreement.

That is why I have been very disturbed the past week by a campaign of disinformation that some opponents of this bill have waged. Their tactics have misrepresented this bill, misrepresented its bounds, and misrepresented what it would accomplish. In doing so, they have done a disservice to the people they serve and to the public debate that is taking place.

I was recently given a copy of something called the Moral Majority Alert, and I'm told it was sent a short time ago to thousands of its members across the country. Now I have no axe to grind with Jerry Falwell or the Moral Majority. We've been on the same side on some issues and opposed on others. But I find very objectionable the kind of tactics now being used in opposing this piece of legislation. Listen to this rhetoric:

"Your church or mine could be forced to hire a practicing active homosexual or drug addict as a teacher or youth pastor." The letter also says, "American churches, Christian schools and ministries will be forced to employ a certain number of homosexuals, alcoholics, transvestites and drug addicts."

Mr. President, if those things were true, I'd be at the head of the line opposing this bill. But we know, Mr. President, that Mr. Falwell is not only playing fast and loose with the facts. He's making a hysterical appeal that actually ignores the facts of this bill.

This bill clearly does not change the definition and standard for what constitutes discrimination. It does not give special protection on the grounds of sexual preference. It grants no special rights to homosexuals. The courts have never interpreted the four laws affected by this bill to extend special rights to homosexuals, and this bill will not allow them to do so.

Mr. Falwell goes on to say that homosexuals are protected by the bill because it "declares" that homosexuality is a "disease or handicap." The bill declares no such thing. It does not make any declaration on homosexuality. As far as diseases, it in fact makes clear that coverage does not include individuals who have contagious diseases that would threaten the health of others or prevent them from performing the duties of the job.

This bill is not changing the standard of discrimination. it is simply restoring what Congress believes to be the proper scope for civil rights laws. If a particular institution receives assistance in one of its programs, the entire institution must not discrimi-

nate on the basis of age, sex, race, or handicapped status.

Mr. Falwell makes this bill sound like a sinister plot which he says militant homosexual groups have "railroaded through Congress." That's absurd. This bill has been considered by Congress for 4 years, and it's overwhelming bipartisan support here in Congress reflects broad support for it throughout the country.

Mr. Falwell certainly has a right to differ with me and others on this bill. But when he distorts the bill to this degree in an effort to generate support for his cause, he has stepped over the line.

I will not repeat many of the assertations that I have heard made by others on the floor, but I conclude by saying:

Freedom in this country will not be threatened by this bill, as Mr. Falwell would have us believe. But justice is threatened when public campaigns bend and distort the truth in the name of their cause. I fought such a campaign of distortion when the opponents of Judge Bork sought to misrepresent his record. They were eventually successful. I will continue to fight those campaigns now and in the future from whatever side of the aisle they come.

Mr. Falwell can whip up all the hysteria he wants, and alarm as many people as he wants, and raise as much money as he likes. But this Senator is going to continue to support this bill to protect and expand civil rights of all Americans. I'm proud to support this bill and reaffirm the commitment of the U.S. Senate to civil rights for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Two minutes and 50 seconds.

Mr. KENNEDY. I yield myself the remaining 2 minutes.

Again and again in this debate, we have heard the arguments of the moral majority and the rightwing against this legislation. Those arguments are full of sound and fury—but they signify nothing but disinformation about this bill. Never in the history of civil rights have so many phone calls done so much to distort so many facts.

These are the same reprehensible arguments we have always heard against civil rights. The issue is discrimination, pure and simple. Opponents of this measure have left no stone unturned in their unseemly attempt to carve new loopholes in the law and provide greater leeway for bias and discrimination.

The arguments of the opponents are awash in hypocrisy. They pay lip service to civil rights, but they refuse to practice what they preach. When the chips are down, they never met a civil rights bill they didn't dislike.

We have come too far in civil rights over the past three decades to roll back the clock today. Federal funds should not be used in any way, shape or form to subsidize discrimination because of race, sex, age, or disability.

It has been 121 years since a President of the United States has vetoed a civil rights bill. Congress overrode Andrew Johnson's veto in 1867, and Congress should override Ronald Reagan's veto today.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah has 57 seconds remaining.

Mr. HATCH. Mr. President, I yield 10 seconds to the distinguished Senator from Colorado.

YOU CAN'T RESTORE WHAT NEVER WAS

Mr. ARMSTRONG. Mr. President, S. 557, the Civil Rights Restoration Act, is misnamed.

I know that its proponents say over and over again that the act does nothing more than restore the law to its pre-*Grove City College* v. *Bell*, 465 U.S. 555 (1984), status, but the proponents are wrong. Their own bill demonstrates my point:

Look at section 2, the congressional findings. The second finding reads:

> The Congress finds that 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.

What section 2 does not say and cannot honestly say is that S. 557 would restore the law to what it was as interpreted and construed by the judicial branch. The vast weight of judicial opinion was against institution-wide coverage. The following list shows the major cases that demonstrate that prior to Grove City the civil rights statutes were usually read to be just what their words say they are, viz., program specific:

*North Haven Bd. of Education* v. *Bell*, 456 U.S. 512 (1982).

*Hillsdale College* v. *Dept. of H.E.W*, 696 F.2d 418 (6th Cir. 1982), vacated and remanded in light of *Grove City*, 104 S.Ct. 1673 (1984).

*Brown* v. *Sibley*, 650 F.2d 760 (5th Cir. 1981).

*Doyle* v. *Univ. of Alabama at Birmingham*, 680 F.2d 1323 (11th Cir. 1982).

*Rice* v. *Pres. & Fellows of Harvard Coll.*, 663 F.2d 336 (1st Cir. 1981), cert. denied, 456 U.S. 928 (1982).

*Simpson* v. *Reynolds Metals Co.*, 629 F.2d 1226 (7th Cir. 1980).

*Bd. of Instruction of Taylor Co.* v. *Finch*, 414 F.2d 1068 (5th Cir. 1969) [cited by both supporters and opponents of the idea that Title VI is program specific].

*Romeo Community Schools* v. *Dept. of H.E.W.*, 438 F.Supp. 1021 (E.D.Mich. 1977), aff'd, 600 F.2d 581 (1979).

*Othen* v. *Ann Arbor School Bd.*, 507 F.Supp. 1376 (E.D. Mich. 1976), aff'd, 699 F.2d 309 (6th Cir. 1983).

*Dougherty Co. School Sys.* v. *Harris*, 622 F.2d 735 (5th Cir. 1980), vacated, 102 S. Ct. 2264 (1982), on remand, 694 F.2d 78 (1983).

*Univ. Richmond* v. *Bell*, 543 F.Supp. 321 (E.D.Va. 1982).

*Bachman* v. *Am. Soc'y of Clinical Pathologists*, 577 F.Supp. 1257 (D.N.J. 1983).

*Miller* v. *Abilene Christian Univ. of Dallas*, 517 F.Supp. 437 (N.D.Tex. 1981).

*Angel* v. *Pan American World Airways*, 519 F.Supp. 1173 (D.D.C. 1981) (dicta) ("To hold that commercial airlines fall within Section 504 merely because of assistance provided to airports would expand improperly the accepted proposition that Section 504 is limited to direct recipients of federal funds." Id. at 1178).

On page 10 of the Committee Report there are cited a number of cases that the committee uses to demonstrate pre-Grove City that was institution wide. The Department of Justice replies that many of those cases do NOT support institution wide coverage. The Department of Justice said of the committee's case law:

"*Board of Public Instruction of Taylor County* v. *Finch*, 414 F.2d 1068 (5th Cir. 1969) does not 'assume [ ] and endorse [ ] institution-wide coverage. . . .' as the Committee Report at 10 says it does. Indeed, the Supreme Court has cited this case as support for the 'program-specific' reading of these statutes. *North Haven Board of Education* v. *Bell*, 456 U.S. 512, 538 (1982). Likewise, a reading of the *Finch* holding itself does not indicate anything but a 'program-specific' conclusion.

"*United States* v. *Jefferson Co. Board of Education*, 372 F.2d 836 (5th Cir. 1966), aff'd en banc, 380 F.2d 385, cert, denied, sub nom *Caddo Parish Board of Education* v. *United States*, 389 U.S. 840 (1967) does not support institution-wide coverage under title VI. That case dealt with a public school system-wide desegregation remedy where there was a constitutional claim at issue. The scope of title VI was not discussed in the opinion.

"*United States* v. *El Camino Community College District* 454 F. Supp. 825 (C.D. Cal. 1978), aff'd 600 F.2d 1258 (9th Cir. 1979) cert, denied, 444 U.S. 1013 (1980). The Committee Report states the holding as '(Title VI investigation of entire College appropriate.)' Committee Report at 10. The court's decision that an agency's investigatory authority—as distinguished from its regulatory authority—is broader than programs covered by title VI is not inconsistent with the program-specific scope of that statute. An agency has some authority to investigate more broadly than the federally-assisted programs or activities in order to determine whether discrimination is occurring in those assisted programs or activities. The agency, however, may only regulate—and seek remedial action in—those federally-assisted programs or activities.

"The court's decision in *Flanagan* v. *President and Directors of Georgetown College*, 417 F. Supp. 377 (D.D.C. (1976)), that non-federally assisted financial aid dispensed in a law school built with Federal assistance is covered by title VI, is fully reflective of the program-specific scope of title VI. That activities occurring within buildings constructed with Federal financial assistance are themselves covered, for a period of time, by virtue of such construction aid, is fully consistent with the program-specific reach of title VI. This case provides no support for a scope of coverage beyond program-specificity."

I thank the Chair.

Mr. HATCH. Mr. President, I think it is an injustice to say that the sincere, religiously motivated people across this country really dislike all civil rights bills. I do not agree with that statement. I do not think they agree with that, and I think, again, this is an oversimplification, like saying that this is just a simple overrule of the Grove City case. It just is not restoring the law as it was 1 day before Grove City.

This is a tremendously broad statute that is going to intrude into many, many entities and organizations, practically all in our society, in four statutory ways, and frankly that is the thing I am concerned about more than anything else. I can live with all of that because I, too, want civil rights protected. I cannot live with the way churches are treated in this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Massachusetts has 1 minute.

Mr. KENNEDY. Mr. President, I yield to Senator KASSEBAUM.

Mrs. KASSEBAUM. Mr. President, I am voting today to override the President's veto of S. 557, the Civil Rights Restoration Act. Like other Members of the Senate, I have received thousands of phone calls in opposition to this legislation and in support of the President's veto of it.

This outcry is of concern to me—not because the callers oppose the position I have taken on this bill—but rather because the calls are based on inaccurate information about what this bill does.

It really is a disservice to sound policy development when misinformation so clouds the debate that any opportunity to discuss alternatives is lost. Moreover, it is a disservice to American citizens to scare them out of their wits with distorted representations of legislation before Congress.

Thomas Jefferson spoke eloquently of the critical role which an informed citizenry plays in making our democratic system work. Public debate is enriched by the thoughtful contributions and give-and-take by people who have studied an issue. It is meaningless when misinformation is presented as fact and when intolerance replaces a respect for opposing views.

With this in mind, I think it is important to set the record straight on some of the statements which have been made about this bill.

The most frequently mentioned concern is that this legislation would force churches and schools to hire homosexual teachers. This is ridiculous. The bill absolutely does not do this.

The legislation does not change the definition of sex discrimination—which deals with gender, not sexual preference. Current Federal civil rights statutes do not prohibit discrimination on the basis of sexual orientation and do not force anyone to hire homosexuals. The Civil Rights Restoration Act does not do so either.

Another statement about this legislation is that it declares that AIDS is a handicap. This legislation does not give any additional rights to persons with AIDS.

AIDS appears to have arisen as an issue in this legislation due to an amendment offered by Senators HUMPHREY and HARKIN which addresses issues raised by the Supreme Court decision in the Arline case. In that case, the Court determined that individuals with contagious diseases are "handicapped" for purposes of coverage under section 504 of the Rehabilitation Act. That is the interpretation of current law. It will continue to be the interpretation of current law, whether or not the Civil Rights Restoration Act is enacted.

The Humphrey-Harkin amendment clarifies that individuals with currently contagious diseases are not handicapped individuals for purposes of section 504 as it relates to employment if they constitute direct health or safety hazards to others or if they are unable to perform the duties of the job due to their disease. I might point out that the Humphrey-Harkin language is also included in the alternative civil rights bill submitted by the President with his veto message.

With respect to the religious freedom issues which have been raised, I would first point out that a large number of Catholic, Jewish, and Protestant groups have endorsed this legislation and have expressed their belief that religious freedom is adequately protected under it. The "religious tenets" exemption under title IX is maintained, and no request for such an exemption has ever been denied. Moreover, churches and synagogues will continue to be able to give preference to their own members.

Another issue is the statement that farmers who receive price support payments would come under coverage of civil rights laws if this legislation is enacted. Again, there is nothing in this legislation or its accompanying report which supports this interpretation. To the contrary, farmers receiving crop subsidies are explicitly cited in the committee report as being "ultimate beneficiaries" who were excluded from coverage prior to the development of this legislation and who will continue to be excluded after the bill is enacted.

Others have indicated that grocery stores will be covered because they accept food stamps. As noted in materials prepared by the Department of Justice, the Department of Agriculture never has—and does not now—consider grocery stores which redeem food stamps as being recipients of Federal aid.

Although there is a great deal of misunderstanding about this bill, there is also some honest disagreement about what it will mean. The stated intent of this legislation is not to expand the reach of Federal civil rights laws but rather to restore the broader coverage under these laws which existed prior to the Supreme Court's 1984 decision in the Grove City versus Bell case.

I question, for example, the need to single out for special mention businesses "principally engaged in education, health care, housing, social services, or parks and recreation." On the whole, however, I believe that the bill meets its stated intent.

It does become frustrating to try to pin down the ins-and-outs of legislative provisions and to see how they might be applied under various regulatory or judicial theories. There is great truth in Alexander Solzhenitzyn's observation that "When the tissue of life is woven of legalistic relations, there is an atmosphere of moral mediocrity, paralyzing man's noblest impulses."

Nevertheless, we have tried to strike a sensible balance, and the four civil rights statutes included in this legislation have been in force for many years. Title VI of the Civil Rights Act—which bars discrimination on the basis of race, color, or national origin—has been in effect since 1964. Title IX of the Education Amendments of 1972—which prohibits sex discrimination in education—has been in force for over 15 years. Section 504 of the Rehabilitation Act, which prohibits discrimination against the handicapped, was enacted in 1973. The Age Discrimination Act became law 20 years later, in 1975.

In the years prior to the Grove City decision, enforcement of these civil rights laws was based on the broad interpretation of institution-wide coverage. Undoubtedly, it has not been smooth going every step of the way, but we have managed to work things out. In the process, we have made great progress toward establishing a society where equality of opportunity is not merely a slogan, but a tangible goal.

Moreover, we have signaled through Federal civil rights statutes that we have made a commitment to fair treatment of individuals as individuals. In many ways, it is this commitment which is most important of all, and I don't think we can afford to back away from it.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a brief from the law firm of Steptoe and Johnson be printed in the Record. This opinion letter, signed by managing partner Robert E. Jordan III and Susan G. Esserman, concludes that neither farmers receiving crop subsidies nor homosexuals are covered by these laws.

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

MARCH 22, 1988.

Senator EDWARD M. KENNEDY,
*Chairman, Senate Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: This letter is in response to your request for an opinion on two issues relating to S. 557, the Civil Rights Restoration Act of 1987 ("CRRA"). This letter will address: (1) whether farmers receiving crop subsidies, federal price supports, and other similar commodity benefits are covered by the CRRA and the underlying anti-discrimination statutes—Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (1982) ("Title VI"), Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (a) (1982) ("Title IX"), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (1982) ("Section 504"), and the Age Discrimination Act of 1975 ("Age Act"), 42 U.S.C. § 6102 (1982) ("the anti-discrimination statutes"); and (2) whether the CRRA and the relevant underlying anti-discrimination statutes afford protection to homosexuals. Our opinion is confined to these two specific issues.

I. Whether farmers receiving crop subsidies, federal price supports, and other similar commodity benefits are covered by the CRRA and the underlying anti-discrimation statutes?

Farmers who receive crop subsidies, price support payments, and similar commodity benefits are not covered by the CRRA or any of the underlying anti-discrimination statutes.

Section 7 of the CRRA provides that "ultimate beneficiaries" that were excluded from coverage underlying anti-discrimination statutes prior to enactment of the CRRA will continue to be excluded from coverage after enactment of the CRRA. Farmers who receive crop subsidies traditionally have been considered to be "ultimate beneficiaries" and therefore excluded from coverage under Title VI, the earliest of the anti-discrimination statutes and the model for the other underlying discrimination statutes.[1] Moreover, the Senate Committee Report accompanying the CRRA, S. Rep. No. 64, 100th Cong., 1st Sess. (1987), specifically affirms that farmers receiving crop subsidies are an example of ultimate beneficiaries previously excluded from coverage of the anti-discrimination laws and thus exempt from coverage after enactment of the CRRA.

Section 7 of the CRRA establishes the following rule of construction: "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."

Section 7 thus provides that the CRRA should not be interpreted to expand the application of the anti-discrimination statutes to ultimate beneficiaries of federal financial assistance, if such ultimate beneficiaries traditionally had been excluded from coverage under the statutes. Regulations for the lead agency implementing the anti-discrimination statutes exclude from coverage the "ultimate beneficiaries" of federal assistance. *See* 45 C.F.R. § 80.2 (1987) (Health and Human Services regulations implementing Title VI); 45 C.F.R. § 84.3(f) (1987) (Health and Human Service regulations implementing Section 504); 86 C.F.R. § 90.4(2) (1987) (Health and Human Services regulations implementing the Age Act.[2]

Farmers receiving crop subsidies and similar federal benefits were specifically identified as ultimate beneficiaries excluded from coverage of Title VI by the legislative history of the bill. For example, Senator John Sherman Cooper introduced into the Congressional Record a letter from Attorney General Robert Kennedy stating that since farmers who are recipients of commodity programs are "ultimate beneficiaries", Title VI "would not authorize imposition of any requirements on individual farmers participating in various agriculture support and marketing programs." 110 Cong. Rec. 10076 (1964). Senator Hubert Humphrey also unequivocally stated that Tite VI would not subject farmers who receive benefits such as crop subsidies to the requirements of Title VI:

"Title VI will have little . . . effect on farm programs. It will not affect direct Federal programs, such as CCC price support operations, crop insurance, and acreage allotment payments. It will not affect loans to farmers, except to make sure that the lending agencies follow nondiscriminatory policies. *It will not require any farmer to change his employment policies.*" 110 Cong. Rec. 6545 (1964) (Emphasis added).

The Department of Agriculture ("DOA") regulations promulgated pursuant to Title VI reflect the congressional intent to exempt farmers receiving crop subsidies or other price support benefits from coverage under Title VI. Section 15.1 of the DOA regulations specifies that the anti-discrimination regulations do not apply to any recipient "who is an ultimate beneficiary under any such program." 7 C.F.R. § 15.1 (1987). Section 15.3(d)(7) offers as an example of those persons to whom the antidiscrimination regulations apply those producer associations or cooperatives that are required to provide specified price support benefits to producers, *i.e.*, individual farmers. These organizations that administer a federal program are materially different from ultimate beneficiaries, such as farmers who receive and are the actual beneficiaries of crop subsidies or price support payments.

Because farmers receiving crop subsidies and other similar programs are clearly identified as ultimate beneficiaries and excluded from coverage under Title VI, the Senate Report to the CRRA specifically identifies such farmers as ultimate beneficiaries of federal programs excluded from coverage under the CRRA. *See* S. Rep. No. 64, 100th Cong., 1st Sess. 24 (1987). As the Senate Report states: "So, from the beginning in the legislative history of Title VI, the model for the other three statutes, we have the unequivocal statement that farmers who receive crop subsidies are not covered." S. Rep. No. 64 at 25.

Testimony on an earlier and nearly identical version of the CRRA introduced in the 99th Congress (H.R. 700) confirms that the anti-discrimination statutes have never been interpreted to reach the activities of ultimate beneficiaries of federally financed programs, such as farmers receiving crop subsidies. *See* H.R. Rep. No. 700, 99th Cong., 1st Sess. (1985). According to the testimony of Daniel Marcus, former General Counsel of the Department of Agriculture, the rationale for such an exclusion was:

In enacting the [anti-discrimination statutes] Congress was not concerned with regulating the activities of the tens of millions of Americans who are the ultimate beneficiaries of the federal financial assistance, but who in no sense operate a federally-financed program or activity. Rather, Congress was concerned with the state agencies, the educational institutions and others who operate programs or conduct activities providing services to others and who are in a position to injure ultimate beneficiaries through discrimination. In other words, ultimate beneficiaries are to a large extent the people intended to be protected by Title VI and the other anti-discrimination statutes, not . . . subjected to those statutes. H.R. Rep. No. 700, 99th Cong., 1st Sess. 1182 (1985).

In summary, under the anti-discrimination statutes and their regulations, those categories of persons deemed to be ultimate beneficiaries of federal financial assistance are not covered by the requirements of the acts. The legislative history of the CRRA and Title VI specifically identify farmers receiving crop subsidies as belonging to the category of ultimate beneficiaries. Section 7 of the CRRA in our opinion ensures that those ultimate beneficiaries excluded before the passage of the Act will continue to be exempt from coverage under the anti-discrimination statutes. Thus, it is our opinion that even farmers receiving crop subsidies or farm support under programs enacted after passage of the CRRA would still be exempt from coverage from the CRRA and the underlying anti-discrimination laws since such farmers constitute a category excluded prior to enactment of the CRRA.

II. Whether the CRRA and the relevant underlying anti-discrimination statutes afford protection to homosexuals?

In our opinion the CRRA does not expand the category of persons entitled to protection under the underlying anti-discrimination statutes and thus does not create any rights or protection against discrimination for homosexuals. Moreover, the underlying anti-discrimination statutes[3] have never been interpreted to extend rights or protection against discrimination to homosexuals.

Title IX has never been construed to extend protection against discrimination to homosexuals. Title IX provides that "no person in the United States 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. . . ." 19 U.S.C. § 1681. Thus, the language of Title IX refers to discrimination based on gender and does not mention dis-

[1] With respect to the other underlying statutes, Title IX, which applies to federal funds provided to education, has no practical application to this specific issue. Section 504 and the Age Act, which do have application to all federally funded programs, are modeled after and contain the same "ultimate beneficiary" exclusion as Title VI. Thus, while farmers receiving crop subsidies are not specifically enumerated as a type of ultimate beneficiary, there is nothing in these statutes, regulations, or case law that would suggest any interpretation of "ultimate beneficiary" in these statutes, as applied to farmers receiving crop subsidies, that would be materially different from the treatment afforded such farmers under the model statute, Title VI.

[2] The regulations implementing Title IX do not contain an express exclusion, but they have been applied in a similar manner. *See* H.R. Rep. No. 963, 99th Cong., 2d Sess., pt. 1, 20 (1986).

[3] Only two of the underlying anti-discrimination statutes, Title IX and Section 504 need to be examined in reaching this conclusion. Title VI, which protects against discrimination on the basis of race or national origin, and the Age Act, which protects against age discrimination obviously are not relevant to this issue.

crimination based on sexual preference. Similarly, the legislative history of Title IX and regulations implementing it address and reflect concern for the protection of women and do not even refer to homosexuals. Moreover, there are no reported cases where the argument that Title IX offers homosexuals protection against discrimination is even discussed by a court.

Under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 (1982) ("Title VII"), which bars sex discrimination in employment in language identical to Title IX, it is well settled that homosexuals are not covered. The courts have uniformly held that Title VII does not prohibit employment discrimination on the basis of sexual preference. The rationale for this position has been that, absent clear legislative expression to the contrary, the word sex should be given its normal interpretation, which means that it applies to a person's gender rather than sexual orientation. *See, e.g., De Cintio v. Westchester County Medical Center,* 807 F.2d 304 (2d Cir. 1986), *cert. denied,* 108 S. Ct. 89 (1987); *Sommers v. Budget Marketing, Inc.,* 667 F.2d 748, 750 (8th Cir. 1982) (per curiam); *De Santis v. Pacific Telephone & Telegraph Co.,* 608 F.2d 327 (9th Cir. 1979); *Blum v. Gulf Oil Corp.,* 597 F.2d 936 (5th Cir. 1979) (per curiam); *Smith v. Liberty Mutual Insurance Co.,* 569 F.2d 325, 326-27 (5th Cir. 1978); *Holloway v. Arthur Andersen & Co.,* 566 F.2d 659, 662 (9th Cir. 1977); *Voyles v. Ralph K. Davies Medical Center,* 403 F. Supp. 456, 457 (N.D. Cal. 1975), *aff'd mem.,* 570 F.2d 354 (9th Cir. 1978). The identity of language between Title VII and Title IX, in our opinion, suggests that Title IX would also be interpreted to exclude homosexuals from its coverage.

The other potentially relevant underlying statute, Section 504, also has not been interpreted to afford homosexuals protection against discrimination. The language of Section 504 protects against handicap discrimination in federally funded programs and does not mention protection for homosexuals. Nor do the legislative history or regulations even refer to the issue of homosexuals. The only reported case that confronts the issue of homosexual coverage under Section 504, *Blackwell v. United States Department of the Treasury,* 830 F.2d 1183 (D.C. Cir. 1987), affirmed a district court holding that a person's sexual orientation or preference is not protected under Section 504.

In conclusion, our opinion concerning the two issues for which you have sought advice is: 1) Farmers who receive crop subsidies, federal price supports, and similar commodity benefits are not covered by the CRRA or any of the underlying anti-discrimination statutes; and 2) The CRRA does not create any rights or protection against discrimination for homosexuals, and the underlying anti-discrimination statutes have never been interpreted to afford homosexuals protection from discrimination.

Sincerely,

ROBERT E. JORDAN III.
SUSAN G. ESSERMAN.

Mr. KENNEDY. I yield back the remainder of the time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BYRD. Does the Senator have any time left?

Mr. KENNEDY. Thirty seconds.

The PRESIDING OFFICER. The Senator has 45 seconds remaining. Forty-five seconds remain in the debate.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The question is, "Shall the bill (S. 557) pass, the objections of the President of the United States to the contrary notwithstanding?" The yeas and nays are mandatory under the Constitution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], and the Senator from Mississippi [Mr. STENNIS], are absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

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

The yeas and nays resulted—yeas 73, nays 24, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—73

| | | |
|---|---|---|
| Adams | Ford | Moynihan |
| Baucus | Fowler | Murkowski |
| Bentsen | Glenn | Nunn |
| Bingaman | Gore | Packwood |
| Boren | Graham | Pell |
| Boschwitz | Harkin | Proxmire |
| Bradley | Hatfield | Pryor |
| Breaux | Heflin | Reid |
| Bumpers | Heinz | Riegle |
| Burdick | Hollings | Rockefeller |
| Byrd | Inouye | Roth |
| Chafee | Johnston | Rudman |
| Chiles | Kassebaum | Sanford |
| Cohen | Kasten | Sarbanes |
| Conrad | Kennedy | Sasser |
| Cranston | Kerry | Shelby |
| D'Amato | Lautenberg | Simon |
| Daschle | Leahy | Specter |
| DeConcini | Levin | Stafford |
| Dixon | Matsunaga | Stevens |
| Dodd | McCain | Weicker |
| Domenici | Melcher | Wilson |
| Durenberger | Metzenbaum | Wirth |
| Evans | Mikulski | |
| Exon | Mitchell | |

NAYS—24

| | | |
|---|---|---|
| Armstrong | Hecht | Pressler |
| Bond | Helms | Quayle |
| Cochran | Humphrey | Simpson |
| Danforth | Karnes | Symms |
| Garn | Lugar | Thurmond |
| Gramm | McClure | Trible |
| Grassley | McConnell | Wallop |
| Hatch | Nickles | Warner |

NOT VOTING—3

| | | |
|---|---|---|
| Biden | Dole | Stennis |

The PRESIDING OFFICER. The Chair will remind the gallery, when we are announcing the vote, not to show approval or disapproval of the Senate's vote.

On this vote, the yeas are 73; the nays are 24. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, part of being a Member of this august body is to understand that you win some and sometimes you lose some. That is the nature of our process.

I would like to pay particular tribute to the distinguished Senator from Massachusetts, and, I might add, the distinguished Senator from Connecticut, Senators KENNEDY and WEICKER, for the distinguished and effective way they conducted themselves during this debate.

I think the debate was basically, in large part, on substantive issues. I believe we were all able to focus upon our common objectives, and that is, provide civil rights for the people throughout this country and protect those rights.

This bill will go a long way toward doing that. I, of course, have stated my viewpoint as to religious rights and freedoms. We have to see what happens. If the other body follows suit, this bill will become law, and the President's veto will be overridden.

I hope, if some of the problems I have been discussing do arise, that my friends who advocate so strongly for this bill will join me to ensure that our civil rights laws are enforced, but not in ways that will impugn or trample upon the rights of the religious freedoms in this country.

I do not want to see religious schools suffer because of this bill. I do not want to see religious institutions, churches included, suffer as a result of this bill.

Frankly, Mr. President, I would like to just say a word about the President.

No one in politics wants to be branded as anticivil rights, and certainly I do not think anyone in this body deserves to be branded that way, regardless of how hard things have been fought, and certainly the President does not want to be.

I feel the President should be congratulated for having the kind of courage he displayed on this issue. He felt deeply about the seven amendments that he presented, the two foremost of which involve the churches' and synagogues' problem and, of course, the religious tenets problem.

So I would like to just say that I appreciate what he did. He suffered a defeat today. There are going to be other issues and other battles where he is going to win important victories during the remainder of this administration.

I believe the important thing we can take from this is that we all know that President Reagan is not going to be intimidated by the fact that he has overwhelming odds against him, as this bill has presented. You can bet on the fact he is going to win more than he loses, even though he has lost here today.

Again, I would like to give my congratulations to the distinguished Senator from Massachusetts. He has been articulate; he has been effective; he has mobilized outside and inside forces which I think have allowed this great victory that he and his counterpart from Connecticut, Senator WEICKER, have achieved here today.

This used to be the Weicker-Kennedy bill in the prior Congress. I do not think enough good can be said about Senator WEICKER at this time and the leadership he has provided and the effective way he has conducted the debate. I have immeasurable respect for both these gentlemen and both of these dear colleagues.

I want them both to know that, even though we still have disagreements, which we have articulated on the floor. We have lost, and I want to congratulate them on this tremendous victory and let them know I appreciate the way they have treated this particular Senator from the State of Utah.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the kind and generous remarks of the Senator from Utah. I serve with him not only on the Human Resources Committee, but on the Judiciary Committee, and he is an able lawyer.

I think the debate on this bill has focused the issues which are before this body concerning federally subsidized discrimination affecting millions of disabled, elderly, women and minorities, in our country. I appreciate the opportunity to work with the Senator from Utah, even though we are adversaries on this particular issue.

The debate of the past 4 years and the debates which we have held in the committee and on the floor this year, have exposed these issues to exhaustive examination, and brought them into sharp focus.

This victory today is enormously important for millions of Americans who have not had equal opportunity in the period since the Grove City case was decided. I have been in the U.S. Senate now for 25 years, and I was a part of those bipartisan coalitions in the early sixties and seventies, that worked for meaningful progress in the areas of civil rights.

Once again today, this victory, although it is expressed in the 73 votes of the U.S. Senators today, arises from important traditions in both political parties of protecting individual rights and liberties and extending those protections to millions of Americans who did not have protections until the last 24 years.

I have welcomed very much the opportunity to work in this area, as in other areas, with my colleague and friend, the Senator from Connecticut. He is an articulate and forceful spokesman for equal opportunity. We look forward now to seeing a successful outcome in the House of Representatives.

Today, the American people are saying today through their representatives in the Senate that this country does not want to retreat on the issue of protection of civil rights for all American people.

America is America because of the progress that has been made, and that progress was reaffirmed today in this very strong vote. I am hopeful that the House will override the veto in a similar manner, and then I think the message will go out to the women in our society, the minorities, the elderly, and the disabled that this country is a country that is not going to let them down and leave them behind. This vote should bring a good deal of satisfaction to people all over this country. I am grateful to the Senator from Utah for his comments and look forward to working with him in the future.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Utah for his very gracious remarks. I also thank the distinguished Senator from Massachusetts for what truly has been a difficult task from its inception, and not just the vote which everybody can see here on the floor but the work behind the scenes in the committee to bring about this day.

The distinguished Senator from Utah was a very important part of this debate—indeed, the debate on many matters. He brings precision to the argument, integrity to the debate, and any legislation that has gone through the sifting process of the mind of the distinguished Senator from Utah is better legislation, win or lose. As he says, you win some, you lose some.

Briefly, then, again my thanks to all who participated in this matter. It has been a battle over years, not just weeks and months. But most importantly I am really happy for my country today. I am really happy in the sense that the commitments of bygone generations have been renewed, whether commitments to the handicapped, or women, or blacks, or Hispanics, or the elderly. The vote today is not only a renewal of commitments to them but the promise to others who are minorities in this country. That is really what happened here today. We have done so much that grinds out of philosphical debate. It is a very happy moment when once again promise is held out to a part of America which, indeed, makes us one people. So somewhere out there I am sure there is an individual who is going to look at the result of what happened here and figure "My turn at bat is coming up and I am going to make it." I cannot think of any better thought that would attach to any legislation passed by this body.

Mr. HATCH. Mr. President, I thank the Senator for the remarks he made about me. It is typically gracious of him and I appreciate that.

Mr. ADAMS addressed the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I will not delay the proceedings but I simply echo the remarks of Senator KENNEDY and Senator HATCH and Senator WEICKER. As a member of that committee, I am grateful this has been done. I am particularly grateful it has been done because I know in the case of the younger generation, particularly my daughters, they will see a renewal of America's faith in treating people in a decent, fair, openhanded fashion, and that there is opportunity for everyone. I think it is an historic moment for the Senate and I am grateful to have been a part of it. I thank the ranking minority leader for the time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The acting Republican leader is recognized.

Mr. SIMPSON. Mr. President, I thank the floor managers for their excellent work in a situation which could have been more polarized than it was. I thank Senator KENNEDY and Senator HATCH for the very civil and professional way they have gone about their business. That makes it easier to legislate. And, indeed, I am certain all will understand that anyone who would have voted to sustain the veto does not have any lesser commitment to the lesser in our society. I think that was clear in the debate.

I would like to clarify a statement I made earlier regarding Senator DOLE's position on the Grove City veto override. I think it is very indicative of some of the confusion and polarization and emotionalism on this issue that such a clarification is even necessary or required, but let me do that.

Let there be no doubt that Senator BOB DOLE, our minority leader, supports legislation to overturn the Grove City case. I voted that way. He voted that way. I recall his work on civil rights throughout his entire time in this body. As to those of us who did vote to sustain the President's veto of the bill, all of us are interested in changing and overturning the Grove City decision. That should not be lost

on any citizen of the United States. Senator DOLE did, indeed, oppose the administration on many aspects of this issue and has indicated that publicly. And, again, as we saw here in the vote total, there were several persons who, if the vote had been near the figure of 33, which was the amount necessary to sustain, would have been supportive of the cause, and that is the position of Senator DOLE. It was a position of mine originally held, that if the vote were required to sustain the veto, there were many of us out of loyalty to the President and as leaders of our party in the U.S. Senate who would be there to vote to sustain. I think that clarification should be made. If I in any way reflected differently Senator DOLE's position, I certainly would not want that to stay in the RECORD in that form, and thus the intent of mine to enter this correction.

Mr. President, the majority leader is not present and I would never want to act without his approval and knowledge. That is an issue of deep trust which I respect.

Mr. PRESSLER. Mr. President, could I make a short statement?

Mr. SIMPSON. Indeed.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor?

Mr. SIMPSON. I yield the floor for that purpose. Approximately how long will the Senator from South Dakota require?

Mr. PRESSLER. About 3 or 4 minutes.

Mr. SIMPSON. Yes, indeed, I do yield the floor for that purpose.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wish to explain my vote on the Civil Rights Restoration Act.

I voted with the President today.

There was a great deal of discussion about whether or not farmers were affected by the bill we voted on today. The President's substitute bill clearly states that farmers would not be included. There was a colloquy on this floor in which it was suggested that farmers were not included in the bill vetoed by the President. Of course, I did not want farmers to be included. However, some Supreme Court Justices and other Federal judges do not give much weight to a colloquy in rendering decisions in cases arising from Federal legislation. They want to see black letter law, and that is the usual practice of the Supreme Court. So I felt it was appropriate to support the President's substitute bill which clearly states the bill's application to farmers. There was a disagreement between lawyers here on the Hill and lawyers in the Justice Department as to exactly what the bill passed by Congress said. I think it was overbroad. I think it would give too much authority to judges to determine how it might apply to farmers.

So, although a number of remarks were made here on the Senate floor, it was all colloquy. For that reason, I supported the President. I feel very strongly that as this bill goes down the road it will be interpreted to include farmers. Judges have been given very wide latitude under the bill just passed over the President's veto to apply it quite broadly.

I continue to support strong civil rights legislation. But now that we have what I consider to be a clearer alternative in the President's substitute, I would prefer it to the bill we just voted on.

I thank the Chair.

## S. 79—AMENDMENTS BY SENATOR HATCH

Mr. SIMPSON. Mr. President, I note the presence of the majority leader. So I feel more comfortable in asking unanimous consent that I may submit several amendments with regard to S. 79, which I understand must be at the desk before 1 o'clock, on behalf of Senator HATCH. And I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Without objection, the amendments will be considered amendments of the Senator from Utah.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

## RECESS UNTIL 2 P.M.

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

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

Thereupon, at 12:43 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

## HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The bill clerk read as follows:

A bill (S. 79) to notify workers who are at high risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes:

The Senate resumed consideration of the bill.

Mr. METZENBAUM. Mr. President, today we begin consideration of S. 79, the High Risk Occupational Disease Notification and Prevention Act.

This is the most important occupation health legislation of the past decade. As principal author of the bill, I am pleased and proud that it is before the Senate. Last October, the House passed the companion bill. Now it is our turn to stand up to help save the lives of tens of thousands of American workers.

I commend the Senate leadership for scheduling this bill. I also thank my colleagues on the Labor Committee, particularly our chairman, Senator KENNEDY, who patiently but firmly helped move this bill through a number of markup sessions. I pay special tribute to one of the most revered members of this body, Senator ROBERT STAFFORD, who joined me in introducing this legislation. His commitment to this bill is totally consistent with his career as a beacon for common sense and a steady voice for moderation and compassion within the Senate.

Over the next several days, unfortunately, there may be few words of moderation heard about this bill. We will hear charges and countercharges; representations and misrepresentations. There will be a number of amendments, some constructive and germane, others designed to disrupt the debate and confuse the issue. There is even talk of a filibuster. But before we get caught up in intense debate, I want to discuss the simple principle underlying the bill—that a worker has the right to know when he or she is at high risk of disease from past workplace exposures.

Millions of Americans put their lives on the line every time they punch a timeclock. These hard-working men and women are exposed to occupational health hazards. Often it will take years for the hazards to manifest themselves in disease. But if workers know they have been exposed to occupational hazards, they can get medical monitoring and counseling before the disease has reached a critical, untreatable stage.

Getting accurate information to workers in timely fashion is what this bill is all about. It creates a medical/scientific panel to review existing scientific evidence. Based solely on the scientific evidence, that panel will designate particular worker populations at high risk of occupational disease. Once the scientific designation is made, the National Institute for Occupational Safety and Health will identify and notify as many of the workers in the designated risk population as possible. Workers will be told the nature of the risk, the diseases or conditions asssociated with the risk and their option to seek medical monitoring to detect any symptoms of the disease or condition.

It is that simple and it is critically important. Each year, up to 87,000 deaths in the United States are attributable to hazardous occupational exposures. That is more than the number of people who die on our highways each year; that's more than the number of deaths we had in the entire Vietnam war. The cost in human misery cannot be measured in dollars, but occupational disease does exact a staggering financial toll on the private and public sectors. The Congressional Research Service estimates that occupational disease cost the United States close to $10 billion in 1985.

There are many strategies to prevent the spread of occupational disease. Obviously, primary prevention is vitally important. That is what OSHA is all about—preventing exposures and abating hazards in the first instance. But secondary prevention also is terribly important. S. 79 promotes medical intervention at the secondary stage—after hazardous exposure but prior to the onset of disease. There is broad consensus among medical and scientific experts that secondary prevention does make a difference. The Centers for Disease Control has already identified over 17 million workers exposed to specific hazardous substances for which medical monitoring is effective. According to the American Cancer Society, up to 25,000 occupational cancer deaths per year can be prevented through early detection and medical intervention.

It costs $21,000 to care for a cancer patient in the terminal year. By preventing 25,000 cancer deaths per year, we can save over $500 million annually in health care costs. Given that employers pay the health care costs of 75 percent of American workers, it should be obvious that—in addition to relieving human suffering—this bill can save employers hundreds of millions of dollars in medical care costs alone.

Opponents of S. 79 never even talk about cost savings. Instead, they are touting a number of wild cost estimates as a scare tactic. At the appropriate time, I am prepared to take on those estimates point-by-point. For now, let me quote an insurance industry executive who testified that this bill "not only will not increase workers' compensation and liability insurance costs in the short term, but also will assure a long-term downturn in occupational disease frequency and severity, thereby reducing insurance costs for both employers and manufacturers in the future."

Some may be surprised that I quoted an insurance executive on S. 79. But the fact is a major segment of the business community supports the legislation. In all my years as a legislator, including my days in the Ohio Senate and the Ohio General Assembly, I have never seen such a broad coalition of support for legislation to help workers. On a major bill relating to occupational health, we can expect the support of the AFL-CIO, the American Cancer Society, the American Lung Association, the American Medical Association, and the entire public health community.

You turn around and look at this chart that is behind us, and there you find about 20 separate health and environmental supporters of S. 79, and on the chart to the left you find the business supporters of S. 79, including the Chemical Manufacturers Association, whose members account for over 90 percent of the chemicals generated in the United States, the American Electronics Association, with over 3,000 member companies, the National Paint & Coatings Association, with over 1,000 member companies, Crum & Forster Insurance Cos., the second largest property and casualty insurers in the country, Atlantic Richfield, Occidental Petroleum, Olin Corp., Union Carbide, W.R. Grace, Eastman Kodak, IBM, General Electric, and so many more, including the one company that has experienced more than any other company in America the hazards of occupational illnesses, formerly the Johns-Manville Corp., now known as the Manville Corp.

We have significant support not only from business organizations but from insurance companies, from the health groups, the environmental groups, and as to the business community, we have tremendous support from those companies that will be most directly affected by this bill.

Why are these sophisticated, tough-minded businesses supporting S. 79? Because they recognize that this bill furthers their self-interest by keeping their workers healthy and productive thereby reducing costs. And because they had the courage to look at the substance of the bill and not be swayed by political concerns.

Since introducing S. 79 1 year ago, Senator STAFFORD and I have made many changes. Following negotiations with business representatives, and with Senators QUAYLE and HATCH, we have tightened the science provisions in the bill. We have clarified the procedural protections. And we have strengthened the provisions insuring that the bill is liability neutral.

There is nothing in this bill that provides a basis for any worker to sue his or her employer.

I want to say, Mr. President, that we are still willing to improve S. 79. Senators have expressed their concern about the impact of the bill on farmers. We are prepared to discuss and look favorably upon amendments having to do with the agricultural community. Other Senators have indicated the medical transfer provisions of S. 79 could create practical problems for small business, and we are trying to solve those problems.

While we are open to constructive amendments, we will fight efforts to gut this bill. Opponents of S. 79 have vowed to stop it at all costs. They intend to offer any number of amendments to divert our attention from the main issue. Many of these amendments may sound harmless. I might even be willing to support a number of them in another context but I will not support certain ones of them on this bill, not when they are merely a part of a cynical ploy to subvert S. 79.

I urge my colleagues to pay close attention to the debate. Over the course of the debate, I ask you always to keep in mind that by giving workers the right to know we will improve their health and save lives, the lives of tens of thousands of persons.

Mr. President, I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Ohio has yielded the floor. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support the High Risk Occupational Disease Notification Act. Our distinguished colleagues from Ohio and Vermont, Senators METZENBAUM and STAFFORD, have worked tirelessly in the effort to make this bill an effective and workable vehicle to alleviate the growing problem of occupational disease in our country. It has not been an easy task but it has been performed effectively. Thousands of man-hours have gone into the preparation of this legislation.

Senators METZENBAUM and STAFFORD have assembled an extremely impressive list of businesses, associations, labor unions, and public health groups that support this legislation. At every stage of the process the concerns of business, labor and insurance have been addressed. All of them did not support the bill in its original form. In fact, many opposed the bill as it was introduced. However, after working closely with the sponsors of the bill and the staff of the Labor Subcommittee, many of these employers have been actively working for passage of the legislation.

The companies that support the bill are doing so because they believe in contributing to a workplace atmosphere that is safe and productive for workers. They are taking a socially responsible position on this legislation. They see the utility of medical monitoring of employees as being in the economic interest of their companies.

The opponents continue to clamor about the issues of competitiveness, repetitiveness and liability as reasons to defeat the bill. The Reagan administration, the chamber of commerce, and the National Association of Manufacturers have gone on record early and often in opposition to this legislation. Their motto is—let the worker

beware. Well, I say, workers deserve fair notice. They have a right to know.

I have received four letters from the administration. Collectively, they have been signed by Attorney General Meese and Secretaries Bowen, Lyng, Smart, Verity, and McLaughlin. They also have the signatures of Small Business Administrator Abdnor and Chairman of the Council of Economic Advisers, Beryl Sprinkel. In case I had any doubts, one letter informs me that, "the administration has made it crystal clear to the Congress its strong opposition to the broad risk notification approach embodied in H.R. 162 and its Senate companion, S. 79." Time and time again the letters raise the issue of "serious liability implications." They go on to state that the bill "will generate substantial tort and administrative litigation, much of it unfounded and without merit."

It is clear that the administration has zeroed in on an area where they think they can cause the most confusion. Instead of arguing the merits of worker notification, they choose to say we see the problem, we realize its seriousness, but we have already done everything that can be done.

That is simply not the case. This problem is not being properly or adequately addressed by current Federal efforts. The OSHA standards provide a right to find out, not a right to know.

Who is it that will suffer from these so-called unfounded liability claims that are without merit? It is not the Government. They are specifically exempt from liability claims under the bill. Section 5(f) of the bill provides "that the United States or any agency or employee thereof is not subject to suit or judicial or nonjudicial proceedings seeking monetary damages for their actions performed pursuant to this act, unless the act or omission is a knowing and deliberate violation of this act." Is there any Senator who wishes to say that the United States should not be liable if it is knowingly and deliberately violating the spirit of this occupational disease legislation?

Certainly, businesses that are involved in chemical and electrical manufacturing and processes should be most concerned with occupational disease legislation. These companies have considerable experience with the potential liability consequences of hazardous workplace exposures. Yet many of these companies are exactly the same companies that have explicitly endorsed the bill. The Chemical Manufacturers Association, whose members produce 90 percent of the tonnage of chemicals produced in the United States, support the bill. The American Electronics Association, representing over 3,000 member companies, has endorsed the bill. The National Paint & Coatings Association, with over 1,000 member businesses, has endorsed the bill.

The Olin Corp., W.R. Grace & Co., American Cyanimid Co., the Eastman Kodak Chemicals Division, Uniroyal Chemical Co., and the Manville Corp. have all voiced their support for the bill. The American Medical Association, the American Cancer Society, the American Nurses Association, the Sierra Club, Citizen Action, the American Lung Association, and the Association of University Programs in Occupational Health and Safety support the legislation.

Companies like IBM, Digital Equipment, Ciba-Geigy Corp., Atlantic Richfield & Occidental Petroleum would not endorse this bill without carefully weighing the liability consequences to their companies. Is there any Senator who wishes to step forward and tell me that Union Carbide is not sensitive to the liability issue?

This bill has also been actively endorsed by Crum & Forster Insurance Co. and the General Electric Co. Les Cheek of Crum & Forster and Marty Connor, corporate counsel of GE, have been working closely with the Labor and Human Resources Committee on this issue since the beginning of this Congress. Both of these men have also been extremely active in the field of product liability legislation, working with the Judiciary Committee. They are acutely aware of the product liability crisis our country faces, and they are equally aware that the liability argument against this bill is unrealistic, purposefully confusing, and blown out proportion.

Opponents of this legislation continually refer to a pilot program for notification that was carried out in Augusta, GA, in 1981. That program did indeed generate a considerable amount of litigation. However, it is important to point out that in the Augusta notification program, the liability claims that were filed were hardly "unfounded and without merit."

In that case, 849 people were notified that they had been exposed to potentially hazardous levels of BNA, a chemical known to cause cancer of the bladder. The notification went out in 1981, 9 years after a Federal investigator had written letters urging notification and medical monitoring for the employees. Of the 849 persons notified, 171 claims, totaling $335 million, were brought by distraught employees and members of their families against the company. The company settled 120 of these claims out of court for a total of approximately half a million dollars. They allowed the other claims to go to trial where they were dismissed. The Supreme Court of Georgia held that workers compensation was the exclusive remedy available to the employees, and S. 79 would do nothing to alter that finding.

Fifteen cases of bladder cancer and 22 additional cases which showed significant signs of the disease were confirmed by medical screening in the Augusta project. This case study is a valuable example that argues for the legislation, rather than against it. Who knows how many of these individuals would have been spared the horrors of cancer, if they had been notified and monitored when the danger first became known?

Dr. William Johnson, the investigator in that case said, "A lot of people knew, or should have known, for a long time what the situation was." At that time Dr. Johnson also blamed the Federal Govenrment, saying it let the "Workers fall through the cracks" because of prolonged debate over funding and agency jurisdictional disputes in risk notification.

We must not permit workers to continue to fall through the cracks. This Senator is not about to sit back and let the health and lives of the working men and women be endangered because we do not have an effective means to notify them of danger in the workplace.

The Augusta case is a poor example of the potential for liability claim proliferation. The opponents of the bill completely ignore the fact that the chemical company was using a substance that had been a suspected carcinogen since 1895. BNA had previously been discontinued in production and use by all American firms except for the compnay in Augusta.

The days of laissez faire in the workplace are coming to an end. Working men and women have a right to know whenever their jobs create a risk of serious disease. What you do not know can kill you. And any worker exposed to risk has a right to management's help in avoiding the danger, and to medical help in dealing with the risk. The bottom line is that this legislation is necessary—and it is needed now.

I yield the floor.

Mr. HATCH. Mr. President, I have to rise in opposition to S. 79, the High Risk Occupational Disease Notification and Prevention Act. During the debate over this measure, I am confident my colleagues will learn how impractical this legislation is and how little it has to do with preventing occupational disease.

Some of my colleagues may be surprised, given my voting record in the past, that I am opposed to S. 79. I led the fight to put new warning labels on cigarettes and smokeless tobacco products. I worked to establish the prevention block grants to help states increase their prevention efforts. I have supported programs to reduce sexually transmitted diseases and reduce childhood accidents. And in the last Congress, I authored legislation which would have established a President's

Council on Health Promotion and Disease Prevention to take a comprehensive look at what we can do to prevent diseases in this country.

In this Congress, I introduced the legislation which will help prevent infectious disease in our children and help us combat tuberculosis. Also, Senator KENNEDY and I have introduced legislation aimed at reducing infant mortality and have moved through the Committee on Labor and Human Resources legislation to reduce the spread of AIDS in this country.

Since I have spent a significant part of my career in this body advocating disease prevention programs, there is nothing I would like more than to have before Congress responsible occupational disease prevention legislation. Unfortunately, S. 79 is not such a bill.

While its stated purpose is disease prevention, its principal effect will be litigation.

Its primary consequence will not be measured in terms of saved lives, but in notices mailed. And, in the name of politics, it permanently, explicitly avoids one of the most significant occupational hazards in the workplace today—passive smoking.

My opposition is based on several basic problems with this legislation which I will outline, along with some possible solutions. First, I do not believe we should create a new Federal bureaucracy simply because we are unhappy with the performance of existing agencies.

I did some checking and was able to come up with at least a dozen Federal agencies, administrations, and departments which are currently involved in regulating health and safety. Everyone from the Occupational Safety and Health Administration to the Environmental Protection Agency to the Coast Guard to the Bureau of Alcohol, Tobacco, and Firearms is involved. This list of more than a dozen Federal agencies does not include the numerous health and safety activities of State and local agencies.

If we cannot adequately address the occupational disease problem with more than 12 Federal agencies, I doubt adding one more will provide an effective solution. If we are dissatisfied with existing performance, why not address the problems directly instead of creating yet another Federal bureaucracy, which may be no more successful than those already in existenced? If there are gaps in our existing Federal occupational disease programs, gaps which I believe exist, why not fill those gaps? Why not work within the existing Federal framework?

There is already too much duplication and too little coordination of Federal efforts. Creating another new board will only exacerbate this problem, especially since we will have to cut existing programs in order to finance this idea.

Second, responsible legislation should be cost-effective. Or to put it a different way, it should be effective for its cost. The American public should not be forced to pay for a program which has little, if any, impact on the morbidity and mortality of occupational diseases if more effective options are available.

Notifying workers after they may have been exposed to an occupational health hazard is not the most effective method for preventing the disease. Why not keep as our primary focus disease prevention instead of disease notification?

Efforts to reduce the morbidity and mortality of occupational disease can be divided into three approaches. Primary intervention covers efforts to prevent exposure to the hazard; secondary intervention covers those efforts which take place after exposure has occurred, but before the development of disease; and tertiary intervention includes those efforts which take place after the development of disease in an attempt to reduce its impact.

Of these three approaches, primary intervention is the only one which has the potential to prevent all occupational disease. We must recognize that in many instances, it is very difficult to prevent the development of disease once exposure has occurred.

Too often, effective medical intervention is not available. For example, lung damage which occurs from exposure to silicon is not reversible and, other than primary intervention or stopping the worker from smoking, there is very little that can be done to slow its progress. Nor can we halt mesothelioma, which is a lung cancer associated with exposure to asbestos. Usually, by the time it can be detected using current medical technology, it has spread to the point where it is almost always fatal.

Secondary intervention is not only less effective than primary intervention, it is also very costly. Frequently, only a small percentage of the workers who have been exposed to an occupational health hazard actually develop the disease. But since there is usually no technique available to separate those few workers from the other workers who have been exposed, every worker must be monitored, usually for long periods of time. Secondary intervention must cover every worker to have any impact at all, and must do so at considerable cost.

In protecting workers, effectiveness and cost must be factors in developing new legislation. When choosing between two approaches to reduce occupational disease, common sense tells us that, if one costs significantly more than the other yet produces no better results, why not at least consider the less costly. Unfortunately, S. 79 does not take this approach. Instead, it chooses the most costly and least effective solution.

Moreover, attempts to amend the bill to address one of the most effective methods for reducing workers' risk of developing occupational disease—smoking cessation—were vigorously blocked. We were told that despite all the stated justifications for this bill, smoking was just too politically divisive to be addressed.

We were also told that the Board would not even be allowed to consider whether or not passive smoking is a health hazard for nonsmokers. In other words, we are being asked to adopt legislation purporting to address workplace health hazards yet, at the same time, to bar forever any consideration of a hazard which kills 15 people a day in this country, many due to exposure at work.

Third, to be effective, any legislation must encourage the employer and the employee to work together to increase health and safety in the workplace. While the employer may be primarily responsible, if we want to continue improving and protecting the health of everyone in the workplace, it must be through a joint partnership. An employee also has some responsibility for his or her own health.

The employer must provide the equipment and training necessary to assure that the workplace environment is a healthy one. The employee needs to use the safety equipment provided and also to bring unsafe working conditions to the attention of management. In addition, an employee has the responsibility to take steps to reduce or eliminate those lifestyle practices which may increase his or her risks of disease. Again, smoking is one prime and obvious example. I am encouraged to see a number of companies which are now working with their employees to help them stop smoking. This is a trend we should encourage.

Any new program which focuses solely on the employer or solely on the employee will be only a fraction as effective as it should be. Just as many occupational hazards have a synergestic, or enhancing, effect with smoking, employees and employers working together can have a synergestic effect when it comes to increasing health in the workplace. We must encourage the employer and the employee to work together, to cooperate on providing and maintaining a healthy work environment.

Fourth, this kind of legislation must also be neutral in its impact on liability. In its current form, not even the supporters of S. 79 can claim that it will not increase liability costs. The best they can claim is that the increase will be acceptable.

But after looking at previous Federal notification projects, projects which

the supporters of S. 79 point to as the models for this legislation, Robert R. Nathan Associates estimated that 25 percent of those notified will file suit against their employers, costing on the average $95,000 per suit to resolve. The sponsors expect that 300,000 people will be notified each year under this bill, generating on this issue alone annual costs of $7.125 billion.

Those who will be hit the hardest of course will be small businesses. There are some who believe that companies in this country represent an endless supply of wealth which can be continually tapped. They do not realize that if Congress enacts S. 79, mandated health-benefits legislation, mandated parental-leave legislation, and an increase in the minimum wage, many small companies will be driven out of business. Others will have to raise prices and inevitably lay off workers. We already knew, according to CBO, that two of those proposals could eliminate 500,000 jobs. Consequently, before we enact legislation such as S. 79, I think it is prudent to determine whether the proposal can be effective given its total impact.

Finally, to be effective, such legislation must not deny anyone the right to due process. Individuals who are affected by the decisions of Federal agencies and boards deserve to have their full due process rights protected. They deserve the right to be heard before any general rule or regulation is promulgated; they deserve the right to a fair determination as to whether the rule or regulation should apply to them; and, they deserve the right of appeal.

To guarantee these rights, Congress established a set of procedures for most administrative agencies to follow in the Administrative Procedures Act. S. 79, however, creates a Federal agency that is basically immune from this statute. It would be above the traditional controls we place on other branches of Government.

I hope my colleagues will take a close look at this legislation and not just legislate by title. S. 79 should be sent back to the drawing board, and we should instead develop legislation which protects all Americans, not just those suffering from politically acceptable diseases.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Ohio is recognized.

Mr. METZENBAUM. 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. METZENBAUM. 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. METZENBAUM. Mr. President, at the outset of this debate, I would like to clear up one very important point. Recently, there has been an attempt to cast doubt on the business support for this legislation. In particular, there has been discussion about the fact that some chemical companies are openly opposing S. 79, and suggestions that the Chemical Manufacturers Association [CMA] does not speak for the industry as a whole.

CMA is a trade association whose members produce over 90 percent of the basic industrial chemicals in the United States. CMA has some 180 member companies, and the overwhelming majority of them remain committed to the CMA position on S. 79. I have received letters of support from CMA itself and from more than 20 member companies, including Union Carbide, W.R. Grace, CIBA-GEIGY, Rohm and Haas, Occidental Chemical, American Cyanimid, Uniroyal Chemical, and many others. In addition, a number of large companies that have not sent letters are lobbying in favor of this bill.

It is not easy for a trade association to support a major piece of worker health legislation. CMA decided it should support the bill if certain important changes were made. It then spent weeks negotiating with oganized labor, public health groups, and my staff to accomplish those changes. The member companies had lawyers and industrial hygienists carefully review the proposed changes. CMA knew its stance would be controversial, and it made sure its members were aware of exactly what was on the table. The American Electronics Association, with over 3,000 members, and the National Paint and Coatings Association, with over 1,000 members, reached the same decision after similar participation and scrutiny of the revised legislative product.

Since business support surfaced for S. 79, there has been a fierce, and well-orchestrated, attack on the companies and associations who decided to support the bill. It is not surprising that a handful of CMA members decided to disassociate themselves from CMA's position in light of these strong attacks. Several of the seven companies who changed their mind are primarily involved in other industries and have stronger ties to other trade associations. This is true of Philips Petroleum and Oil, Eli Lilly and Pharmaceuticals, Georgia Pacific and Paper Products. Perhaps they could not take the heat. Perhaps they simply reconsidered the merits of the bill. I doubt we will ever know.

But one thing we do know. A group of companies and associations who recognized they would be heavily affected by this bill made the judgment that they would work with the sponsors in order to make the bill acceptable. That is how the legislative process is supposed to work. Too often, particularly in the labor area, it does not work that way. We have polarization and the absence of meaningful dialog. This time, we had dialog. The result is a stronger bill.

We had similar constructive dialog with other business supporters of S. 79 who are not members of the Chemical Manufacturers Association. Manville Corp. was concerned about the liability impact of the legislation as originally drafted. But we worked with Manville to ensure that this bill is now liability neutral, which was our intent in the first place.

Let me quote from a letter to me by the president and chief executive officer of Manville regarding S. 79.

> The Manville Corporation supports this legislation for two compelling reasons:
>
> 1. It is our corporate policy that every worker is entitled to maximum knowledge of and appropriate protection against the health risks known to be present in any given workplace; and
>
> 2. Manville believes that a safe, healthy workplace improves productivity and profits, and reduces health care costs and absences from the workplace * * *.
>
> Manville is a company whose past involvement in an occupational health tragedy makes it uniquely qualified to assess the relative merits and burdens of proposed legislation such as S. 79. That experience persuades us—as it should all others—that enactment of this legislation is in everyone's long term interest.

That is the end of the quote from the Manville Corp.

Mr. President, I ask unanimous consent that the complete letter be included in the RECORD.

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

> MANVILLE CORP.,
> *Denver, CO, December 14, 1987.*
>
> Hon. HOWARD M. METZENBAUM,
> *Chairman, Senate Subcommittee on Labor, Washington, DC.*
>
> DEAR SENATOR METZENBAUM: This letter intends to convey Manville Corporation's support for definitive action on S. 79, the worker high-risk notification bill currently pending in the Senate. As you know, a similar measure has passed the House with the support of a broad range of organizations and groups representing business, consumers, and organized labor.
>
> The Manville Corporation supports this legislation for two compelling reasons:
>
> 1. It is our corporate policy that every worker is entitled to maximum knowledge of and appropriate protection against the health risks known to be present in any given workplace; and
>
> 2. Manville believes that a safe, healthy workplace improves productivity and profits, and reduces health care costs and absences from the workplace.
>
> S. 79 and its House counterpart (H.R. 162) contain program elements which in many respects are no more stringent than Man-

ville's current practices. Manville's Environmental Safety Health Information Management System (MESHIMS) is a one-of-a-kind, state-of-the-art computerized system of worker health monitoring that, had the technology been available previously, has the capacity to forewarn of emerging industrial health problems, such as the asbestos tragedy.

Our corporate program of worker health monitoring through annual medical exams and periodic pulmonary function tests, together with a corporate policy that strives to "engineer to zero" exposure to hazards in the workplace, are intended to limit worker exposure to contaminants, to provide a sophisticated means of long-term worker health surveillance, and to allow early medical intervention in the rare instance where injury is detected. But our concern extends beyond our own workplaces to those who use our finished products as well. As one indication of this kind of commitment, for example, Manville has voluntarily revised its Material Safety Data Sheets for relevant fiberglass products, announced a related labeling and consumer education program, and proposed a recommended workplace exposure guideline to its customers, all based on the most limited (and we believe erroneous) suggestions of a possible cancer risk.

Manville is a company whose past involvement in an occupational health tragedy makes it uniquely qualified to assess the relative merits and burdens of proposed legislation such as S. 79. That experience persuades us—as it should all others—that enactment of this legislation is in everyone's long term interest.

We urge you to bring S. 79 to the Senate floor for debate and passage at the earliest opportunity.

Sincerely,

W.T. STEPHENS.

Mr. METZENBAUM. But do not get me wrong. We worked with other groups, besides the business community, in crafting this legislation. In addition to having strong support from scores of labor organizations in this country, we have worked closely with the public health community which strongly endorses this bill.

A listing of the health groups endorsing S. 79 illustrates the breadth of support within the public health community:

Some of these I have mentioned before. They are worth mentioning again: the American Cancer Society; the American Public Health Association; the American Medical Association; the American Psychological Association; the American Lung Association; the American Thoracic Society; the Association of Schools of Public Health; the American Nurses Association; the American College of Preventive Medicine: the National Women's Health Network; the American Association of College Nursing; the American Association of Occupational Health Nurses; the Association of University Environmental Health Science Centers; and the Association of University Programs Occupational Health and Safety.

Finally, occupational health experts have concluded not only that risk notification is needed, but that S. 79 offers a reasonable scientific approach to the problem of occupational disease. Three former top NIOSH officials during the Ford and Reagan administrations, Dr. John Finklea, Dr. Philip Landrigan, and Dr. James Melius, stated in a recent letter to Senator KENNEDY that:

High risk worker notification would deliver the necessary individualized information to the worker most likely to develop disease. This information would benefit both the worker and his/her personal physician * * *. We strongly urge you and others in the Senate to * * * support the High Risk Occupational Disease Notification Act.

Those are former top NIOSH officials who worked in both the Ford and Reagan administrations.

The broad base of support for this bill is truly impressive and cannot be dismissed, despite efforts to do so by opponents of S. 79. I urge my colleagues to listen to the groups supporting the legislation to understand the importance of this occupational health bill. S. 79 will improve the health and save the lives of thousands of American workers and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that I may yield to the Senator from Vermont for the purpose of making an opening statement.

The PRESIDING OFFICER. Is there any objection?

Mr. QUAYLE. Mr. President, reserving the right to object, what is the intention of the Senator from Ohio? There are others over here who have opening statements they want to make. Is he eventually, after the Senator from Vermont concludes his opening statement and yield the floor? What is his desire?

Mr. METZENBAUM. Mr. President, the Senator from Indiana is correct. The Senator from Illinois is here with an amendment having to do with agriculture. The Senator from Kentucky is here with another amendment having to do with agriculture, and the Senator from Louisiana is intending to come to the floor with an amendment having to do with small business, all of which are amendments moving in the direction of providing some exemptions in these areas.

It is my thought I would yield the floor, and I hope that they might be recognized for the purpose of offering their amendments, but there is certainly no effort nor intent to preclude opening statements from those on the other side of the aisle.

Mr. QUAYLE. I wonder, Mr. President, further reserving the right to object, if the Senator would also put in his unanimous-consent request that the Senator from Indiana be recognized for the purpose of giving an opening statement?

Mr. METZENBAUM. Mr. President, merely for the purpose of an opening statement?

Mr. QUAYLE. Merely for the purpose of an opening statement.

Mr. METZENBAUM. I so include that.

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

The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, there are several good reasons for enacting S. 79, the High Risk Occupational Disease Notification Act of 1987.

The first is simple justice. Those whose lives, livelihoods, and health may be in jeopardy because of earlier exposures to poisonous chemicals should know it because we all deserve to know what our risks are.

Equally important, that knowledge should be shared because it can minimize or even eliminate the risk of actually contracting the disease for which a worker or his or her family may be at risk. Some diseases, especially cancers, which may be almost always fatal if undetected, are significantly less fatal if found and treated early. In yet other cases, a disease may never develop if proper precautions are taken.

In a society such as ours where the dangers of toxic chemicals are almost invariably discovered long after workers and others have been exposed, some sort of notification program is a necessity if the loss of human life is to be minimized. Exposures ought to never happen, but it is a fact of life that they do. Given that fact of life, we should establish a program such as the one proposed in this bill.

It has been alleged that the purpose and procedures addressed by S. 79 are covered by the hazard communication standard of the Occupational Safety and Health Administration. This is not the case. S. 79 addresses several categories of employees not covered by OSHA or other laws. It aims at notification of those exposed to significant risks in the past, along with those individuals who are currently exposed. Among classes of employees not covered by current laws are those associated with failed businesses or plant closures, those who were exposed while in the employ of a previous employer and small business employees now excluded from OSHA and State occupational safety and health enforcement programs. Retired workers are also excluded from current coverages. Therefore, there is a real need for S. 79, the high risk occupational disease notification bill.

Mr. President, there is a lot of misinformation around about S. 79. It is important to clarify what the bill does and what it does not do for workers and businesses alike.

First, what the bill does:

First, S. 79 identifies workers at high risk of occupational disease—through very careful review of epidemiological

and clinical studies, a risk assessment board created in the Department of Health and Human Services will identify populations and subpopulations of workers who are at high risk of disease because of previous occupational exposures. The exercise is based upon accepted epidemiological, clinical and biostatistical methods that have long been used. In determining what worker populations are at high risk, the bill directs the board to isolate those exposed workers groups where the incidence of disease is "statistically significant."

Second, S. 79 notifies workers at high risk of occupational disease—once a worker population at high risk has been identified by the Risk Assessment Board, the Secretary of Health and Human Services will undertake to notify each individual within the population of their risk of disease. The techniques for such notification are well established within the Department of Health and Human Services (HHS) and its National Institute for Occupational Safety and Health (NIOSH) which has conducted a number of pilot worker notification programs. The contents of the notification will basically include all the scientific and medical information that a worker and his family physician needs to know to begin monitoring the workers's health. It is important to note that not all workers exposed to a given toxic substance will or should be notified because not all exposed workers are at risk. The bill is aimed at only those specific groups of workers who exhibit a statistically significant incidence of disease compared to the general population. Therefore, without the increased incidence of disease there will be no notification even though there were known exposures.

Third, S. 79 counsels workers at high risk of occupational disease—one of the key elements of the proposed program is medical counseling. A primary component of the notification is a recommendation that the worker place himself on a medical surveillance program and take certain health promotion measures in an effort to prevent the disease from occurring. The purpose of medical surveillance and health promotion, especially when the worker and his family doctor knows he is at high risk, is to either prevent the disease altogether or to detect it early enough for successful treatment. In a number of cases, it is known that certain health promotion measures such as smoking cessation and dietary changes can greatly decrease an at-risk worker's chances of disease. In other cases, such as chemically induced bladder cancer, if detected in its initial manifestations, can be successfully treated. The costs of any medical surveillance are to be borne either by the employer who exposed the worker or, if there is no such employer, by the worker himself through his existing health care program.

Fourth, S. 79 provides worker antidiscrimination protection—the bill provides strong antidiscrimination protections for workers who are notified that they are at high risk of disease. These protections are necessary because workers at increased risk must feel free to place themselves in medical monitoring programs without the fear of losing their job or existing insurance coverage.

Fifth, S. 79 provides for outside input and judicial review—in order to ensure that the Risk Assessment Board has the best information and research available, the bill provides for written notice and comment on any proposed recommendation of the board as well as public hearings if requested by any interested party. Any party adversely affected by decisions of the Secretary of HHS has the right of judicial review.

Second, Mr. President, let me point out what the bill does not do:

S. 79 does not duplicate the OSHA right to know standard—the OSHA hazard communication standard is designed to warn workers of the hazards of existing chemicals in the workplace. Unlike S. 79, the OSHA standard does not seek to isolate those workers at particular high risk because of previous exposures and inform them of the risk.

Moreover, it does not provide for medical counseling and monitoring which is a major component of the bill. Further, the OSHA standard does not cover former employees, many of whom are at the highest risk, or major sectors of the current work force such as public employees and those engaged in the transportation industry. Thus, the S. 79 program is a critical supplement to the OSHA standard and not duplicative at all.

S. 79 does not create a large new bureaucracy—the only new Government unit created by the bill is the seven-member risk assessment board chaired by the Assistant Secretary for Health and composed of four existing HHS career public health officers and three nongovernment members with expertise in occupational health.

S. 79 does not involve large sums of Federal funds—the entire program is capped at an annual $25 million authorization and the preliminary Congressional Budget Office cost estimate ranges from $15 million in the first year to about $27 million in the fifth year. In addressing the cost issue some other cost considerations must be kept in mind. First, the occupational disease costs to the Social Security Program have been estimated at about $3.5 billion annually. Thus, a very modest program designed to prevent occupational disease in the future will have a large payoff in not only reducing the Social Security disability costs but also in the associated costs of Medicare, Medicaid as well as private health care costs.

S. 79 does not create any new tort liability standards—S. 79 neither adds to nor subtracts from the legal rights that currently exist for workers and other citizens who may be damaged by a responsible party. The bill specifically states that a finding or determination by the Board of Disease Risk does not have any standing in tort law or in any subsequent workers compensation claim. The program, by preventing new cases of occupational disease, should have a long term effect of reducing toxic tort cases as well as workers compensation costs. Moreover, the Federal Government and any employer who voluntarily seeks to notify workers under the bill are held harmless for any willful failure to warn under existing tort law.

S. 79 does not impose any new regulatory burdens on business—the bill does not require employers to do anything except to bear the costs of medical surveillance for current employees if the employer was responsible for the exposure. This is not a new cost since employer provided medical surveillance is already required in many health standards issued under the Occupational Safety and Health Act. For those employers who wish to notify, counsel, and provide medical monitoring for the employees, the bill has a provision for them to do so under a simple certification procedure.

This, Mr. President, explains S. 79 in a nutshell. However, before concluding we should look at the problem of exposure of our citizens to toxic substances.

Mr. President, the following are quotes from the book "Disease Prevention/Health Promotion the Facts," prepared by the Office of Disease Prevention and Health Promotion, U.S. Public Health Service of the Department of Health and Human Services.

The Toxic Substances Control Act of 1976 identified the need to control the risks of exposure to over 65,000 commercial chemicals. Complete information on health hazards exists for only about 2% of chemicals used commercially. Virtually all Americans have detectable tissue levels of DDT, dieldrin, PCBs and six other toxic chemicals.

A 1983 National Research Council study identified 65,725 substances to which humans are exposed, including 3,350 pesticides, 3,410 cosmetics, 1,815 drugs, 8,627 food additives, and 48,523 commercial chemicals.

For 30 chemicals or chemical mixtures and 9 industrial processes, there is evidence of carcinogenicity in humans. For an additional 63 chemicals or mixtures of chemicals and 5 industrial processes, there is evidence of probable carcinogenicity in humans.

Hazardous chemical production in the U.S. in 1982 included 7,823 million pounds of benzene, 2,035 million pounds of acrylonitrite, 543 million pounds of asbestos, 952 million pounds of phthalate and 4,902 million pounds of vinyl chloride.

The usage of hazardous metals in the U.S. in 1982 included 1,303 million pounds of lead, 542 million pounds of chromium, 207.9 million pounds of nickel, 36.8 million pounds of arsenic, 8.2 million pounds of cadmium and 3.4 million pounds of mercury.

Over 50,000 pesticide formulations are registered with the Environmental Protection Agency. In 1984, 1.08 billion pounds of pesticide-active ingredients were used in the United States.

Of the 290 million tons of hazardous waste produced in the U.S. in 1981, 70% came from the petroleum and chemical industries.

Mr. President, I would note at this point that the Chemical Manufacturers Association whose workers will be impacted by this bill support it. Continuing to quote from the book:

For 70% of the 67,000 chemicals in commerce there is no available information on possible human health effects. A complete health-hazard assessment can be completed for less than 2% of chemcials used commercially, and a partial health-hazard assessment can be completed for 14% of those chemicals.

The approximately 110 million workers in this country are exposed to a wide variety of occupational hazards that can pose significant risks to their health.

Mr. President, the National Institute for Occupational Safety and Health has developed a list of the 10 leading work-related diseases or injuries based on frequency of occurrence, severity to the individual and amenability to prevention. Mr. President, No. 1 and No. 3 of the list are:

1. Occupational lung diseases: asbestosis, byssinosis, silicosis, coal worker's penumoconiosis, lung cancer, occupational asthma; and

3. Occupational cancers (other than lung): leukemia, mesothelioma, cancers of the bladder, nose and liver;

These are the two central areas of occupational exposure that S. 79 can have a positive affect on the health of the worker.

To continue to point up the problem, Mr. President, I return to the book:

Cancer was the second leading cause of death in the U.S. in 1984, accounting for 22.1% of all deaths, second only to heart disease.

Estimates of the proportion of all cancers in the U.S. related to occupational exposures range from less than 4% to over 20%. The lower estimate attributes 17,000 cancer deaths per year to exposures at the workplace.

Up to 11% of workers exposed to asbestos may ultimately develop mesothelial tumors. In one groups of workers distilling beta-morphylamine who had more than 5 years of exposure, all reportedly developed tumors of the bladder.

Studies of occupational reproductive hazards have shown increased rates of spontaneous abortions among laboratory and chemical workers and among workers exposed to lead, ethylene oxide, and anesthetic gases.

In a 1985 National Health Interview Survey (NHIS), 36% of workers stated their present job exposed them to substances (e.g., chemicals, dusts, fumes or gases) that could endanger their health.

37% of workers in NHIS survey responded that their jobs exposed them to work conditions (e.g., loud noise, extreme heat or cold, physical or mental stress or radiation) that could endanger their health.

A 1984 survey of chemical workers revealed that 60.8% of respondents reported little or no co-worker knowledge about cancer hazards at the worksite, and 37.0% reported little or no co-worker overall knowledge of occupational health and safety.

Mr. President, the need for this legislation is overwhelming when you look at the impact occupational exposure has on the health of the American work force.

S. 79 provides a low cost means to notify workers of the potential dangers of their exposure in the workplace. This will lead to a healthier work force that is more productive and is less expensive in health care costs to employers.

From both the cost and justice point of veiw this piece of legislation is a good bargain for all.

Mr. President, I urge my fellow Senators to support S. 79, the High Risk Occupational Disease Notification and Prevention Act.

I am very pleased to be associated in this endeavor with the very able Senator from Ohio, Senator METZENBAUM.

Mr. President, I am prepared to yield the floor. I yield the floor.

Mr. METZENBAUM. Mr. President, parliamentary inquiry: Before the quorum call, we had put in a unanimous-consent request that provided for the Senator from Ohio to be recognized, and thereafter for the Senator from Indiana to be recognized for the purpose only of making an opening statement.

Is the Senator from Ohio's understanding correct that by reason of the fact that a quorum call has been put in on an interim basis that the impact of that unanimous-consent request was vitiated?

The PRESIDING OFFICER (Mr. SANFORD). It is my understanding it was not vitiated. It still stands.

Mr. METZENBAUM. Mr. President, parliamentary inquiry: It is my understanding that the Senator from Indiana is to be recognized for the purpose of making an opening statement.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Parliamentary inquiry. If we had a unanimous-consent agreement and then had a quorum call, is there some precedent where that unanimous-consent agreement would be vitiated?

Mr. METZENBAUM. I was trying to protect the Senator's position.

Mr. QUAYLE. I am not familiar with the practice.

The PRESIDING OFFICER. The agreement required recognition of the Senator from Indiana. So I think we are in proper order.

Mr. QUAYLE. Mr. President, further parliamentary inquiry: When we entered into the unanimous consent agreement it was my understanding that the Senator from Vermont was going to be recognized for the purpose of an opening statement, and then the Senator from Indiana would be recognized for the purpose of making an opening statement. Intervening quorum calls, to my knowledge, will not upset that unanimous consent arrangement. Am I correct?

The PRESIDING OFFICER. Does the Senator have an inquiry?

Mr. QUAYLE. That is my inquiry.

The PRESIDING OFFICER. That is not the situation.

The Senator from Indiana is recognized.

Mr. METZENBAUM. I think the parliamentary inquiry that he and I would like to propound is under what circumstances after a unanimous-consent request has been made and recognition is provided for under that unanimous-consent request, under what circumstances does a quorum interrupt——

The PRESIDING OFFICER. The Chair is not going to rule on a theoretical matter. The Senator from Indiana is recognized.

Mr. QUAYLE. Further parliamentary inquiry. I am just curious about that.

Mr. METZENBAUM. They will not answer a theoretical question.

Mr. QUAYLE. Is it possible when you have a unanimous-consent request agreement that a quorum call would vitiate the unanimous-consent agreement? Is that the case? Is that possible?

The PRESIDING OFFICER. The agreement is not vitiated.

I have so ruled. I recognized the Senator from Indiana.

Mr. QUAYLE. I do not think we are going to get an answer to our question.

The PRESIDING OFFICER. No, the Senator is not.

Mr. QUAYLE. Mr. President, we are here today on a piece of legislation on which I find a somewhat unusual precedent and practice being established.

It is my understanding that this is the first time where a bill has been laid before the Senate and before opening statements are made, there is a motion to move off the bill, by those who support the bill, and now we have a cloture motion already filed—1 day has elapsed—and we are now taking opening statements on S. 79.

I do not believe that before opening statements are made on a bill, cloture is filed, and after cloture is filed, before any opening statements, there is a motion to move to another bill?

Mr. METZENBAUM. Will the Senator permit me to respond?

Mr. QUAYLE. I yield, without losing my right to the floor, if the Senator can answer the question.

Mr. METZENBAUM. It is my understanding—and I cannot give the Senator the details—that during the previous administration, or when the Senator was part of the majority, on three separate occasions the leadership did lay down a cloture motion at a very early point in the proceedings, just as has been done in this case.

With respect to the matter of moving off the bill, I think it should be pointed out that the matter concerning Japan was a priority matter that any Senator had a right to call up. I do not know the specific provisions of that, but I know that Senator BYRD did explain on the floor of the Senate that that was a privileged matter and that any Senator had a right to call it up at any time; and that upon that Senator's doing so, it was a privileged matter for a period of 10 hours.

That was my understanding.

Mr. QUAYLE. I think the Senator from Ohio is correct, however it is not unprecedented where you call up a bill and, before statements are made a cloture motion is laid down.

Maybe the Chair can help us on this question. Is there a precedent? Once cloture is laid down, before opening statements, has there ever been a situation when a motion has been made to move to another bill? I do not think that has ever been done before in the Senate, at least since I have been here.

Mr. METZENBAUM. I am saying to the Senator from Indiana that moving off the bill, as I understand it, came about because the Japanese matter was privileged and that any Senator had a right to call it up at any point.

I am not certain that I am correct in my answer, but am giving the Senator what my understanding is. We can check further as to the facts, but I think it is under those circumstances that the Japanese matter came in, after the cloture motion was laid down.

Mr. QUAYLE. Again, my question is not whether anybody could have moved to that highly privileged matter, because it is my understanding that any Senator could do so.

My concern is the practice that was established here and the precedent that has been established, that before opening statements, a cloture motion is filed, and immediately move to another piece of legislation.

I do not recall that ever happening before, whether it was highly privileged or not. The majority leader could have moved to another bill that was not highly privileged. He is within his rights. But I am trying to see if there was ever a precedent of doing this, and I do not believe there has been.

Mr. METZENBUAM. I am not in a position to answer any further than I have.

Mr. QUAYLE. Mr. President, a parliamentary inquiry: Can the Chair inform the Senator from Indiana whether such a precedent has been set?

The PRESIDING OFFICER. The cloture motion, obviously, was properly filed. But the question of moving off to another bill is the inquiry—the Chair has no way of taking notice of that. In any event, the time for objection has expired. I cannot answer the question whether or not there is a precedent. It would take some research to find that.

Mr. QUAYLE. I do not mean to belabor the Chair. Perhaps I can make an inquiry, formally or informally, and we can, as a matter of record, find out if it has ever happened before. I do not believe it has; and if it has, I would like to know that. If it has not, then this will establish a new precedent.

I thank the Chair for his cooperation.

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

Mr. QUAYLE. I yield to the Senator from Utah for a question.

Mr. HATCH. I have missed some of this debate because I have been necessarily off the floor. But, as I understand it, the procedure around here seems to be that you lay down a bill that has less controversy and then they lay down a cloture motion almost simultaneously with the bill. That is what the distinguished Senator is upset about. Is that correct?

Mr. QUAYLE. I am not upset about it. I do not particularly like it. I don't think that has been used before. We bring a bill up and file cloture. But what has never been done before, in my memory, is filing a cloture petition before opening statements and then immediately move off that bill to something else.

I want to get an understanding as we try to figure out, particularly for minority rights, whether this is a new precedent, one that I hope is not continued. Therefore, we have an extraordinary example of what is happening on this piece of legislation, which I think Members ought to take notice of.

Mr. HATCH. Mr. President, will the Senator yield further?

Mr. QUAYLE. I am glad to yield for a question.

Mr. HATCH. I think the Senator does this body a great service by pointing out that we are consistently coming up with these bills that are very controversial, very hotly contested, that have—at least in my opinion—very deleterious aspects to them, and basically file the cloture motion, so that only germane amendments are in order. Then, that viewpoint is a very restricted rule, anyway.

So it appears to me that we are not really having this body function as the greatest deliberative body in the world. We are just procedurally going down the line, making sure that no real dissent is effectively allowed.

I suspect that what the distinguished Senator from Ohio and his colleagues are going to to is file three amendments and lock up the tree.

Is that the purpose of the amendment?

Mr. QUAYLE. I have the floor, Mr. President.

Mr. HATCH. Mr. President, will the Senator yield to me so that I can ask the Senator from Ohio?

Mr. METZENBAUM. We yielded to the Senator from Indiana. We have two distinguished Senators waiting on the floor to offer amendments, Senator DIXON and Senator FORD, and Senator BREAUX is anxious to come to the floor as well.

I just want to respond to one comment.

Mr. QUAYLE. I am glad to yield to the Senator from Ohio for the purpose of a question only.

Mr. METZENBAUM. Does the Senator from Indiana know that when you talk about controversial legislation and laying down an early cloture motion that when the Senator's party was in control, as to the issues that were before the Senate when the cloture motion was laid down very promptly, one of them had to do with Contra aid, the other one had to do with South Africa, both of which I am sure we will agree are highly controversial subjects?

Mr. QUAYLE. I believe that the Senator will find both of those cases, and I am glad the Senator from Ohio brought those examples up, dealt with a unanimous-consent arrangement, the Contra aid and South Africa, that there was worked out by the majority leader and the minority leader a unanimous-consent arrangement in which cloture would be filed on both of those bills. I do not believe there is any such unanimous-consent arrangement on this particular bill. So that is not a very good precedent to cite as far as saying "Well, yes, we have done it in the past."

Mr. METZENBAUM. Let me say——

Mr. QUAYLE. I am glad to yield for the purpose of a question.

Mr. METZENBAUM. Does the Senator from Indiana know that the Senator from Ohio was waiting with bated breath to hear his words of eloquence concerning this bill? And so I will let him proceed in order to advise us accordingly.

Mr. QUAYLE. I thank my friend from Ohio.

I think that the Senator from Utah makes a very good point as far as the intent of filing cloture in this particular case. As the Senator from Utah

says, it was filed and one of the objectives states in the RECORD—not the only objective—one of the objectives of the majority leader was we were in fact to get germaneness.

The Senator from Utah is exactly right that we are trying to do this part of it for germaneness. As a former Member of the House of Representatives, I know how these restrictive rules and cutting off debate and not allowing amendments to come up works. Unfortunately, I was in the minority over there the whole time. I know how the Rules Committee over there operates.

I do not believe, as the Senator from Utah pointed out, that we want this body to become much more like the House of Representatives.

So I would hope that those who take cloture seriously will not only vote against it on Wednesday—I understand it will be filed again today—but also vote against in on Thursday.

Mr. President, let me get to the bill before us, S. 79, which is the high risk notification bill. It is in fact a very complex technical bill.

Let me say at the outset that the objective of this bill is when the Federal Government has information that a worker in the workplace has the increased possibility of getting a disease because of where he or she works the Government ought to share that information with that worker.

I agree with that objective. I have said throughout the battle of S. 79 that we, meaning the Federal Government, have a moral obligation to share known health risk information with the worker. I do not dispute that principle.

What I dispute is this particular legislation and the approach that we use in trying to achieve that objective. If in fact that is the objective, I will be diligently working with Senators on both sides to see if in fact we can construct an alternative or substitute to this legislation, because this legislation is fundamentally flawed in a number of places.

One, the scientific data used to make the determination on when notification in given is far too loose.

Let me give you an example of the legislation that I think the occupant of the chair would be interested in. If you work in a textile mill for a certain number of years with a certain concentration of dust and if NIDSH determines that long-term workers in dirty factories have a high incidence of byssinosis, a disabling lung disease. Under this legislation if NIOSH finds in the mortality statistical study that there is this incidence of increasing a disease, all the people who have worked in those textile mills and cotton gins will receive the notification even if their factories are in compliance with OSHA. The bill does not require the distinction between a short-term worker in a dirty factory, and a long-term worker in a clean one. They receive all those individual notifications and so do their retirees.

Employers may argue "We don't have that incidence of disease because that was 10 years ago or 15 years ago that you are using those mortality statistics," notwithstanding, Mr. President, those notices go out.

When those notices go out you can guess the amount of lawsuits that are going to be filed and in many cases the notices are going to go to people who say, "Hey, I thought you told me, Mr. Employer, that this place was safe, that this was a healty environment in which to work," and the employer can say, "We have in fact reduced the concentration of the potential hazard. We have in fact taken the course and furthermore we do not agree with this particular finding."

But there it is, the Federal Governments determination that these workers are at high risk of byssinosis. Mr. President, you can imagine the litigation, you can imagine the costs that are going to be placed on businesses, defending themselves against this sort of thing.

Mr. President, we need to figure out a preferable way to get this information that the Government has to the employees.

As a matter of fact I have always said throughout the debate on this legislation that I support the fundamental objective and principle that if the Government has conclusive knowledge that an employee has an increased incidence of getting a disease over the national average that information ought to be shared. But we ought to share it with people who we can help.

I do not believe it makes sense to use these notifications to simply scare people.

I recall a column that was written by Ellen Goodman on this issue, that was talking knowledge of incurable disease. She points out that some individuals simply don't want to know if they have incurable diseases, such as Alzheimer's or Huntington's disease. Some do. Some who have found out were sorry they did.

But under the current legislation, on S. 79, he would have to be told or she would have to be told.

My approach would be that once we find this category of people that are predicted to be at-risk, then let us break the category down into the people that we can actually help through either medical monitoring, medical removal, health promotion, or something along those lines. And then let us get that information to them in their normal course of work activity.

It is not through sending out hundreds of thousands of individual notices with a stamp out of: "Government document, highly important, open at your own risk." But we should do it through the work force.

We can also do it through the hazard communication laws that are presently law where we inform workers of a hazard. We inform workers, as we should, of a hazard. And we should, in fact, inform workers of risk of getting a disease if we have conclusive evidence that that is the case. We can give notice of risks through the workplace, and that should be our objective: How can we come up with a manageable piece of legislation that will serve the objective?

Furthermore, Mr. President, this legislation we know received 190 votes, something like that, in the House of Representatives. As I stand here I am sure it will receive a good number of votes. There is no way, as it is currently written, that it will be enacted into law. That is just an impossibility from a political point of view.

If we are really interested in doing something today; if we are really interested in helping the workers get this information of risk that we think is necessary, we will support something other than this legislation. Because we know that it is not going to go anywhere in the final analysis.

We can have political points, make our political battles, we can run out to our constituencies, but I am telling you we are not going to be helping John Jones or Mary Smith out there that might want this information. I would be willing to craft a vehicle to give them this information and once they have this information we can look at medical monitoring, we can look at medical removal, we can look at health promotion. That will not happen, Mr. President, under this legislation because this legislation is not going anywhere. I think we ought to understand the political consequences of this legislation.

Mr. President, I do not believe that this bill should be enacted into law. S. 79 is designed to establish a process for the notification of workers who are at risk of contracting a disease as a result of their exposure to a hazardous substance or physical agent.

As I have said, no one, and certainly not I, can quarrel with such a purpose. Indeed, I believe that S. 79 establishes a very important principle; that when the Federal Government has knowledge that is relevant to the health of an individual, it is the Government's moral and ethical obligation to provide that information to that individual. That is the principle of S. 79. And I believe that my friend from Ohio has done the Senate and the Congress a service by bringing this issue to the forefront.

Mr. President, I also believe if the Congress decides to pass notification legislation, it is incumbent upon the Congress to be responsible about

where, when, and how to notify people they are at risk of contracting a disease. The Government has used alarmist tactics in the past. It creates an atmosphere of fear and panic when it notifies workers, regardless of the scientifically sound connections between exposure and risk.

Unfortunately, as presented I believe that this legislation will do exactly that. And the reason, Mr. President, is that there is no requirement that there be a causal relationship between finding the statistical evidence that a certain number of people in the category of review had a higher incidence of death from a certain disease and workplace exposure to the causative agent—there is no causal relationship to say that they died of that disease because of a certain thing in their workplace.

We need to think beyond the politics of the issue of what we are trying to accomplish here. We should not go off haphazardly. We should not, dealing with legislation particularly giving this kind of power to this independent regulatory board, before we have thought through what we are going to be doing to the employees, the employers, of this country.

This legislation does not require a causal link between risk and exposure and that is one of the criticisms that I have.

During the committee consideration some improvements were made to the bill. However, considerably more work must be done to turn this highly complex and technical bill into responsible and worthwhile public policy. When the committee considered S. 79, I offered a number of amendments that the committee declined to accept. These amendments were based on principles which I believe should be the basis for any worker notification program.

Mr. METZENBAUM. Would the Senator yield for a question?

Mr. QUAYLE. I will be glad to yield for the purpose of a question only.

Mr. METZENBAUM. I was encouraged by the Senator's statement that there ought to be other amendments made to this bill. Would the Senator be good enough to indicate whether there are such amendments that could be offered, not actually totally gutting the bill, but which would then cause the Senator from Indiana to join with the Senator from Ohio in supporting this legislation?

Mr. QUAYLE. I am currently trying to work with a number of Senators on drafting a substitute to this entire bill. The substitute will be along the lines that I just stated on the floor, satisfying my objections and the way that I think it ought to be done. I am working on that, and when in fact we put it together I will be glad to share that with the Senator from Ohio to see whether he concurs or not.

I can tell this to the Senator from Ohio, that it will not gut his bill and it will go along with the basic objective that I think he has and which I share. That is that when the Federal Government has conclusive information of this increased incidence of disease, that that information should be shared with the affected employee. That basic objective, I can assure the Senator, a substitute I will be attempting to put down will achieve.

Mr. METZENBAUM. I am sure the Senator from Indiana knows that when we had plant closing legislation, the distinguished Senator from Indiana said to me one evening that the bill was like a moving target, that it kept changing. I said that we had to keep changing it to pick up votes.

I just want to say to the Senator from Indiana that nothing would please the Senator from Ohio more than to be able to work out such amendments as those that concern the Senator from Indiana in order to get this support for this very, very important piece of legislation. I want to say it as loudly and as clearly as I can. The door is wide open. We are prepared to do that. I thank the Senator for yielding.

Mr. QUAYLE. I thank my friend from Ohio. I do recall that plant closing notification. As a matter of fact, I believe I was explaining one time that it was between Metzenbaum 6 and Metzenbaum 9, that change, that I was eating a salad in the dining room. I could never figure out what the target was, but it was that "Once we get the votes, we can offer it up."

I applaud the Senator from Ohio on the way he knows the rules.

Mr. METZENBAUM. I told him while he was eating the salad and we made change, we picked up two votes. Now I am prepared to pick up one vote, yours, and I am prepared to negotiate with you and see what compromise can be effected. I would like to have you very much with us.

Mr. QUAYLE. I thank the Senator, Mr. President. I think we have worked long and hard on this issue. We have put in a lot of time on it. I know the Senator from Ohio has and I have, too. It is a highly technical issue.

There is no doubt about it, that certainly when we get to what we think will be a good substitute on this particular issue, we will sit down and be glad to talk to the Senator. As I said, it will not violate the objective of what the Senator from Ohio wants to achieve.

Mr. President, let me go on.

The amendments that I offered in the committee were based on principles which I believe should be the basis for any worker notification. We have in the House essentially on the same bill 190 votes in opposition, certainly enough to sustain a veto. I hope that rather than face a veto we could work together on an acceptable compromise.

I believe that the basis for any worker notification program should be this:

Notification is appropriate and should take place when there is a reasonable, scientific, medical, and ethical basis for it. There should be reasonable, scientific, medical and ethical basis for it.

The risk notification program should not impose unreasonable costs on small business. Small businesses are the ones who are going to get zapped by this on a couple of counts. One is the potential liability and it is horrendous. If you send out hundreds of thousands of letters, even though there has been a good faith attempt to try to limit workmen's compensation, to try to limit tort liability, and you get an employee, you get a farmer, get an employee of a farmer, and they get that notice, what do you think they are going to do? Throw it away, if they get a notice that they have increased incidence of getting a disease? What do you think they will do with it? Will they take it to their lawyer; their doctor? What do you think the lawyer is going to do with it? I can tell you what the lawyer is going to do with it.

He will say, "This looks like a little lawsuit."

What we have been trying to do particularly for small business is not to expand liability. I think that the gist of what many small businesses have been complaining to me about is that they are exposed to too much liability.

This is a lawyer's dream and it is very, very costly to small business.

I believe that the choices from the small businessman or woman will simply be that this will sort of push them out of business. I do not believe that we should pass legislation that will do that. This notification program must be administered in a politically responsible manner.

Let me tell you how this risk assessment board is established. This risk assessment board is composed of certain members who are appointed by the Secretary of HHS upon the advice of the National Academy of Science. No Senate confirmation, no Presidential appointment, and once this risk assessment board is appointed, it has the same powers as the FTC, the FCC, the ICC—any independent regulatory agency. This is unprecedented power given to a committee that has zero political accountability.

How far are we willing to go? If we are going to create an independent agency with all the powers, it ought to be appointed by the President and confirmed by the Senate. My preference would be to let the Secretary of HHS have more discretion, but certainly not the power of an unprecedented basis like this legislation.

A disease notification program should not serve as a basis for establishing the liability of an employer. I believe I have basically reviewed that in an analysis on the cost of small business, but we do not want to establish a disease notification program that is really going to cause a whole host of lawsuits.

While proponents of the bill do not disagree with these principles that I have outlined, I can assure you the bill, as reported, does not comport with even one of them. It is my view that S. 79, as reported, has several major deficiencies, which I will describe in more detail in the remainder of my remarks. While such a discussion will be technical, I think it is important that the Members of the Senate understand what a complex bill S. 79 is, and that it is not the small, just simple program that some of the sponsors of the legislation say it is. This is not just a simple piece of legislation that is going to be brought up, easily understood, and put through.

When we take things up in the Labor and Human Resources Committee, though we worked hard and long, it is unfortunately very difficult to get genuine bipartisan compromise on legislation like this that is highly technical and highly complex. Unfortunately, we have to end up doing it on the floor. That is a choice that I do not make, but a choice that has been made.

I just want to read what the definition of an occupational health hazard is, just the legislation itself:

The term "occupational health hazard" means a chemical, a physical, or a biological agent, generated by or integral to the work process and found in the workplace, or an industrial or commerical process found in the workplace, for which there is statistically significant evidence (base on clinical or epidemiologic study conducted in accordance with established scientific principles) that chronic health effects have occurred in persons exposed to such agent or process. The term includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, including agents that may cause miscarriages and birth defects, irritants, corrosive, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoetic systems, and agents that damage the lungs, skins, eyes, or mucous membranes.

Let us go on to where we look at the population at risk:

The term "population at risk of disease" means a class or category of employees (A) exposed to an occupational health hazard under working conditions (such as concentrations of exposure, or durations of exposure or both) comparable to the clinical or epidemiologic data referred to in paragraph (8).

I think you can see by just a casual reading of two very important sections, the occupational health hazard and the population at risk of disease, this is, in fact, exceedingly complex and technical.

The identification of populations at risk of the disease, page 41:

In identifying populations at risk of disease, the Board shall consider the following factors based on the best available scientific evidence—

(A) the extent of clinical and epidemiologic evidence that specific substances, agents or processes may be a causal factor in the etiology of chronic illnesses or long-latency diseases among employees exposed to such substances, agents or processes in specific working conditions (such as concentration of exposure, or durations of exposure, or both);

(B) the extent of supporting evidence from the clinical epidemiologic, or toxicologic studies that receive substances, agents, or processes may be a causal factor in the etiology of chronic illnesses or long-latency diseases among individuals exposed to such substances, agents, or processes;

(C) the employees involved in particular industrial classifications and job categories who are or have been exposed to such substances, agents, or processes under working conditions (such as concentrations, or durations, or both) that may be a causal factor of the etiology of the illness or diseases.

Mr. President, I can go on and on with language that is in this bill which was carefully drafted, but it is an exceedingly complex and highly technical piece of legislation.

In my view, the most serious problems presented by this bill are the following: One, the scientific basis for notification is, inadequate. As I have said, the scientific basis for notification is, from a study of mortality statistics if it is statistically significant, which could be 1 percent above the average, 2 percent, a half percent, whatever statistically significant means, and then the Government is going to notify all those workers without distinction.

There is no requirement of a causal relationship between risk and exposure. Because there is no requirement of causal relationship between the disease itself and the exposure in the workplace, you will literally have hundreds of thousands of people who will be receiving this information erroneously. I tell you what getting that kind of information would do to me. I tell you what it would do for you, your wife, and your kids. If you get that kind of information, you are not going to like it because it says that you are predicted to have a better than average chance of getting a certain disease. And depending on what kind of a person you are, you may take it very seriously; you may tend to want to blame the employer; and you may want to make sure you go down and see your lawyer. But in fact you are getting all worked up, you have all this anxiety, you are going through a lot of stress for naught, because maybe you should not have gotten that notice in the first place because the actual work environment is different than the environment in which the study was done. That is one of the problems with this legislation.

Furthermore, this bill does not achieve its stated goal of tort neutrality. I think the sponsors of the bill have done a very good job in trying to limit the liability. They specifically say that it is not a new tort remedy, they specifically say that it does not affect the workmen's compensation laws.

(Ms. MIKULSKI assumed the chair.)

Mr. QUAYLE. But even though that is in the legislation, Madam President, when those notices go out, they are just simply invitations to lawsuits, invitations to lawyers that are looking to bring lawsuits to help their plaintiffs.

So this bill cannot achieve its stated goal of tort neutrality. In addition, the bill does not deal with the practical realities of notifications and it is not workable in its present form.

What is small business going to do in response to this legislation? Those who want to help small business might think of figuring out a way we can deal with the notification and medical removal problems in the bill. My way would be, since you give this worker this notice, to give him the notification, and if in fact he or she requires medical removal, we leave it up to, say, the Department of Labor to institute certain requirements for medical removal.

The bill also departs widely from relied-upon accepted procedures for administrative and judicial review. It has the extraordinary remedy of writ mandamus. I am not exactly sure why that is in here. But if it is in here because the administrative procedures and the administrative practices do not work, then we ought to be amending the administrative practices and the administrative procedures.

Madam President, I believe that it is critical that a more generally accepted scientific principle be incorporated into the notification decisionmaking process by revising the definition of an occupational health hazard.

And I read the definition of an occupational health hazard for which there is statistically significant evidence—that is the criteria. The definition of an occupational health hazard in S. 79 is one of the most important components of the notification scheme envisioned by the bill. Thus its accuracy is essential to an appropriate notification program.

It is important that the definition of an occupational health hazard be revised to assure that notification will be triggered only when there is a scientifically respectable causal relationship between exposure of the hazard and the consequent health effects.

That is a fundamental problem that you have with this legislation. That is why literally millions of people will be

getting misinformation potentially because there is no causal relationship between exposure and risk. You can have a situation where you go back and review the fatality statistics and people that work in X company, in a certain industry, had a higher national average of dying of a certain disease. And since they had a higher national average of dying of that disease, they in fact will be eligible to receive individual notification under this act no matter, Madam President, that if in fact the disease that they had, and they can track it, was not in fact caused in the workplace, and that is a fact. There does not have to be any causal relationship. In my view, the definition of an occupational health hazard in S. 79 simply makes no sense.

Currently, the definition of occupational health hazard reads it is a chemical for which there is statistically significant evidence that chronic health effects have occurred and exposed employees. Indeed, the majority report on S. 79 emphasizes that notification is warranted only where there is statistically significant evidence that chronic health effects have occurred in persons exposed to hazardous substances. Statistics, to quote the Encyclopedia Britannica, "The art and science of gathering, analyzing, and making emphases from data." Statistical significance means no more than that the inference has a certain degree of probability. However, under the definition of S. 79, no inference is required.

The operative principle is that chronic health hazards have occurred and exposed employees. However, that fact alone has no significance, statistically or otherwise. The mere fact that 50 cases of a chronic health hazard have occurred and exposed employees has no significance. Such a fact is meaningful only if the health hazard can be related to the exposure through relevant scientific means. Such a fact is meaningful only if the health hazard can be related to the exposure to relevant scientific means. Without the requirement of such a relationship, the definition is really quite meaningless.

Let me give you an example; a concrete example which demonstrates the inadequacy of the current definition. Kenneth R. Foster's article, "The Great VDT Debate" reports on clusters of birth defects occurring in children of mothers exposed to video display terminals. Under the definition as proposed by S. 79, the test to determine the existence of an occupational health hazard is whether there is statistically significant evidence that the health effect occurred in exposed employees.

Let me add that there is no question that such effects did occur in the considerable number of instances cited in that article.

Accordingly, VDT's would meet the definition of an occupational health hazard under S. 79. But as the article also demonstrates the fact that these clusters exist is no evidence that there is a causal relationship between the birth defects and the exposure. The author states an epidemiologist would consider the reported clusters to be provocative but inadequate to demonstrate any connection between reproductive problems and the VDT's. That is the heart of the problem. That is the problem, Madam President; that you can go ahead and have a statistic that shows that there is in fact this problem with people that are exposed to say computers, VDT's, but that statistic is not meaningful unless you can call the causal relationship between that exposure and that illness or disease in this case specifically birth defects.

While the statistical analysis in the article is complex, it is absolutely clear that under the definition in S. 79, a mere occurrence of a number of cases would meet the definition of a hazard. Thus it is essential that this definition be revised to require a causal relationship between the health effect and the exposure.

Clarification of the use of the term "commercial and industrial process" is another problem with this bill. Under the bill as currently written an occupational health hazard includes not only chemicals and physical and biological agents, but also an industrial or commercial process. While it has never been too clear as to what that covered, it is my understanding that the authors mean it to cover two particular situations: One, when there is scientific evidence that exposure to certain combinations of substances results in adverse health effects, yet it is not possible to isolate the compound which is responsible. In other words, if you have a couple of things out there and you are not exactly sure which one causes it, you in fact do not have to isolate the compound which is responsible. I have absolutely no quarrel with the use of the term in this situation. However, when a method of hard working such as hard physical labor rather than exposure to a substance is the cause of the hazard, that is where the problem comes from.

The majority report on S. 79 states that it is not intended that this term include work processes resulting in mere physical discomfort such as sitting in an office chair for 10 hours. However, the markup record of this legislation clearly states that it is intended to cover situations such as potential back problems arising from the use of a jackhammer or a nonergonomic typing chair.

I do not think that this is a reasonable type of risk to merit notification, though it may well be appropriate for an OSHA workplace safety standard.

Perhaps there are some in this room who would have back stress, who have to sit long hours while we stand and talk, and they might be subject to notification, although I am sure this legislation exempts Members of Congress, as all other legislation that passes here. We exempt ourselves. But that would be an example. Someone sits in a chair for a period of time, and they are possibly going to be exposed to back injury, back stress, and therefore eligible to receive notification.

The tightening of scientific factors upon which determinations of risk are based: The bill consistently requires that the risk assessment board consider the extent to which certain evidence may be a causal factor in the development of illness or disease in making their determinations to notify. Putting such a speculative, open-ended standard in a statute simply, in my opinion, cannot be justified on the basis of sound science.

Item 4: Incorporating more generally accepted scientific principles into the definition of "population at risk." You will hear a lot about population at risk. S. 79 defines a population at risk of disease as employees exposed to an occupational health hazard under working conditions such as "concentrations or durations of exposure comparable to those in studied populations."

Again, this would be establishing a highly speculative standard for notification. This definition needs to be revised, to ensure that scientific data are not used inappropriately. As currently drafted, the bill's definition of "population at risk" could result incorrectly in notifying individuals with low exposures or short durations of exposures of disease.

Let me give an example that I have used to the former occupant of the Chair. Assume that in the many textile mills and garment factories and workplaces in this Nation there is a risk assessment board determination that a 15-year exposure to cotton dust at concentration level $x$, $y$, $z$, produces a serious disabling lung disease. The risk assessment board would not necessarily have data on concentration levels for all workplaces or all workers, so they would notify anyone who worked in a textile mill for 16 years at any concentration level.

The use of "concentration or duration" rather than "concentration and duration," I can assure you, will result in overnotifications. That is simply put. In a certain period of time, if you been exposed to this agent or this substance, whether it be at the level of $x$, $y$, or $z$, then you are to receive a notice. It does not say that you also have to receive that duration at a certain concentrated level.

Many of the garment factories and textile mills and others have gone a

long way to making their place of work better and more safe and healthier.

Mr. FORD. Mr. President, will the distinguished Senator yield for a question?

Mr. QUAYLE. I am delighted to yield to the distinguished Senator from Kentucky for a question only.

Mr. FORD. I say to my friend that if he wants to set a record in speaking, that is his privilege. He said earlier that it would be 20 or 30 minutes. It is now roughly an hour and a half.

I have been waiting to offer an amendment. Can he advise this Senator how much longer it is going to be? If it is going to be much longer, I will have to have somebody here to do it for me, and I want to make arrangements.

If the Senator has all those pages, we were deceived somewhat in the beginning as to how long he would take. I would like to make my personal arrangements, if the Senator will be much longer.

Mr. QUAYLE. I would probably guess another 20 or 30 minutes.

Mr. FORD. It is all right with me, as long as I have some idea.

Mr. QUAYLE. I am just guessing. I am on page 14. It looks like 35 pages. Most of the extemporaneous part of it is included. There are some other points I want to make.

Mr. FORD. So, we are talking about another 20 or 30 minutes—5 o'clock?

Mr. QUAYLE. I would guess around 5 o'clock.

Mr. FORD. That suits me fine. I can make my arrangements, then, and I thank the Senator for his courtesy.

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?

Mr. QUAYLE. I yield for the purpose of a question only.

Mr. METZENBAUM. Will the Senator consider permitting the Senator from Illinois, who has been waiting a long time, and the Senator from Kentucky, and the Senator from Louisiana, to offer their amendments, with the understanding that the Senator from Indiana would be recognized immediately thereafter, for the purpose of concluding his remarks, with a unanimous-consent agreement, which I would be willing to enter into, that his remarks would not be disjointed in the RECORD? Would the Senator have any objection to that?

Mr. QUAYLE. I do not want to get into that. I want to finish my opening statement. Maybe I might convince some of those not to offer those amendments or to offer other amendments. Let me conclude my opening statement, and I am just guessing.

What I am doing, as the Senator from Ohio knows, is going through a long history of this. As I go through my speech, a lot of things come to mind, a lot of things that I am trying to get out. That is why it has taken me a lot longer than I thought it would, because there is a lot more here than I anticipated.

Let me go ahead and try to conclude, and then we can get into the amendment process. I would guess that I will not go any longer than 30 minutes more.

Madam President, I was talking about the use of concentration or duration as being "or" rather than "and," and I think that is a very important point to make because you can certainly be exposed to this substance but there has to be certain concentration levels that makes it, in fact, an exposure that will have the cause of this certain disease.

Madam President, let me switch to the incidence of the risk assessment board from the executive branch.

I believe that the provisions of S. 79 relating both to the decisionmaking process and the decisionmaking authority for determining populations at risk of disease are fundamentally at odds with our basic system of government. S. 79 gives final decisionmaking authority to the risk assessment board in determining at risk populations.

The board is located in the Department of Health and Human Services but is effectively independent of them. The Secretary appoints the board to a fixed term, but has no review or influence over its decision.

Think about what we are doing. We are, in fact, creating a board that has the power of the FTC or the ICC or any independent regulatory agency, and yet we are not going to have any political accountability, none whatsoever, because it is a list that is furnished by the National Academy of Science. The Secretary of HHS appoints and once that is done, there is no accountability. The Senate does not vote on confirmation, the President does not appoint. And, as I said, this is unprecedented. We do a lot of things that are unprecedented, but this is an unprecedented vesting of power in an independent regulatory agency without any political accountability.

We live in a democracy and yet we are willing to hand over this kind of power to a board without any accountability to those who are elected to office. I think it is just very fundamental bad public policy.

As I have said the independent board is unprecedented in our post-World War II Govenrment.

The authors of S. 79 argue that the National Transportation Safety Board and the Foreign Service Grievance Board are very similar to the proposed risk assessment board. A look at the facts demonstrates that this statement is just simply in the category of disinformation.

The National Transportation Safety Board is an investigatory board in nature and is accountable to the President. Its main function is to conduct independent investigations of accidents. The Foreign Service Grievance Board was established to adjudicate employee grievances not to set Government policy.

Interestingly enough, there was a similar debate during the enactment of OSHA. At that time Republicans argued for an independent board and the Democrats supported placing power in the Secretary, but the Republicans argued for a board that was appointed by the President and confirmed by the Senate. The board would thus have an appropriate degree of responsibility. Nobody argued for a technocratic body ensconced in the middle of a bureaucracy with no political accountability whatsoever.

I intend to and I believe that the Senate should put this risk assessment board under the Secretary of HHS, and I think this is the way that we will want the risk assessment board to function. It certainly would be more responsible. It is more responsible to our democratic form of government to have this board independent. It is unprecedented in the history of government.

Now, Madam President, I want to turn to the issue of notification to individuals for whom there is no medical benefits, none whatsoever.

As currently drafted S. 79 would result in notifications to numerous individuals that they are at risk of contracting a disease for which nothing can be done. I do not believe that adoption of such a policy by the Congress is appropriate. The fact that there are large numbers of people who will be eligible for notification under this legislation but for whom no successful medical treatment exists is emphasized in the majority report on S. 79.

It discusses a NIOSH analysis of several categories of workers who might be eligible for notification on the basis of a number of mortality studies. The NIOSH concluded that while 110,005 workers could gain direct medical health benefits from notification, 137,967 workers were potentially at high risk and should be notified but there are no effective intervention methods.

This is in the committee report on S. 79 at page 11.

In other words, all these folks are going to get notices about a study that was concluded but there is absolutely nothing that can be done.

Where is the objective here? Where is the concern as to what these people and how these people are going to respond?

Under this study more than 50 percent of the individuals to be notified in this situation would be receiving a notice from the Federal Government

that they were at risk of contracting a disease for which nothing could be done.

Let me just give you a realistic example. What do we suppose would happen if a retired 70-year-old steelworker who is enjoying his retirement in the hills of southern Indiana received such a notice? First of all, we will never know. No one will ever know whether this person is going to contract the disease for which she or he has been notified. If the study predicts out of 1,000 steelworkers exposed to substance $x$ 5 will get disease A, B, and C, for which no early detection is available and no cure is known, so you will notify 995 who will not get the disease and 5 that will. That example assumes a perfect world.

Human nature would suggest that this person would become and remain extremely upset about his health. The persons in his or her family would suffer anxiety and fear to no purpose. Is this really the result Congress wishes to achieve by this legislation?

There are probably many things that could be done rather than for the Government to send its equivalent of a terminal IRS audit notice. This is your terminal draft notice and your number is really up to millions of workers who fit into these respective cohort mortality studies but will not develop the disease.

Would it not be more humane to communicate some of this through personal physicians? This would be particularly so in cases where there is no known early detection for disease or a cure for a disease. Would that not be a better way to notify people of this study?

The majority report points out that recent developments in medical ethics support the principle that individuals should be informed whenever there is a reasonable certainty of risk. This position was set forth in a letter to the committee by Dr. Edmund Paligreno.

I admit that I have less problem with this if the information is coming from an individual's personal physician. However, this notice is coming from your Government.

Therefore, I must say that I do not agree with this view and I strongly believe that there is a time-honored principle of medical ethics that the patient should not be harmed without purpose that should apply in this legislation since in situations like this it should not be the Government that breaks the news.

It is my feeling that the Government needs to help in setting priorities so that those who can benefit from medical help would be directed to it on a first priority basis.

There is a very troubling distinction between the right to know that one has a very good chance of dying of a specific disease because there is no known medical intervention and the desire to know that information.

Recently, some very telling examples have been reported in the news media. Two of the more notable examples are, one, availability of a test which can determine if certain individuals will develop Huntington's disease sometime in the distant future and, two, the possibility that a new blood test may be feasible with identification of individuals at early risk of Alzheimer's disease. There are incurable diseases and we should all be aware that 8 percent of those who get Huntington's disease are reported to commit suicide. This is not a brush it off issue.

News of incurable or severely disabling diseases has to be handled delicately and perhaps not through a Government-issued draft notice received through the mail. Before passing this bill, we need to ask ourselves whether the U.S. Congress should be the ones to decide that yes, people must have that information. Should we make that information available to all on an equal basis? Should we make it available to physicians; or should we send draft notices out to people who may be at risk with a serious disease?

But, no, this legislation says that we, in fact, must send this notification; must, in fact, send this notification even when the disease is incurable and even if receiving that kind of notice will cause, I believe, health harm rather than health help, which I think this legislation would desire.

Let me turn, Madam President, briefly to the tort neutrality issue. Given this litigious society in which we live, it is unrealistic to think that a disease notification program will not generate and increase these liability claims. While I do not believe it is possible to prevent this legislation from generating claims under both tort and workers' compensation law, I do believe it is incumbent upon the Congress to ensure that this legislation is tort neutral.

All Members of Congress are certainly well aware that our legal system is in serious difficulty due to the proliferation of liability claims in recent years. We are all very aware of what impact it has had on the ability of businesses to obtain liability insurance and on the cost of insurance. Commercial liability premiums alone rose 72 percent between 1984 and 1985—a 72-percent increase. Last year, this was one of the top issues our constituents wrote and talked to us about. Maybe during this legislation we will be able to discuss liability. It would be bad public policy to pass legislation opening the door to new and unfounded claims on the system.

As I said, I commend the efforts of the sponsors of S. 79 to address this problem. This legislation is clearly not tort neutral.

Let us look at other aspects of the tort problem. Who are the winners in tort actions? I think we know that. The lawyers are the ones that win.

The Rand Corp. estimated in asbestos compensation claims that for every dollar of compensation the plaintiff receives in hand, the defendant pays out between $2.50 and $3. So we know who makes out in these cases.

Actually, I suppose you could rename this legislation and call it the Lawyers' Full Employment Act.

In fact, a foundation has already been set up to help those notified get their day in court called the Occupational Health Rights Foundation. They have even sent out a brochure called "Find Out How to Take Your Occupational Disease Claims to Court." I mean, that is what is going to happen in this legislation. No matter about all the protestations to the contrary, we are going to open up liability. There are going to be far more lawsuits. They have already got a brochure out: "Find Out How to Take Your Occupational Disease Claims to Court."

The supporters of S. 79 tell us that the bill will be tort neutral because notification cannot be used as a basis of a legal claim. I can assure you this is not a sufficient shield to make certain that the goals of the legislation are met and not diluted by other tort and product liability outcomes.

What about stress claims? Well, there will be two kinds. First, there will be stress caused by stressful jobs where, after all, a stressful job—a telephone operator or air traffic controller, for example—would be eligible for notification that extreme pressure on a job puts him or her at risk of heart attack or heart disease.

Another kind of stress would be the kind that results from getting a notification. There will be lawsuits arising from the fear of getting a disease.

A year ago, a U.S. district court said that a former Firestone Tire and Rubber employee who was exposed to toxins and allegedly suffered injury to his immune system but had not exhibited any symptoms of the disease can sue his former employer directly because his claim was not compensated under California workers' compensation law. They argue that he was made extremely anxious and fearful that he would become sick. This is the type of Pandora's box that S. 79 cannot help but open.

As the committee discussed S. 79, its actual mechanics and complexities became very apparent. One subject that has been under much discussion has been the actual content of a determination by the risk assessment board that a population is at risk. The bill provides that a population would be found to be at risk of a disease when a class or category of employees had

been exposed to an occupational health hazard under working conditions, such as concentration or duration, or both, compared to evidence indicating chronic health effects may occur.

It is relatively straightforward what a determination would say when very specific information relating to both concentration and duration of exposure is available. However, questions arise as to what constitutes unbearable working conditions when information about either specific concentration or duration is not available. Will all employees who could have been exposed to a particular substance be notified? Will notification take place on an industry specific or plant specific basis?

In an attempt to resolve this question, in April my staff requested the major groups supporting S. 79—Chemical Manufacturers Association, the AFL-CIO, and the American Electronics Association—to prepare an example of the determination that might be triggered by an actual occupational health hazard. In other words, let us see what is in this before we pass this legislation. How is it going to work? I mean, how is this legislation going to work?

The CMA and the AFL-CIO have yet to respond to this request. After several months, we finally received a response from the American Electronics Association. I think that the material that the AEA did supply, simply a sample notification letter, is instructive because even AEA, which is a supporter of this legislation, fails to provide a determination as requested. Moreover, their notification letter assumes a type of determination that I already know can be written. It describes it as a situation where both concentration and duration information is available, yet the bill permits notification based upon either concentration or duration.

Another very practical problem that has developed in discussing implementation of this program has been the question of how the characteristics of a population at risk would be translated into an actual list of names and addresses of individuals who are properly within that population. Until we have a much better idea of what an actual determination will look like, it simply is not feasible to develop a workable process for dealing with this problem. I mean, we do not even have, Madam President, what a determination would be coming from the risk assessment board. We have asked that question and received no answer. Maybe there is not an answer.

I think it goes to the unworkability of this bill that we cannot even get a simple determination of what this board will determine it to be in defining the risks of the population at risk under the definition of duration or concentration of materials.

No answer. The importance of this matter to the actual implementation of this legislation is it was imprudent for this committee to report this bill out until this material had been received and analyzed. I mean, if we do not receive this material because it is impossible to develop, it certainly suggests that the sponsors of this bill need to go back and to come up with something that is. And what we in fact will know will be part of this.

Further, in discussing the practicalities of this legislation, it should be noted that the majority report states only 50 Federal employees will be required to implement this program. Such an assertion is either wrong or based on the most naive assumptions about how this program can be implemented. To date our notification experience has been an industry-specific situation such as chemical plants. However it is important to consider how the bill will work in the cross-industry type of situation.

Let us take a highly plausible scenario that may well unfold if this bill is enacted. Assume for the purpose of discussion that the study NIOSH is currently conducting on video display terminals concludes that workers exposed to VDT's for 5 years or more are at risk. Assume further that the board agrees with that finding.

Presumably in this event the board would define the category or class of employees as persons exposed to VDT's for 5 years or more. Given that 28 million people currently use VDT's, it is foolish to think a mere 50 employees could handle the task of notifying them.

The majority report simply does not reflect complexities of implementing this legislation. Locating former employees is not an easy task. Indeed, the interim report of the pilot project NIOSH conducted dealing with workers exposed to a potent carcinogen concludes that a relatively large number of employees—approximately 245 out of the cohort of 1,094 individuals—could not be located despite fairly rigorous search efforts. This is about 24 percent of the group. It should be noted that this was a notification project that simply dealt with one company and one plant. I would also like to point out that this particular pilot project in notification is considered a success by NIOSH in terms of location and notification of former employers. They would argue that this pilot project proves that you can do it. I say it shows that the problem is much more difficult that this bill imagines. Further what is the Government's moral responsibility to the 24 percent of former workers who were not notified?

MEDICAL REMOVAL/JOB RETENTION PROVISIONS

While some progress has been made in addressing these issues, considerable revision of these provisions is still necessary because they are inadequate.

Job transfers with benefit and salary retention would be required where a nonexposed job was available. However, where one was not available, the employer would be required to provide the employee with salary and benefits for a 12-month period. Thus, employees who are unable to transfer due to the lack of a suitable job receive income protection for a year, while those who are able to obtain a transferee position receive income protection forever.

Adoption of S. 79 in its current form, would create in statue, a two-tier wage structure throughout much of American industry. Under S. 79, many employees would receive substantially higher wages for work traditionally performed by lower wage workers. Such a system is certain to generate enormous discontent. It contradicts common sense and elementary notions of fairness to pay employees dissimilar wages for identical work.

Certainly the impact on small business is important. This bill was amended to exempt employers with 10 employees or less from the medical removal requirements the bill would impose. I do not believe that the impact of this legislation on our Nation's small businesses has been adequately addressed.

I do not think it is realistic to expect that small businesses will be able to absorb the employer costs this bill will impose.

I do not believe it would be appropriate to exempt employees of small businesses from notification.

However, I do not think it is realistic for the Congress to require small businesses to provide the costly medical monitoring benefits section 9 of the bill would entail. As we all know, many small businesses do not offer health insurance benefits. Approximately 55 percent of all firms with less than 100 employees offer coverage while 45 percent of all firms with less than 10 employees offer coverage.

Another issue, Madam President, is the departures from accepted procedures for administrative and judical review.

The bill is replete with provisions that depart from widely accepted and relied upon procedures for administrative and judicial review.

To cite just one example, it permits an individual who is aggrieved because of a delay in the issuance of a final determination by the board to bring a civil action for mandamus.

Mandamus is an extraordinary writ which suggests the most extreme emergency to permit an individual to

not first exhaust his administrative remedies. Black's Law Dictionary notes that "the writ of mandamus is a drastic one, to be invoked only in extraordinary situations." The sponsors of S. 79 have yet to state why the legislation would present the requisite extraordinary situation.

Congress enacted the Administrative Procedures Act to address the failure of agencies to carry out their functions properly. If that law is so ineffective that special provisions are required in legislation such as this, it is time for the Congress to take a serious look at the APA and amend it accordingly.

Madam President, before I yield the floor, I want to clarify one point that has been over and over again and that is all of the points that have been brought up about all the businesses that support this legislation. Everybody has got that list and I ask unanimous consent that the lists of associations that support this legislation be printed in the RECORD.

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

(See exhibit 1.)

Mr. QUAYLE. Madam President, let me examine some of this so-called business support. First, look at the American Electronics Association that supports the bill but that is because it regards itself as unaffected by S. 79. They are simply not going to be affected by this. In fact, the AEA's exact words were, "Because we are unaware of any exposures in the electronics industry that would trigger a notification, we are unable to provide you with a sample notification."

We have serious questions about the value of support from a group that is not to be affected by the legislation. I mean, it is pretty easy to go ahead and support the legislation if you do not think you are going to be affected by it.

Let me just read a second one from General Electric. They recently wrote me stating, "We already have in place an extensive program of risk notification and a proactive occupational exposure medical monitoring information system. The legislation, therefore, would have little cost effect on our operations."

Another example. They support it but they are not affected by it. That is the kind of support, I guess, that you want. You want those big companies that are not affected by this to say well, we do this anyway so go ahead, pass the legislation. We are not really concerned what happens to the rest of the folks there. It does not affect us so go ahead, you pass it. We will support it.

Again, we have support from a corporation which would not be affected by this bill. Let us consider the support of Johns-Manville Corp., a former Fortune 500 corporation which sought protection under chapter 11 of the bankruptcy code to protect itself from literally thousands of product liability lawsuits. Could it be this company has no fear of increased litigation because there is no one left who has not already sued them?

So I am not so sure about, when you start looking at the sponsors, one of the sponsors has been cited as the Gruman and Foster, the second largest carrier of liability insurance. It should be noted that the American Insurance Association, which carries 85 percent of the workers compensation coverage in this country, does not agree that S. 79 is neutral on the issue of liability and it strenuously is opposed to the bill in its present form.

So that is some of the so-called business support that is for this bill. Most, it appears, are not affected by it and we will put in three pages worth here. I am not going to read them into the RECORD. They would oppose the bill.

I yield the floor.

EXHIBIT 1

National Association of Manufacturers.
Chamber of Commerce of the United States.
National Federation of Independent Businesses.
National Association of Wholesaler-Distributors.
American Mining Congress.
American Farm Bureau.
American Petroleum Institute.
The Business Roundtable.
National Council of Agricultural Employers.
Adhesive and Sealant Council.
Aerospace Industries Association.
Air-conditioning & Refrigeration Wholesalers.
Alliance of American Insurers.
Aluminum Extruders Council.
American Coke and Coal Chemicals Institute.
American Federation of Small Business.
American Feed Industry Association.
American Furniture Manufacturers Association.
American Hardware Manufacturers Association.
American Iron and Steel Institute.
American Jewelry Marketing Association.
American Machine Tool Distributors Association.
American Meat Institute.
American Retail Federation.
American Retreaders Association.
American Road and Transportation Builders Association.
American Subcontractors Association.
American Supply Association.
American Textile Manufacturers Institute.
American Traffic Safety Services Association, Inc.
American Veterinary Distributors Association, Inc.
American Wood Preservers Institute.
Appliance Parts Distributors Association, Inc.
ARMTEK Corporation.
ARMCO Inc.
Asarco Incorporated.
Associated Builders & Contractors.
Associated Equipment Distributor.
Associated General Contractors of America.
Association of American Railroads.
Association of Footwear Distributors.
Assn. of Plumbing-Heating-Cooling Contractors.
Association of Steel Distributors.
Association of the Wall & Ceiling Industries-International.
Automotive Service Industry Association.
Aviation Distributors & Manufacturers Association.
Bearing Specialists Association.
Beauty & Barber Supply Institute, Inc.
Bechtel.
Bethlehem Steel Corporation.
Bicycle Wholesale Distributors Association, Inc.
Biscuit & Cracker Distributors Association.
Blasch Precision Ceramics, Inc.
Borg-Warner.
Bridgestone Tire Company.
Calazeras Cement Company.
Cast Metals Association.
Caterpiller Inc.
Ceramic Tile Distributors Association.
Champion Spark Plug.
Chesebrough-Ponds, Inc.
China Clay Products.
Chrysler Corporation.
Cleveland Cliffs Inc.
CNA Insurance Companies.
Composite Can & Tube Institute.
Concrete Minnesota Inc.
ConRock Materials and Inc.
Cooper Tire and Rubber Company.
Copper & Brass Servicenter Association.
Corhart Refractories Corporation.
Council of Periodical Distributors Association.
Council of Wholesale-Distributors.
Door & Hardware Institute.
Eagle-Picher Industries.
Edison Electric Institute.
Electrical-Electronics Materials Distributors Association.
Eli Lilly Corporation.
Employers Mutual Companies.
Explosive Distributors Association, Inc.
Farm Equipment Wholesalers Association.
Fire Suppression Systems Association.
Flexible Packaging Association.
Fluid Power Distributors Association, Inc.
FMC Corporation.
Food Industries Suppliers Association.
Food Marketing Institute.
Foodservice Equipment Distributors Assn.
Ford Motor Company.
Frey Concrete.
Gates Rubber Company.
GenCorp. Inc.
General Ceramics, Inc.
General Merchandise Distributors Council.
General Motors.
Georgia-Pacific.
Goodyear Tire & Rubber Company.
Greater Wash/MD Service Station & Repair Assn.
Gypsum Company.
Halliburton Co.
Health Industry Distributors Association.
Hecla Mining Company.
H.G. Hudson Manufacturing Company.
Hilltop Basic Resource Inc.
Hobby Industry Association of America.
Houston Lighting and Power Company.
Independent Medical Distributors Assn.
Institutional & Service Textile Distributors Association, Inc.
International Sanitary Supply Association.
Irrigation Association.
International Truck Parts Association.
Jewelry Industry Distributors Association.

Kemper Group.
Kerr-McGee Corporation.
Keystone Coal Mining Corporation.
Liberty Mutual Insurance Group.
MA. Hanna Company.
Machinery Dealers National Association.
Mack Trucks.
Material Handling Equipment Distributors Assn.
Maytag Corporation.
Mead.
McCreary Tire and Rubber Company.
Michelin Tire Corporation.
Mobil Chemical Corporation.
Mobil Oil Corporation.
Monument Builders of North America.
Motor Vehicle Manufacturers Association.
Motorcycle Industry Council.
Motorola.
Music Distributors Association.
National-American Wholesale Grocers' Assn.
National Appliance Parts Suppliers Assn.
Nat'l. Assn. for Hose & Accessories Distributors.
Nat'l. Association of Aluminum Distributors.
National Association of Casualty & Surety Agents.
National Assn. of Chemical Distributors.
National Assn. of Container Distributors.
National Association of Decorative Fabric Distributors.
National Assn. of Electrical Distributors.
National Association of Fire Equipment Distributors.
National Association of Floor Covering Distributors.
National Association of Homebuilders.
National Assn. of Independent Insurers.
National Assn. of Manufacturing Opticians.
National Assn. of Marine Services, Inc.
National Association of Meat Purveyors.
National Assn. of Plastics Distributors.
National Assn. of Service Merchandising.
National Association of Sporting Goods Wholesalers.
National Assn. of Tobacco Distributors.
National Assn. of Truck Stop Operators.
National Association of Writing Instrument Distributors.
National Automobile Dealers Assn.
National Beer Wholesalers Association.
National Building Material Distributors Association.
National Business Forms Association.
National Candy Wholesalers Association.
National Coal Association.
National Commercial Refrigeration Sales Association.
National Electronic Distributors Assn.
National Fastener Distributors Association.
National Food Brokers Association.
National Food Distributors Association.
National Forest Products Association.
National Frozen Food Association.
National Grain and Feed Association.
National Grocers Association.
National Independent Poultry and Food Distributors Association.
National Industrial Belting Association.
National Industrial Glove Distributors Association.
National Industrial Sand Association.
National Intergroup Inc.
National Kitchen & Bath Association.
National Kitchen & Cabinet Association.
National Lawn & Garden Distributors Association.
National Locksmith Suppliers Association.
National Machine Tool Builders Association.
National Marine Distributors Association.
National Moving & Storage Association.
National Paint Distributors, Inc.
National Paper Trade Association, Inc.
National Particle Board Association.
National Pest Control Association.
National Plastercraft Association.
National Printing Equipment & Supply Assn.
National Ready Mixed Concrete Association.
National Restaurant Association.
National Sand & Gravel Association.
National Sash & Door Jobbers Association.
National School Supply & Equipment Assn.
National Screw Machine Products Association.
National Small Business United.
National Solid Wastes Management Assn.
National Stone Association.
National & Southern Industrial Distributors Associations.
National Spa and Pool Institute.
National Textile & Apparel Distributors.
National Tooling and Machining Association.
National Truck Equipment Association.
National Welding Supply Association.
National Wheel & Rim Association.
National Wholesale Druggists' Association.
National Wholesale Furniture Association.
National Wholesale Hardware Association.
Newmont Mining Corporation.
New York State Electric and Gas Corporation.
North American Heating & Airconditioning Wholesalers.
North America Wholesale Lumber Assn., Inc.
Optical Laboratories Association.
Outdoor Power Equipment Distributors Assn.
Pennwalt Corporation.
Pet Industry Distributors Association.
Petroleum Equipment Institute.
Petroleum Equipment Supply Assn.
Petroleum Marketers Association of America.
Phillips Petroleum Co.
Portland Cement Association.
Power Transmission Distributors Association, Inc.
Printing Industries of America PRM Concrete Corporation.
Procter & Gamble.
Reynolds Metals Companies.
R.R. Donnelly & Sons Company.
Rochester & Pittsburgh Coal Company.
Rubber Manufacturers Association.
Russell Corporation.
Safety Equipment Distributors Assn., Inc.
Scaffold Industry Association.
Scott Paper Company.
Security Equipment Industry Association.
Shell Oil Company.
Shipbuilders Council of America.
Shoe Service Institute of America.
Society of American Florists.
Sorptive Minerals Institute.
Specialty Tools & Fasteners Distributors Association.
Spring Service Association.
Southwestern Bell Corporation.
Textile Care Allied Trades Association.
The American Society of Personnel Administrators.
The AntiFriction Bearing Manufacturers.
The B.F. Goodrich Company.
The Can Manufacturers Institute.
The Firestone Tire & Rubber Company.
The Formaldehyde Institute.
The Goodyear Tire & Rubber Company.
The National Cotton Council.
The National Grange.
The Small Business Legislative Council.
The Society of the Plastics Industry.
The Standard Oil Company.
The West Company, Inc.
Toy Wholesalers' Association of America.
UBA, Inc.
U.S. Borax and Chemical Corp.
U.S. Business and Industrial Council.
Umetco Minerals Corporation.
Unigard Insurance Group.
Union Camp.
Uniroyal Goodrich Tire Company.
United Pesticide Formulators & Distributors Association.
USG Corportion.
USX Corporation.
Utah International Inc.
Video Software Dealers Association.
Volkswagen.
Wallcovering Distributors Association.
Warehouse Distributors Association for Leisure & Mobile Products.
Water and Sewer Distributors Association.
Wausau Insurance Companies.
Wholesale Florists & Florist Suppliers of America.
Wholesale Stationers' Association, Inc.
Wine & Spirits Wholesalers of America, Inc.
Winter Brothers Concrete Inc.
Woodworking Machinery Importers Assn.
Woodworking Machinery Distributors Assn.

AMENDMENT NO. 1773

(Purpose: To provide a further limitation with respect to medical removal)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment numbered 1773.

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

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

The amendment is as follows:

Strike everything beginning on page 64, line 1 through line 12 on page 68 and insert the following:

"(b) LIMITATIONS FOR AGRICULTURAL WORKERS.—Provisions for medical removal protection under this subsection shall not apply to any seasonal agricultural worker employed by an employer for less than 5 months of continuous employment.".

(c) DISCRIMINATION PROHIBITED.—

(1) IN GENERAL.—No employer or other person shall discharge or in any manner discriminate against any employee, or applicant for employment, on the basis that the employee or applicant is or has been a member of a population that has been determined by the Board to be at risk of disease. The subsection shall not apply if the position which the applicant seeks requires exposure to the occupational health hazard which is the subject of the notice. If it is medically determined pursuant to subsection (d) that an employee should be removed to a less hazardous or nonexposed job, an employer may effect such a removal without violating this subsection so long as the employee maintains the earnings, seniority, and other employment rights and

benefits, as though the employee had not been removed from the former job.

(2) SPECIAL PROVISION.—An employer with 10 or fewer employees may transfer an employee who is or has been a member of a population at risk to another job without violating this subsection so long as the new job has earnings, seniority and other employment rights and benefits as comparable as possible to the job from which the employee has been removed. In providing such alternative job assignment, the employer shall not violate the terms of any applicable collective bargaining agreement.

(d) BENEFIT REDUCTION PROHIBITED.—

(1) GENERAL.—If, following a determination by the Board under this Act, the employee's physician medically determines that an employee who is a member of a population at risk shows evidence of the development of the disease described in the notice or other symptoms or conditions increasing the likelihood of incidence of such disease, the employee shall have the option of being transferred to a less hazardous or nonexposed job. If within 10 working days after the employee has exercised the option and transmitted to the employer a copy of the initial determination, the employer's medical representative has not requested independent reconsideration of such determination, the employee shall be removed to a less hazardous or nonexposed job and shall maintain earnings, seniority, and other employment rights and benefits as though the employee had not been removed from the former job. In providing such alternative job assignment, the employer shall not be required to violate the terms of any applicable collective bargaining agreement, and shall not be required to displace, lay off, or terminate any other employee.

(2) INDEPENDENT RECONSIDERATION.—If the employer's medical representative requests independent reconsideration of the initial medical determination under paragraph (1), the employee's physician and the employer's medical representative shall, within 14 working days of the transmittal of the initial determination, submit the matter to another mutually acceptable physician for a final medical determination, which shall be made within 21 working days of the transmittal of the initial determination unless otherwise agreed by the parties. If the two medical representatives have been unable to agree upon another physician within 14 working days, the Secretary or the Secretary's local designee for such purpose shall immediately, at the request of the employee or the employee's physician, appoint a qualified independent physician who shall make a final medical determination within the 21 working day period specified in this paragraph, unless otherwise agreed by the parties. The employer shall bear all costs related to the procedure set forth in this paragraph.

(3) EMPLOYEES SUBJECT TO MEDICAL REMOVAL.—An employer shall be required to provide medical removal protection only for employees who—

(A) are notified individually under section 5, or

(B) the employer knows or has reason to know are members of the population at risk as determined by the board.

(4) SPECIAL RULES FOR MEDICAL REMOVAL.—An employer shall be required to provide such protection only if any part of the employee's exposure to the occupational health hazard occurred in the course of the employee's employment by that employer. The medical removal protection described in this subsection shall be provided for as long as a less hazardous or nonexposed job is available. The availability of such a job shall depend upon the employee's skills, qualifications, and aptitudes and the job's reqirements. Where such job is not available, the medical removal protection shall be provided for a period not to exceed 12 months. The employer may condition the provision of medical removal protection upon the employee's participation in follow-up medical surveillance for the occupational health effects in question based on the procedure set forth in this subsection. The employer's obligation to provide medical removal protection shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal, or receives income from employment with another employer made possible by virtue of the employee's removal.

(5) SPECIAL LIMITATION.—An employer is not required to provide medical removal protection for employees if the employer—

(A) has 10 or fewer full-time employees at the time medical removal protection is requested, and

(B) made or is in the process of making a reasonable good faith effort to eliminate the occupational health hazard that is the basis for the medical removal decision.

AGRICULTURAL EXEMPTION FROM THE MEDICAL REMOVAL PROVISION

Mr. DIXON. Madam President, today the Senate is debating the merits of S. 79, the High Risk Occupational Disease Notification Act. At issue will be, whether this bill to notify workers that their job may put them at health risk, can accomplish its intended purpose. Some of the questions about whether S. 79 can be effective center around the medical monitoring provisions.

The medical removal and medical monitoring provisions of S. 79 are troublesome, and indeed, unworkable for many kinds of businesses. These provisions are particularly unsuitable to the unique work practices in farming.

Therefore, I offer an amendment, along with my distinguished and good friend from Kentucky, Senator FORD, to exempt from medical removal protection, all seasonal agricultural workers employed by an employer for less than 6 months. Our amendment would also exempt a farmer from paying for the cost of medical monitoring for this same category of employee.

According to the Department of Agriculture, over 70 percent of all farm employees work for less than 6 months. The nature of this seasonal work is such that these workers would not seek medical removal to an alternative job. Seasonal employees may work for several employers simultaneously. This makes medical removal and paying for medical monitoring inappropriate for agriculture employers.

The authors of S. 79 agree that because of the temporary nature of seasonal farm work, an agriculture employer should not be required to find alternative employment for seasonal workers. They have also agreed that it is reasonable to amend S. 79 to set aside $1 million to pay for the cost of medical monitoring of farm employees who work 6 months or less out of the Department of Health and Human Service's migrant health program.

I commend Senators METZENBAUM and STAFFORD for their willingness to accept these constructive amendments of the Senator from Kentucky and myself.

Madam President, I urge my colleagues to ultimately adopt these amendments.

Mr. METZENBAUM. Mr. President, the amendment exempts seasonal agricultural workers employed by an employer for less than 6 months from the medical removal provisions of the bill. The short-term nature of seasonal farmwork makes it impractical for an agricultural employer to find an alternate job for a seasonal farmworker. Let's be clear. This amendment has no impact on regular, year-round farmworkers, who make up about 30 percent of the farm work force. These regular workers are no different than their counterparts employed in other sectors of the economy.

This amendment also does not affect medical monitoring. All notified workers, short term or regular, should be allowed to seek medical testing to determine if they have developed an occupational disease associated with exposure to an occupational health hazard.

This is a constructive amendment that makes the bill more workable. I urge my colleagues to adopt it.

AMENDMENT NO. 1774 TO AMENDMENT NO. 1773

(Purpose: To clarify the medical monitoring provisions relating to seasonal agricultural workers)

Mr. FORD. Madam President, I send to the desk an amendment in the second degree to the amendment of the Senator from Illinois and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 1774 to amendment No. 1773.

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

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

The amendment is as follows:

On page 1 of the amendment strike "5" through the first period and insert the following in lieu thereof: "6 months of continuous employment. Provisions of section 12 of this Act shall not take effect unless the Secretary of Health and Human Services, using existing authorization, provides that in the case of seasonal agricultural workers employed by an employer for less than 6 months of continuous employment, the medical monitoring recommended by the Board is provided through the Migrant

Health Program of the Bureau of Health Care Delivery and Assistance of the Department of Health and Human Services using funds appropriated under section 14. An amount not to exceed $1,000,000 for each fiscal year, from funds authorized to be appropriated by this Act, shall be set aside, if necessary, to carry out the preceding sentence.".

Mr. FORD. Mr. President, the amendments that Senator DIXON and I are offering today are designed to recognize the unique aspects of seasonal farm labor under S. 79, the High Risk Occupational Disease Notification and Prevention Act. As a cosponsor of this legislation, I support establishing a risk notification program that will save lives through early intervention and protect both workers and businesses from the long-term costs of occupational disease. However, I am concerned that the bill that was reported from the Labor and Human Resources Committee does not recognize the heavy use of seasonal employees by farmers, particularly family farmers in my home State of Kentucky. The amendments we are offering make this bill workable for farmers. I believe these amendments are supported by the sponsors of this bill, and I appreciate their willingness to hopefully revise this legislation to address our concerns.

The first amendment we are offering would exempt seasonal agricultural workers, those employed for less than 6 months, from the medical removal provisions of this bill. The second amendment provides that any medical monitoring required by the Risk Assessment Board for seasonal agricultural workers would be provided by the Department of Health and Human Services through the Migrant Health Program and paid for with funds authorized by the bill.

The purpose of S. 79 is, quite simply, to save lives and decrease the long-term costs to both employers and employees that are associated with occupational illness. In Kentucky, we are just finishing a long and controversial process of revising our workers' compensation system. Over the years, black lung disease and other occupational diseases associated with the coal mining industry, have put a strain on the workers' compensation system. Had this legislation been in place several years ago, we could have had a system of identifying and monitoring workers who would develop the most serious and financially devastating of these conditions, and saved considerable expense to Kentucky industry, workers, and the entire worker's compensation system.

While farming may not be as hazardous an occupation as coal mining, there may be certain risks to farmworkers that the Risk Assessment Board will determine are significant enough to trigger a notification. Under the provisions of the bill before us, family farmers would be put in a position of having to potentially remove a temporary, seasonal worker to a less hazardous job, or provide medical monitoring for the employee. This simply is not workable for farmers who use seasonal labor. They may have a different work force every day. Farming does not operate like other industries which maintain a fairly stable work force.

The Department of Agriculture estimates that 70 percent of farm employees are seasonal workers, working less than 6 months per year. It is not realistic to require these farmers to remove notified workers to positions that do not exist. Seasonal workers are hired for a specific job and period of time, for work that is temporary only. The medical removal and monitoring provisions of this bill would effectively require farmers to create jobs or provide medical monitoring for workers who may be employed only a few days or weeks during the year. In the case of a worker who could not be removed to another position, the farmer would have to provide 12 months of salary and benefits, reduced by other compensation, to that worker. Clearly, farmers should not be put in a position of having to provide a year of compensation to a worker who was employed only a few weeks or months.

The amendments which Senator DIXON and I are offering resolve this problem in two ways. First, Senator DIXON's amendment, which I am pleased to cosponsor, would exempt seasonal agricultural workers, those employed for less than 6 months, from the medical removal provisions of this bill. Second, the amendment which I am offering and is cosponsored by Senator DIXON, provides that any medical monitoring required by the Risk Assessment Board would be provided to farmworkers by the Department of Health and Human Services through the Migrant Health Program. Farmers would not be required to provide the medical monitoring. My amendment earmarks $1 million of the funds authorized for this bill to pay for this medical monitoring.

These amendments recognize the temporary nature of seasonal agriculture employees and make the bill workable for farmers. As a practical matter, it is unlikely that many farmers will be affected by the medical removal provisions. Only current workers individually notified, or those the farmer knows are at risk, must be provided medical monitoring or removal to a less hazardous job. The medical removal provisions only become effective when an employee takes action, through his physician, to request transfer. The employer can also request an independent consideration of employee's physician's findings. Because seasonal farm work is of such short duration, it is unlikely that farm workers will even seek removal. It simply does not make sense to apply the removal requirements to temporary farm workers, and this amendment is needed to recognize the unique circumstances of seasonal farm labor.

The medical monitoring requirements of this bill are also unworkable for seasonal agriculture labor. For some crops, farm workers may work for several different farmers during the growing season, and may even work for different farmers during one phase of the growing season. Approximately 75 to 80 percent of tobacco workers are seasonal workers, estimated at between 150,000 and 200,000 workers. Although the planting schedules of burley and Flue-cured tobacco are slightly different, the labor requirements are similar. Typically, tobacco workers work for 2 to 4 months a year. For burley, labor requirements begin with transplanting plants from seedbeds to the fields in May. Then in August and September, there is usually about a month's time of cutting and housing. Then in November and December, workers are required for about 6 weeks for stripping and baling. Although loyalties develop between workers and farmers, it is not unusual for workers to move from farm to farm during these three phases of the growing season, sometimes only working for a few days at the end of the cycle at one farm.

It would, obviously, be unnecessary and burdensome to require each farmer that hires an at-risk worker to provide repetitive medical monitoring. It would also place an undue burden on the worker at risk to show that he or she worked at one particular farm location long enough to be exposed to the hazard. However, for those farm workers who are known to be at risk, medical monitoring should be available. It just simply makes more sense to provide one source of medical monitoring for migrant seasonal farm workers. My amendment provides that by placing responsibility for medical monitoring in the hands of the Migrant Health Program in the Bureau of Health Care Delivery and Assistance within the Department of Health and Human Services. The Migrant Health Program currently provides a health care delivery service for migrant and seasonal farmworkers and their families. This amendment earmarks up to $1 million per fiscal year of the annual authorization for the cost of medical monitoring for seasonal agricultural workers.

It is important to stress that this amendment does not mean that agricultural workers' health hazards should be a priority for the Risk Assessment Board. Under the bill, the Board is instructed to prioritize notifications based on those populations at

risk who would most likely benefit from medical monitoring. The fact that medical monitoring for seasonal farm workers will be paid for with Federal funds does not, by itself, make this population more likely to benefit from medical monitoring. It is also important to note that this provision does not add to the cost of the bill. The sponsors of S. 79 have assured me that the annual authorization of $25 million is sufficient to absorb the estimated cost of medical monitoring for seasonal agricultural workers.

I urge my colleagues to adopt the amendments.

Mr. METZENBAUM. Mr. President, the Ford amendment eliminates another practical problem with S. 79. It has been pointed out that agricultural employers may have a difficult time providing medical monitoring to seasonal agricultural workers who have been notified under S. 79.

Seasonal farmworkers may work for a number of employers during the year and it would be a problem to determine which employer is responsible for the medical monitoring. But seasonal farmworkers at risk of occupational disease should not lose the benefits of medical monitoring just because they change jobs every few months.

This amendment solves the problem by having the Federal Government, through the Migrant Health Services Division of the Department of HHS, provide the monitoring to seasonal farmworkers. No new money is needed for this service. There are enough funds in S. 79 to absorb what will be a minimal cost.

With this amendment, seasonal farmworkers who work less than 6 months for an employer, will receive medical monitoring at no cost to agricultural employers.

I applaud this innovative solution. The amendment improves the bill and should be adopted.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Louisiana.

AMENDMENT NO. 1775

(Purpose: To revise the medical removal provisions relating to small business and others)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. BREAUX) proposed an amendment numbered 1775.

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

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

The amendment is as follows:

On page 2 between lines 13 and 14 insert the following:

"(d) SPECIAL PROVISION.—An employer with 50 or fewer employees may transfer an employee who is or has been a member of a population at risk to another job without violating this subsection so long as the new job has earnings, seniority and other employment rights and benefits as comparable as possible to the job from which the employee has been removed. In providing such alternative job assignment, the employer shall not violate the terms of any applicable collective bargaining agreement.

In addition, an employer is not required to provide medical removal protection for employees if the employer—

"(A) has 50 of fewer full-time employees at the time medical removal protection is requested, and

"(B) made or is in the process of meeting a reasonable good faith effort to eliminate the occupational health hazard that is the basis for the medical removal decision."

Mr. QUAYLE. Mr. President, a parliamentary inquiry. Do we only have two amendments pending, an amendment by the Senator from Illinois and one by the Senator from Kentucky?

Mr. BREAUX. Will the Senator yield?

Mr. QUAYLE. I yield.

Mr. BREAUX. I respond by pointing out that my amendment is to the underlying bill and the previous amendments were to the committee substitute.

Mr. QUAYLE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1776 TO AMENDMENT NO. 1775

(Purpose: To clarify the medical monitoring provisions)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 1776 to amendment No. 1775.

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

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

The amendment is as follows:

At the end of the amendment add the following: "The medical monitoring required under this Act shall be limited to the monitoring recommended by the Risk Assessment Board. The means of providing such medical monitoring shall be left to the employer's judgment consistent with sound medical practices. If the benefits are made available through an existing employer health plan, the employee may be required to meet deductibles or copayments generally required under the existing employer health plan. Any such current employee shall be required to provide monitoring only for employees who—

"(1) are notified individually under section 5; or

"(2) the employer knows or has reason to know are members of the population at risk as determined by the Board.

An employer with 50 or fewer employees may not be required to pay more than $250 for medical monitoring for any employee in any year. This amount shall be adjusted annually after 1988 based on the Consumer Price Index for medical care services maintained by the Bureau of Labor Statistics.".

Mr. DIXON. Mr. President, by way of explanation, may I state that the amendment offered by my distinguished colleague, the Senator from Louisiana, increases the work threshold from 10 to 50 people in the definition of a small business as contemplated by S. 79. I am candid in saying that I think the number should be larger. We are going to be engaged in continuing negotiations about this matter. But certainly, increasing it from 10 to 50 is a substantial step, in my view, toward protecting the interests of small businesses.

The second-degree amendment, offered by this Senator, caps an employer of 50 or fewer employees expense for medical examinations at $250. I would point out that the report by the committee indicates a "guesstimated" sum of $224 for medical examinations.

There are some of us who would contest that, believing that doctors will protect themselves against malpractice suits by thorough examinations, and would run up costs higher than $224 in some instances. So, we have put a cap on it, or are suggesting a cap in the second-degree amendment offered by this Senator.

Mr. METZENBAUM. Mr. President, under the act, the notification letter to an employee who is a member of a designated population at risk of disease must include counseling information relevant to the nature of the particular risk. That information must include the most appropriate types of medical monitoring for the disease, as determined by the risk assessment board.

The second Dixon amendment makes clear that an employer who is providing medical monitoring to a current employee need only provide the monitoring recommended by the board in the notification letter. If the employer wants to provide more extensive monitoring, the employer is free to do so. But the types of monitoring listed by the board are the only things an employer must provide.

This provision makes monitoring predictable and limits costs for employers. It should be adopted.

The amendment also clarifies the original intent of the sponsors of S. 79 regarding actual delivery of medical monitoring. The amendment provides that the means of providing medical monitoring shall be left to the employer's judgment consistent with sound medical practices.

Thus employers may choose to enter into contractual arrangements with health maintenance organizations, clinics, hospitals or testing laborato-

ries. Employers might also choose to secure appropriate coverage from health insurance carriers. Some employers may choose to create or expand in-house medical programs.

I assume the point of the provision is to allow employer flexibility in providing medical monitoring. However, neither the amendment nor the act should be construed to require that an insurance carrier, an HMO or any other health institution provide medical monitoring.

This provision also makes sense. It protects employee health and lets employers use their best judgment in providing services. I urge my colleagues to adopt it.

Finally, there has been great confusion over the cost of the medical monitoring provisions of S. 79. Opponents have argued that employers, particularly small businesses who may not be able to take advantage of the economies of scale available to large companies, will be forced to pay thousands of dollars per employee for a whole range of expensive, sophisticated medical procedures.

That simply is not true and this amendment by Senator DIXON should put that argument to rest once and for all.

In the vast majority of cases, medical monitoring will involve a simple chest x-ray, or a blood test or a urinalysis. One industry group opposed to the bill estimated that medical monitoring costs would average between $20 and $250 per monitored employee. At the extensive hearings on the legislation, occupational health experts estimated that the cost of medical monitoring would be less than $250 per monitored employee.

This amendment caps the cost of medical monitoring for employers with 50 or fewer employees at $250 per monitored employee per year. In other words, small employers will not be responsible for any medical monitoring costs that exceed $250 per employee. If more expensive tests are required, the employee will be responsible for the cost.

The amendment demonstrates what we have been saying all along—this bill does not and will not impose undue costs on the Nation's small employers. I do not believe this amendment is necessary because medical monitoring costs never were extensive. But this amendment guarantees those costs will be modest for small employers.

It is a fair amendment, which helps small business. As such, I am willing to accept it.

AMENDMENT NO. 1775

Mr. BREAUX. Mr. President, I take this time to comment on the amendment I presented to the underlying bill, to present some comments on the amendment itself and comment on the work presented by Senators METZENBAUM and STAFFORD, all the work that they have done in presenting a bill to the Senate which can be presented to all segments of American society. You can look at the chart of the back of the Senate. I commend those names that are on that chart, organizations, employees and the workers that they represent for their support of this legislation.

I tell all the Members of the Senate that when you can have the Chemical Manufacturers Association and the National Resources Defense Council in agreement on this legislation, you have a good bill. When you have the Manville Corp., and the American Cancer Society in agreement on this bill, you have good legislation.

When you have the National Paint & Coating Association and the American Public Health Association in agreement on legislation, you know that a good job has been done.

I think that the very show of support by these varied and different organizations is a credit to the authors of the bill because it tells everybody in this country that a great deal of work has been done in putting together a compromise package that is good for our country and our Nation and should be supported by everyone.

These organizations represent both ends of the spectrum in these types of debates when we argue about the environment and argue about productivity in this country. I think that that, in itself, speaks as a striking example of why we in this body should give our strong support to S. 79, the legislation before the Senate this afternoon.

It is easy for those of us in the Congress not to have to worry professionally and personally about disease and risk in the workplace because we do not have a lot of problems in the Senate with regard to potentials for incurring disease because of where we work. But I would tell our colleagues in this body that is not the case for hundreds of thousands of workers in this country.

I represent the State of Louisiana which probably has a greater concentration of chemical companies, of oil and gas companies, of plastic manufacturing companies, of paint manufacturing companies that employ literally thousands of men and women in the State of Louisiana. These men and women in a State that has the highest unemployment in the Nation go to work every morning because they need to do so to feed their families. They live on the real edge of whether they are going to be able to earn enough to survive another week or whether they may be out of work because of another plant closing.

These men and women who go to these plants in my State go to these plants with a concern of whether their workplace is, in fact, safe. I want to commend those plants and those manufacturers who have done an outstanding job in trying to notify workers of potential health hazards in the workplace.

Many of them have already done a tremendous job. For many of them who have done that good work already, this bill will cause almost no additional work whatsoever. There are some who will have to take steps that they are not, in fact, taking.

I would say to all of our Members who oppose this legislation to place themselves for a moment in the shoes of an individual who is trying to feed his family and his children, who drives down a highway every morning going to a plant that he is not sure whether they are manufacturing a product that could potentially put him at risk to lung cancer or to bowel cancer, or if she is a female, to put her at an exceptionally high risk of a potential birth defect in a child who is born or to have other problems that she knows little about.

That is what we are really trying to protect. We are really trying to protect those individuals who must work, who must produce the products that are good for society because we need them, but would like to know whether they are working in a place that is safe. That is all this bill does.

We will talk more about it, but I would simply say to those who have some concern to point out that those organizations who are going to be the most directly affected are in support of this legislation. I think that in and of itself is a credit to those who put the legislation together and assures us that it is a fair package that will address the legitimate concerns for all of these corporations who are going to have to be governed by it.

I want to be able to go back to the people of my State and other employees in similar fashions in industries producing hazardous products and say because of this legislation, they can go to work knowing that they are going to be safer in the workplace, and if they are exposed to dangerous substances that could, in fact, cause them problems, that someone is going to tell them about it.

That is all this legislation does: To allow that worker to know that someone is concerned about him, that someone is taking it upon themselves to say that they will be notified and they will be examined. I think that is a fair approach, and I commend the authors of the bill for the great work that I think they have done already.

Mr. METZENBAUM. Mr. President, the small business community has expressed a great deal of concern about the medical removal provisions of S. 79. This amendment, offered by Senator BREAUX, should eliminate those concerns.

The amendment does two things. It exempts businesses with 50 or fewer employees from the medical removal provisions of the bill. That means over 95 percent of the firms in this country will be exempt from medical removal.

The amendment also requires that an employee in the remaining 5 percent of the firms, who is eligible for medical removal but who cannot be transferred to an alternate job with the employer, must make a good faith effort to find other work. This will prevent employees from taking undue advantage of employers.

The Breaux amendment improves the bill and I urge its adoption.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I yield to the distinguished majority leader 5 minutes.

## ORDERS FOR WEDNESDAY

RECESS UNTIL 10:30 A.M.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kentucky, my good friend and neighbor.

Mr. President, there will be no more rollcall votes today. I ask unanimous consent that when the Senate completes its business today that it stand in recess until the hour of 10:30 tomorrow morning.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning that following the two leaders under the standing order there be a period for morning business to extend until 11 o'clock a.m. and that Senators may speak therein.

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

ORDER OF PROCEEDING PRIOR TO VOTE ON CLOTURE

Mr. BYRD. Mr. President, I ask unanimous consent that during the second half-hour under the cloture rule, the time be equally divided between Mr. METZENBAUM and Mr. HATCH. That no amendments be in order during that half-hour. This request has been cleared by both Mr. METZENBAUM and Mr. HATCH.

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

Mr. BYRD. Mr. President, I ask unanimous consent that motions to recommit, with or without instructions, be in order that half-hour.

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

Mr. HATCH. It is also my understanding, Mr. President, if I am correct, that we will soon go out.

Mr. BYRD. Yes. I have already announced there will be no more rollcall votes today and no further action by way of motions, et cetera. Does the Senator waive the mandatory quorum?

Mr. HATCH. I will be happy to waive the mandatory quorum and just have the cloture vote. When is it? Eleven o'clock?

Mr. BYRD. Eleven-thirty.

Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived on tomorrow.

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

Mr. HATCH. Mr. President, I believe this is all all right with the acting Republican leader as well.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kentucky for yielding, and I wish the distinguished Senator from Utah [Mr. HATCH] a very, very happy 43d birthday.

Mr. HATCH. Thank you.

The PRESIDING OFFICER. Who yields time?

WAIVER OF MANDATORY QUORUM CALL VITIATED

Mr. BYRD. Mr. President, I ask unanimous consent that the order waiving the mandatory quorum on tomorrow be vitiated.

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

Mr. BYRD. I do this, Mr. President, because otherwise Senators might be locked out from offering second-degree amendments, and I do not know that anyone on this side wants to offer a second-degree amendment. But in the event Mr. HATCH would or a Senator would want to offer a second-degree amendment with a mandatory quorum wiped out, such amendments have to be offered by 1 hour prior to the beginning of the vote.

So if there is no mandatory quorum, the vote begins 1 hour after the Senate comes in and does not give Senators an opportunity to offer second-degree amendments.

Mr. HATCH. If the Senator will yield.

Mr. BYRD. Yes.

Mr. HATCH. As I understood it, we would have no amendments regardless. Does the Senator's side intend to bring up any additional amendments?

Mr. METZENBAUM. If I may intercede, it is our understanding that there would be no amendments offered or in order before the cloture vote tomorrow.

Mr. HATCH. Right.

Mr. METZENBAUM. What the majority leader is addressing himself to——

Mr. HATCH. Postcloture.

Mr. METZENBAUM [continuing]. Is the right to file second-degree amendments postcloture.

Mr. HATCH. Then I think that is an appropriate request.

Mr. BYRD. I make the request.

Has it been granted?

The PRESIDING OFFICER. It has been granted.

Mr. BYRD. I thank the Chair. I thank Senators.

Mr. METZENBAUM. I compliment the majority leader, who recognized the need to protect the minority or anyone else having an opportunity to offer an amendment postcloture, and I think it was entirely appropriate. I commend the Senator for doing so when nobody is looking to take unfair advantage of anybody.

Mr. BYRD. I thank the Senator.

Mr. METZENBAUM. Let me at this point say that the Senator from Ohio is prepared to accept the Dixon, Breaux, and Ford amendments at an appropriate time but no action being called for at this point, with some question of whether or not the minority wants me to accept them prior to the cloture vote or after, we will hold that until the morning. But the Senator from Ohio looks favorably on both of the Dixon amendments, the Breaux amendment, as well as the Ford amendment, and that is in a spirit of compromise about which I have spoken earlier. We want to try to work this bill out, if it is at all possible, in a conciliatory and compromising manner.

I thank the Chair. I yield the floor.

## CLOTURE MOTION

Mr. BYRD. Mr. President, I hope that cloture will be invoked on tomorrow. In the event it is not, there will be another cloture vote on Thursday. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

Senators Bob Graham, Claiborne Pell, Edward M. Kennedy, Barbara A. Mikulski, Alan Cranston, Paul Sarbanes, Harry Reid, Tom Harkin, Spark Matsunaga, John Glenn, Tom Daschle, Wendell Ford, Patrick Leahy, Paul Simon, Howard Metzenbaum, and Timothy E. Wirth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## FLOOR PRIVILEGES

Mr. BYRD. Mr. President, I ask unanimous consent that Elaine Neenan of my staff be granted privileges of the floor during consideration

of and votes on S. 79, the High Risk Occupational Disease Notification and Prevention Act.

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

## THE INSULTING TOSHIBA MACHINE VERDICT

Mr. HELMS. Mr. President, today the Tokyo District Court announced the verdict in the Toshiba Machine case. Two low-ranking Toshiba Machine executives received suspended sentences and the company received a 2 million yen fine. At 127 yen to the dollar, 2 million yen works out to $15,748.03.

It is not my habit to comment on foreign court verdicts, Mr. President, but the decision by the Tokyo Court today is insulting. It is, in fact, outrageous. Given the millions of dollars in corrupt profits Toshiba made on the machine tool deals alone, the violations of the sanctions clearly paid off. If there is no other punishment, then clearly crime does pay.

Mr. President, the Congress in the Trade Bill Conference is about to make a far-reaching decision. If there are no meaningful sanctions on Toshiba and Kongsberg in the trade bill, H.R. 3, it will send a signal to all the corrupt Western businessmen that it is business-as-usual. Any damage these businessmen cause by their illegal sales of high-technological gear to the Soviets and their allies will be willingly paid by the U.S. taxpayer.

Last week the distinguished Senator from Pennsylvania, Senator HEINZ, noted on the floor the heavy lobbying by the administration against the Garn amendments to the trade bill. With this kind of experience, it is fair to predict that no administration would be very likely voluntarily to impose sanctions on a foreign firm for export control violations, no matter how heinous the offense.

Mr. President, the verdict announced today makes it abundantly clear that the Congress must impose its own sanctions on the guilty.

## SPEECH BY CONGRESSMAN BILL NICHOLS AT THE VETERANS OF FOREIGN WARS CONGRESSIONAL AWARD DINNER

Mr. THURMOND. Mr. President, on Tuesday, March 8, 1988, I had the privilege of attending the annual Veterans of Foreign Wars Congressional Award dinner. At that dinner, the Veterans of Foreign Wars honored Congressman BILL NICHOLS of Alabama with its annual 1988 VFW Congressional Award.

Mr. President, Congressman NICHOLS gave a very inspirational speech which I would like to have included in the RECORD for the benefit of my colleagues. However, before submitting his speech, I want to spend a few minutes commenting upon his distinguished service to this country and the people of Alabama.

After graduating from Auburn University in 1939, Congressman NICHOLS made plans to enter a career in agriculture. However, his plans temporarily changed as a result of World War II. Having participated in the ROTC Program at Auburn University, Congressman NICHOLS was well-equipped, in 1942, when he entered the Army as a second lieutenant. Assigned to the Eighth Infantry Division as an artillery officer, he distinguished himself in combat in France and Germany. In November 1944, at the Battle of Hurtgen Forest, Germany, Lieutenant Nichols was critically wounded, suffering the loss of a leg. Subsequently, he was awarded the Bronze Star and Purple Heart.

A few years after returning from Europe, Congressman NICHOLS was elected to public office, serving in both the Alabama House and Senate. As a State legislator, he sponsored and helped enact legislation to improve education, to help the handicapped, and to improve roads between the farm communities and the markets they serve. In 1965, he was voted the "Most Outstanding Member of the Alabama Senate."

Since coming to the U.S. House of Representatives in 1966, Congressman NICHOLS has served on the House Agriculture Committee and Armed Services Committee. Presently, he serves as Chairman of the House Armed Services Subcommittee on Investigations.

As a member of the Senate Armed Services Committee, I have had the opportunity to work with BILL on many occasions. His interest in the active duty military is well-known. He is a tireless worker and one of the most able and dedicated Members of Congress. The citizens of East Central Alabama are fortunate to have him as their representative.

Mr. President, as I mentioned earlier, Congressman NICHOLS received the Veterans of Foreign Wars Congressional Award at the annual VFW dinner earlier this month. It was a pleasure for me to be there and hear his remarks. I ask unanimous consent that a copy of his remarks appear in the RECORD immediately following my statement.

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

### CONGRESSMAN BILL NICHOLS REMARKS FOR VFW CONGRESSIONAL AWARD

Commander Stock, Director Holt, fellow Members of Congress and distinguished guests, tonight I am honored both humble and highly to receive this year's "Congressional Award" from the Veterans of Foreign Wars. I am flattered to have been put in the same ranks with such notables as the late Senator Carl Hayden of Arizona, who was presented with the first VFW Congressional Award in 1964, and Senator Daniel Inouye of Hawaii, last year's receipient.

I can appreciate what this award means because I am a member of VFW Post 4432 in Sylacauga, Al, and I know of the many services the VFW provides for its members—the soldiers, sailors, airmen and marines who defended our Nation of foreign soil during times of war.

Tonight I feel that I am accepting this award for the 241 young Americans who were killed over 5 years ago in the terrorist attack on the marines at the Beirut airport. The investigations subcommittee, which I chair, conducted the inquiry. No one who took part in that investigation will ever forget it; the magnitude of the tragedy indelibly seared over consciousness. And so I believe the members of the investigations subcommittee who fought so hard for the Goldwater-Nichols Act would want me to report to this organization, whose very reason for being is to honor veterans who have served on foreign shores, that they memorialized those marines' deaths with the most far-reaching reform of the U.S. military establishment since the World War II era.

My subcommittee laid the blame for the tragedy in Beirut on the shoulders of the commander on the ground and his superiors in the chain of command right up to the U.S. European Commander. We held them responsible. But responsibility is only one side of the coin. The other side is authority to carry out a responsibility. Subsequently enquiries revealed that America's combatant commanders in the field, who would be responsible for our very survival as a nation if war should come, had limited authority to exercise genunie command—that is, to organize their commands; train and employ forces as they saw fit and establish the chain of command to their subordinates. We held the European Commander responsible in 1983. In 1986, the Congress gave him and the other combat commanders the fullest measure of authority so that they and their subordinates right down to the commander on the ground have the means to carry out their responsibilities.

I am pleased to report this evening that the new chain of command arrangements are working in the Persian Gulf. The old rigid chain that was seldom if ever altered has given way to a streamlined command structure tailored to get the job done. Whereas there were five intermediate echelons—and two more mandatory stops—in the chain of command running from the President and Secretary of Defense to the commander on the ground in Lebanon, there is only one today to the commander in the Persian Gulf all of which has served to strengthen and bring efficiency and expedience to the chain of command.

In my home State of Alabama there live more than 400,000 veterans. For that reason, I devote much of my time in Congress addressing the needs of the men and women who proudly wore the uniform during times of war. In fact, a large percentage of the casework done in our Washington office as well as in our three district offices in Alabama is devoted to handling the problems brought to our attention by veterans living in East Alabama.

In addition, the needs of the active duty soldier are also of great concern to us since the military has many installations in my State.

Anniston Army Depot and Ft. McClellan are two large Army installations located in my district. Ft. Benning and the infantry

school is just across the Chattahoochee River in Columbus, GA, Maxwell and Gunter Air Force Bases and located in Montgomery, Ft. Rucker is in South Alabama and Redstone arsenal in Huntsville.

And so tonight I accept this award not only for whatever service we may have accomplished during the 21 years since coming to Congress, but I accept it in deep appreciation for admiration and respect I hold for this great organization. The Veterans of Foreign Wars is indeed committed to serve the more than 2 million American veterans that it represents along with their widows and orphans.

This evening I would like to share with you a couple of examples of how the VFW has represented the needs of veterans living in my State of Alabama.

Not too long ago a veteran called our Washington office to request assistance with the hearing loss he was suffering. He too was an old artillery man and so I could appreciate his concern for not being able to hear well due to the muzzle blasts from the 105 guns.

This veteran came to Washington to plead his case before a board at the Veterans Administration and I joined him as did a representative of the VFW.

Now I am sure the VFW receives many cases like this every year from veterans of all walks of life from all of our 50 states, but they still had the time to work with us and try to help this veteran who came all the way from Alabama, over 1,000 miles away from home who was trying to get some assistance for his service-connected hearing loss.

Another example of the VFW's effort is one in which I am especially proud. Many of you may know of the growing need for nursing homes in this country. Unfortunately, as more of the Nation's population grows older the need for such facilities is becoming especially acute.

Thanks to my friend Congressman SONNY MONTGOMERY, who chairs the House Committee on Veterans' Affairs, and to the interest throughout America from the Veterans of Foreign Wars, we now have some 55 State operated Veterans' homes in 37 States. And we have some 7 additional homes underway including Alabama's first veterans' nursing home located in my congressional district.

This facility will care for some 200 aging veterans. However, this project would never have seen the light of day had it not been for the able assistance from our State Department of Veterans' Affairs and our State veterans organizations including the Veterans of Foreign Wars.

Besides tending to the needs of its membership, the VFW also represents our members' belief for this Nation to have a strong defense. Your VFW Commander-in-Chief Earl Stock has said, "two-hundred years ago, we Americans gained our freedoms in the War for Independence but our independence gave us the responsibility for defending our newly won freedoms and today, thanks to those who carried out their responsibility, we remain a free nation."

I view my prime responsibility in Congress is to keep this Nation strong. Wars are not prevented nor are ideals preserved because one country is more logical, better educated or more considerate than the other. American today is great because it continues to be strong. Its individual citizens have believed in the values of this great country of ours so strongly that they have been willing to maintain a strong and ready defense force and if need be, to wear the uniform and defend his flag.

As President Franklin D. Roosevelt once said, "Our security is not a matter of weapons alone. The arm that wields them must be strong, the eye that guides them clear, the will that directs them indomitable."

And, the father of our country, George Washington, when speaking to a joint session of Congress almost 200 years ago said, "To be prepared for war is one of the most effectual means of preserving peace."

As a Member of the United States Congress, I am a firm believer that peace comes through strength and that it is the better course of wisdom to spend dollars for readiness than to risk American lives.

Although it has been almost a half-century since the world's nations have been involved in direct conflict, much of today's world still remains in turmoil.

From the waters of the Persian Gulf where the Iran-Iraq war is still being waged and where we still have thousands of American military personnel protecting shipping lanes that are important to the entire world—to the conflicts in Central America where both sides of the civil war in Nicaragua have yet to sit town to negotiate peace and where a political uprising in Panama is very possible due to the recent turmoil we have seen there over the past several weeks.

War still wages on in Afghanistan where the Soviets remain despite promises to pull their troops out. The war still lingers in Africa where nations have fought for years and years only to spawn new nations that continue to fight with each other. And in the Middle East the war seems to have been going on for centuries now.

However, the beatitudes admonish: "Blessed are the peacemakers for they are the sons of God." And although we remain strong we must never forget the ultimate wish that all the world may one day be at peace no matter how hard mankind must work together to achieve it.

Finally this evening let me share with you one observation. And that is that there are fewer and fewer combat veterans coming to Washington to serve in Congress. As I said earlier, the major powers of the world have not been in direct conflict with one another for almost 50 years now so we haven't had an entire generation at war as was the case when many of us in this room were young men.

However, I believe that of all the duties to which the VFW is responsive certainly one of those duties must be to impress upon the present generation, who have never worn the uniform nor smelled the smoke of battle, the basic ideals on which this Nation was founded.

And so tonight I salute our great organization—2 millions strong and growing—and would remind us all in the words of President Reagan, "We must never forget that freedom is never really free; it is the most costly thing in the world. And freedom is never paid for in a lump sum; installments come due every generation. All any of us can do is offer the generations that follow a chance for freedom."

## NEW REFUGEE REPORT

Mr. KENNEDY. Mr. President, for almost 30 years now, the U.S. Committee for Refugees—a private agency—has published each year its World Refugee Survey. I believe this publication to be one of the most thoughtful and authoritative reviews of global refugee conditions available, and I commend it to my colleagues.

This year, I was pleased to be invited to join a host of distinguished contributors to the Survey, as I submitted an article on the wanton destruction that is producing massive flight and starvation in Southern Africa. And the Survey includes comprehensive analyses of the conditions of refugees from Afghanistan, Indochina, the Soviet Union and other parts of the world.

Mr. President, the challenges to the refugee program are many, particularly as we in the Senate seek to reconcile worldwide need with our national budget. But, just as it has in years past, the World Refugee Survey puts the trials and turmoils of the worlds refugees in stark perspective.

Mr. President, this is an important publication, and I ask to have included in the RECORD the U.S. Committee for Refugees' announcement of its publication.

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

### A YEAR OF INCREASED DANGER FOR THE WORLD'S REFUGEES

"In the past year, most of the world's 13 million refugees faced increased danger, little hope for going home, and a low priority on the agenda of the international community," Roger Winter, director of the U.S. Committee for Refugees, said today. "That is the human tragedy the World Refugee Survey—1987 in Review documents," Winter said as he announced publication of the thirtieth anniversary issue.

Senator Edward Kennedy speaks forcefully in the World Refugee Survey of that danger for millions of uprooted Mozambicans, Angolans, and South Africans. "The international community," according to Kennedy, "is witnessing another escalating humanitarian crisis in southern Africa, with no end in sight. We are confronting a regional crisis of people that, proportionally, is as large as the Ethiopia-Sudan famine crisis of 1984-85. But this time the people are on the move not primarily because of drought or natural calamity, but in flight from conflict, insurgency, and the growing confrontation with apartheid in South Africa."

Kennedy said, "It is important for us not only to ponder America's role in helping to address the humanitarian problems of Southern Africa, but also our role in helping create them."

"Elsewhere in Africa," said Winter, "Sudan, Somalia, and Djibouti continue as reluctant hosts for large refugee populations, and a major famine emergency again looms in Ethiopia."

In Southeast Asia, tragic incidents occurred in Thailand, which, faced with refugees on every border, continued to offer asylum to many thousands. In March and November, egregious forced repatriations of Hmong refugees to Laos occurred, with refugee lives unnecessarily lost. The situation has deteriorated further in 1988 with interdiction of Vietnamese boat people and pushbacks involving more than 120 refugee deaths at sea.

The World Refugee Survey also reports on other major refugee groups, including Afghans in Pakistan and Iran, Palestinians, and displaced Central Americans.

"In the developed world," said Winter, "Western Europe and North America continually reinforce each other's worst instincts in dealing with asylum seekers." He said, "One wishes for humanitarian consistency from the U.S. government in approching refugee protection matters, but it is not to be found."

Winter described the "truly joyous development" that Soviet Jews, Armenians, and ethnic Germans are being allowed to emigrate in larger numbers than in the past several years. This, he said, is largely because the U.S. government has properly continued to include this issue in negotiations with the USSR. "But, in contrast," he said, "how does one explain the mindset in that same U.S. government toward Haitian asylum seekers?"

"Since 1981, more than 12,000 interdicted Haitians have been forced back to the caldron that is Haiti," Winter said. "Only two in all that time have been found worthy of asylum in the United States, and they literally had the bullet holes to show their fear of persecution in Haiti was well-founded."

"The average American—while knowing little of the details of Haitian life and history—knows enough to be aware that fundamental American fairness has been violently breached in the case of Haitian asylum seekers."

The U.S. Committee for Refugees is a private agency established in 1958 to inform the public about the need for protecting the world's refugees.

## TRIBUTE TO JULIUS ERVING

Mr. SPECTER. Mr. President, on April 19, 1988, the Philadelphia 76ers professional basketball team will honor its former great forward, Julius Erving, by retiring his number during a ceremony at the Spectrum in Philadelphia.

For 11 years and to the delight of millions, Julius Erving, fondly referred as "Dr. J." by his myriad fans, brought his special grace and talent to the fans of Philadelphia, the Nation and the world.

Old No. 6 added a new dimension to the game. His acrobatic moves to the hoop, where he seemed to be suspended in midair for an eternity of time, never failed to thrill the crowds, who responded with thunderous cheers. He was a star of the first magnitude.

Although fiercely competitive, Julius always played with a quiet intensity marked by personal dignity and a gracious attitude towards his opponents.

His retirement at the end of the 1986-87 season has left a void in the game for many. These fans will always remember with a sense of loss the very great talent Julius Erving had for the game, the artistry of his movement and his commitment to excellence.

But he has been much more than a great basketball player. He has been and is a fine human being. Unstintingly, he has devoted much time and energy to community, charitable and humanitarian causes. For these efforts, he also deserves our cheers.

It is altogether fitting, then, that the U.S. Senate take note of the exceptional basketball career of Julius Erving and salute him, along with the fans of Philadelphia, as his number is retired from all future competition by the 76ers.

## MESSAGES FROM THE HOUSE

At 4:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1397. An act to recognize the organization known as the Non-Commissioned Officers Association of the United States of America.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1259. An act to recognize the organization known as the National Association of State Directors of Veterans Affairs, Incorporated;

H.R. 2707. An act to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes; and

H.J. Res. 480. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

## MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1259. An act to recognize the organization known as the National Association of State Directors of Veterans Affairs, Incorporated; to the Committee on the Judiciary.

## MEASURES PLACED ON THE CALENDAR

The following joint resolution, previously received from the House of Representatives for concurrence was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 377. Joint resolution designating March 27, 1988, as "National Black American Inventors Day";

The following joint resolution, received today from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 480. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2865. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on a violation of statute involving the overobligation or exprenditure of funds in excess of approved appropriation or fund or in advance of an appropriation; to the Committee on Appropriations.

EC-2866. A communication from the President of the United States, transmitting, pursuant to law, a report relative to current methods of estimation of Soviet underground nuclear tests; to the Committee on Armed Services.

EC-2867. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the most recent Five Year Defense Program as of September 1986; to the Committee on Armed Services.

EC-2868. A communication from the Secretary to the Interstate Commerce Commission, transmitting, pursuant to law, notification of an extension of time for a decision by the Commission in Docket No. 40073, South-West Railroad Car Parts v. Missouri Pacific Railroad Company; to the Committee on Commerce, Science, and Transportation.

EC-2869. A communication from the Deputy Administrator of the Federal Highway Administration, transmitting, pursuant to law, a report regarding restriction on certain highways on the vicinity of Cincinnati, Ohio; to the Committee on Commerce, Science, and Transportation.

EC-2870. A communication from the Acting General Counsel of the Department of Energy, transmitting a draft of proposed legislation to extend the expiration date of Title II of the Energy Policy and Conservation Act; to the Committee on Energy and Natural Resources.

EC-2871. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, a report on the Services observance of Federal Lands Cleanup Day; to the Committee on Energy and Natural Resources.

EC-2872. A communication from the Assistant Secretary of Energy (Management and Administration), transmitting, pursuant to law, the annual report on certain acquisition actions and regulations for calendar year 1987; to the Committee on Energy and Natural Resources.

EC-2873. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Energy Information Administration for calendar year 1987; to the Committee on Energy and Natural Resources.

EC-2874. A communication from the Secretary of Energy, transmitting, pursuant to law, the fourth quarter, 1987 Quarterly Report and the 1987 Annual Report on the development of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-2875. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Methane Transportation Research, Development, and Demonstration Program for fiscal year 1987;

to the Committee on Energy and Natural Resources.

EC-2876. A communication from the President of the United States, transmitting, pursuant to law, a report on Soviet noncompliance with arms control agreements; to the Committee on Foreign Relations.

EC-2877. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of Presidential determination with respect to a loan of the Export-Import Bank to the People's Republic of China; to the Committee on Foreign Relations.

EC-2878. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2879. A communication from the Deputy Assistant Secretary of Defense (Administration, transmitting, pursuant to law, notice of a computer matching system; to the Committee on Governmental Affairs.

EC-2880. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report of the Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to ther Committeee on Governmental Affairs.

EC-2881. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2882. A communication from the Associate Director, Office of Management, ACTION Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2883. A communication from the Senior Associate Director, General Government Division, General Accounting Office, transmitting, pursuant to law, a report entitled "National Drug Policy Board: Leadership Evolving, Greater Role in Developing Budgets Possible"; to the Committee on the Judiciary.

EC-2884. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2885. A communication from the Director of the National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation for fiscal years 1989 through 1993 and make amendments to the National Science Foundation Act of 1950 and related laws; to the Committee on Labor and Human Resources.

EC-2886. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final annual funding priorities for the new Direct Grant Awards; to the Committee on Labor and Human Resources.

EC-2887. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the determination of the Railroad Retiremenent Account's ability to pay benefits in each of the next five years; to the Committee on Labor and Human Resources.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-434. A resolution adopted by National Association of Regulatory Utility Commissioners relating to rulemaking proceedings on electricity issues which have been proposed by the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

POM-435. A resolution adopted by the Senate of the State of West Virginia; to the Committee on Labor and Human Resources.

"SENATE RESOLUTION NO. 23

"Whereas, The safety of the pertussis vaccine against whooping cough is the topic of current national debate and, while reasonable minds differ on more effective treatment, opponents and proponents both agree that a safer and more effective vaccine is needed; and

"Whereas, the pertussis vaccine is known to have caused seizures, brain damage, mental retardation, deafness, blindness, muscle paralysis and even death in young children; and

"Whereas, it is important that parents be informed about diseases and vaccines against these diseases, it is equally important that parents be informed about adverse reactions to vaccines so that "high risk children" can be identified and screened out of the vaccination process; therefore, be it

"*Resolved by the Senate of West Virginia,* That funding of the National Childhood Vaccine Injury Compensation Law passed by the United States Congress in 1986 which includes compensation for children injured by childhood vaccines prior to October 1988, is hereby supported; and be it

"*Further resolved,* That the Clerk is hereby directed to forward copies of this resolution to each of the six members of the Congressional Delegation from West Virginia, to the President of the United States, to the Vice President of the United States and to the Speaker of the U.S. House of Representatives."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

H.R. 3235. A bill to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations (Rept. No. 100-304).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1886. A bill to modernize and reform the regulation of financial services, and for other purposes (Rept. No. 100-305).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 721. A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies (Rept. No. 100-306).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

William Lockhart Ball III, of South Carolina, to be Secretary of the Navy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Jack Katzen, of Connecticut, to be an Assistant Secretary of Defense; and

Everett Alvarez, Jr., of Maryland, to be a member of the Board of Regents of the Uniformed Services University of the Health Science for a term expiring May 1, 1993.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 26, February 2, February 16, and February 18, 1988, at the end of the Senate proceedings.)

*In the Air Force there are 33 appointments to the grade of major general (list begins with Joseph A. Ahearn) (REF. 748)

*Lieutenant General Harley A. Hughes, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general (REF. 798)

*Lieutenant General Michael J. Dugan, U.S. Air Force, reassigned in the grade of lieutenant general (REF. 799)

*Lieutenant General James P. McCarthy, U.S. Air Force, to be reassigned in the grade of lieutenant general (REF. 800)

*Major General Ellie G. Shuler, Jr., U.S. Air Force, to be lieutenant general (REF. 801)

*Major General Thomas N. Griffin, Jr., U.S. Army, to be lieutenant general (REF. 802)

*Major General Thomas W. Kelly, U.S. Army, to be lieutenant general (REF. 803)

*Carl E. Mundy, Jr., U.S. Marine Corps, to be lieutenant general (REF. 805)

*In the Marine Corps there are 9 promotions to the grade of major general (list begins with Michael K. Sheridan) (REF. 806)

*In the Navy there are 8 promotions to the grade of rear admiral (lower half) (list

begins with Harold Martin Koenig) (REF. 807)

**In the Air National Guard there are 17 promotions to the grade of lieutenant colonel (list begins with Randall M. Anderson) (REF. 808)

**In the Air National Guard there are 24 promotions to the grade of lieutenant colonel (list begins with Melvin L. Adamson) (REF. 809)

**In the Army Reserve there are 24 promotions to the grade of colonel and below (list begins with Florentino V. Alabanza) (REF. 810)

**In the Army Reserve there are 26 promotions to the grade of colonel and below (list begins with Henry H. Gordon) (REF. 811)

**In the Army there are 5 promotions to the grade of lieutenant colonel and below (list begins with Mary J. Heger) (REF. 812)

**In the Marine Corps there are 15 appointments to the grade of second lieutenant (List begins with Robert M. Brassaw) (REF. 813)

**In the Air Force Reserve there are 93 promotions to the grade of colonel (list begins with John O. Ahnert, Jr.) (REF. 814)

**In the Air Force Reserve there are 246 promotions to the grade of colonel (list begins with James R. Annis) (REF. 815)

**In the Army National Guard there are 77 promotions to the grade of colonel and below (list begins with Ben B. Bain) (REF. 816)

*In the Army Reserve there are 37 appointments to the grade of major general and below (list begins with Gerald E. Amundson) (REF. 819)

*In the Army National Guard there are 34 appointments to the grade of major general and below (list begins with Frank M. Denton) (REF. 820)

*In the Air Force Reserve there are 21 appointments to the grade of major general and below (list begins with Ronald C. Allen, Jr.) (REF. 828)

*Jerome G. Cooper, U.S. Marine Corps Reserve, to be major general (REF. 829)

*Joe W. Wilson, U.S. Marine Corps Reserve, to be brigadier general (REF. 830)

*In the Marine Corps there are 11 promotions to the grade of brigadier general (list begins with John C. Arick) (REF. 831)

**In the Air Force there are 4 promotions to the grade of colonel and below (list begins with Robert C. Hughes) (REF. 833)

**In the Air Force Reserve there are 3 appointments to the grade of colonel and below (list begins with John D. Kenney) (REF. 834)

**In the Air Force there are 14 promotions to the grade of lietuenant colonel and below (list begins with Michael E. Brooks) REF. 835)

**In the Air Force Reserve there are 5 appointments to the grade colonel and below (list begins with Donald J. Copenhaver) (REF 836)

**In the Air Force there are 2 appointments to a grade no higher tham major (list begins with Gary S. Melvin) (REF. 837)

**In the Air Force there are 4 appointments to the grade no higher than Captain (list begins with Samuel B. Martin) (REF. 838)

**Earnest H. Dinkel, Jr., U.S. Army to be colonel (REF 839)

**In the Army there are 9 promotions to the grade of colonel and below (list begins with Steven M. Bulter) (REF. 840)

**In the Army there are 5 promotions to the grade of lieutenant colonel (list begins with Gary L. Aus) (REF. 841)

**In the Army there are 2 promotions to the grade of Lieutenant colonel (list begins with Micheal J. Connolly) (REF. 842)

**In the Navy there are 4 promotions to the grade of lieutenant commander (list begins with Frederick Eliot, Jr.) (REF. 843)

**In the Navy there are 194 appointments to the grade of ensign (list begins with John M. Adrian) (REF. 844)

**In the Air Force there are 1,953 promotions to the grade of lieutenant colonel (list begins with Gregory J. Aaron) (REF. 859)

**In the Air Force there are 1,081 appointments to the grade of second lieutenant (list begins with Aldru T. Aaron) (REF. 862)

*General Robert H. Reed, U.S. Air Force, to be placed on the retired list in the grade of general (REF. 871)

*Lieutenant General John A. Shaud, U.S. Air Force, to be general (REF. 872)

*Lieutenant General Harry A. Goodall, U.S. Air Force, to be reassigned in the grade of lieutenant general (REF. 873)

*Lieutenant General Robert C. Oaks, U.S. Air Force, to be reassigned in the grade of lieutenant general (REF. 874

Total: 3,974.

## 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. JOHNSTON (by request):

S. 2203. A bill to extend the expiration date of title II of the Energy Policy and Conservation Act; to the Committee on Energy and Natural Resources.

By Mr. PELL (by request):

S. 2204. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, and Mr. SIMPSON):

S. Res. 398. A resolution authorizing the printing of the compilation entitled "Majority and Minority Leaders of the Senate" as Senate document; considered and agreed to.

By Mr. BYRD (for himself and Mr. SIMPSON):

S. Res. 399. A resolution authorizing release of documents by the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs; considered and agreed to.

By Mr. BYRD (for Mr. JOHNSTON):

S. Con. Res. 106. A concurrent resolution requesting the President to return the enrolled bill (S. 854) entitled "Nevada-Florida Land Exchange Authorization Act of 1988"; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. D'AMATO, Mr. KENNEDY and Mr. WEICKER):

S. Con. Res. 107. A concurrent resolution calling for a consolidated investigation into the operation of Texas Air Corp. and Eastern Air Lines; to the Committee on Commerce, Science, and Transportation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (by request):

S. 2203. A bill to extend the expiration date of title II of the Energy Policy and Conservation Act; referred to the Committee on Energy and Natural Resources.

### EXPIRATION DATE EXTENSION OF THE ENERGY POLICY AND CONSERVATION ACT

● Mr. JOHNSTON. Mr. President, I am introducing today at the request of the Department of Energy legislation "to extend the expiration date of title II of the Energy Policy and Conservation Act."

Mr. President, I ask unanimous consent that the text of the bill and the Department of Energy's March 17, 1988, transmittal letter be printed in the RECORD.

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

S. 2203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 281 (42 U.S.C. § 6285) of the Energy Policy and Conservation Act is amended by striking "1988" both places it appears and inserting "1993" in its place.

DEPARTMENT OF ENERGY,
*Washington, DC, March 17, 1988. 20585*

Hon. GEORGE BUSH,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o extend the expiration date of Title II of the Energy Policy and Conservation Act." This proposed legislation is part of the Department of Energy's Legislative Program for the 100th Congress.

PURPOSE OF THE LEGISLATON

This bill would amend section 281 of the Energy Policy and Conservation Act (EPCA) to extend the expiration date for Title II of EPCA from June 30, 1988 to June 30, 1993. The extension would continue the authorities in title II for the U.S. Government and U.S. oil companies to participate in and to meet the U.S. obligations under the Agreement on an International Energy Program (IEP, T.I.A.S. No. 8278). These authorities include the section 251 authority for international oil allocation, the antitrust defense afforded by section 252(f) of EPCA to U.S. oil companies participating in the IEP, and the section 254 authority for the Executive Branch to provide certain information to the International Energy Agency (IEA).

BACKGROUND

Following the oil embargo of 1973, the United States and certain other members of the Organization for Economic Cooperation and Development (OECD) entered into the IEP in an effort to promote cooperation among major industrial countries in reducing dependence on imported oil and improving preparedness to respond to international oil supply disruptions. There presently are 21 signatories to the IEP, consisting of most of the principal industrialized oil consuming nations. The IEP Agreement provides for creation of the IEA as an autonomous entity within the OECD, and establishes an

international oil sharing system for use during oil supply interruptions and an information system on the international oil market.

The IEA provides a forum within which, and mechanisms by which, the U.S. and our allies can cooperate to prepare for and alleviate the potential effects of severe oil crises. In view of the continuing unstable conditions in the Middle East and the energy security issues at stake, such cooperation is essential. Principally as a result of our efforts, in 1984 the IEA adopted a significant policy decision which identifies early, coordinated drawdown of emergency oil stocks by member nations as a vital element in coping with a major oil supply disruption. The Administration believes that the early use of oil stocks, coordinated with our IEA partners, should be the first line of defense in a crisis. However, this Administration, like its predecessors during the past decade, is committed to the IEA's established systems for sharing information on international oil markets and for international oil allocation, should a severe oil supply disruption require the activation of these systems.

The IEA's emergency information and oil sharing systems are designed to rely heavily upon the voluntary assistance of private companies that conduct the bulk of the international oil trade. To facilitate U.S. company participation in the IEA, section 252 authorizes the development of voluntary agreements and plans of action to implement the allocation and information provisions of the IEP, and makes available a limited antitrust defense and a breach of contract defense with respect to actions taken to develop or carry out voluntary agreements and plans of action. Under this authority, a Voluntary Agreement and Plan of Action to Implement the International Energy Program was agreed to in 1976 by a number of U.S. oil companies (41 F.R. 13998, April 1, 1976); and on January 26, 1988, the Secretary of Energy approved the Second Plan of Action to Implement the International Energy Program (53 F.R. 2866, February 2, 1988). At present, 17 U.S. oil companies, including both major international oil companies and independent oil companies, are participants in the Voluntary Agreement.

The antitrust defense made available by section 252(f) of EPCA is essential to the participation of U.S. oil companies in the Voluntary Agreement and, through it, in the IEP. The IEP, in turn, can function effectively only with participation by U.S. and foreign oil companies in the international oil market. Those companies would be the primary actors in the redistribution of oil if the IEP's emergency sharing provisions were activated.

Other significant provisions of EPCA's Title II also are scheduled to expire on June 30, 1988, including the section 251 authority for international oil allocation, and the section 254 authority for the Executive Branch to provide certain oil company information to the IEA. These authorities are important to support fulfillment of U.S. obligations under the IEP.

The Strategic Petroleum Reserve, market efficiency and our continued commitment to the IEA are especially significant components of the Nation's energy emergency policy. Extending the IEP authorities in EPCA Title II for five years would provide the necessary affirmation of this commitment.

The Department urges timely action on this bill in order to safeguard the Nation's energy security and because plans are underway for the sixth test of the IEA's emergency sharing system, presently scheduled for late 1988. For the planning and conduct of this test to proceed on schedule, the IEP authorities should not be allowed to lapse. A five year extension of these authorities also would aid U.S. companies in their long-term planning for participation in IEP activities and underscore the Government's seriousness of purpose in encouraging that participation.

The Office of Management and Budget advises that enactment of this legislation is in accord with the President's legislative program.

Sincerely,

ERIC J. FYGI,
*Acting General Counsel.*●

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By Mr. PELL (by request):

S. 2204. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

IMPLEMENTING THE INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to implement the Inter-American Convention on International Commercial Arbitration.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

This legislation was previously considered and acted upon favorably by the Senate in the last Congress, but time did not permit similar action in the House.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the section-by-section analysis and letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate dated November 4, 1987.

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

S. 2204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Title 9, United States Code, is amended by adding:

"CHAPTER 3. INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

"Sec.
"301. Enforcement of Convention.
"302. Incorporation by reference.
"303. Order to compel arbitration; appointment of arbitrators; locale.
"304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity.
"305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958.
"306. Applicable rules of Inter-American Commercial Arbitration Commission.
"307. Chapter 1; residual application.

**"§ 301. Enforcement of Convention**

"The Inter-American Convention on International Commercial Arbitration of January 30, 1975, shall be enforced in United States courts in accordance with this chapter.

**"§ 302. Incorporation by reference**

"The provisions of chapter 2, sections 202, 203, 204, 205 and 207 shall apply to this chapter as if specifically set forth herein, except that for the purposes of this chapter "the Convention" shall mean the Inter-American Convention.

**"§ 303. Order to compel arbitration; appointment of arbitrators; locale**

"A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. The court may also appoint arbitrators in accordance with the provisions of the agreement.

"In the event the agreement does not make provision for the place of arbitration or the appointment of arbitrators, the court shall direct that the arbitration shall be held and the arbitrators be appointed in accordance with Article 3 of the Inter-American Convention.

**"§ 304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity**

"Arbitral decisions or awards made in the territory of a foreign State shall, on the basis of reciprocity, be recognized and enforced under this chapter only if that State has ratified or acceded to the Inter-American Convention.

**"§ 305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958**

"When the requirements for application of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, are met, determination as to which Convention applies shall, unless otherwise expressly agreed, be made as follows:

"(1) If a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to the Inter-American Convention and are member States of the Organization of American States, the Inter-American Convention shall apply.

"(2) In all other cases the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall apply.

**"§ 306. Applicable rules of Inter-American Commercial Arbitration Commission**

"(a) For the purposes of this chapter the rules of procedure of the Inter-American Commercial Arbitration Commission referred to in Article 3 of the Inter-American Convention shall, subject to subsection (b) of this section, be those rules as promulgated by the Commission on January 1, 1978.

"(b) In the event the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended in accordance with the procedures for amendment of the rules of the said Commission, the Secretary of State, by regulation in accordance with Section 553 of Title 5, United States Code, consistent with the aims and

purposes of this Convention, may prescribe that such modifications or amendments shall be effective for purposes of this chapter.

"§ 307. Chapter 1; residual application

"Chapter 1 applies to actions and proceedings brought under this chapter to the extent chapter 1 is not in conflict with this chapter or the Inter-American Convention as ratified by the United States."

SEC. 2. Title 9, United States Code, is further amended by adding to the table of chapters at the beginning a new sub-heading as follows:

"3. Inter-American Convention on International Commercial Arbitration ..... 301".

SEC. 3. This Act shall be effective upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975, with respect to the United States.

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SECTION-BY-SECTION ANALYSIS OF A BILL TO IMPLEMENT THE INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

Section 1. Section 1 of the bill amends Title 9 of the United States Code by addition of a new Chapter 3, consisting of sections 301 through 307. As amended, Title 9 would thus contain three chapters: Chapter 1 (sections 1-14), the original Federal Arbitration Act; Chapter 2 (sections 201-208), the implementing legislation for the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958 ("New York Convention"); and Chapter 3 (sections 301-307), implementing legislation for the Inter-American Convention on International Commerical Arbitration of January 30, 1975 ("Inter-American Convention").

Section 301. Section 301 of Title 9 parallels section 201 of the implementing legislation for the New York Convention.

Section 302. Section 302 incorporates sections 202, 203, 204, 205, and 207 of the implementing legislation for the New York Convention: the two Conventions do not differ so as to call for different measures of implementation in these respects.

The incorporation of section 202, which provides that an arbitration agreement or arbitral award arising out of a legal relationship "which is considered as commercial' falls under the Convention (as incorporated, the reference is to the Inter-American Convention), provides the basis for a broad definition of the term "commercial" for purposes of the Convention. The Convention itself provides no definition of the term, but it is the understanding of the United States that trade, investment, and other business and financial activities which bear on "foreign commerce" are considered "commercial and are thus within the purview of the Convention.

The incorporation of section 202 also clarifies that the Inter-American Convention, like the New York Convention, shall be deemed not to apply to an arbitral agreement or award arising out of a legal relationship which is entirely between citizens of the United States, unless there is a reasonable foreign element in the relationship as defined in section 202.

The incorporation of sections 203 and 204 extends the same provisions concerning jurisdiction of the United States district courts and venue to actions or proceedings falling under the Inter-American Convention as apply to those falling under the New York Convention. Similarly, the incorporation of section 205 gives defendants the right to remove actions or proceedings relating to arbitration agreements or awards falling under the Inter-American Convention from State courts to United States district courts, as is now the case for those falling under the New York Convention.

With the incorporation of section 207, the three-year limitation period for application to a court for an order confirming an arbitral award that applies to awards falling under the New York Convention will also apply to awards falling under the Inter-American Convention. Section 207 also requires the court to confirm the award "unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention." Those grounds are specified in Article 5 of the Inter-American Convention, which was taken almost verbatim from Article V of the New York Convention in order to assure that the sole grounds for refusal of the recognition and enforcement of an award would be the same under both Conventions.

Section 303. The first paragraph of this section repeats 9 U.S.C. section 206, providing that a court may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States, and that the court may also appoint arbitrators in accordance with the provisions of the agreement. Neither the Convention nor section 303 attempts to resolve other issues which the court may be asked to address in connection with a matter which is to be submitted to arbitration.

The second paragraph of section 303 is new, reflecting Article 3 of the Inter-American Convention. Article 3 provides that when or to the extent that the parties fail to agree upon other applicable rules of procedure, arbitration shall be governed by the rules of procedure of the Inter-American Commercial Arbitration Commission, a private organization originally established in 1934 at the recommendation of the predecessor of the Organization of American States (OAS).

Neither the Federal Arbitration Act nor the New York Convention contains a comparable provision, but rather leaves the choice of rules of procedure to the court in the absence of agreement by the parties. The specification of "back-up" rules provides a desirable certainty and uniformity in the application of the Inter-American Convention.

Section 304. Section 304 provides a rule of reciprocity analogous to that applicable to the New York Convention. The latter permits a reservation, which the United States has made, that a State may on the basis of reciprocity apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State (Article I, paragraph 3). The United States will make a comparable reservation to the Inter-American Convention, and Section 304 has been drafted to make that reservation readily available for the reference of courts and practitioners. Also, the section has been worded in such a way as to make clear that it is intended only to be a rule of reciprocity and not a determination that arbitral decisions and awards made in the United States are excluded from the applicability of the Inter-American Convention if they otherwise fall under the Convention and the provisions of chapter 3, including in particular section 202 as incorporated in chapter 3. Litigation has been required to resolve that issue, in so far as the applicability of the New York Convention is concerned, given the less than precise wording of the two sentences of paragraph 1 and the first sentence of paragraph 3 of Article I of the New York Convention. The Inter-American Convention contains no comparable provisions; while it deals only with "international commercial arbitration," there is nothing in the language of the Convention or in the negotiating history to indicate an intent to limit the applicability of its recognition and enforcement provisions to awards made in countries other than those where recognition and enforcement are sought.

Section 305. The Inter-American Convention does not contain an express provision concerning its applicability when there is another convention on recognition and enforcement of arbitral agreements and awards which might also apply to a specific case. In particular, the United States and at least some other countries will be a party to both the inter-American and the New York Conventions. Given the substantial identity of the two conventions, this issue is not expected to be of great consequence. However, it is nonetheless useful to resolve it explicitly in order to remove a potential ground for controversy.

The New York Convention is better established in law and in practice than the Inter-American Convention and has greater worldwide participation. The United States will therefore enter a reservation in ratifying the Inter-American Convention, to establish clearly the applicability of the New York Convention in appropriate cases.

Section 305 reflects this reservation, providing that, where both Conventions are applicable to a particular case, the United States would be bound by and apply the provisions of the Inter-American Convention only if a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to this Convention and are citizens of OAS Member States. In other cases, the United States will be bound by and apply the provisions of the New York Convention. Section 305 makes clear that, where both Conventions are potentially applicable, both parties must be citizens of OAS Member States before the Inter-American Convention would supersede the New York Convention.

Section 306. Section 306, like section 303, is necessary in order to implement the Article 3 provision of the Inter-American Convention which specifies applicable rules of procedure for cases in which the parties fail to agree on such rules. While the rules of procedure of the Inter-American Commercial Arbitration Commission are deemed useful and acceptable, the Commission is a private, nongovernmental body. It is therefore desirable that there be official review and approval of any amendments to the rules before they are made applicable to parties by law.

The United States will enter a reservation regarding article 3 that the United States will apply the rules of procedure of the Inter-American Commercial Arbitration Commission which are in effect as of ratification, unless a later official determination is made to adopt and apply any amendments to the rules which the Inter-American Commercial Arbitration Commission may make subsequently. Section 306 provides a rulemaking procedure for making such an official determination; this procedure provides a simple and efficient mechanism for soliciting the comments of interested and expert groups and individuals in

order to provide an informed basis for official judgment and determination.

Section 307. Section 307 incorporates a provision parallel to 9 U.S.C. section 208.

Section 2. Section 2 of the bill adds a new subheading to the table of chapters at the beginning of Title 9 to correspond to the new Chapter 3.

Section 3. Section 3 of the bill establishes the effective date.

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UNITED STATES DEPARTMENT OF STATE,
*Washington, DC, November 4, 1987.*

Hon. GEORGE BUSH,
*President, U.S. Senate.*

DEAR MR. PRESIDENT: I have the honor to transmit for the consideration of the Congress the draft of a bill to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration. The Convention was transmitted to the Senate for its advice and consent to ratification on June 15, 1981, and the Senate gave its advice and consent on October 9, 1986. The instrument of ratification will be deposited with the General Secretariat of the Organization of American States once appropriate implementing legislation has been enacted. The Convention will enter into force for the United States on the thirtieth day after deposit of the instrument of ratification.

The Inter-American Convention on International Commercial Arbitration entered into force on June 16, 1976. At present, Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Uruguay and Venezuela are parties. Consistent with the longstanding United States policy to facilitate the use of arbitration as a means of resolving international commercial disputes, this Convention will provide an opportunity to secure wider benefits of recognition and enforcement of international commercial arbitration agreements and awards among a greater number of countries in this hemisphere.

The Inter-American Convention on International Commercial Arbitration is modeled after the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to which the United States became a party in 1970. The draft bill to implement the Inter-American Convention is similarly modeled after, and incorporates in large part, the legislation which implements the New York Convention, 9 U.S.C. 201-208. Several new provisions are incorporated in the draft bill, however, in order to clarify the sphere of application of the Inter-American Convention and to safeguard its provisions respecting arbitral procedures; these are described more fully in the section-by-section analysis which accompanies this letter.

The draft bill is identical to the bill which was introduced, by request, in the House of Representatives on September 22, 1986 by Chairman Rodino (H.R. 5574) and in the Senate on November 5, 1985 by then Chairman Lugar (S. 1828). The Senate passed the legislation during the 99th Congress but the House did not act on it.

The Inter-American Convention on International Commercial Arbitration has received the support of a large number of interested and representative organizations, including the American Bar Association, the American Arbitration Association, the United States Chamber of Commerce, the Association of American Chambers of Commerce in Latin America, the American Foreign Law Association, and a number of state and local bar associations. Experts from the American Arbitration Association and American Bar Association have reviewed the proposed legislation and have advised that they consider it satisfactory.

Prompt approval of this implementing legislation will permit United States citizens and concerns seeking enforcement of commercial arbitration agreements and awards to enjoy the benefit of this Convention among the countries which are parties, and may encourage more rapid and widespread ratification by other countries as well.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

With best wishes,

Sincerely,

J. EDWARD FOX,
*Assistant Secretary, Legislative and Intergovernmental Affairs.*●

## ADDITIONAL COSPONSORS

S. 476

At the request of Mr. DODD, the names of the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. CONRAD], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 675

At the request of Mr. MITCHELL, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Washington [Mr. EVANS] 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. 1469

At the request of Mr. BOSCHWITZ, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Arizona [Mr. MCCAIN], the Senator from Indiana [Mr. QUAYLE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1469, a bill to amend title VII of the Social Security Act to restrict the use of "Social Security" or "Social Security Administration" on goods not connected with such Administration.

S. 1522

At the request of Mr. RIEGLE, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oklahoma [Mr. BOREN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1729

At the request of Mr. LEAHY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1729, a bill to promote rural development, and for other purposes.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2032

At the request of Mr. WALLOP, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2032, a bill to authorize expenditures for boating safety programs, and for other purposes.

S. 2084

At the request of Mr. REID, his name was added as a cosponsor of S. 2084, a bill to establish a block grant program for child care services, and for other purposes.

S. 2098

At the request of Mr. HOLLINGS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 2130

At the request of Mr. WILSON, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2130, a bill to provide that the Consumer Product Safety Commission amend its regulations regarding lawn darts.

S. 2136

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2136, a bill to deny discretionary project funds to States that voluntarily reduce the period of availability of interstate highway construction funds for any fiscal year.

S. 2184

At the request of Mr. HATCH, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 2184, a bill to protect the civil rights of Americans 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.

SENATE JOINT RESOLUTION 21

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina [Mr. THURMOND] was withdrawn

as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 253

At the request of Mr. CRANSTON, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of Senate Joint Resolution 253, a joint resolution designating April 9, 1988 and April 9, 1989, as "National Former Prisoner of War Recognition Day."

## SENATE CONCURRENT RESOLUTION 106—RELATING TO THE PRESIDENT'S RETURN TO THE SENATE THE ENROLLED BILL (S. 854)

Mr. BYRD (for Mr. JOHNSTON) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 106

*Resolved, by the Senate (the House of Representatives concurring),* That the President of the United States is requested to return to the Senate the enrolled bill (S. 854) entitled "An Act entitled the 'Nevada-Florida Land Exchange Authorization Act of 1988'. The Secretary of the Senate is authorized to receive such bill if it is returned when the Senate is not in session. Upon the return of such bill, the action of the Speaker of the House of Representatives and the Deputy President pro tempore of the Senate in signing it shall be deemed rescinded and the Secretary of the Senate shall reenroll the bill with the following corrections:

In subsection (a) of section 3, strike "conveyance of" and insert in lieu thereof the words "conveyance to".

## SENATE CONCURRENT RESOLUTION 107—RELATING TO AN INVESTIGATION INTO THE OPERATION OF TEXAS AIR AND EASTERN AIR LINES

Mr. LAUTENBERG (for himself, Mr. D'AMATO, Mr. WEICKER, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 107

Whereas Eastern Air Lines carried approximately 10% of domestic airline passengers in 1987, and its operation is therefore of substantial national concern;

Whereas, for more than 50 years Eastern Air Lines has been a major United States-flag air carrier, providing air transportation to millions of passengers annually over an extensive domestic and international route system;

Whereas in February 1986, the Texas Air Corporation acquired Eastern Air Lines and since that time there has been a continuing deterioration of financial condition at Eastern;

Whereas, since that acquisition, valuable assets, including the computer reservations system, international routes between the United States and Mexico and the United Kingdom, jet aircraft and spare parts, have been sold by or transferred from Eastern Air Lines;

Whereas Eastern Air Lines' profitable Eastern Air Shuttle and South American routes have been proposed or considered by the Texas Air Corporation for sale or transfer;

Whereas Orion Air is seeking expedited Federal Aviation Administration and Department of Transportation approval for an amended operating certificate which would allow Orion Air to carry passengers in scheduled operations on Eastern routes despite significant congressional concern and urging that the Federal Aviation Administration and Department of Transportation conduct a thorough review and apply the most stringent safeguards with respect to such amendment so as to ensure public safety;

Whereas the morale of employees has been lowered by certain proposals of Eastern Air Lines and the Texas Air Corporation, including contracting out of aircraft maintenance, the establishment of separate maintenance subsidiaries, and the transfer of maintenance work to foreign repair stations: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the Sense of the Congress that—

(1) the Secretary of Transportation (hereinafter in this resolution referred to as the "Secretary") should conduct a full, consolidated investigation into the operation of the Texas Air Corporation (hereinafter in this resolution referred to as "Texas Air") and Eastern Air Lines, Incorporated (hereinafter in this resolution referred to as "Eastern") since the acquisition of Eastern by Texas Air to determine the past and probable future effect of such management on the public interest (as such interest is described in Section 102 of the Federal Aviation Act of 1958), with emphasis on the public interest in—

(a) the assignment and maintenance of safety as the highest priority in air commerce (49 U.S.C. Sec. 1302(a)(1)),

(b) the prevention of any deterioration in established safety procedures (49 U.S.C. Sec. 1302(a)(2)),

(c) the availability of a variety of adequate, economic, efficient, and low-price services by air carriers (49 U.S.C. Sec. 1302 (a)(3)), and,

(d) the need to encourage fair wages and equitable working conditions for air carrier employees (49 U.S.C. Sec. 1302(a)(3));

(2) the Secretary should use the findings of the comprehensive investigation described in paragraph (1) as a basis for decisions in pending and future cases involving proposed changes in the domestic and international operations of Eastern, including—

(a) in deciding whether to impose labor protective provisions as a condition of the Secretary approving the acquisition of Eastern by Texas Air (remanded to the Secretary by the United States Court of Appeals for the District of Columbia Circuit in Air Line Pilots Association v. United States Department of Transportation), and

(b) in considering requests by Texas Air for authorization to form a new subsidiary corporation, separate from Eastern, to conduct the operations known as the Eastern Air Shuttle;

(3) the Secretary should not authorize the Air Shuttle, or any other entity to operate as a subsidiary of Texas Air in performing any air transportation operations until after the Secretary completes a comprehensive review (including notice and evidentiary hearing) to determine whether such performance is consistent with the public interest under section 408 of the Federal Aviation Act of 1958;

(4) the Secretary should not issue any certificate of public convenience and necessity authorizing any subsidiary of Texas Air to engage in air transportation until after the Secretary conducts a review under section 401 of the Federal Aviation Act of 1958 (including notice and evidentiary hearing) of the application for such certificate;

(5) the Secretary should not authorize Orion Air (hereinafter in this resolution referred to as "Orion") to provide services under contract with Eastern unless Orion establishes conclusively that it is capable of conducting scheduled passenger operations with the highest degree of safety;

(6) the Secretary should not attempt to expedite consideration of Orion's request to operate under contract with Eastern by diverting employees of the Department of Transportation or the Federal Aviation Administration from their responsibilities of ensuring the safety of previously authorized operations; and

(7) the Secretary should require, as a condition of any approval of Orion's request to provide air transportation service under contract with Eastern, that persons purchasing tickets for such service must be informed, at the time of making reservations, of the identity of the carrier having operational responsibility for providing such service.

● Mr. LAUTENBERG. Mr. President, today I am introducing a resolution expressing concern over the state of affairs at Eastern Air Lines. I am pleased to be joined in introducing this resolution by Senators D'AMATO, KENNEDY, and WEICKER.

For over 50 years, Eastern has been an integral part of the commercial aviation industry. It was a pioneer in the field, and an acknowledged leader. That position, however, has been jeopardized in recent years.

Over the last few years, particularly since Eastern was acquired by the Texas Air Corp., employee morale has sunk. There have been allegations of inadequate dedication of resources and attention to safety. This should be of the utmost concern to all of us. The airline passenger assumes that safety is the highest priority for an air carrier. That mandate is clearly laid out in Federal law.

Eastern is in the midst of a labor-management dispute. One aspect of that dispute is Eastern's contract with Orion Air, a cargo operator, under which Orion would provide services, including the piloting of passenger jets, in the event of a strike at Eastern. This matter is before the courts, and under review by the Department of Transportation. Commercial pilots

are highly trained, specialized professionals. Any attempt to replace them with other pilots must be closely scrutinized.

Mr. President, this resolution is not intended to take sides in a private labor-management dispute. It is intended to express our view on a matter of public interest—an air carrier's safe operations, and adherence to the Federal Aviation Act by the Department of Transportation, in spite of the hardships brought on by that dispute.

Airlines are unique in the services they provide, and the privileges they are granted. Airlines are granted the privilege to use a precious, limited national resource—controlled airspace and airport landing rights. And with that privilege, they assume a great obligation—an obligation to serve not just their stockholders, but more importantly, to serve the public interest.

That is at the heart of this resolution. It calls upon the Secretary of Transportation to ensure, through a consolidated review of the operations at Eastern and Texas Air, that the public interest, as defined in Federal statutes, is being protected.

It further calls for the Secretary not to expedite the review Orion Air's petition to amend its operating certificate in order to provide scheduled passenger service. If, as Eastern management proposes, Orion pilots, who now do not fly passenger operations, are allowed to step in and fly Eastern passengers, we have the right to expect that they have been subjected to the most rigorous review, and that their capabilities are established beyond a doubt.

Mr. President, since Texas Air took over Eastern, we've seen a pattern of activity that has further weakened Eastern's financial standing. Its lucrative computer reservations system was sold. International routes between the United States and Mexico and the United Kingdom have been transferred. Gates at busy airports, such as Newark International, have been sold or swapped.

The financial woes at Eastern have led management to call for extraordinary wage concessions from Eastern laborers. These labor problems are well known, and are the subject of several judicial proceedings, as well as action by the National Mediation Board. This is of concern to me. A number of my constituents are being adversely affected by these problems. Many of my colleagues, including those who have joined me today in introducing this resolution, have heard the concerns of their constituents.

These concerns are serious, for they go right to the heart of the operation of Eastern. If the pilots flying the jets, or those maintaining and repairing the planes, are forced to work under unduly stressful conditions; if their jobs are threatened because they don't feel a plane is safe to fly, in spite of management's view; then the problems go beyond internal company strife. They impact the public at large, which depends on a safe, efficient aviation system.

That is why I'm introducing this resolution today. The decision to sponsor this legislation was not made lightly. Eastern is a major carrier, and its operations are therefore of significant national interest. Its safe and efficient operation is of great importance. Adherence to Federal statutes is of great importance. Significant questions have been raised and warrant a full review of the state of operations at Eastern.

Mr. President, it is my sincere hope that the problems at Eastern can be worked out. There have been impasses, and progress is slow. By introducing this resolution, my colleagues and I are calling on the Secretary of Transportation to ensure that the letter of the law is fully observed as these proceedings continue. A large number of our colleagues in the House have agreed with this position by cosponsoring a similar resolution in that body. I urge my colleagues to support this measure.●

## SENATE RESOLUTION 398—AUTHORIZING THE PRINTING OF "MAJORITY AND MINORITY LEADERS OF THE SENATE"

Mr. BYRD (for himself and Mr. SIMPSON) submitted the following resolution; which was considered and agreed to:

S. RES. 398

*Resolved,* That the compilation entitled "Majority and Minority Leaders of the Senate", prepared by the Senate Parliamentarian Emeritus, Floyd M. Riddick, shall be printed, with any revisions and certain tables, as a Senate document, and an additional 2,000 copies shall be printed for distribution by the Secretary of the Senate.

## SENATE RESOLUTION 399—AUTHORIZING THE RELEASE OF DOCUMENTS BY THE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD (for himself and Mr. SIMPSON) submitted the following resolution; which was considered and agreed to:

S. RES. 399

Whereas, the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs held hearings in September 1987 on the "Oversight of Federal Procurement Decisions on Wedtech";

Whereas, the Department of Justice has requested documents in the possession of the Subcommittee that are relevant to the resolution of questions arising from testimony given during those proceedings;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such actions as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved,* That the Chairman of the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs is authorized to provide to the Department of Justice investigative documents relating to hearings on "Oversight of Federal Procurement Decisions on Wedtech," subject to any assurances the Subcommittee deems necessary to protect the interests of the Senate.

## AMENDMENTS SUBMITTED

## HIGH-RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

### FORD (AND DIXON) AMENDMENT NOS. 1686 AND 1687

(Ordered to lie on the table.)

Mr. FORD (for himself and Mr. DIXON) submitted two amendments intended to be proposed by them to the bill (S. 79) to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes; as follows:

AMENDMENT NO. 1686

On page 63, after line 25, insert the following flush sentence: "Provisions of section 12 of this Act shall not take effect unless the Secretary of Health and Human Services, using existing authorization, provides that in the case of seasonal agricultural workers employed by an employer for less than 6 months of continuous employment, the medical monitoring recommended by the Board is provided through the Migrant Health Program of the Bureau of Health Care Delivery and Assistance of the Department of Health and Human Services using funds appropriated under section 14. An amount not to exceed $1,000,000 for each fiscal year, from funds authorized to be appropriated by this Act, shall be set aside, if necessary, to carry out the preceding sentence.".

AMENDMENT NO. 1687

At the end add the following: "Provisions of section 12 of this Act shall not take effect unless the Secretary of Health and Human Services, using existing authorization, provides that in the case of seasonal agricultural workers employed by an employer for less than 6 months of continuous employment, the medical monitoring recommended by the Board is provided through the Migrant Health Program of the Bureau of Health Care Delivery and Assistance of the Department of Health and Human Services using funds appropriated under section 14. An amount not to exceed $1,000,000 for each fiscal year, from funds authorized to be appropriated by this Act, shall be set aside, if necessary, to carry out the preceding sentence.".

## BREAUX AMENDMENT NOS. 1688 AND 1689

(Ordered to lie on the table.)

Mr. BREAUX submitted two amendments intended to be proposed by him to the bill S. 79, supra; as follows:

AMENDMENT No. 1688

On page 63, line 16, beginning with "If", strike out through line 25 and insert in lieu thereof the following: "The medical monitoring required under the previous sentence shall be limited to the monitoring recommended by the Risk Assessment Board. The means of providing such medical monitoring shall be left to the employer's judgment consistent with sound medical practices. If the benefits are made available through an existing employer health plan, the employee may be required to meet deductibles or copayments generally required under the existing employer health plan. Any such current employee shall be required to provide monitoring only for employees who—

"(1) are notified individually under section 5; or

"(2) the employer knows or has reason to know are members of the population at risk as determined by the Board.

An employer with 50 or fewer employees may not be required to pay more than $250 for medical monitoring for any employee in any year. This amount shall be adjusted annually after 1988 based on the Consumer Price Index for medical care services maintained by the Bureau of Labor Statistics.".

AMENDMENT No. 1689

On page 64, line 18, beginning with "10" strike out through "10" on line 6, page 68, and insert in lieu thereof the following: "50 or fewer employees may transfer an employee who is or has been a member of a population at risk to another job without violating this subsection so long as the new job has earnings, seniority and other employment rights and benefits as comparable as possible to the job from which the employee has been removed. In providing such alternative job assignment, the employer shall not violate the terms of any applicable collective bargaining agreement.

"(c) BENEFIT REDUCTION PROHIBITED.—

"(1) GENERAL.—If, following a determination by the Board under this Act, the employee's physician medically determines that an employee who is a member of a population at risk shows evidence of the development of the disease described in the notice or other symptoms or conditions increasing the likelihood of incidence of such disease, the employee shall have the option of being transferred to a less hazardous or nonexposed job. If within 10 working days after the employee has exercised the option and transmitted to the employer a copy of the initial determination, the employer's medical representative has not requested independent reconsideration of such determination, the employee shall be removed to a less hazardous or nonexposed job and shall maintain earnings, seniority, and other employment rights and benefits as though the employee had not been removed from the former job. In providing such alternative job assignment, the employer shall not be required to violate the terms of any applicable collective bargaining agreement, and shall not be required to displace, lay off, or terminate any other employee.

"(2) INDEPENDENT RECONSIDERATION.—If the employer's medical representative requests independent reconsideration of the initial medical determination under paragraph (1), the employee's physician and the employer's medical representative shall, within 14 working days of the transmittal of the initial determination, submit the matter to another mutually acceptable physician for a final medical determination, which shall be made within 21 working days of the transmittal of the initial determination unless otherwise agreed by the parties. If the two medical representatives have been unable to agree upon another physician within 14 working days, the Secretary or the Secretary's local designee for such purpose shall immediately, at the request of the employee or the employee's physician, appoint a qualified independent physician who shall make a final medical determination within the 21 working day period specified in this paragraph, unless otherwise agreed by the parties. The employer shall bear all costs related to the procedure set forth in this paragraph.

"(3) EMPLOYEES SUBJECT TO MEDICAL REMOVAL.—An employer shall be required to provide medical removal protection only for employees who—

"(A) are notified individually under section 5, or

"(B) the employer knows or has reason to know are members of the population at risk as determined by the Board.

"(4) SPECIAL RULES FOR MEDICAL REMOVAL.—An employer shall be required to provide such protection only if any part of the employee's exposure to the occupational health hazard occurred in the course of the employee's employment by that employer. The medical removal protection described in this subsection shall be provided for as long as a less hazardous or nonexposed job is available. The availability of such a job shall depend upon the employee's skills, qualifications, and aptitudes and the job's requirements. Where such job is not available, the medical removal protection shall be provided for a period not to exceed 12 months. The employer may condition the provision of medical removal protection upon the employee's participation in follow-up medical surveillance for the occupational health effects in question based on the procedure set forth in this subsection. The employer's obligation to provide medical removal protection shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal, or receives income from employment with another employer made possible by virtue of the employee's removal. An employee who is receiving medical removal protection and for whom no less hazardous or nonexposed job is available must undertake reasonable good faith efforts to obtain alternative employment.

"(5) SPECIAL LIMITATION.—An employer is not required to provide medical removal protection for employees if the employer—

"(A) has 50".

## KASTEN AMENDMENT NO. 1690

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill S. 79, supra; as follows

On page 52, after line 19, insert the following new subsection:

( ) ATTORNEY CONTINGENCY FEES.—

(1) An attorney who represents, on a contingency fee basis, a person bringing an action in state or federal court for personal injury or death caused by or resulting from exposure to an occupational health hazard may not charge, demand, receive or collect for services rendered in connection with such action in excess of 25 per centum of the first $100,000 (or portion thereof) recovered, plus 20 per centum of the next $100,000 (or portion thereof) recovered, plus 15 per centum of the next $100,000 (or portion thereof) recovered, plus 10 per centum of any amount in excess of $300,000 recovered by judgment or settlement of such action.

(2) As used in this section, "contingency fee" means any fee for professional legal services which is in whole or in part contingent upon the recovery of any amount of damages, whether through judgment or settlement.

(3) In the event that such judgment or settlement includes periodic or future payment of damages, the amount recovered for purposes of computing the limitation upon the permissible attorney contingency fee shall be based upon the cost of the annuity or trust fund established to make payments. In any case in which an annuity or trust fund is not established to make such payments, the limitation shall be based on the present value of the payments.

## METZENBAUM AMENDMENTS NOS. 1691-1695

(Ordered to lie on the table.)

Mr. METZENBAUM submitted five amendments intended to be proposed by him to the bill S. 79, supra; as follows:

AMENDMENT No. 1691

On page 45, line 19, after the period, insert the following: "A nonunanimous final determination shall not be binding unless any Board member who concurs or dissents in the determination is permitted to make such concurring or dissenting opinion available to the public.".

AMENDMENT No. 1692

On page 77, line 14, beginning with "for", strike through the word "professionals" on line 15.

AMENDMENT No. 1693

On page 58 line 15, before the semicolon, insert the following: ", except that such education, training, and technical assistance shall not be available to personal physicians and other professionals who serve such employees, unless such services are also available to physicians and other professionals who serve employers of employees notified under section 5".

AMENDMENT No. 1694

On page 58, line 7, after "the", insert the following: "prevention, monitoring,".

AMENDMENT No. 1695

On page 49, line 11, before the period, insert the following:", except that no such telephone 'hot line' may be available to such employees or their personal physicians if such telephone 'hot line' is not also available to the employees' respective employers. The identity of or any identifying information relating to any person using the telephone 'hot line' shall be confidential and may not be disclosed unless authorized by another provision of this Act and necessary to carry out such provision or upon the written consent of such person".

## NICKLES AMENDMENT NO. 1696

(Ordered to lie on the table)

Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 79, supra; as follows:

At the appropriate place in the bill, insert the following new section.

FINANCIAL IMPACT STATEMENT

SEC. . None of the provisions of this Act shall become effective unless:

(a) The Committee on Labor and Human Resources requests that the Director of the Government Accounting Office prepare a financial impact statement, as described in subsection (b) below, to accompany the Conference report of this bill.

(b) The financial impact statement required by subsection (a) of this section shall state the extent to which enactment of this bill would result in increased costs to the private sector and State and local governments and shall include, at a minimum, a detailed assessment of the annual impact of the bill (projected annually over a five-year period from its effective date and expressed in monetary terms where appropriate) on—

(1) costs to consumers and business;

(2) national employment;

(3) the ability of United States industries to compete internationally;

(4) State and local governments, fiscally and otherwise, and;

(5) outlays by the Federal Government, including indirect costs it will incur as an employer, as compared to outlays for the same activity in the current fiscal year (as reported by the Congressional Budget Office); *provided*, that the financial impact statement may consist of a brief summary assessment in lieu of the detailed assessment set forth above if preliminary analysis indicates that the aggregate effect on each of categories (1)-(4) above is less than one hundred million dollars.

## HATCH AMENDMENTS NOS. 1697-1772

(Ordered to lie on the table.)

Mr. HATCH submittted 75 amendments intended to be proposed by him to the bill S. 79, supra; as follows:

AMENDMENT NO. 1697

On page 44, between lines 19 and 20, insert the following new paragraph:

(5) DESIGNATION OF NONEMPLOYEES FOR EXPOSURE TO CHRONIC HEALTH HAZARDS.—

(A) IN GENERAL.—Nothing in this Act shall preclude the Board from designating for notification nonemployees who have been exposed to a chronic health hazard.

AMENDMENT NO. 1698

On page 31, strike lines 1 through 9.

AMENDMENT NO. 1699

On page 31, strike lines 10 through 12.

AMENDMENT NO. 1700

On page 31, strike lines 13 through 16.

AMENDMENT NO. 1701

On page 31, strike lines 3 through 4.

AMENDMENT NO. 1702

On page 31, strike lines 5 through 7.

AMENDMENT NO. 1703

On page 31, strike lines 8 through 9.

AMENDMENT NO. 1704

On page 31, strike lines 17 through 19.

AMENDMENT NO. 1705

On page 31, strike lines 20 through 22.

AMENDMENT NO. 1706

On page 31, strike line 23 through 2 on page 32.

AMENDMENT NO. 1707

On page 32, strike lines 3 through 6.

AMENDMENT NO. 1708

On page 32, strike lines 7 through 11.

AMENDMENT NO. 1709

On page 32, strike lines 12 through 14.

AMENDMENT NO. 1710

On page 32, strike lines 15 through 18.

AMENDMENT NO. 1711

On page 32, strike lines 19 through 22.

AMENDMENT NO. 1712

On page 32, strike lines 23 through line 2 on page 33.

AMENDMENT NO. 1713

On page 33, strike lines 3 through 5.

AMENDMENT NO. 1714

On page 33, strike lines 6 through 9.

AMENDMENT NO. 1715

On page 33, strike lines 11 through 15.

AMENDMENT NO. 1716

On page 33, strike lines 16 through 21.

AMENDMENT NO. 1717

On page 33, strike lines 22 through 24.

AMENDMENT NO. 1718

On page 34, strike lines 1 through 3.

AMENDMENT NO. 1719

On page 37, line 13, strike out "Secretary" and all that follows through "science" on line 14.

AMENDMENT NO. 1720

On page 40, strike lines 18 through 23.

AMENDMENT NO. 1721

On page 41, line 22, strike "(" and all that follows through ")" on line 24.

AMENDMENT NO. 1722

On page 42, line 10, strike "(" and all that follows through ")" on line 11.

AMENDMENT NO. 1723

On page 39, strike lines 7 through 9.

AMENDMENT NO. 1724

On page 39, strike lines 10 through 14.

AMENDMENT NO. 1725

On page 39, strike lines 15 through 18.

AMENDMENT NO. 1726

On page 40, strike lines 18 through 23.

AMENDMENT NO. 1727

On page 40, strike line 24 through line 12 on page 41.

AMENDMENT NO. 1728

On page 69, strike lines 14 through 23.

AMENDMENT NO. 1729

On page 69, strike line 3 through line 13 on page 74.

AMENDMENT NO. 1730

On page 68, after line 22, insert the following—

"(e) Employer access—Nothing in this section shall be interpreted to restrict the employer's access to medical monitoring information."

AMENDMENT NO. 1731

On page 68, strike lines 13 through 22.

AMENDMENT NO. 1732

On page 67, line 17, strike "12" and replace with "6".

AMENDMENT NO. 1733

On page 70, line 20, strike all after the comma through "evidence" on line 22.

AMENDMENT NO. 1734

On page 57, strike line 13 through line 19 on page 58.

AMENDMENT NO. 1735

On page 58, strike lines 5 through lines 11.

AMENDMENT NO. 1736

On page 20, strike line 20 through line 6 on page 63.

AMENDMENT NO. 1737

On page 58, strike lines 12 through 19.

AMENDMENT NO. 1738

On page 60, strike line 6 through line 6 on page 63.

AMENDMENT NO. 1739

On page 63, strike lines 7 through 22 on page 68.

AMENDMENT NO. 1740

On page 63, line 14, strike all after "employer" through "employee" on line. 15.

AMENDMENT NO. 1741

On page 63, line 14, strike all after "if" through "such" and replace with "the".

AMENDMENT NO. 1742

On page 63, line 22, strike all after "5" through line 25 except the period.

AMENDMENT NO. 1743

On page 64, strike line 1 through line 2 on page 65.

AMENDMENT NO. 1744

On page 65, line 18, strike all after "job" through "job" on line 20.

AMENDMENT NO. 1745

On page 64, strike all after "subsection" on line 14 through "job" on line 17.

AMENDMENT NO. 1746

On page 65, line 8, strike all after "notice" through "disease" on line 10.

AMENDMENT No. 1747

On page 64, strike all after "subsection" on line 21 through "agreement" on line 2 of page 65.

AMENDMENT No. 1748

On page 65, line 12, strike "10" and replace with "30".

AMENDMENT No. 1749

On page 65, strike line 3 through line 25.

AMENDMENT No. 1750

On page 66, line 19, strike everything after the period through line 21.

AMENDMENT No. 1751

On page 66, line 9, strike "21" and replace with "60".

AMENDMENT No. 1752

On page 66, line 17, strike "21" and replace with "60".

AMENDMENT No. 1753

On page 67, line 1, strike all after "5" through "Board" on line 5.

AMENDMENT No. 1754

On page 67, line 17, strike "12" and replace with "6".

AMENDMENT No. 1755

On page 67, line 8, strike "any part of".

AMENDMENT No. 1756

On page 57, strike lines 8 through 12.

AMENDMENT No. 1757

On page 56, line 22, strike all after the period through the period on line 23.

AMENDMENT No. 1758

On page 56, line 15, strike "30" and replace with "120".

AMENDMENT No. 1759

On page 56, strike lines 5 through 7.

AMENDMENT No. 1760

On page 55, line 11, strike "30" and replace with "180".

AMENDMENT No. 1761

On page 52, strike lines 14 through 19.

AMENDMENT No. 1762

On page 52, strike lines 1 through 13.

AMENDMENT No. 1763

On page 51, strike line 23 through line 24 and renumber subsequent sections.

AMENDMENT No. 1764

On page 51, line 8, strike everything after the period through the period on line 22.

AMENDMENT No. 1765

On page 49, strike line 6 through line 9 on page 50.

AMENDMENT No. 1766

On page 49, strike line 18 through line 9 on page 50.

AMENDMENT No. 1767

On page 49, strike lines 6 through 17.

AMENDMENT No. 1768

On page 49, strike lines 6 through 11.

AMENDMENT No. 1769

On page 49, strike lines 12 through 17.

AMENDMENT No. 1770

On page 45, strike line 15 through line 7 on page 46.

AMENDMENT No. 1771

On page 45, strike lines 15 through 19.

AMENDMENT No. 1772

On page 35, line 23 through 24, strike "generated by or integral to the work process".

## DIXON AMENDMENT NO. 1773

Mr. DIXON proposed an amendment to the bill S. 79, supra; as follows:

Strike everything beginning on page 64, line 1, through line 12 on page 68 and insert the following:

"(b) LIMITATIONS FOR AGRICULTURAL WORKERS.—Provisions for medical removal protection under this subsection shall not apply to any seasonal agricultural worker employed by an employer for less than 5 months of continuous employment."

(c) DISCRIMINATION PROHIBITED.—

(1) IN GENERAL.—No employer or other person shall discharge or in any manner discriminate against any employee, or applicant for employment, on the basis that the employee or applicant is or has been a member of a population that has been determined by the Board to be at risk of disease. The subsection shall not apply if the position which the applicant seeks requires exposure to the occupational health hazard which is the subject of the notice. If it is medically determined pursuant to subsection (d) that an employee should be removed to a less hazardous or nonexposed job, an employer may effect such a removal without violating this subsection so long as the employee maintains the earnings, seniority, and other employment rights and benefits, as though the employee had not been removed from the former job.

(I2) SPECIAL PROVISION.—An employer with 10 or fewer employees may transfer an employee who is or has been a member of a population at risk to another job without violating this subsection so long as the new job has earnings, seniority and other employment rights and benefits as comparable as possible to the job from which the employee has been removed. In providing such alternative job assignment, the employer shall not violate the terms of any applicable collective bargaining agreement.

(d) BENEFIT REDUCTION PROHIBITED—

(1) GENERAL.—If, following a determination by the Board under this Act, the employee's physician medically determines that an employee who is a member of a population at risk shows evidence of the development of the disease described in the notice or other symptoms or conditions increasing the likelihood of incidence of such disease, the employee shall have the option of being transferred to a less hazardous or nonexposed job. If within 10 working days after the employee has exercised the option and transmitted to the employer a copy of the initial determination, the employer's medical representative has not requested independent reconsideration of such determination, the employee shall be removed to a less hazardous or nonexposed job and shall maintain earnings, seniority, and other employment rights and benefits as though the employee had not been removed from the former job. In providing such alternative job assignment, the employer shall not be required to violate the terms of any applicable collective bargaining agreement, and shall not be required to displace, lay off, or terminate any other employee.

(2) INDEPENDENT RECONSIDERATION.—If the employer's medical representative requests independent reconsideration of the initial medical determination under paragraph (1), the employee's physician and the employer's medical representative shall, within 14 working days of the transmittal of the initial determination, submit the matter to another mutually acceptable physician for a final medical determination, which shall be made within 21 working days of the transmittal of the initial determination unless otherwise agreed by the parties. If the two medical representatives have been unable to agree upon another physician within 14 working days, the Secretary or the Secretary's local designee for such purpose shall immediately, at the request of the employee or the employee's physician, appoint a qualified independent physician who shall make a final medical determination within the 21 working day period specified in this paragraph, unless otherwise agreed by the parties. The employer shall bear all costs related to the procedure set forth in this paragraph.

(3) EMPLOYEES SUBJECT TO MEDICAL REMOVAL.—An employer shall be required to provide medical removal protection only for employees who—

(A) are notified individually under section 5, or

(B) the employer knows or has reason to know are members of the population at risk as determined by the Board.

(4) SPECIAL RULES FOR MEDICAL REMOVAL.—An employer shall be required to provide such protection only if any part of the employee's exposure to the occupational health hazard occurred in the course of the employee's employment by that employer. The medical removal protection described in this subsection shall be provided for as long as a less hazardous or nonexposed job is available. The availability of such a job shall depend upon the employee's skills, qualifications, and aptitudes and the job's requirements. Where such job is not available, the medical removal protection shall be provided for a period not to exceed 12 months. The employer may condition the provision of medical removal protection upon the employee's participation in follow-up medical surveillance for the occupational health effects in question based on the procedure set forth in this subsection. The employer's obligation to provide medical removal protection shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal, or receives income from employment with another employer made possible by virtue of the employee's removal.

(5) SPECIAL LIMITATION.—An employer is not required to provide medical removal protection for employees if the employer—

(A) has 10 or fewer full-time employees at the time medical removal protecion is requested, and

(B) made or is in the process of making a reasonable good faith effort to eliminate the occupational health hazard that is the basis for the medical removal decision.

### FORD (AND DIXON) AMENDMENT NO. 1774

Mr. FORD (for himself and Mr. DIXON) proposed an amendment to amendment No. 1773 proposed by Mr. DIXON to the bill S. 79, supra; as follows:

On page 1 of the amendment strike "5" through the first period and insert the following in lieu thereof: "6 months of continous employment. Provisions of section 12 of this Act shall not take effect unless the Secretary of Health and Human Services, using existing authorization, provides that in the case of seasonal agricultural workers employed by an employer for less than 6 months of continuous employment, the medical monitoring recommended by the Board is provided through the Migrant Health Program of the Bureau of Health Care Delivery and Assistance of the Department of Health and Human Services using funds appropriated under section 14. An amount not to exceed $1,000,000 for each fiscal year, from funds authorized to be appropriated by this Act, shall be set aside, if necessary, to carry out the preceding sentence.".

### BREAUX AMENDMENT NO. 1775

Mr. BREAUX proposed an amendment to the bill S. 79, supra; as follows:

On page 24 between lines 13 and 14 insert the following:

"(d) SPECIAL PROVISION.—An employer with 50 or fewer employees may transfer an employee who is or has been a member of a population at risk to another job without violating this subsection so long as the new job has earnings, seniority and other employment rights and benefits as comparable as possible to the job from which the employee has been removed. In providing such alternative job assignment, the employer shall not violate the terms of any applicable collective bargaining agreement.

"In addition, an employer is not required to provide medical removal protection for employees if the employer—

"(A) has 50 or fewer full-time employees at the time medical removal protection is requested, and

"(B) made or is in the process of making a reasonable good faith effort to eliminate the occupational health hazard that is the basis for the medical removal decision.".

### DIXON AMENDMENT NO. 1776

Mr. DIXON proposed an amendment to amendment No. 1775 proposed by Mr. BREAUX to the bill S. 79, supra; as follows:

At the end of the amendment add the following: "The medical monitoring required under this Act shall be limited to the monitoring recommended by the Risk Assessment Board. The means of providing such medical monitoring shall be left to the employer's judgment consistent with sound medical practices. If the benefits are made available through an existing employer health plan, the employee may be required to meet deductibles or copayments generally required under the existing employer health plan. Any such current employee shall be required to provide monitoring only for employees who—

"(1) are notified individually under section 5; or

"(2) the employer knows or has reason to know are members of the population at risk as determined by the Board.

An employer with 50 or fewer employees may not be required to pay more than $250 for medical monitoring for any employee in any year. This amount shall be adjusted annually after 1988 based on the Consumer Price Index for medical care services maintained by the Bureau of Labor Statistics.".

## AUTHORITY FOR COMMITTEES TO MEET

#### SUBCOMMITTEE ON HEALTH

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Health of the Committee on Finance be authorized to meet during the session of the Senate on March 22, 1988, to hold a hearing on S. 1673, the Medicaid Home and Community Quality Services Act of 1987.

#### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, March 22, to hold hearings on S. 1081, the National Nutrition Monitoring and Related Research Act of 1987.

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

#### COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, March 22, 1988, to hold a hearing on the President's fiscal year 1989 budget proposal for the Small Business Administration.

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

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, March 22, 1988 to conduct oversight hearings on the Community Reinvestment Act.

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

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, March 22, 1988 to consider the Department of Agriculture's budget request for fiscal year 1989.

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

#### SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Tuesday, March 22, 1988 to receive testimony concerning H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release of the Forest Planning process protection of recreation value, and inclusion in the National Wilderness Preservation System, and for other purposes.

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

#### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 22, 1988, to hold an oversight hearing on the National Aeronautics and Space Administration budget.

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

#### SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 22, 1988, in closed session to receive testimony on ICBM modernization programs and strategic indicators in review of the amended fiscal year 1989 Defense authorization request.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 22, 1988, in open session to receive testimony on proposals for ABM systems complaint with the ABM treaty.

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

## ADDITIONAL STATEMENTS

### A NEW AGENDA FOR THE GLOBAL ENVIRONMENT

● Mr. GORE. Mr. President, today I am rising to sound the alarm on an issue we have recently heard a great deal about, but about which frankly, much more needs to be done. I am calling on the President to take six emergency steps to respond to the unprecedented global threat of depletion of the atmospheric ozone layer.

First, there should be an immediate ban on nonessential uses of CFC's.

Second, a rapid phaseout, over 5 years, of all other uses of the most harmful CFC's.

Third, an immediate assessment of $1 per pound on the most harmful chloroflurocarbons or CFC's, the chemicals responsible for ozone depletion. The fee should increase to $2 in 1989, and reach $5 by 1992. This will send a long overdue message to the producers of CFC's that we must embark on a crash program to develop environmentally sound alternatives. It will raise $260 million in the first year, a portion of which should go to fund research into alternatives for CFC's and to help those industries who depend on CFC's to manufacture their product.

Fourth, to ban the importation of CFC-containing products into this country that do not meet U.S. standards.

Fifth, the President should personally call on the leaders of Japan and the European nations to urge the ratification in their countries of the Montreal protocol in time for the June economic summit. So far, only the United States and Mexico have done so.

Sixth, the President should put this issue on the agenda of the June summit, and to push at that time for an amendment to the Montreal protocol to further accelerate a total ban of harmful CFC's. After all, this problem has its origin in commerce, and it is precisely the sort of issue that would most benefit from this high level discussion.

Mr. President, last week, 1 day after we voted to ratify the Montreal ozone treaty, government scientists, publicly confirmed what the experts have been warning us about for many years—that we face a potentially cataclysmic threat to our planet, entirely beyond the ability of science to predict.

In a world where the threat of nuclear annihilation, economic collapse, famine, regional conflict, and the AIDS pandemic compete for the attention of world leaders, it's not surprising that some—particularly those in the Reagan-Bush administration—would dismiss such problems as depletion of the ozone layer and the greenhouse effect as the concerns best left to the lower levels of the bureaucracy. But the findings in the NASA report clearly demonstrate that we face a peril as great as any we have faced. Virtually everyone now accepts that this is a deadly serious threat to the health, and well being, of men, women, and children all over the world.

For years the Reagan-Bush administration has crossed its fingers and hoped this problem would simply go away. It responded as it has to virtually every environmental problem it has confronted, allowing the industry at fault to call the shots. As a result once again rather than answers we are left only with questions.

This year, in the United States alone, there will be an additional 50,000 cases of skin cancer, an increase of almost 10 percent, yet Americans are left to wonder why rather than a strategy to assure the rapid development of alternatives to the worst CFC's, instead the administration has agreed to a scheme that seems designed only to guarantee CFC producers windfall profits.

Under the administration-industry plan, producers are guaranteed the same share of the market they currently hold. As the supply of CFC's drops, as it is required to do under the Montreal protocol, and demand remains high, the only thing that will change is that companies will be able to charge more for CFC's. The result will be big profits for the producers of CFC's, the same companies that have misled industry and the American people for years into believing that somehow this would all just go away.

For 6 years, I have chaired hearings in the House and Senate to call attention to these problems. The ozone problem may have begun 60 years ago when chemists developed compounds called chlorofluorocarbons, or CFC's, that came to be used as coolants and as propellants in aerosol sprays. Millions of tons of CFC's were used before traces of them were found in the atmosphere in the early 1970's. By 1974, scientists had concluded that CFC's in the upper atmosphere were destroying the ozone layer that protects the Earth by blocking the Sun's ultraviolet radiation.

By 1978, the United States banned the use of CFC's in spray cans. But that was not enough, as long as other countries continued to use them. In 1985, British scientists discovered a mysterious hole that was opening up in the ozone layer over Antarctica. It became increasingly clear that CFC's were a major factor in this alarming development. We now know that it is the key factor. Scientists say such a breakdown could lead to millions more cases of skin cancer.

In May of last year, some Reagan officials began to fear that governmental action against this threat might offend the President's laissez-faire philosophy. Secretary of the Interior Donald Hodel was quoted as saying the answer to ozone depletion might be for people to wear sunglasses and floppy hats! Fortunately, wiser minds prevailed, and Lee Thomas helped negotiate the 24-nation international treaty we ratified last week to limit the production of CFC's.

The treaty is a tiny but important first step. We must now immediately do much more. Even under the terms of the agreement, ozone depletion may cause an estimated 7 million additional cases of cancer in the United States over the next 80 years—and 131 million cases worldwide. That is simply not acceptable.

Even worse, the greenhouse effect, caused by increased carbon dioxide, CFC's, and other trace gases in the atmosphere, is trapping in heat and causing a long-term warming of the Earth, could have equally dire results.

In 1981, I chaired the first of a series of congressional hearings that focused on the greenhouse effect and the upper atmosphere. In 1985, I introduced the first legislation specifically directed at the greenhouse effect.

Six years ago, at our first hearing, Prof. Roger Revelle of the University of California, testified that the greenhouse effect was no longer a hypothesis, but had become a reality.

In 1982 hearings, Dr. James Hansen of NASA and Prof. George Kukla of Columbia testified that the rise in carbon dioxide levels could be closely correlated with a rise in the Earth's mean temperature, a shrinking of glacial ice, and the rise of the sea level.

The more we learned, the more we realized that the greenhouse effect is too vast and its causes too elusive for any scientific quick fix. It will require major international scientific study and action.

What can America do?

In addition to the steps I have called for today on the ozone problem, I have sponsored legislation to create an International Year of the Greenhouse Effect, to focus international attention on the problem, as was done with the successful International Geophysical Year of 1957. I and other Senators have also urged Secretary of State George Shultz to include the greenhouse effect on the agenda of the next United States-Soviet summit meeting.

We can't stop there.

The United States should call for an international summit devoted to the related problems of the ozone depletion and the greenhouse effect. We should urge an immediate reconvening of the signatories of the Montreal protocol to take additional steps.

Are not these classic examples of problems upon which we, the Soviet Union, and other world powers should work together, pooling our scientific skills to benefit humankind, rather than devoting them to a costly and destructive arms race?

We should challenge General Secretary Gorbachev to join with us and other nations in an all-out, coordinated, and cooperative attack on these urgent threats to the environment of this planet we all share and love.

We must be prepared also to work with the United Nations, the World Bank, and other international organizations, on these issues. We know, for example, that the greenhouse effect appears to be a direct byproduct of resource consumption—the destruction

of forests, the use of fossil fuels, and of CFC's. We know that certain less developed nations are rapidly destroying their tropical rain forests, forests that serve as the major oxygen and carbon dioxide conversion mechanisms in the world. Twelve of the seventeen most heavily indebted nations, including Bolivia, Brazil, Colombia, Mexico, and the Philippines, are destroying their forests at an alarming rate.

The entire world has a huge stake in these tropical forests, so great that an arrangement is needed whereby certain international debts will be eased in exchange for forest conservation.

What will this planet be like 50 or 100 years from now? Will we avert nuclear war, only to be undone by ozone depletion, the greenhouse effect, ocean pollution, global overcrowding, contaminated ground water, or polluted air and acid rain? These threats are not science fiction—the world's best scientists are telling us these things can happen unless we act.

The enduring symbol of the Reagan administration's environmental failures will be a barge filled with garbage, slowly drifting out to sea.

But responsible men and women cannot let these problems drift. Starting in January 1989, we must have leadership that understands our past and cares about our future.●

## TRIBUTE TO CHESTER KOCH

● Mr. McCAIN. Mr. President, this weekend I have the honor and privilege of meeting one of America's great veterans—Chester Koch, of Cleveland. Chester is 95 years old and still works daily at Cleveland's City Hall coordinating veterans and patriotic activities. It is estimated that Chester, a World War I veteran, has seen roughly a half a million young Americans off to military duty. He's devoted his life to caring about and serving those young men and women in this country who have cared enough to serve in our Armed Forces.

It is Chester's many years of service and perspective that we all should heed when he says that all of us legislators—whom he calls young whippersnappers—need to remember that the work and sacrifice of America's veterans are what enables all of us to enjoy life the way we do.

Mr. President, I look forward to meeting this great American and dean of American veterans. I ask that the Catholic War Veterans Resolution honoring Chester, and a recent story from the Lake County News Herald be printed in the CONGRESSIONAL RECORD. All of us would benefit from reading about Chester's great service and taking to heart this man's dedicated service to his countrymen.

The material follows:

RESOLUTION NO. 25, TESTIMONIAL RESOLUTION HONORING CHESTER KOCH

Whereas, Mr. Chester Koch, Cleveland, Ohio, has come to symbolize the tradition of service exemplified by the Catholic War Veterans in working with the veterans, and

Whereas, Mr. Chester Koch, one of the boys of 1917-18, has been a member of the Cuyahoga County Chapter since its inception, and

Whereas, Mr. Chester Koch has added luster to the reputation of the Catholic War Veterans of the United States of America, Inc., in his hometown City of Cleveland by being the City's Coordinator of Patriotic Activities, overseeing the observance of National Holiday's and other veteran related programs of a city-wide, public nature, and

Whereas, Mr. Chester Koch during his years in official capacity has seen at least 485,000 men and women off to military service, inquired after them and their families after they entered their countrys service, and again welcomed many of them back home, and

Whereas, Mr. Chester Koch has served the Catholic War Veterans over the years in many roles and offices: Now, therefore be it

*Resolved*, That the Catholic War Veterans of the United States of America, Inc., In Convention assembled in Albany, New York, this 15th day of August 1985, single out Mr. Chester Koch for HONOR by adopting this Testimonial Resolution and that all the delegates and members of the Catholic War Veterans join in congratulating him on his service to the organization and on his 93rd birthday; and be it further

*Resolved*, that the National Department act upon this Testimonial Resolution and offer Mr. Chester Koch the greetings of that echelon in this 50th Annual National Convention.

[From the News Herald, July 5, 1987]

WORKING FOR LIBERTY—CLEVELAND VETERAN'S JOB IS KEEPING PATRIOTIC SPIRIT ALIVE

At age 95, Chester Koch reports daily to his job at Cleveland City Hall as coordinator of patriotic activities and participates in half a dozen veterans' groups.

Clevelanders like to think of him as the nation's oldest active patriot.

"As long as he can walk I'm sure he'll be involved in something," said Ron Seman, a local Defense Department spokesman who assists Koch in his efforts.

"I know if they forced him to stay home, away from his activities, he'd probably be dead in a week. He just loves to be involved with anything having to do with veterans' activities and patriotic events."

A city employee for 53 years, Koch arranges Cleveland's parades from his basement office. The World War I veteran has no secretary, but he gets help from city employees through charm and persistence. He takes city buses to work when he can't get a ride and shuffles from place to place with the help of a cane. He has served under 14 mayors.

"There's more patriotism now than ever before in this nation, in my estimation," Koch said. "The appreciation of the public for the use of the flag is much tighter now.

"I have an old saying—a flag in the home will keep the devil away. When you see the flag, your thoughts go back to what it means and what it meant to so many people who died for the flag."

Koch estimates that he has passed out 10,000 flags during his lifetime. But working for veterans is his primary ambition, and arranging parades for Memorial Day, Veterans' Day, Flag Day and other occasions was a natural extension of that.

"My goal is to preserve respect for the veterans, all types of veterans," Koch said. "Those young legislators—whippersnappers I call them—need to understand that our work has enabled them to enjoy life."

Koch went to work for the city in 1934 as an employee of the Utilities Department. He became Cleveland's first and only coordinator of patriotic activities in the 1940s after he saw young men marching off to war with no one there to wish them well.

"It made me recall when I was in the Army," he said, "I just felt that something should be done to show these lads the appreciation of the city of Cleveland. Through that I picked up a heavy feeling of patriotism, and everything I've done from then on has been of a patriotic nature."

Koch began urging high school bands, businessmen and volunteer groups and the Cleveland city government to send off soldiers leaving Cleveland to fight in Germany, Africa or the Pacific. The support Koch received prompted Mayor Edward C. Blythin to move Koch out of the Utilities Department and create a new position for him.

Koch, a Louisville, Ky., native, said his work with veterans began before World War I when he started helping veterans of the Spanish-American War organize Flag Day parades.

Veterans' organizations started becoming truly viable after World War I, he said. Koch, who can remember when Cleveland didn't have a Veterans Administration office or a veterans' hospital said former soldiers are treated much better today than 50 years ago.

But he said veterans still need increased medical assistance and hospitalization benefits. The need is going to increase as the percentage of older veterans grows, he said.

Seman, a Korean War veteran, said he became Koch's lieutenant a decade ago when he was working at City Hall as press secretary for then-Mayor Ralph Perk. Koch has helped scores of veterans who were not aware of what benefits they were entitled, he said.

"Chester works on education. Or if people die, he helps get them a military funeral. He usually knows what buttons to push to get an honor guard or to get the person properly buried," Seman said, "If a veteran has a question and Chester doesn't know the answer, I don't know anyone else in the community who would."

Koch, who lives with his wife in suburban Garfield Heights, said he is involved in the Veterans of Foreign Wars, the American Legion the Catholic War Veterans, the Polish Legion of American Veterans and the Marine Corps League. His greatest participation has been in the VFW.

"I haven't missed a state meeting in 53 years, and I haven't missed a national meeting in that long," Koch said of the VFW. "If I find one or two older men I'm lucky."

Curtis Jewell, assistant adjutant general at the VFW's national headquarters in Kansas City; said Koch has been a member of the organization's National Security and Foreign Affairs Committee for years. The committee meets annually in Washington with Koch in attendance.

"I don't think there's any doubt that Chester has contributed a lot to veterans in general," Jewell said. "But I think it extends beyond veterans to the general citizenry in a patriotic sense—not only in Cleveland but throughout the state of Ohio."

Koch said he has no plans to quit contributing.

"I'm operating on borrowed time, there's no question about that," he said. "There's one thing I have practiced for many years. In the morning I ask the Lord for help to get me through the day. And in the evening I thank the good Lord."●

## THE 50TH ANNIVERSARY OF THE POLISH ROMAN CATHOLIC UNION OF AMERICA'S MICHIGAN WOMEN'S DIVISION

● Mr. RIEGLE. Mr. President, on Thursday, March 24, 1988, the Michigan Women's Division of the Polish Roman Catholic Union of America [PRCUA] will celebrate its 50th anniversary with a special dinner program, to be held at the Polish Century Club in Detroit.

For the past 50 years, the Michigan Women's Division of the PRCUA has been serving the needs of the Polish American community at both the local and national levels. Through its work, the Michigan women's division has sought to instill within members of the Polish-American community an appreciation for their rich heritage, an understanding of what it means to be a good citizen and an interest in being active participants in their communities, churches, and schools.

Through various activities for children and young adults such as folk dancing, singing, hobby classes, youth festivals and language classes, the Michigan women's division continues to encourage the preservation of Polish customs and traditions. I want to particularly commend the Michigan women of the PRCUA for the many important programs they sponsor, such as their 12 Polish folk dance schools, various fraternal programs, youth day celebrations, as well as the traditional Polish Easter "Swieconka" and Christmas "Oplatek" dinners.

Mr. President, I extend my warmest congratulations to the Michigan Women's Division of the PRCUA on their 50th anniversary. They deserve great credit and thanks for the tremendous services they have provided to the Polish-American community, and for their tireless efforts to preserve their rich Polish heritage.●

## GREEK INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, March 25 marks Greek Independence Day, the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. I believe that it is appropriate today to pay tribute to a nation and culture which so greatly influenced our own democratic foundations.

As in the previous years, I am pleased to cosponsor a resolution declaring March 25 "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." Last year, the 166th anniversary of Greek independence coincided with our own celebration of the 200th anniversary of the United States Constitution.

The Greek people's devotion to their freedom and their commitment to democracy have inspired other peoples to establish for themselves a system of government which is dedicated to preserving individual rights and freedoms. Many of the principles of our own Constitution are based on the political and philosophical experience of ancient Greece. The special relationship our two countries have enjoyed since the beginning of the Greek struggle for independence is based on that shared appreciation for democracy.

Modern ties were formed in the early days of the American Republic as the war for Greek independence was being waged. During their own revolution the Greeks borrowed from the ideals and lessons of the American revolution and even translated the Declaration of Independence into a document for their struggle against the Ottoman Empire. Today, this bond remains strong and is perpetuated by the vital Greek American community. It is also evident in our relationship with Greece in the North Atlantic Treaty Organization [NATO].

The Greek people deserve strong United States support on a number of key issues. We are deeply concerned about the ecuminical patriarchate in Constantinople. Renewed hope for the preservation of the patriarchate came recently with the historic meeting in December 1987 between the Primate of the Creek Orthodox Church of North and South America and the mayor of Istanbul, Bedrettin Dalan. The Primate, Archbishop Iakavos, stated his belief that the Greek-American community "can serve as a golden bridge between Greece and Turkey in achieving a just resolution of this critical human rights issue."

The continuing Turkish occupation of Cyprus stands in stark contrast to the independence Greece has enjoyed for the past 161 years. Fourteen years after the invasion, Turkish forces continue to occupy the formerly independent island of Cyprus. Over the years I have worked with others to bring about a just and peaceful resolution to that illegal Turkish occupation of Cyprus. It is imperative that Turkey's 30,000 troops on the northern part of the island are removed so that U.N. sponsored negotiations can begin.

George Vassiliou, the newly elected President of Cyprus, has pledged to work toward a settlement of the Cyprus problem with the Turkish Cypriots. His election is, I believe, a positive step which may bring closer the day when a resolution of the Cyprus tragedy is ultimately achieved.

Finally, the historic agreement in January between Greek Prime Minister Andreas Papandreou and Turkish Prime Minister Turgut Ozal to work together to resolve differences over the Aegean Sea and other matters marked an important turning point. In what was the first direct communication between leaders of the two countries in 10 years an agreement was reached to meet at least once a year, to set up a joint economic council to promote trade and tourism, and to create a direct "hot line" for crisis communications. Although no real discussion of the Aegean dispute or the future of Cyprus were discussed, the meeting represented an important first step.

I hope that the positive developments we have witnessed over the past year will continue and that our own relationship with Greece will help bring closer the day when the longstanding Greek-Turkish conflicts are resolved and the Greek people can once again enjoy the democratic principles of their ancestors.●

## BICENTENNIAL MINUTE

### MARCH 20, 1920: SENATOR NEWBERRY FOUND GUILTY

● Mr. DOLE. Mr. President, 68 years ago yesterday, on March 20, 1920, Senator Truman H. Newberry and 16 of his 84 codefendants were found guilty of criminal conspiracy growing out of his 1918 campaign for the Senate. This was yet another startling event in one of the most dramatic Senate elections in our history, one which involved America's most famous automobile manufacturer.

The 1918 Michigan Senate race pitted against each other two industrialists of great personal wealth: Truman Newberry and Henry Ford. After a hard-fought campaign, Newberry won the election. But Ford and many newspapers assailed Newberry for excessive campaign spending and for intimidating voters. The Senate referred Ford's complaint to the Committee on Privileges and Elections. In the meantime, Newberry and 134 others were indicted for violating the Federal Corruption Practices Act, which had set a $3,750 limit on campaign spending in Senate races. By contrast, it was estimated that Newberry had spent the then shocking amount of $195,000 on his election. In 1920 the Senator was convicted.

Newberry appealed to the Supreme Court, arguing that the Federal Government had no authority to control State primaries. In 1921, the Supreme Court unanimously overturned Senator Newberry's conviction, on the grounds that the lower court judge had given erroneous instructions to the jury—but the Justices were divided in opinion over the constitutionality of a Federal statute to control State elections.

In 1922 the Senate's Privileges and Elections Committee agreed that Newberry was the duty elected Senator from Michigan, but declared that his excessive campaign spending had harmed the honor and dignity of the Senate. Since Henry Ford gave no indication of abandoning his own crusade against the Senator, Newberry decided to resign voluntarily from the United States Senate.●

## BICENTENNIAL MINUTE

MARCH 3, 1843: SENATOR REJECTS A CABINET NOMINEE THREE TIMES

● Mr. DOLE. Mr. President, it is a very rare occasion when the Senate rejects a Cabinet nomination, but 145 years ago, on March 3, 1843, the Senate turned down a Cabinet nominee—not just once—but three times.

What precipitated such a senatorial rebuke? Essentially, the Whig dominated Senate was at loggerheads with the independent-minded President, John Tyler. Tyler, a Democrat turned Whig, was the first Vice President to succeed to the Presidency upon the death of a President. In the White House he vetoed much of the Whigs' legislative program, and won the party's emnity.

On the night of March 3, 1843, Tyler came to the Capitol to sign legislation and submit last-minute nominations at the end of the Twenty-Seventh Congress. For his Secretary of the Treasury, the President nominated Representative Caleb Cushing of Massachusetts. Although a Whig, Cushing had been sharply critical of Senate Whigs and a strong supporter of President Tyler. Liking neither the President nor his nominee, the Senate rejected Cushing by a vote of 19 to 27.

President Tyler was so outraged by the Senate's action, that he sent his secretary back into the Chamber with a notice that he had renominated Cushing for the same post. What the President hoped to accomplish is hard to fathom, for the second vote went even more heavily against him. This time Cushing lost a 9 to 27 vote. This defeat further enflamed the President's anger, and he sent back Cushing's nomination for a third time, only to lose by an embarrassing 2 to 29. At last even Tyler had to bow to the inevitable and nominate another candidate.

Caleb Cushing was the second Cabinet nominee ever rejected for confirmation; and since 1843 the Senate has turned down only six others.●

## PRINTING OF SENATE DOCUMENT

Mr. BYRD. Mr. President, on behalf of myself and Mr. SIMPSON, I send a Senate resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 398) authorizing the printing of the compilation entitled "Majority and Minority Leaders of the Senate" as a Senate document.

Mr. BYRD. Mr. President, I ask that the clerk read the resolution. It is very short.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 398

*Resolved*, That the compilation entitled "Majority and Minority Leaders of the Senate", prepared by the Senate Parliamentarian Emeritus, Floyd M. Riddick, shall be printed, with any revisions and certain tables, as a Senate document, and an additional 2,000 copies shall be printed for distribution by the Secretary of the Senate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 398) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

## NATIONAL BLACK INVENTORS DAY

Mr. BYRD. Mr. President, I ask unanimous consent that House Joint Resolution 377, a joint resolution designating March 27, 1988, as "National Black Inventors Day" be placed on the calendar.

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

## METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. BYRD. Mr. President, I ask unanimous consent that House Joint Resolution 480, a joint resolution amending the Washington Metropolitan Area Transit Regulation Compact just received from the House be placed on the calendar.

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

## REQUEST BY DEPARTMENT OF JUSTICE FOR SUBCOMMITTEE DOCUMENTS

Mr. BYRD. Mr. President, I send to the desk a resolution, on behalf of myself and Senator SIMPSON, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A Senate resolution (S. Res. 399) to authorize release of documents by the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

The Senate proceeded to the immediate consideration of the resolution.

Mr. BYRD. Mr. President, in September 1987, the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs conducted hearings on the "Oversight of Federal Procurement Decisions on Wedtech." The Department of Justice has requested that the subcommittee provide it with documents relating to testimony at those hearings.

This resolution will authorize the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs to provide such documents to the Department of Justice solely for use in its investigation. Mr. President, I urge adoption of the resolution.

Mr. SIMPSON. Mr. President, I would join with the majority leader as a cosponsor of that resolution.

The PRESIDING OFFICER. That will be the order.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution with its preamble are as follows:

S. RES. 399

Whereas, the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs held hearings in September 1987 on the "Oversight of Federal Procurement Decisions on Wedtech";

Whereas, the Department of Justice has requested documents in the possession of the Subcommittee that are relevant to the resolution of questions arising from testimony given during those proceedings;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman of the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs is authorized to provide to the Department of Justice investigative documents relating to hearings on "Oversight of Federal Procurement Decisions on Wedtech," subject to any assurances the Subcommittee deems necessary to protect the interests of the Senate.

## NEVADA-FLORIDA LAND EXCHANGE AUTHORIZATION ACT OF 1988

Mr. BYRD. Mr. President, on behalf of Mr. JOHNSTON, I send to the desk a concurrent resolution, and on his behalf, I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A Senate concurrent resolution (S. Con Res. 106).

*Resolved, by the Senate (the House of Representatives concurring),* That the President of the United States is requested to return to the Senate the enrolled bill (S. 854) entitled "An Act entitled the 'Nevada-Florida Land Exchange Authorization Act of 1988'. The Secretary of the Senate is authorized to receive such bill if it is returned when the Senate is not in session. Upon the return of such bill, the action of the Speaker of the House of Representatives and the Deputy President pro tempore of the Senate in signing it shall be deemed rescinded and the Secretary of the Senate shall reenroll the bill with the following corrections:

In subsection (a) of section 3, strike "conveyance of" and insert in lieu thereof the words "conveyance to".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

The Senate proceeded to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to:

Mr. BYRD. Mr. President, does the distinguished assistant Republican leader have any further statement or business that he would like to bring up before the Senate?

Mr. SIMPSON. Mr. President, I believe not. I thank him for his courtesies and willingness to recognize any extra function here, and I have none to perform. I thank him.

Mr. BYRD. I thank the Senator.

## PROGRAM

Mr. BYRD. Mr. President, the Senate will convene at 10:30 tomorrow morning. Following the two leaders under the standing order there will be morning business until 11 o'clock a.m. Senators may speak during that period of morning business.

The second half-hour under the cloture rule will be divided and controlled by Messrs. METZENBAUM and HATCH.

No amendments will be in order. The mandatory quorum call will begin at 11:30; and upon the establishment of a quorum, the rollcall vote will occur on the motion to invoke cloture on the bill S. 79. That will be a 15-minute rollcall vote, Mr. President.

I ask unanimous consent that the call for the regular order be automatic at the close of 15 minutes.

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

Mr. BYRD. Mr. President, if cloture is invoked, S. 79 will be the business before the Senate, to the exclusion of all other business, until action is completed thereon. If cloture is not invoked on S. 79, the Senate will resume consideration of the measure, debate, and amendments thereto. I would anticipate that there would be rollcall votes during the afternoon tomorrow.

I believe that there is a function tomorrow evening to which Senators have been invited. Therefore, I do not anticipate that the Senate will be in late tomorrow.

## RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10:30 tomorrow morning.

The motion was agreed to; and, at 5:36 p.m., the Senate recessed until tomorrow, Wednesday, March 23, 1988, at 10:30 a.m.

# HOUSE OF REPRESENTATIVES—*Tuesday, March 22, 1988*

The House met at 12 noon.

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

O God of grace, from whom comes every good gift, send Your spirit to lead and guide us in all that is helpful to us. Comfort us when we need comforting, correct us when we need correcting, forgive us when we miss the mark and, in all things, cause Your love and grace to be with us. 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

Mr. MINETA. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MINETA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 130, answered "present" 1, not voting 32, as follows:

[Roll No. 37]

YEAS—269

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—130

Armey
Badham
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Coble
Coleman (MO)
Coughlin
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Grandy
Gregg
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McDade
McEwen
McGrath
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Oxley
Packard
Parris
Pashayan
Penny
Porter
Pursell
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Bonior

NOT VOTING—32

Baker
Biaggi
Boggs
Conyers
Courter
de la Garza
DeLay
Dixon
Donnelly
Dorgan (ND)
Feighan
Flake
Garcia
Gephardt
Grant
Gray (IL)
Hayes (LA)
Howard
Jones (TN)
Kaptur
Kemp
Leland
Levine (CA)
Lightfoot
Martin (IL)
Martinez
Mica
Price (IL)
Rodino
Russo
Solarz
Sweeney

□ 1222

Mr. BONKER changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE

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

S. 952. An act to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; and

S. Con. Res. 105. Concurrent resolution to provide for a Joint Congressional Committee on Inaugural Ceremonies.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair is going to entertain unanimous-consent requests and then take 1-minute speeches.

## PERMISSION FOR SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW OF COMMITTEE ON THE JUDICIARY TO SIT TOMORROW, WEDNESDAY, MARCH 23, 1988, DURING 5-MINUTE RULE

Mr. MAZZOLI. Mr. Speaker, I ask that the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday, March 23, 1988.

The purpose of the permission to sit is so the Subcommittee on Immigration, Refugees, and International Law can mark up H.R. 807, the Genocide Convention bill.

This request has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3905

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that my name be removed from H.R. 3905, the Atomic Energy Law Enforcement Act of 1988. I believe that this legislation would be counterproductive and would undercut the President's ability to implement this agreement.

In December I joined several of my colleagues from the Foreign Affairs Committee in writing the President on the subject of the new bilateral peaceful nuclear cooperation agreement with Japan.

I was concerned about some portions of the agreement and sought clarification from the administration. The President responded recently in some detail to that letter, and enclosed an updated analysis of issues associated with the proposed agreement.

Following review of that material and discussions with the administration, I am now satisfied that the agreement meets all the legal and policy requirements.

I want to join my good friend and colleague HENRY HYDE in noting that this agreement has been subjected to a stream of distortions and misunderstandings from critics.

As Mr. HYDE has noted, the fact of the matter is that the President—as well as officials of the Departments of State, Energy, and Defense—has made clear that the agreement is critical to our national interests and substantially improves our nonproliferation controls.

I urge all Members to help us prevent the spread of nuclear weapons by supporting this agreement.

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

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 1212, EMPLOYEE POLYGRAPH PROTECTION ACT

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, (H.R. 1212) to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HAWKINS, MARTINEZ, WILLIAMS, JEFFORDS, and GUNDERSON.

## APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 90, WHITE HOUSE CONFERENCE ON LIBRARIES AND INFORMATION SERVICES

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 90) to authorize and request the President to call and conduct a White House Conference on Library and Information Services to be held not earlier than September 1, 1989, and not later than September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HAWKINS, WILLIAMS, FORD of Michigan, OWENS of New York, JEFFORDS, and COLEMAN of Missouri.

## OPM AIDS GUIDELINES

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

Mrs. SCHROEDER. Mr. Speaker, the Office of Personnel Management will later this week issue guidelines on acquired immune deficiency syndrome [AIDS] in the Federal workplace. I rise to congratulate OPM Director Constance Horner on drafting responsible and compassionate guidelines, which can serve as a model for private sector employers.

The guidelines are based on four principles. First, workers should receive education so that they know that casual contact with an HIV-positive worker poses no risk of AIDS to them. Second, HIV-positive workers must not be subject to discrimination. Third, HIV-positive workers should be treated like anyone else with a noncontagious, potentially fatal disease. They should not be fired and, if they become incapable of performing their jobs, they should be provided reasonable accommodation to another job or disability retirement. Fourth, HIV-positive workers should be guaranteed confidentiality.

OPM has done an excellent job in drafting these guidelines. And, to date, the Federal Government has dealt fairly with victims of AIDS in the civil service. These guidelines should ensure that these policies continue.

Mr. Speaker, I include the guidelines in the RECORD at this point:

### AIDS IN THE WORKPLACE

#### INTRODUCTION

This information and guidance is designed to assist Federal agencies in establishing effective AIDS education programs and in fairly and effectively handling AIDS-related personnel situations in the workplace. In this guidance, the term AIDS is used to refer, either to the general AIDS phenomenon or to clinically diagnosed AIDS as a medical condition. HIV (human immunodeficiency virus) is used when the discussion is referring to the range of medical conditions which, HIV-infected persons might have (i.e., immunological and/or neurological impairment in early HIV infection to clinically diagnosed AIDS).

#### GENERAL POLICY

Guidelines issued by the Public Health Service's Centers for Disease Control (CDC) dealing with AIDS in the workplace state that "the kind of nonsexual person-to-person contact that generally occurs among workers and clients or consumers in the workplace does not pose a risk for transmission of [AIDS]." Therefore, HIV-infected employees should be allowed to continue working as long as they are able to maintain acceptable performance and do not pose a safety or health threat to themselves or others in the workplace. If performance or safety problems arise, agencies are encouraged to address them by applying existing Federal and agency personnel policies and practices. (See also paragraph I on page 5 which discusses the Public Health Service's guidelines for health-care workers.)

HIV infection can result in medical conditions which impair the employee's health and ability to perform safely and effectively. In these cases, agencies should treat HIV-infected employees in the same manner as employees who suffer from other serious illnesses. This means, for example, that employees may be granted sick leave or leave without pay when they are incapable of performing their duties or when they have medical appointments. In this regard, agencies are encouraged to consider accommodation of employees' AIDS-related conditions in the same manner as they would other medical conditions which warrant such consideration.

Also, there is no medical basis for employees refusing to work with such fellow employees or agency clients who are HIV-infected. Nevertheless, the concerns of these employees should be taken seriously and should be addressed with appropriate information and counseling. In addition, employees, such as health care personnel, who may come into direct contact with the body fluids of persons having the AIDS virus, should be provided appropriate information

and equipment to minimize the risks of such contact. (See also paragraph I on page 5.)

OPM encourages agencies to consider the following guidelines when establishing AIDS education programs and in carrying out their personnel management responsibilities.

*I. AIDS Information and Education Programs*

There are several important considerations in establishing effective AIDS information and education programs. The following guidance is intended to help agencies develop methods for establishing successful programs.

A. Timing and Scope of AIDS Information and Education Efforts

AIDS information and education programs are most effective if they begin before a problem situation arises relative to AIDS and employee concerns. Experience in the private sector has demonstrated that employees' level of receptivity to accurate information will be higher when management has a policy of open communications and when educational efforts are initiated before a problem situation occurs. Education and information should be of an ongoing nature. This approach will reassure employees of management's commitment to open communications and employees will receive updated information about AIDS. By providing AIDS information to all employees, agencies will enhance employees' understanding about the nature and transmission of the disease.

B. Educational Vehicles

Education and information efforts may be carried out in a variety of ways. Agency news bulletins, personnel management directives, meetings with employees, expert speakers and counselors, question and answer sessions, films and video-tapes, employee newsletters, union publications, factsheets, pamphlets, and brochures are likely to be effective means of providing information to employees about AIDS.

C. Employee Assistance Programs

For employees who have personal concerns about AIDS, agency employee assistance programs (EAPs) can be an excellent source of information and counseling, and can provide referrals, as requested, to community testing, treatment, and other resources. EAPs can also provide counseling to employees who have apprehensions regarding the communicability of the disease or other related concerns. Because EAPs are in a unique position to offer information and assistance, agencies are encouraged to establish AIDS information, counseling, and referral capabilities in their EAPs and to make employees and supervisors aware of available services. In addition, EAPs can be a good source of managerial/supervisory training on AIDS in the workplace. As with other services provided by the EAP, strict adherence to applicable privacy and confidentiality requirements must be observed when advising employees with AIDS-related concerns. In addition to services provided by the EAP, the agency's occupational health program, health unit, or medical staff should be prepared to assist employees seeking information and counseling on AIDS.

D. Training and Guidance for Managers and Supervisors

Supervisors and managers should be prepared to deal with employee concerns and other issues related to AIDS in the workplace. Agencies should consider, therefore, conducting ongoing training and education programs on AIDS for their managers and supervisors on the medical and personnel management dimensions of AIDS. These programs can be used to educate managers and supervisors on the latest research on AIDS in the workplace, to provide advice on how to recognize and handle situations which arise in their organizations, and to convey the importance of maintaining the confidentiality of any medical and other information about employees' health status. In addition, managers and supervisors should be given a point of contact within the agency where they can call to obtain further information or to discuss situations which arise in their work units. Agencies should attempt to initiate training and guidance activities before problems occur.

E. Sources of Information and Educational Materials

A great deal of information about AIDS is available to Federal agencies. OPM encourages agencies to explore various sources of information and to keep abreast of the latest research on AIDS in the workplace. The U.S. Public Health Service (PHS) has developed a great deal of material on the medical and other aspects of AIDS. Information about AIDS can be obtained requesting it from PHS offices or from the AIDS Clearinghouse (America Responds to AIDS, P.O. Box 6003, Rockville, Maryland 20850; telephone (800) 342-7514). PHS offices are located throughout the country and can be contacted for information relating to AIDS. (See section III for a listing of PHS regional office locations.) In addition, the American Red Cross has developed an extensive assortment of educational materials on AIDS. Information about the materials available through PHS and other sources is contained in section III.

*II. Personnel Management Issues and Considerations*

When AIDS becomes a matter of concern in the workplace, a variety of personnel issues may arise. Basically, these issues should be addressed within the framework of existing procedures, guidance, statutes, case law, and regulation. Following is a brief discussion of AIDS-related issues which could arise in various personnel management areas, along with some basic guidance on how to approach and resolve such issues. Agencies are cautioned that, as with any complex personnel management matter, the resolution of a specific problem must be based on a thorough assessment of that problem and how it is affected by contemporary information and guidance about AIDS, current law and regulation bearing on the involved issue, and the agency's own policies and needs.

A. Employees' Ability to Work

An HIV-infected employee may develop a variety of medical conditions. These conditions can range all the way from immunological and/or neurological impairment in early stages of HIV infection to clinically diagnosed AIDS. At some point, a concern may arise whether such an employee, given his or her medical condition, can perform the duties of the position in a safe and reliable manner. This concern will typically arise at a point when the HIV-infected employee suffers health problems which affect his or her ability to report for duty or perform. Also, in some situations the concern may stem from the results of a medical examination required by the employee's position. Under OPM's regulations in 5 C.F.R. Part 339, Medical Determination Related to Employability, it is primarily the employee's responsibility to produce medical documentation regarding the extent to which a medical condition is affecting availability for duty or job performance. However, when the employee does not produce sufficient documentation to allow agency management to make an informed decision about the extent of the employee's capabilities, the agency may offer, and in some cases order, the employee to undergo a medical examination. Accurate and timely medical information will allow the agency to consider alternatives to keeping the employee in his or her position if there are serious questions about safe and reliable performance. It will also help determine whether the HIV-infected employee's medical condition is sufficiently disabling to entitle the employee to be considered for reasonable accommodation under the Rehabilitation Act of 1973 (29 U.S.C. § 794).

B. Privacy and Confidentiality

Because of the nature of the disease, HIV-infected employees will have understandable concerns over confidentiality and privacy in connection with medical documentation and other information relating to their condition. Agencies should be aware that any medical documentation submitted to an agency for the purposes of an employment decision and made part of the file pertaining to that decision becomes a "record" covered by the Privacy Act. The Privacy Act generally forbids agencies to disclose a record which the Act covers without the consent of the subject of the record. However, these records are available to agency officials who have a need to know the information for an appropriate management purpose. Officials who have access to such information are required to maintain the confidentiality of that information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with AIDS should strictly observe applicable privacy and confidentiality requirements.

C. Leave Administration

HIV-infected employees may request sick or annual leave or leave without pay to pursue medical care or to recuperate from the ill effects of his or her medical condition. In these situations the agency should make its determination on whether to grant leave in the same manner as it would for other employees with medical conditions.

D. Changes in Work Assignment

Agencies considering changes such as job restructuring, detail, reassignment, or flexible scheduling for HIV-infected employees should do so in the same manner as they would for other employees whose medical conditions affect the employee's ability to perform in a safe and reliable manner. In considering changes in work assignments, agencies should observe established policies governing qualification requirements, internal placement, and other staffing requirements.

E. Employee Conduct

There may be situations where fellow employees express reluctance or threaten refusal to work with HIV-infected employees. Such reluctance is often based on misinformation or lack of information about the transmission of HIV. There is, however, no know risk of transmission of HIV through normal workplace contacts, according to leading medical research. Nevertheless, OPM recognizes that the presence of such fears, if unaddressed in an appropriate and

timely manner, can be disruptive to an organization. Usually an agency will be able to deal effectively with such situations through information, counseling, and other means. However, in situations where such measures do not solve the problem and where management determines that an employee's unwarranted threat or refusal to work with an HIV-infected employee is impeding or disrupting the organization's work, it should consider appropriate corrective or disciplinary action against the threatening or disruptive employee(s). In other situations, management may be faced with an HIV-infected employee who is having performance or conduct problems. Management should deal with these problems through appropriate counseling, remedial, and, if necessary, disciplinary measures. In pursuing appropriate action in these situations, management should be sensitive to the possible contribution of anxiety over the illness to work behavior and to the requirements of existing Federal and agency personnel policies, including any obligations the agency may have to consider reasonable accommodation of the HIV-infected employee.

F. Insurance

HIV-infected employees can continue their coverages under the Federal Employees Health Benefits (FEHB) Program and/or the Federal Employees' Group Life Insurance (FEGLI) Program in the same manner as other employees. Their continued participation in either or both of these programs would not be jeopardized solely because of their medical condition. The health benefits plans cannot exclude coverage for medically necessary health care services based on an individual's health status or a pre-existing condition. Similarly, the death benefits payable under the FEGLI Program are not cancelable solely because of the individual's current health status. However, *any* employee who is in a leave-without-pay (LWOP) status for 12 continuous months faces the statutory loss of FEHB and FEGLI coverage but has the privilege of conversion to a private policy without having to undergo a physical examination. Employees who are seeking to cancel previous declinations and/or obtain additional levels of FEGLI coverage must prove to the satisfaction of the Office of Federal Employees Group Life Insurance that they are in reasonably good health. Any employee exhibiting symptoms of any serious and life-threatening illness would necessarily be denied the request for additional coverage.

G. Disability Retirement

HIV-infected employees may be eligible for disability retirement if their medical condition warrants and if they have the requisite years of Federal service to qualify. OPM considers applications for disability retirement from employees with AIDS in the same manner as for other employees, focusing on the extent of the employee's incapacitation and ability to perform his or her assigned duties. OPM makes every effort to expedite any applications where the employee's illness is in an advanced stage and is life threatening.

H. Labor-Management Relations

AIDS in the workplace may be an appropriate area for cooperative labor-management activities, particularly with respect to providing employees education and information and alleviating AIDS-related problems that may emerge in the workplace. In addition, to the extent that an agency proposes AIDS-related policies or programs which would affect the working conditions of bargaining unit employees, unions must be accorded any rights they may have to bargain or be consulted as provided for under 5 U.S.C. Chapter 71.

I. Health and Safety Standards

In 1985, the CDC published guidelines relating to the prevention of HIV transmission in most workplace settings, *CDC Recommendations for Preventing Transmission of Infection with [HIV] in the Workplace,* 34 MMWR 681 (November 15, 1985). The CDC published specialized guidelines in 1987 relating to health-care workers (which in part updated the health-care worker provisions contained in the workplace guidelines), *CDC Recommendations for Prevention of HIV Transmission in Health-Care Settings,* 36 MMWR Supp. no. 2S (August 21, 1987). The Department of Health and Human Services (HHS) and the Occupational Safety and Health Administration (OSHA) of the Department of Labor have initiated a program to ensure compliance with safety and health guidelines and standards designed to protect health-care workers from blood-borne diseases, including AIDS. See Department of Labor/Department of Health and Human Services—Joint Advisory Notice: *Protection Against Occupational Exposure to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV),* 52 Fed. Reg. 41818 (October 30, 1987). The CDC and OSHA/HHS guidance is intended to increase the availability and use of educational information and personal protective equipment and to improve workplace practices bearing on the transmission of AIDS and other blood-borne diseases. OPM strongly encourages agencies, especially those with employees occupying healthcare and related positions, to establish health and safety practices consistent with this guidance. Sources are available in OSHA to discuss the published guidelines.

J. Blood Donations

One area of personnel management which agencies may overlook when considering AIDS policies and practices is employee blood donations. OPM joins the American Red Cross in urging agencies to encourage employees to consider donating blood. Under guidelines established by the American Red Cross, there is no risk of contracting AIDS from giving blood. However, fears associated with AIDS have contributed to a situation where many of the nation's blood banks are in short supply. This situation threatens the health status of the American public.

As part of its effort to educate the public so as to overcome these fears, the American Red Cross has produced three publications which address blood donations where AIDS is an issue. These publications are: "You Can't Get AIDS From Giving Blood, But Fear Can Run Us Dry," "What You Must Know Before Giving Blood," and "AIDS and the Safety of the Nation's Blood Supply." These publications are available through your local Red Cross chapter or by contacting the Red Cross National Headquarters AIDS Public Education Program (by writing to 1730 "D" Street, N.W., Washington, D.C. 20006 or by calling (202) 639-3223).

## PRESERVING A STRONG U.S. INDUSTRIAL BASE

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

Mr. SCHULZE. Mr. Speaker, I am appalled that the United States Navy would go out of its way to help Canadian firms take Navy business away from the last United States manufacturer of anchor chain. When the Navy asked competitors to expedite their proposal time by 2 weeks for national security reasons, the U.S. manufacturer said "yes." The Canadian company said "no." The Navy dropped its request. In fact, the Canadians asked for—and received—an additional extension of time. Our naval facilities command, with the guidance of Deputy Commander Paul Buonaccorsi, did not even consult with the United States firm and extended the deadline to suit the Canadians. Assistant Secretary Pyatt should not permit this underhanded treatment of American firms. It undermines our policy of preserving a strong U.S. industrial base and it threatens the existence of our last U.S. source of anchor chain.

□ 1230

## THE PRESIDENT'S VETO OF CIVIL RIGHTS LEGISLATION—A FIRST

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

Mr. TRAFICANT. Mr. Speaker, President Reagan's doctrine is finally very clear today. He is the first President in 120 years to veto a civil rights bill. Maybe he has overlooked the facts.

The Civil Rights Restoration Act will not force an employer to hire someone with AIDS. The act will not protect homosexuality, it will not require religious institutions to comply with laws that violate their religious tenets, it will not affect farmers who receive subsidies, it will not affect people who receive Social Security, and in fact it will not even change the existing law. The truth of the matter is the President has chosen to heed the advice of TV preachers. Unfortunately, today history will not judge this event as if it was a revival meeting.

## A TRIBUTE TO DR. MERLIN K. DUVAL

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

Mr. KYL. Mr. Speaker, the Washington healthcare community said goodbye to an outstanding leader last week when Dr. Merlin K. DuVal resigned his position as president of American Healthcare Institute and returned to his adopted home State of Arizona. Dr. DuVal will join Samaritan Health Service in Phoenix as

senior vice president for quality assurance.

While we in Arizona are delighted to welcome Dr. DuVal back as an active member of our community, policymakers in Washington will miss his thoughtful and valued insight into the future of the healthcare delivery system in the United States.

Dr. DuVal has been a strong and refreshing voice for the hospital industry since he came to Washington in 1984 as the founding president of American Healthcare Institute representing American Healthcare Systems, the largest not-for-profit healthcare network in the world. He came to Washington as Congress was making dramatic changes in the way hospitals are reimbursed for providing care to Medicare patients. Hospitals have faced some of their most difficult times since then as Congress has confronted the industry with changes year after year. Dr. DuVal has provided a steady and reasoned response to the often difficult debate.

He represented his AHI members well and in the process gained the respect and trust of those of us in Washington. To those who have followed Monte's career, his success has come as no surprise. He was educated at Dartmouth College and received his M.D. degree from Cornell University in 1946. He served as a member of the surgical faculty at the State University of New York, College of Medicine at Kings County Hospital, Brooklyn, NY, and next at the University of Oklahoma School of Medicine in Oklahoma City.

In 1963, Dr. DuVal was selected to be the founding dean for the College of Medicine at the University of Arizona and served as either dean or vice president for health services at the university from 1963 to 1979. Between 1971 and 1973 he served as Assistant Secretary for what was then Health, Education and Welfare here in Washington.

Dr. DuVal later served as the president of the National Center for Health Education in San Francisco before joining Associated Health Systems, the predecessor of AHI. Dr. DuVal is a board certified surgeon and holds eight honorary degrees. Last year he was honored with the deans award from the University of Arizona College of Medicine and the designation of the Merlin K. DuVal, M.D. Auditorium at the University of Arizona Health Sciences Center.

Monte's valued experience will be missed here in Washington but we are certain his contributions to the health care industry will continue to influence us. We wish he and his wife Ruth the best of luck and know that their family and friends in Arizona look forward to their return.

## CIVIL RIGHTS RESTORATION ACT

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

Mr. OWENS of New York. Mr. Speaker, the Civil Rights Restoration Act, which this House will be considering for a second time today, merely maintains the status quo. It is a conservative act to clarify the original intent of Congress. However, in addition to defining and improving existing law, a vote to override the President's veto of the Civil Rights Restoration Act today would be a blow against some major excesses in propaganda. The opponents of the bill have committed gross atrocities against reason, logic, and the simple reading of the printed word. Not for a long time have we seen such abuse, intense use of the big lie technique, as we have seen in the past few days. Unfortunately for all of us, the democratic debate process has been maimed and brutalized in this attempt to create an emotional stampede.

Mr. Speaker, when we vote to override the veto today, we are also voting for a restoration of respect for the democratic public decisionmaking process.

## THE NEXT STEP IN ARMS CONTROL

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

Mr. MORRISON of Washington. Mr. Speaker, the historic INF Treaty calls for the most stringent verification measures ever negotiated in an arms agreement. But the plutonium and uranium in those missiles are not destroyed—they go back into stockpiles. This has given rise to a growing school of thought that truly verifiable arms control is not possible unless the gunpowder is destroyed along with the musket.

I believe future, more expansive agreements will mandate the disposal of these materials as well as their delivery systems. Politically, psychologically, and militarily, I think sentiment on both sides of the Iron Curtain calls for these materials to be done away with.

Today I have introduced a bill that will bring us closer to the next plateau in securing a lasting peace in the nuclear age. It calls for the Department of Energy to conduct a pilot project, in partnership with the Soviet Union, to test the feasibility of destroying weapons-grade nuclear materials.

DOE has the expertise to dismantle nuclear weapons and the capability to safely burn the nuclear materials from those missiles in its liquid metal reactors at Hanford, WA, and Idaho Falls, ID.

The administration's determination that the Nation's plutonium stockpile has reached required levels, combined with the pending START accord that would free-up untold amounts of weapons materials, makes it clear we must be prepared for a new era in preserving peace. This project would be a giant step toward meeting the demands of the new era. Let us have the technology ready to go when we need it.

## JAPAN PUNISHES TOSHIBA—BIG DEAL

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

Mrs. BENTLEY. Mr. Speaker, word has just been received this morning that the Japanese courts have moved against Toshiba Machine for sale of secret technology to the Soviets. The decision? Two employees who were involved directly with the sale have received suspended sentences, and the company has been fined $15,748.03. Big deal. The two who sold the technology to the Soviets received $17 million to perform this treacherous deed.

All along the line, the administration line that is, I and other critics of Toshiba have been told that Japan is taking care of its own problems concerning subversive actions on the part of some of its companies, that we should not worry or try to be punitive with sanctions against Toshiba, because the Japanese are really stiffening their laws.

The action in the Japanese courts today confirms our deepest fear. Japan will not punish in any meaningful way for the illegal sale of technology. As a staffer said to me this morning, $15,000 is about the cost of 1 hour's lobbying for Toshiba in Washington. Mr. Speaker, they have lobbied well.

## CIVIL RIGHTS RESTORATION ACT OF 1987

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

Ms. PELOSI. Mr. Speaker, the President has again decided to cast his vote against civil rights. Last week, he vetoed the most important piece of civil rights legislation of the last several years, a measure which enjoyed broad bipartisan support in both Houses. The veto typifies this administration's disdain for the civil rights protections that form the basis of our system of democracy.

This morning the Senate votes to override the veto of the Civil Rights

Restoration Act of 1987 which provides incentives for public and private institutions who receive Federal funds to refrain from discriminatory activity. In a nation which prides itself on its commitment to the principle of equal opportunity for all citizens, Government moneys should not be used to support institutions which openly discriminate against women, minorities, the elderly or the handicapped.

The President claims that this bill would substantially diminish the independence of religious institutions in our society. Such a distortion of the facts is irresponsible. The act, as submitted to the President, includes a specific exemption for religious organizations. It is supported by nearly every major religious organization in the country, including the National Council of Churches and the American Jewish Committee.

In vetoing this legislation, the President stated that it mandates "vastly expanded bureaucratic intrusions" into the actions of business groups. This is another deliberate mischaracterization of the facts.

In his attempt to diminish, the potency of civil rights law, the President has endeavored to cast a disparaging light on this important piece of legislation by conducting a campaign of misinformation. I find these actions disappointing and urge may colleagues in the Congress to override his veto and to send a clear meassage to our constituents that the rights of all Americans will be protected.

## URGING CONGRESS TO CONSIDER SUSTAINING THE PRESIDENT'S VETO OF THE GROVE CITY LEGISLATION

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

Mr. HENRY. Mr. Speaker, I would like to urge my colleagues to give very serious consideration to sustaining the President's veto of the Grove City legislation. It's very difficult for me to ask for such a vote given the symbolic character of the vote, the emotions that have risen on both sides of the issue.

Let me say simply this: What the President has called for in his veto is pointing to the fact that many voted for this legislation on the basis of some five or so colloquies seeking to clarify the limitations and the parameters attached to this legislation.

What the President is saying simply is this: That in a matter of such gravity and importance that which was addressed to in this House by way of colloquy ought to be fixed clearly and explicitly in statutory law.

Mr. Speaker, I urge my colleagues to uphold the administration's veto.

## PEACE TALKS CONTINUE IN NICARAGUA

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

Mr. MARKEY. Mr. Speaker, the Contras and Sandinistas are down in Nicaragua talking peace, and President Reagan is up here on the Hill talking war.

Humberto Ortega and Adolfo Calero are talking directly, inside Nicaragua, for the first time.

The Contras have been given a position at the bargaining table that they have never won on the battlefield.

Both Sandinistas and Contras have agreed to a cease-fire—the most dramatic prospect for peace in the long, tragic, 6-year history of the Contra war.

But the Reagan administration is still tearing around Honduras with the 82d Airborne and sending American troops into the 20-mile border zone.

Yesterday, 10 American soldiers were injured when a helicopter crashed on the way to Jamastran, 17 miles from the Nicaraguan border. American soldiers should not be in Jamastran, less than 20 miles from Nicaragua. They should not have to carry live ammunition and they should not be within howitzer range of the border.

Even as the Contras are talking about a peaceful settlement in Nicaragua, President Reagan is up on the Hill personally lobbying for more lethal aid.

Mr. Speaker, the Contras are working for a peaceful settlement.

The Sandinistas are working for a peaceful settlement.

Why is President Reagan talking about lethal aid?

## MILITARY AID TO THE CONTRAS

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

Mr. DORNAN of California. Mr. Speaker, I don't know if the prior speaker has even noticed it, but, when we send military assistance around the world to NATO, to Israel, to South American countries, we never call it lethal aid. It's called military aid.

I would hope the gentleman from Massachusetts would have noticed that the last time we put Americans anywhere without live ammunition in their guns was on the beaches of Lebanon where 241 young Marine sailors and some soldiers died in that terrible terrorist attack on Marine headquarters.

My office has received a call from a Major Murphy with Joint Task Force Bravo at Palmerola. The families of these outstanding young soldiers with the 82d Airborne and 7th Light Infantry Division, are listening to some of the weird speeches on the House floor here. Many of these speeches are insulting to our military and their commanders, up to and including the Commander in Chief. Major Murphy asked people to write down this address and send words of support to our young United States soldiers in Honduras. Joint Task Force Bravo will get the letters out to the 82d and 7th Infantry. The address is: Palmerola Air Force Base APO, Miami, FL 34042. They will make sure your cards and letters get to those defending our national security.

## TRACEY McFARLANE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2819) for the relief of Tracey McFarlane.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2819

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding her age, Tracey McFarlane may be naturalized under section 322 of the Immigration and Nationality Act if a petition is filed on her behalf pursuant to that section not later than 2 years after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] is recognized for 1 hour.

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

Mr. Speaker, I rise in support of the bill, and I submit the following extraneous material:

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
*Washington, DC, February 12, 1988.*

Hon. PETER W. RODINO, Jr.,
*Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 2819) for the relief of Tracey McFarlane, there is attached a memorandum of information concerning the beneficiary.

Notwithstanding her age, the bill would allow the beneficiary to be naturalized under section 322 of the Immigration and Nationality Act as a child born outside of the United States, if the petition is filed on her behalf within two years after the date of enactment of this act.

For the Commissioner.

Sincerely,

BONNIE DERWINSKI,

(For Greg Leo, Director, Congressional and Public Affairs).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 2819

The following information was obtained from the beneficiary's mother and adoptive father, Judith Deanne Mount and Richard Frederick Mount.

The beneficiary, Tracey McFarlane, a native and citizen of Canada, was born July 20, 1966. She is single and attends the University of Texas at Austin, Texas, under the auspices of a full athletic scholarship from the University. She also receives a $450 monthly stipend. She resides in an apartment in Austin, Texas. The beneficiary's mother and adoptive father contribute about $3,000 a year toward her incidental expenses.

The beneficiary first entered the United States on November 28, 1978, as a minor child of an intra-company transferee. She accompanied her mother and stepfather, Jack McFarlane. The beneficiary obtained status as a lawful permanent resident of the United States on August 7, 1984.

The interested party, Judith Deanne Mount, the beneficiary's mother, was born in Canada on February 5, 1941. She obtained a divorce from the beneficiary's natural father, John Douglas Guild, on October 5, 1973, in Canada. She entered the United States for the first time on November 28, 1978, as the wife of an intra-company transferee. Mrs. Mount's second marriage to Jack McFarlane was dissolved on April 14, 1981, and she married her current husband, Richard Frederick Mount, on February 6, 1982. Mrs. Mount has two other children, John Michael Guild age 19, and Dean C. McFarlane age 13, who are natives and citizens of Canada. They are both currently residing with their mother in California. John Michael Guild is currently attending college in the United States under a student visa. Dean C. McFarlane and Mrs. Mount are currently filing applications for adjustment of status under the Immigration Reform and Control Act of 1986.

The interested party, Richard Frederick Mount, was born July 20, 1925, in Canada to American citizen parents. He is self-employed and earns about $40,000 annually in industrial design. He works out of an office in his home. He recently sold an industrial patent worth about $40,000 with a future royalty interest. He served honorably in the United States Navy from December 8, 1942 to March 9, 1945. He has four adult children from a previous marriage. His petition for the adoption of the beneficiary was granted on February 23, 1984, in the Superior Court of California, County of Riverside.

The beneficiary, Tracey McFarlane, stated that she has been a member of the swimming team at the University of Texas since September 1984, and during this time the team has won three national championships. She won national titles in the 100 breaststroke in 1985 and 1987, as well as titles in both the 200 and 400 medley relays. She would like to compete for the United States team in the summer olympic games, but she must be a United States citizen to represent the United States.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, the minority has reviewed this question. We have no comments to make. We suggest that it go forward to a vote.

Mr. MAZZOLI. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## APPOINTMENT AS MEMBER OF THE SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 26, 100th Congress, and the order of the House of January 22, 1987, the Chair appoints the gentleman from West Virginia [Mr. STAGGERS], to the Select Committee on Hunger to fill the existing vacancy thereon.

□ 1245

## APPOINTMENT AS MEMBERS OF MONITORED RETRIEVABLE STORAGE REVIEW COMMISSION

The SPEAKER. Pursuant to section 143 of the Nuclear Waste Policy Act, as amended by section 5021 of Public Law 100-203, the Chair appoints, with the concurrence of the President pro tempore of the Senate, the following individuals to the Monitored Retrievable Storage Review Commission:

Mr. Victor Gilinsky, of Glen Echo, MD;

Mr. Alex Radin, of Washington, DC; and

Mr. Dale E. Klein, of Austin, TX.

## ANNOUNCEMENT BY THE SPEAKER

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

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

## FEDERAL EMPLOYEES' LEAVE-TRANSFER ACT OF 1988

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3757) to amend title 5, United States Code, to permit voluntary transfers of leave by Federal employees where needed because of medical or other emergency situation, as amended.

The Clerk read as follows:

H.R. 3757

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

*SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Federal Employees' Leave-Transfer Act of 1988".*

*SECTION 2. VOLUNTARY TRANSFERS OF LEAVE.*

*(a) AUTHORITY.—Chapter 63 of title 5, United States Code, is amended by adding at the end the following:*

*"SUBCHAPTER III—VOLUNTARY TRANSFERS OF LEAVE*

*"§ 6331. Definitions*

*"For the purpose of this subchapter—*

*"(1) the term 'employee' means an employee as defined by section 6301(2), excluding an individual employed by the government of the District of Columbia;*

*"(2) the term 'personal emergency' means a medical or family emergency or other hardship situation that requires, or is likely to require, an employee's prolonged absence from duty and to result in a substantial loss of income to the employee because of the unavailability of paid leave;*

*"(3) the term 'leave recipient' means an employee whose application to receive donations of leave under this subchapter is approved; and*

*"(4) the term 'leave donor' means an employee whose application to make 1 or more donations of leave under this subchapter is approved.*

*"§ 6332. General authority*

*"Notwithstanding any provision of subchapter I, and subject to the provisions of this subchapter, the Office of Personnel Management shall establish a program under which annual leave accrued or accumulated by an employee may be transferred to the annual-leave account of any other employee if such other employee requires additional leave because of a personal emergency.*

*"§ 6333. Receipt and use of transferred leave*

*"(a)(1) An application to receive donations of leave under this subchapter, whether submitted by or on behalf of an employee—*

*"(A) shall be submitted to the employing agency of the proposed leave recipient; and*

*"(B) shall include—*

*"(i) the name, position title, and grade or pay level of the proposed leave recipient;*

*"(ii) the reasons why transferred leave is needed, including a brief description of the nature, severity, anticipated duration, and, if it is a recurring one, the approximate frequency of the personal emergency involved;*

*"(iii) if the employing agency so requires, certification from 1 or more physicians, or other appropriate experts, with respect to any matter under clause (ii); and*

*"(iv) any other information which the employing agency may reasonably require.*

*"(2) If an agency requires that an employee obtain certification under paragraph (1)(B)(iii) from 2 or more sources, the agency shall ensure, either by direct payment to the expert involved or by reimbursement, that the employee is not required to pay for the expenses associated with obtaining certification from more than 1 of those sources.*

*"(3) An employing agency shall approve or disapprove a proposed leave recipient's application for leave under this subchapter, and shall notify the proposed leave recipient (or other person acting on behalf of the proposed recipient, if appropriate) of the agen-*

*cy's decision, in writing, within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receiving such application.*

*"(b) A leave recipient may use annual leave received under this subchapter in the same manner and for the same purposes as if such leave recipient had accrued that leave under section 6303, except that any annual leave, and any sick leave, accrued or accumulated by the leave recipient and available for the purpose involved must be exhausted before any transferred annual leave may be used.*

*"(c) Transferred annual leave—*

*"(1) may accumulate without regard to any limitation under section 6304; and*

*"(2) may be substituted retroactively for any period of leave without pay, or used to liquidate an indebtedness for any period of advanced annual leave, which began on or after a date fixed by the employee's employing agency as the beginning of the personal emergency involved.*

***"§ 6334. Donations of leave***

*"(a) An employee may, by written application to such employee's employing agency, request that a specified number of hours be transferred from such employee's annual-leave account to the annual-leave account of a leave recipient in accordance with section 6332.*

*"(b)(1) Upon approving an application under subsection (a), the employing agency of the leave donor may transfer all or any part of the number of hours requested for transfer, except that the number of hours of annual leave so transferred may not exceed one-half of the total number of hours of annual leave standing to the credit of the leave donor at the time of the transfer.*

*"(2) The employing agency of a leave donor may waive the limitation under paragraph (1). Any such waiver shall be made in writing.*

*"(c) Regulations prescribed under section 6342 shall include procedures to carry out this subchapter when the leave donor and the leave recipient are employed by different agencies.*

***"§ 6335. Termination of personal emergency***

*"(a) The personal emergency affecting a leave recipient shall, for purposes of this subchapter, be considered to have terminated on the date as of which—*

*"(1) the leave recipient notifies that individual's employing agency, in writing, that the emergency no longer exists;*

*"(2) the leave recipient's employing agency determines, after written notice and opportunity for the leave recipient (or, if appropriate, another person acting on behalf of the leave recipient) to answer orally or in writing, that the personal emergency no longer exists; or*

*"(3) the leave recipient is separated from service.*

*"(b)(1) A leave recipient's employing agency shall, consistent with guidelines prescribed by the Office of Personnel Management, establish procedures to ensure that a leave recipient is not permitted to use or receive any transferred leave under this subchapter after the personal emergency terminates.*

*"(2) Nothing in section 5551, 5552, or 6306 shall apply with respect to any annual leave transferred to a leave recipient under this subchapter.*

***"§ 6336. Restoration of transferred leave***

*"(a)(1) The Office of Personnel Management shall establish procedures under which, except as provided in paragraph (2), any transferred leave remaining to the credit of a leave recipient when the personal emergency affecting the leave recipient terminates shall be restored on a prorated basis by transfer to the appropriate accounts of the respective leave donors.*

*"(2) Nothing in paragraph (1) shall require the restoration of leave to a leave donor—*

*"(A) if the amount of leave which would be restored to such donor would be less than 1 hour or any other shorter period of time which the Office may by regulation prescribe;*

*"(B) if such donor retires, dies, or is otherwise separated from service, before the date on which such restoration would otherwise be made; or*

*"(C) if such restoration is not administratively feasible, as determined under regulations prescribed by the Office.*

*"(b)(1) Transferred annual leave restored to a leave donor under subsection (a) before the beginning of the third biweekly pay period preceding the end of a leave year shall be taken into account, for purposes of subsection (a) or (b) of section 6304, as applicable, as if such leave had accrued to such donor during the leave year in which it is so restored.*

*"(2) Transferred annual leave restored to a leave donor under subsection (a) after the end of the fourth biweekly pay period preceding the end of a leave year shall be taken into account, for purposes of subsection (a) or (b) of section 6304, as applicable, as if such leave had accrued to such donor during the leave year following the leave year in which it is so restored.*

*"(c) The Office shall prescribe regulations under which this section shall be applied in the case of an employee who is paid other than on the basis of biweekly pay periods.*

*"(d) Restorations of leave under this section shall be carried out in a manner consistent with regulations prescribed to carry out section 6334(c), if applicable.*

***"§ 6337. Accrual of leave***

*"(a) For the purpose of this section—*

*"(1) the term 'paid-leave status under subchapter I', as used with respect to an employee, means the administrative status of such employee while such employee is using sick leave, or annual leave, accrued or accumulated under subchapter I; and*

*"(2) the term 'transferred-leave status', as used with respect to an employee, means the administrative status of such employee while such employee is using transferred leave under this subchapter.*

*"(b)(1) Except as otherwise provided in this section, while an employee is in a transferred-leave status, annual leave and sick leave shall accrue to the credit of such employee in the same manner as if such employee were then in a paid-leave status under subchapter I, except that—*

*"(A) the maximum amount of annual leave accruable by an employee while in transferred-leave status in connection with any particular personal emergency may not exceed 5 days; and*

*"(B) the maximum amount of sick leave accruable by an employee while in transferred-leave status in connection with any particular personal emergency may not exceed 5 days.*

*"(2) Any annual or sick leave accrued by an employee under this section—*

*"(A) shall be credited to an annual-leave or sick-leave account, as appropriate, separate from any leave account of such employee under subchapter I; and*

*"(B) shall not become available for use by such employee, and may not otherwise be taken into account under subchapter I, until, in accordance with subsection (c), it is transferred to the appropriate leave account of such employee under subchapter I.*

*"(c)(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, effective as of the beginning of the first applicable pay period beginning after the date on which the employee's personal emergency terminates as described in paragraph (1) or (2) of section 6335(a).*

*"(2) If the employee's personal emergency terminates as described in section 6335(a)(3), no leave shall be credited to such employee under this section.*

***"§ 6338. Exclusion authority***

*"(a) Upon written request by the head of an agency, the Office of Personnel Management may exclude that agency, or a unit of that agency, from the leave-transfer program under the preceding sections of this subchapter if the Office determines that inclusion in such program is causing substantial disruption to the agency or unit involved.*

*"(b) An agency, or unit of an agency, which is excluded under subsection (a) shall, to the extent practicable, make a sustained effort to eliminate the conditions on which the exclusion is based.*

*"(c) The Office shall periodically review any exclusion under subsection (a) and may, at any time, revoke any such exclusion. A revocation under this subsection shall be made in writing.*

*"(d) The Office shall provide prompt written notification to the Congress with respect to any exclusion, and any revocation of an exclusion, under this section.*

*"(e) Any transferred leave remaining to the credit of an employee whose personal emergency has not terminated before that employee's employing agency, or unit, is excluded pursuant to this section shall remain available for use in the same way as provided for under section 6343(b).*

***"§ 6339. Alternative leave-transfer programs***

*"(a)(1) In order to determine the feasibility and desirability of each alternative leave-transfer program under subsection (b), the Office of Personnel Management shall, with the concurrence of the head of the Executive agency involved, carry out a demonstration project under which each such alternative program shall be tested on an agency-wide basis in accordance with the provisions of this section.*

*"(2) Under the project, each of 3 Executive agencies shall, instead of participating in the leave-transfer program under sections 6331 through 6338, implement the alternative program incorporating the requirements described in subparagraph (A), (B), or (C) of subsection (b)(2), respectively.*

*"(b)(1) The terms and conditions governing the alternative leave-transfer programs under this section shall be the same as those governing the program under sections 6331 through 6338, except—*

*"(A) to the extent necessary to implement the requirements of paragraph (2); and*

*"(B) as provided in paragraph (3) or subsection (c).*

*"(2) The alternative leave-transfer programs under this section shall be as follows:*

*"(A) One program under which any transfers of annual leave shall be effected by donations to and withdrawals from a common, agency-wide 'leave fund', rather than by direct transfers from leave donors to leave recipients.*

"(B) One program under which, in addition to allowing transfers of annual leave in accordance with sections 6331 through 6338, sick leave accrued or accumulated by one employee shall be transferable to the sick-leave account of any other employee if such other employee requires additional sick leave because of a personal emergency.

"(C) One program under which, in addition to allowing transfers of annual leave in accordance with sections 6331 through 6338, sick leave accrued or accumulated by one employee shall be transferable to the sick-leave account of any other employee in the circumstances described in subparagraph (B), but only if transfers of annual leave are inadequate, or would be inadequate, to meet the personal emergency involved.

"(3)(A) The terms and conditions relating to the transfer, use, and restoration of sick leave under the respective programs described in subparagraphs (B) and (C) of paragraph (2) shall be consistent with the terms and conditions governing comparable matters under sections 6331 through 6338.

"(B) In administering subparagraphs (A) and (B) of section 6337(b)(1) (relating to the maximum amounts of annual and sick leave accruable while in a transferred-leave status) with respect to any leave recipient who, under either of the programs referred to in subparagraph (A) of this paragraph, is permitted to use both transferred annual leave and transferred sick leave in connection with the same personal emergency, the total amount of annual leave accrued, and the total amount of sick leave accrued, while in transferred-leave status (whether transferred annual leave or transferred sick leave) in connection with such emergency may not, in the aggregate, exceed the maximum amount allowable under subparagraph (A) or (B) of section 6337(b)(1), as the case may be.

"(C) Nothing in section 8339(m) shall apply with respect to any sick leave transferred to a leave recipient under either of the programs referred to in subparagraph (A).

"(c)(1)(A) Upon written request by the head of an agency testing an alternative program, the Office of Personnel Management may, if the Office determines that the program is causing substantial disruption to the agency involved—

"(i) terminate the alternative program; and

"(ii) concurrent with the action under clause (i)—

"(I) discontinue the exclusion of the agency from the program under sections 6331 through 6338;

"(II) continue the exclusion of the agency from the program under sections 6331 through 6338; or

"(III) discontinue the exclusion of the agency from the program under sections 6331 through 6338, with the exception of 1 or more units of the agency involved.

"(B) An agency, or unit of an agency, shall, to the extent practicable, make a sustained effort to eliminate the conditions on which is based the continued exclusion of such agency or unit under subclause (II) or (III) of subparagraph (A)(ii), as the case may be.

"(C) The Office of Personnel Management shall periodically review any exclusion referred to in subparagraph (B) and may, at any time, provide that the exclusion be revoked.

"(2) The Office shall submit a written report to the President and the Congress with respect to any alternative program terminated under this subsection. A report under this paragraph shall be in lieu of any report which would otherwise be required with respect to such program under section 6341.

"(3) Any program termination, continuance of an exclusion, discontinuance of an exclusion, or revocation under this subsection shall be made in writing.

**"§ 6340. Prohibition of coercion**

"(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual or sick leave under this subchapter.

"(b) For the purpose of subsection (a), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

**"§ 6341. Reporting requirements**

"(a) Not later than 6 months before the scheduled termination date of any program under this subchapter (excluding any program under section 6344), the Office of Personnel Management shall submit a written report to the President and the Congress with respect to the operation of such program.

"(b) The Office of Personnel Management may require agencies to maintain such records and to provide such information as the Office may need in order to carry out subsection (a) or section 6339(c)(2).

**"§ 6342. Regulations**

"The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter.

**"§ 6343. Commencement and termination of programs; treatment of residual leave**

"(a) The voluntary leave-transfer program under sections 6331 through 6338, and each alternative leave-transfer program under section 6339, shall commence not later than 4 months after the date of the enactment of this subchapter and, except as provided in section 6339(c), shall terminate 3 years after its commencement date.

"(b) If a leave-transfer program referred to in subsection (a) terminates before the termination of the personal emergency affecting a leave recipient under such program, any leave which was transferred to the leave recipient before the termination of the program shall remain available for use (including by restoration to leave donors, if applicable) as if the program had remained in effect.

"(c) Any annual leave remaining in an agency-wide leave fund under the alternative program incorporating the requirements of section 6339(b)(2)(A) shall, upon termination of such program, be dispensed in accordance with the following:

"(1) If there are any employees who, based on applications submitted before the program's termination date, are found (before, on, or after that date) to be eligible to make withdrawals of leave in connection with any personal emergency, annual leave donated to the leave fund before the program's termination date shall—

"(A) remain available for withdrawal by any such employee until the last such emergency has terminated, and

"(B) if so withdrawn, remain available for use (including by restoration to leave donors, if applicable), as if the program had remained in effect.

"(2) If there are no employees eligible to make withdrawals as of the date on which the program terminates, or if the application of paragraph (1) does not result in the exhaustion of all annual leave which was donated to the leave fund before the program's termination date, any remaining leave shall be restored to leave donors in a manner consistent with the procedures under section 6336.

**"§ 6344. Additional leave-transfer programs**

"(a) For the purpose of this section—

"(1) the term 'excepted agency' means—

"(A) the Central Intelligence Agency;

"(B) the Defense Intelligence Agency;

"(C) the National Security Agency;

"(D) the Federal Bureau of Investigation; and

"(E) as determined by the President, any Executive agency or unit thereof, the principal function of which is the conduct of foreign intelligence or counterintelligence activities; and

"(2) the term 'head of an excepted agency' means—

"(A) with respect to the Central Intelligence Agency, the Director of Central Intelligence;

"(B) with respect to the Defense Intelligence Agency, the Director of the Defense Intelligence Agency;

"(C) with respect to the National Security Agency, the Director of the National Security Agency;

"(D) with respect to the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation; and

"(E) with respect to an Executive agency designated under paragraph (1)(E), the head of such Executive agency, and with respect to a unit of an Executive agency designated under paragraph (1)(E), such individual as the President may determine.

"(b) Notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave-transfer program established under any of the preceding provisions of this subchapter.

"(c)(1) The head of an excepted agency shall, by regulation, establish a program under which annual leave accrued or accumulated by an employee of such agency may be transferred to the annual-leave account of any other employee of such agency if such other employee requires additional leave because of a personal emergency.

"(2) To the extent practicable, and consistent with the protection of intelligence sources and methods (if applicable), each program under this section shall be established—

"(A) in a manner consistent with the provisions of this subchapter applicable to the program under sections 6331 through 6338 (including sections 6340 and 6343), but

"(B) without regard to any provisions relating to transfers or restorations of leave between employees in different agencies and the provisions of section 6338.

"(d) Not later than 6 months before the scheduled termination date of any program under this section, the head of the excepted agency involved shall submit a written report to the President and the Congress with respect to the operation of such program.

"(e) The Office of Personnel Management shall provide the head of an excepted agency with such advice and assistance as the head

*of such agency may request in order to carry out the purposes of this section.*

*"§ 6345. Inapplicability of certain provisions*

*"Nothing in section 7351 shall apply with respect to a solicitation, donation, or acceptance of leave under this subchapter.".*

*(b) CHAPTER ANALYSIS.—The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:*

*"SUBCHAPTER III—VOLUNTARY TRANSFERS OF LEAVE*

*"6331. Definitions.*
*"6332. General authority.*
*"6333. Receipt and use of transferred leave.*
*"6334. Donations of leave.*
*"6335. Termination of personal emergency.*
*"6336. Restoration of transferred leave.*
*"6337. Accrual of leave.*
*"6338. Exclusion authority.*
*"6339. Alternative leave-transfer programs.*
*"6340. Prohibition of coercion.*
*"6341. Reporting requirements.*
*"6342. Regulations.*
*"6343. Commencement and termination of programs; treatment of residual leave.*
*"6344. Additional leave-transfer programs.*
*"6345. Inapplicability of certain provisions.".*

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

The gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

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

Mr. Speaker, H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988, as amended by the Post Office and Civil Service Committee, would allow Federal employees to donate annual leave to coworkers who face a prolonged absence from work due to a personal emergency.

Mr. Speaker, H.R. 3757 is not the Federal Government's first experience with leave-sharing. The continuing resolution for fiscal year 1987 established a limited leave-sharing program for Federal employees. The Office of Personnel Management was permitted to select three cases to test this concept. In response to that law, OPM received more than 240 applications for the 3 experiments.

The large number of worthy applicants for that program clearly demonstrated the need for a broader leave-transfer program.

Mr. Speaker, the continuing resolution for fiscal year 1988 granted the Office of Personnel Management the authority to establish a Government-wide program allowing Federal employees to transfer annual leave to their coworkers. But that authority will expire at the end of this fiscal year. That is why it is important that the House act promptly on a longer-term measure.

Last year, our colleague from Virginia, Congressman FRANK WOLF, introduced H.R. 2487, which was the subject of hearings last August by the Subcommittee on Compensation and Employee Benefits. H.R. 3757 reflects many of the suggestions recommended at those hearings, and I am pleased that Congressman WOLF is an original cosponsor of the new bill.

The Federal Employees' Leave-Transfer Act directs the Office of Personnel Management to establish procedures by which employees can donate annual leave to fellow employees who are experiencing personal or family emergencies. The act also directs OPM to select three agencies for the purpose of testing alternative methods of transferring leave—one based on an agencywide leave fund, and two establishing agencywide programs which will permit the sharing of sick leave as well as annual leave.

Mr. Speaker, many of my colleagues have told me of the plight of constituents who face overwhelming hardships which require extended absences from their jobs. And we know of many cases where their coworkers are ready and eager to help alleviate that plight by sharing their annual leave; all that they need is the legal permission to do so. The Federal Employees' Leave-Transfer Act provides that permission and establishes the mechanism for an orderly program of leave-sharing.

Mr. Speaker, I urge my colleagues to support H.R. 3757.

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

It is my privilege, Mr. Speaker, to speak in favor of H.R. 3757. I take this opportunity to commend the gentleman from New York [Mr. ACKERMAN] for his leadership and interest in the subject of leave-transfer for Federal employees, and for bringing this important piece of legislation quickly to the floor.

When Mr. ACKERMAN introduced H.R. 3757 on December 14, 1987, he stated that he did not "pretend to have fathered the concept of leave-sharing"; he gave due recognition to our colleague, the gentleman from Virginia [Mr. WOLF] who introduced the first bill on leave-sharing and is the chief cosponsor of H.R. 3757. I would also like to give credit to the gentleman from Virginia who has consistently held the well-being of the Federal employees in the forefront.

Mr. Speaker, the minority has no objection to H.R. 3757 which was passed unanimously by the Post Office and Civil Service Committee. I am proud to be a cosponsor of this important legislation.

This bill establishes a government-wide program to transfer annual leave for a 3-year period under which leave can be voluntarily donated by an employee to another who, because of illness or family emergency, must be absent from the job but has depleted all leave. This bill also provides for demonstration projects in three agencies. One would study leave being donated in a common, agencywide leave fund; one would permit the donation of sick leave in addition to annual leave; and the third demonstration would include donations of sick leave only if donated annual leave were insufficient.

The Office of Personnel Management has the authority to exclude agencies from the program at the agency's request, if they can show that substantial disruption will result if the program were to be instituted at that agency. Furthermore, the bill provides that Federal employees may donate up to half of their annual leave. This leave can be restored to the donating employee if the recipient employee no longer needs the donated time.

Mr. Speaker, I am pleased with the inclusion of demonstration projects in the bill. I believe it is always useful to try various methods when establishing a program. As the gentleman from New York has indicated, the concept of leave sharing is not new. It has been tried and has been successful in the private and public sectors in other parts of our country. In Montgomery County, which I represent, sharing of sick leave has worked very well for county government employees. The Board of Education of Montgomery County has a leave bank for sick leave and annual leave is transferred on an employee-to-employee basis. We will never know whether sick leave and the leave fund provisions can work or whether they are cost efficient unless they are tried. The aim of these demonstration projects is to evaluate various alternatives. In the final analysis, we can eliminate the provisions that are not workable and include provisions which have proven to be cost effective.

Last week this House passed technical amendments which would permit leave transfer among all levels of Federal employees. The first provision of leave sharing was passed in the 99th Congress on an experimental basis and proved to be very successful. The President signed Public Law 100-202 on December 22, 1987, to expand the three-person experimental program to include the Federal civilian employees for 1 year. H.R. 3757 expands the program for 3 years.

Mr. Speaker, this program is one of the most humanitarian provisions in the Federal employee sector. I believe it will help in boosting the morale of employees who are facing long-term absence from the job. At the same time, it will help those employees who, prior to this, could only look on while their colleagues bore the burden of family emergencies; they will be able to help their colleagues during this time, by donating excess leave time.

Many of my constituents have called for information about the provisions passed during last session. Many of them are requests for transfer of leave between parents in Federal service to children in Federal service; some of the requests are for transfer between siblings in Federal service fortunately in the same department and other requests are for employees within an agency. There is much employee interest in the bill.

Mr. Speaker, I urge my colleagues to vote favorably for H.R. 3757 and again take this opportunity to commend the sponsor and the original cosponsor of the bill.

Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Virginia [Mr. WOLF] a major cosponsor of the bill.

Mr. WOLF. Mr. Speaker, I rise today in support of H.R. 3757 and urge my colleagues to support this worthwhile concept of Federal employees sharing their leave with other Federal employees who do not have sufficient leave to face hardship situations such as long-term illnesses or family medical emergencies.

I was pleased to join with Congressman GARY ACKERMAN on this legislation and want to thank him for becoming involved with the Federal leave-sharing concept and for moving this legislation through the Post Office and Civil Service Committee to permanently establish a governmentwide leave-sharing program.

As many of our colleagues may recall, the Office of Personnel Management was directed in 1986 to conduct a leave-sharing study which proved to be tremendously successful and we included a temporary governmentwide leave-sharing program which will be in effect through fiscal year 1988 in last year's continuing resolution.

We now have the opportunity to establish leave sharing as a permanent fixture in the personnel management of Federal employees. A recent Federal Times editorial, "The Gift of Time," notes that without this program "employees who use up their sick leave and annual leave are faced with an impossible choice. They can choose to remain with their loved ones, or they can return to work to accrue additional leave, maintain their benefits, and, of course, earn a paycheck. They cannot have both."

Federal employees who have exhausted their annual and sick leave can have both with this gift of time donated by other Federal employees. This is a program that will help those in desperate need of assistance and will boost camaraderie among fellow Federal workers.

To illustrate that point, the idea for leave sharing was first brought to my attention in 1986 by a constituent of mine, Robert Hague, of McLean, VA. Mr. Hague wrote me about his desire to share some of his leave with a blind colleague, Barbara DiPietrantonio, who, as a relatively new employee, had not accrued enough leave of her own to cover time needed to train a new guide dog. Barbara's ability to carry out her job effectively is dependent on the mobility she has achieved, despite her handicap, through reliance on a guide dog. Mr. Hague recognized her need and wanted to give her some of his annual leave time.

With the recognition of the potential benefit for a leave-sharing program, a provision in the fiscal year 1987 continuing resolution directed OPM to conduct a feasibility study on developing a Governmentwide shared leave program. From the over 240 requests for inclusion in that study for 3 test cases, it was readily apparent that there are many hardship cases in the Federal work force which could benefit from a shared leave plan.

Additionally, in this time of tight Federal budgets we all recognize how important it is to find innovative ways to improve civil service and its benefits without creating additional costs to the public. The Federal employee leave-sharing program will assist Federal employees who experience long-term illnesses and extended family emergencies without any cost to the U.S. taxpayer and at the same time will help to minimize for the individual the financial and emotional impact that severe hardship situations usually create.

I urge my colleagues to join me in supporting a permanent leave-sharing program. This is an important concept whose time has come. We have an opportunity to do something positive in the Federal workplace which can encourage good employees to stick with Federal service. And that's good for all American taxpayers.

I urge a unanimous vote to give Federal employees the chance to share the gift of time with their fellow Federal employees who may need it so desperately.

Mr. Speaker, there are so many good reasons for this program that I would urge when we have an opportunity to vote that all of us support this.

Mr. Speaker, I wonder if I could ask the gentleman from New York one question that crossed my mind.

May I ask the gentleman from New York, does this legislation cover, and if it does not, I wonder if we could look at the possibility, does this provide leave sharing for legislative employees, members of the House or office staff and particularly those of the Doorkeeper and other Federal employees who are working for the legislative branch, are those covered?

The SPEAKER pro tempore. (Mr. PANETTA). The time of the gentleman from Virginia has expired.

Mrs. MORELLA. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Virginia.

Mr. WOLF. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, I am afraid those employees are not covered by this legislation, but the gentleman's point is well-taken and perhaps we should revisit the topic and take a look at the inclusion of those, as well as other employees.

Mr. WOLF. I would appreciate that, because I was standing here thinking there are many permanent employees of the House, the majority and minority, who have been here for a long period of time. I think it may be appropriate either in separate legislation or if this goes to conference perhaps seeing if there may be a way we could cover the legislative branch.

Mr. Speaker, I want to again acknowledge publicly and thank the gentleman from New York [Mr. ACKERMAN], because he has moved this legislation very quickly, as he has the other leave-sharing legislation, and all Federal employees are especially indebted to him. I want to thank the gentleman and thank the gentlewoman from Maryland.

Mr. ACKERMAN. Mr. Speaker, allow me to express my gratitude and the gratitude of the entire committee for the gentleman's initiatives and leadership in this area, not just his comments, but his very creative imagination and continued dedication to Federal employees. His humanitarian cooperation is greatly admired and appreciated.

Mr. WOLF. Mr. Speaker, I thank the gentleman.

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to again another distinguished colleague, the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I rise in strong support of H.R. 3757, the Federal Leave-Transfer Act of 1988.

As I have stated before, leave sharing, which allows Federal workers to donate leave to a colleague experiencing a family or medical emergency situation, is a concept whose time certainly has come. The leave-transfer program proposed under H.R. 3757 is good for Federal workers, good for the Federal Government, and fosters the sense of community and nurturing spirit that strengthens the Federal work force.

H.R. 3757 would extend for 3 years temporary leave-sharing experiments now in existence and under review. The legislation anticipates the need for continuing review of the leave-sharing program by sunsetting the program for a period of 3 years and requiring the Office of Personnel Man-

agement [OPM] to report to Congress on the operation of the program not later than 6 months prior to this 3-year sunset date. Additionally, H.R. 3757 is responsive to criticisms advanced against earlier versions of the legislation by directing OPM to select three agencies to test variations of the leave-sharing concept, as follows: First, establishment of a general "leave bank" in lieu of specific recipient-directed leave donations; second, inclusion of both sick leave and annual leave transfers; and third, inclusion of both sick leave and annual leave transfers when the latter proves inadequate to cover anticipated family and medical emergencies.

I urge my colleagues to vote in favor of H.R. 3757, a rational, and humane response to problem situations that otherwise can devastate Federal workers and their families.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Virginia, who has always been an advocate for Federal employees.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in very strong support of this very humane, compassionate piece of legislation.

While I want to commend the gentleman from New York [Mr. ACKERMAN], chairman of the subcommittee, I wish to pay particular tribute to the gentleman from Virginia [Mr. WOLF], who has carried the banner for this much needed legislation for a number of years. I have had the privilege of working with the gentleman from Virginia [Mr. WOLF] because I sought his guidance when I faced in my district a crisis situation with a constituent of mine, Nancy Brady, who is an employee of Griffiss Air Force Base in Rome, NY. She had a serious illness requiring extensive medical care. She had used up all of her sick time and her annual leave time. Her fellow employees were understanding, they were compassionate. They wanted to help her in this time of cirsis, and they offered to donate their sick leave and annual leave time.

The fact of the matter was, however, they could not do so. There was no provision in the law to permit that.

Working with the gentleman from Virginia [Mr. WOLF] and seeking the guidance from a number of my other colleagues, and particularly I wish to commend the gentleman from Massachusetts [Mr. FRANK] we crafted a private relief bill. Testifying in support of that bill we were able to secure support from the Department of the Air Force and the Office of Personnel Management. So in essence, this was a test case, finally signed into law by President Reagan last November 23.

The law is working, and it is working to the benefit of the very people who make this Government function so effectively, so efficiently, 24 hours a day.

Mrs. Brady has enjoyed the benefit of her coworkers' generosity. She has been able to use their donated leave time. It has helped her in a time of crisis. It has boosted morale significantly at Griffiss Air Force Base.

It is a test case that proved beyond a shadow of a doubt that when you have a heart in Government, good things come from it.

So I want to commend once again the gentleman from New York [Mr. ACKERMAN], the gentleman from Virginia [Mr. WOLF], and the gentlewoman from Maryland [Mrs. MORELLA], and all of those who are associated with with this very significant piece of legislation.

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding me this time. This is a very important bill that in a very, very specific way affects the lives of people.

I remember Congressman LEHMAN coming before our committee and asking for some relief for an individual who was terminally ill, and the fact was they were not really related to in the manner in which the continuing resolution passed. So we put in a sort of pilot situation for him in the continuing resolution and allowed three or four other individuals to transfer their annual leave to their coworkers who were forced to be absent from work for extended periods of time due to personal or medical emergencies.

Mr. Speaker, the thing I feel is very important about this Federal Employees' Leave-Transfer Act of 1988 is the fact that so often our Federal employees are berated and demeaned and treated as if they are second-class citizens. They are the ones who are the easy targets in the budget.

As one who has had the pleasure of chairing the subcommittee that my distinguished colleague from New York, Mr. ACKERMAN, now chairs, and one who still sits on the committee, we have seen the kinds of ways they have been treated where we have had budgets that offered what they called a minus 5-percent pay raise, when it was really a decrease, tried to gut their health benefits, tried to indeed cut their important pensions in half, which is a contract between the Government and the employees, and yet the fact is that here we have a situation where Federal employees care about one another and are willing to give up their time so one of their colleagues with whom they work can get the necessary leave when they have a critical illness.

I think this mirrors really the magnanimity of Federal employees and the fact that we would have some control over their benefits and the manner in which they are treated. I always say that we have the greatest country in the world partially because we have such dedicated public servants, who are our Government workers, our postal workers, and our letter carriers. I think those of us who really understand the great gift of public service that our Federal employees do give really want to say thank you, because this bill really evolved out of the generosity of coworkers who saw the potential.

Mr. Speaker, I think this bill is the bill where Federal employees say thank you to each other in saying in fact that they care about each other so much so that they would give up their own time, their own periods of time off to their coworkers so that that person who happened to be ill could in fact take care of the situation.

So I am delighted with the hearings we have had. I want to especially pay tribute to the chairman, who moved this out, because we needed to make this happen on a more permanent basis and he has done that. I think this bill is simply an acknowledgment of the good work of our Government workers and the kind of caring that does go on among them.

Mr. Speaker, I want to congratulate the chairman and congratulate everyone on the other side of the aisle who cooperated so well with the chairman.

Mr. ACKERMAN. Mr. Speaker, I thank the gentlewoman from Ohio for her encouraging remarks and for her pioneering effort in this field.

Mr. LEHMAN of Florida. Mr. Speaker, as we consider H.R. 3757 today, the Federal Employees' Leave-Transfer Act of 1988, I would like to take a few moments to share with my colleagues my personal experience with this important issue.

In August 1986, I paid a courtesy visit to the Internal Revenue Service office in North Dade County, FL, in our 17th Congressional District, to learn how it operated and how our office might help it provide even better service to our constituents. It was during this visit that I first learned about Shannon and Joe Chiles and their two young children.

Both the Chiles worked at the North Dade IRS office, but their family was undergoing severe strain. Shannon had inoperable cancer, and both she and Joe has used all of their sick leave and annual leave because of this sickness and the necessary treatments. That meant that the additional time off that they needed had to be unpaid leave, which added a serious financial hardship to an already painful situation.

Two supervisors in this office, Gary Krevat and Bill Pfeil, had a novel idea for helping the Chiles: leave sharing. Scores of employees in their office had expressed the willingness to donate their own sick leave or vacation time to help out the Chiles family, but there was a Federal law that specifically prohibited that kind of transfer. They asked me to introduce a bill to exempt their office from this law. In response, we introduced H.R. 5545 in September 1986.

Thanks to the help and assistance of Congresswoman MARY ROSE OAKAR, then-chairwoman of the Subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee; Congressman FRANK WOLF, a member of our own Transportation Appropriations Subcommittee; Congressman ED ROYBAL, chairman of the Treasury-Postal Appropriations Subcommittee; and Congressman STENY HOYER, a distinguished member of the subcommittee who has been a tireless worker for the rights of Federal employees, this legislation was enacted into law.

The Chiles family became the very first beneficiaries of leave sharing in the Federal Government. The program proved to be an enormous success, bringing together managers and employees in a common effort to help two colleagues who faced uncommon hardships. Leave sharing improved office morale and performance, it was cost-effective, and it was not complicated to administer. The Chiles case became the test case that showed leave sharing was possible and that paved the way for the bill we consider here today.

Mr. Speaker, Shannon Chiles died last year from the disease against which she struggled so valiantly. She was a remarkable person, a strong woman. Her legacy is H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988, which was expertly crafted by Representative GARY ACKERMAN, chairman of the Subcommittee on Compensation and Employee Benefits of the House Committee on Post Office and Civil Service.

I strongly support H.R. 3757, because I have seen firsthand how well leave sharing can work and what a difference it can make in the lives of both donors and receivers. I urge my colleagues who have not had this experience to nevertheless support the bill and allow this great experiment in human kindness and decency and creative management to move forward.

Mr. DEWINE. Mr. Speaker, I rise in strong support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. I am a cosponsor of an earlier version of this legislation and testified last summer before the Subcommittee on Compensation and Employee Benefits in support of establishing a Government-wide leave-sharing program.

This legislation authorizes a 3-year Governmentwide program under which Federal employees may voluntarily transfer up to one-half of their available annual leave to coworkers who face a serious medical or family emergency and whose annual and sick leave have been exhausted. The bill essentially would allow Federal employees to donate their own previously earned leave to colleagues in need. H.R. 3757 also would establish three agency-wide pilot programs to test the feasibility of implementing other types of Federal leave-sharing plans.

I believe that a properly implemented leave-sharing program can be of tremendous value in helping workers cope with serious family and medical crises. I personally have heard of a number of cases in which such a program could provide a vital sense of economic and emotional security and peace of mind to employees faced with personal emergencies. In addition, I understand that in conducting its original leave-sharing pilot program, OPM received applications from some 242 individuals for 3 available openings. These figures indicate that there is a significant opportunity out there for a leave sharing program to do a great deal of good where it is needed most.

In addition, many of my constituents have contacted me to express their support for a leave-sharing plan and to indicate that they would be willing to donate leave to needy coworkers under such a plan. Last August, during hearings on Federal leave-sharing legislation, I submitted to the subcommittee on Compensation and Employee Benefits a petition I received signed by several hundred Wright-Patterson Air Force Base employees in support of an earlier version of the legislation before us today. That petition reflects the spirit of generosity and compassion among the men and women throughout the Federal work force and, I believe, is a good indication of the type of broad support a leave-sharing program will attract.

In short, Mr. Speaker, we're not talking about a Government handout; we're talking about allowing employees who have earned annual leave to donate their own annual leave benefits to others who need help and have no available leave time of their own. Such a program will not only provide tangible benefits to employees receiving donated leave time, but also will boost employee morale by allowing Federal employees the opportunity to give of themselves to help coworkers in need.

I want to commend all of the Members who worked so hard to develop and bring to the floor this very important and compassionate legislation, and I urge all of my colleagues to support H.R. 3757.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. H.R. 3757 authorizes the Office of Personnel Management [OPM] to establish within 4 months of enactment a program allowing Federal employees to transfer annual leave to colleagues facing a family or medical emergency. Employees who have exhausted all personal leave time may seek to receive donated leave by submitting a written application to their employing agency.

This is a humanitarian piece of legislation. It also makes sound fiscal sense. Accordingly, I urge my colleagues to support H.R. 3757.

Mr. LUJAN. Mr. Speaker, I rise in support of the Federal Employees' Leave-Transfer Act of 1988. While this legislation is the end result of months of study, hours of hearings, and the support of thousands of Federal workers, at the same time it is also the beginning of a new initiative to help keep dedicated Federal employees in our Federal work force.

This legislation will not only allow Federal workers to donate their annual leave to other Federal employees who face serious illness or personal emergencies, but also authorizes the study of some innovative approaches to meeting the needs of Federal workers in these situations.

I support the study approach being used for the leave bank and for the types of leave allowed to be donated under this legislation in certain specific circumstances, to ensure that the intent of this leave sharing program is sustained, and the good will of the donor employees is not abused.

This leave-sharing program not only shows sensitivity, it also shows good sense. Dedicated workers who want nothing more than to continue to serve all of us as Federal employees, are given the opportunity to do just that. The additional cost of this program to the taxpayers is relatively minimal, and the retention, over the long run, of Federal workers with experience and expertise, is invaluable.

Mr. Speaker, while I believe that this program should only be used in instances of serious illness of the Federal worker, I am glad that I was able to contribute to the development of this important legislation introduced by my colleagues, Mr. WOLF and Mr. ACKERMAN. This measure also demonstrates that the creation of a responsive new Federal program does not require the creation of an expansive new funding authority.

In closing I would like to urge my colleagues to support this leave sharing legislation, which demonstrates that a sometimes faceless bureaucracy can still have a warm heart.

Mr. GRADISON. Mr. Speaker, I rise today in strong support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988, and urge my colleagues to lend their support to this innovative and important legislation.

Individuals facing a life-threatening disease or other personal emergency are engaged in an intense struggle that strains personal and financial resources. In an effort to assist those who must come to grips with a major medical problem or family emergency, the concept of "leave sharing" has made great strides.

In general, leave sharing permits employees to donate all or part of their annual or sick leave to another employee faced with a severe personal emergency. Although leave sharing is not yet a widely used practice, numerous school districts, local government, States such as Connecticut, and some businesses have experimented with the leave-sharing concept. The programs vary widely, but there is growing agreement that leave sharing, in cases of personal emergency, is a needed addition to employee benefit packages.

At the Federal level, leave sharing began as a response by the Congress to a case brought to the attention of the House by Representative LEHMAN of Florida. Shortly thereafter a small pilot program was authorized by Public Laws 99-500 and 99-591, the continuing resolution for fiscal year 1987 to study further the leave-sharing concept. Under that limited program, three individuals were to be selected for participation.

I was pleased that one of those selected for participation in the program was a constituent of mine, Mr. William J. Ault, an international examiner for the Internal Revenue Service in Cincinnati. Unfortunately, Mr. Ault recently lost his courageous struggle against cancer. I can, however, attest to the House that the benefits of leave sharing, supported enthusiastically by his fellow workers, to Mr. Ault and his family were substantial and greatly helped them in dealing with his situation.

The temporary program generated over 240 applicants from 32 agencies. Public Law 100-202, the continuing resolution for fiscal year 1988 took the program the next logical step by removing numerical limits and giving the

Office of Personnel Management [OPM] broader authority to conduct the program.

H.R. 3757 is an effort to perfect further Federal policy. The bill would authorize, for a 3 year period, OPM to administer a program allowing Federal employees to transfer annual leave to their fellow workers who may be facing a family or medical emergency. H.R. 3757 also sets forth criteria to testing alternative leave transfer methods.

Although the Congressional Budget Office [CBO] does not have sufficient information to estimate the extent to which Federal employees would make use of this benefit, CBO estimates that the program would cost approximately $7 million. In my view, this sum is small compared to the resulting benefits.

Mr. Speaker, I have closely observed how leave sharing may benefit Federal employees. I am convinced this an area in which the Federal Government can, and should, play a role. Not only will this legislation benefit Federal employees who need it, but it will serve as a model for greater expansion and experimentation of leave-sharing programs elsewhere in the public and private sector.

In conclusion, I would like to commend Mr. LEHMAN of Florida, Mr. WOLF, and Mr. ACKERMAN as chairman of the Subcommittee on Compensation and Employee Benefits for the leadership they have demonstrated on this issue. This legislation deserves the support of my colleagues and I urge its adoption by the House.

Mr. BRENNAN. Mr. Speaker, I rise today in support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. This bill establishes a program that would authorize any Federal employee to transfer his or her annual leave to a coworker who has exhausted his or her leave and is facing a personal or medical emergency. This program would enable Federal employees to reach out to one another during a time of personal crisis which I believe would contribute to an improvement in the morale of the Federal work force. I can't think of a better way to encourage cooperation among Federal employees.

H.R. 3757 also establishes three experimental leave transfer programs. One of the programs would establish a general fund where employees could contribute their annual leave for use by a needy coworker. A second program would permit a worker to transfer their sick leave as well as their annual leave. A third experimental program would allow the transfer of sick leave only in cases when annual leave is insufficient in covering the amount of time needed for the leave of absence. Last, the bill establishes general criteria as to who may receive the donated leave and who may donate the leave.

I am a cosponsor and strong supporter of H.R. 2487, the Experimental Leave-Sharing Program which was adopted in the continuing resolution. However, this measure will expire in September 1988. Last week, H.R. 3981, technical amendments to this program, passed the House enabling subordinates to donate leave to their superiors. The passage of H.R. 3757 is the final step toward permanently implementing the Federal Employees' Leave-Transfer Act of 1988. I urge my colleagues to join me in voting in favor of H.R. 3457.

Mr. HOYER. Mr. Speaker, I am pleased to again have an opportunity to register my strong support for one of the most humane pieces of legislation affecting Federal employees that the 100th Congress will consider.

When I supported last year the effort to expand the Office of Personnel Management's authority to engage in a limited experiment on leave sharing, I was prompted to act on behalf of Federal employees who were suffering a personal tragedy.

When Congressman BILL LEHMAN explained the plight of two of his constituents, I was moved to act. Joe and Shannon Chiles, both IRS employees, participated in the limited leave-sharing experiment that Congressman LEHMAN and I helped push through in 1987. Unfortunately, Shannon Byne Chiles, a wife and the mother of two young children, did not survive her tragic battle against cancer. The leave-sharing experiment, however, may be counted as a small victory along this family's anguished path.

Passage of this legislation means that we accept one of those principles the American public expects the Congress to respect: H.R. 3757 makes sense. It makes budget sense. It makes human sense, and it makes common sense. We have a chance to exercise sound fiscal judgment in weighing the real costs to the taxpayers when even a family or medical crisis envelopes an experienced, committed, effective member of the Federal work force.

H.R. 3757 permits voluntary transfers of accrued leave by Federal employees to colleagues experiencing medical or other emergencies, and it does make good sense. But above all else, H.R. 3757 is a compassionate response to a human problem. All too often, unless there is an outcry from millions, we do not hear the plea for help.

I represent thousands of Federal employees, and I know firsthand of their commitment, compassion, and diligence. I also recognize the rules and regulations that guide Federal employees occasionally deter flexible and commonsense responses to unusual problems or difficult circumstances.

Each year, a certain number of Federal employees face life threatening illness, the emotional trauma of a seriously ill child, or some other family emergency. H.R. 3757 alleviates a small measure of the financial hardship and emotional stress that invariably accompanies unexpectedly prolonged and often uncompensated absences from work.

Every one talks about "the government," and usually not very appreciatively. I want to thank Representative ACKERMAN for bringing this bill before the House. Because, through his efforts on H.R. 3757, we are again thinking about government. More importantly, we are considering the genuine needs of the men and women who make our Federal work force one of the most effective and efficient in the world.

Mr. MCMILLEN of Maryland. Mr. Speaker, it is a distinct pleasure for me to rise in strong support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. As a cosponsor of the original bill proposed last year, I am indeed gratified by the favorable support that this bill received in committee action, and I look forward to swift passage by this House.

The logic behind the leave-sharing concept is well-founded; better yet, it costs the Federal Government no additional money. This bill allows Federal employees to transfer annual leave time to coworkers who face a family or medical emergency and who have used their allotment of sick and annual leave. Importantly, this bill goes a long way toward bolstering morale in the Federal civil service by loosening bureaucratic restrictions for those in a time of need. This, along with other thoughtful human resource policies, will help to ensure that the Federal Government continues to retain and attract the very best people for public service. We need more of this type of innovation and flexibility in our Federal personnel management. I applaud the efforts of Representative ACKERMAN and the Post Office and Civil Service Committee, and I look forward to further legislation from this committee that reinforces the human dimension of our vast Federal bureaucracy.

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

The SPEAKER pro tempore (Mr. PANETTA). The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 3757, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior annoucement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just considered.

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

There was no objection.

## DENIAL OF NONIMMIGRANT CREWMEMBER STATUS IN THE CASE OF CERTAIN LABOR DISPUTES

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 285) to deny crewmember status in the case of certain strikes and lockouts, as amended.

The Clerk read as follows:

H.R. 285

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

SECTION 1. DENIAL OF CREWMEMBER STATUS IN THE CASE OF CERTAIN LABOR DISPUTES.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(e)(1) No alien shall be entitled to nonimmigrant status under section 101(a)(15)(D) if the alien intends to land for the purpose of performing service on board a vessel of the United States (as defined in section 2101(46) of title 46, United States Code) or on an aircraft of an air carrier (as defined in section 101(3) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(3)) during a labor dispute where there is a strike or lockout in the bargaining unit of the employer in which the alien intends to perform such service.

"(2) An alien described in the paragraph (1)—

"(A) may not be paroled into the United States pursuant to section 212(d)(5) unless the Attorney General determines that the parole of such alien is necessary to protect the national interest of the United States; and

"(B) shall be considered not to be a bona fide crewman for purposes of section 252(b).".

(b) CONFORMING AMENDMENT.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by inserting "or in section 214(e)" after "except as provided in subparagraph (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to admissions occurring on or after the date of the enactment of this Act.

SEC. 2 REPEALED.

Section 315(d) of the Immigration Reform and Control Act of 1986 (100 Stat. 3440) is hereby repealed.

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

The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. BARTLETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BARTLETT. Mr. Speaker, is a second required on this bill? Is the gentlewoman from New Jersey [Mrs. ROUKEMA] opposed to the bill?

The SPEAKER pro tempore. A second is not required on this bill.

Mr. BARTLETT. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. Mr. Speaker, is the gentlewoman from New Jersey [Mrs. ROUKEMA] opposed to the bill?

Mrs. ROUKEMA. No, I am not opposed; I support the bill.

The SPEAKER pro tempore. Is the gentleman from Texas [Mr. BARTLETT] opposed to the bill?

Mr. BARTLETT. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas qualifies.

The gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, when this body considered the Immigration Reform and Control Act of 1986, we included a provision to deny admission to alien crewmembers during a strike in the bargaining unit of the employer in which the alien intended to work. The Senate bill contained no comparable provision. In conference, an important inequity in the law that needed redress was recognized and the conference adopted a revised provision. Because the committees of jurisdiction did not have an opportunity to consider the amendment, the conference committee provided for a 1-year sunset of the provision it adopted during time which Congress was to study and investigate the issue.

At the beginning of this Congress, the gentlewoman from New Jersey [Mrs. ROUKEMA] introduced the bill we are considering now. On July 23, the Subcommittee on Labor-Management Relations held a hearing on the bill and on July 28 the bill was favorably reported by the Committee on Education and Labor.

The provision adopted as part of the Immigration Reform and Control Act expired on November 5, 1987. Since enactment of that law we have studied and investigated this issue pursuant to the normal legislative process. This legislation is necessary to confirm section 214 of the Immigration and Nationality Act to the general philosophy embodied in that law that the rights of American workers should not be undermined as a result of unfair competition by nonimmigrant aliens. I urge the adoption of H.R. 285.

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

Mr. BARTLETT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 285 and urge my colleagues to suspend the rules and pass this measure which will prohibit the use of aliens in strikes involving American workers on American ships or aircraft entering the United States. This bill will protect our workers from unfair foreign competition when they are involved in a labor dispute.

This bill merely conforms one section of our immigration laws with the other. It maintains Government neutrality in labor disputes. Currently, most nonimmigrant aliens are denied admission to work for a company when its American employees are on strike or locked out. One would have thought this was true of all situations, but, in 1986, we learned that TWA was able to employ aliens to perform the work of striking American crewmembers. After looking into this, I discovered that one category of nonimmigrant aliens—so-called class D crewmembers—could still be admitted even during a strike or lockout.

In the 99th Congress, I offered an amendment to the Immigration and Nationality Act to close a glaring loophole in our immigration laws with potential for great abuse. The 1986 immigration reform bill, Immigration Reform and Control Act of 1986, included my amendment with a 1-year sunset, which expired last November. The purpose for the time limit was to allow time for Congress to study and investigate the issue before enacting something permanent. The issue has now been studied by the Education and Labor Committee, which held a hearing where all interested parties were invited to testify. In addition, the Judiciary Committee has considered the bill and it is now time to make this provision a permanent part of the Immigration and Nationality Act.

This bill simply fills a gap in the law—which is probably just an oversight—which currently permits unfair competition against American workers. Aliens should not be allowed to hurt American employees by working in their jobs as strikebreakers. Moreover, by allowing the use of our immigration laws to fill strikers' jobs, the Federal Government is, in effect, taking sides in a labor dispute. This violates longstanding principles of American labor law. For example, we don't allow employers to use JTPA funds to train strikebreakers because it would jeopardize our Government's neutrality.

I would just like to address one objection which has been raised to the lack of any exemption for current employees working their normal flights. According to administration testimony, such an exemption would be "difficult, if not impossible, to administer." Moreover, it would undermine the very purpose of the bill.

No such exemption exists in the H-2 domestic worker program. Indeed, if an H-2 worker is already working here, they have to leave when there is a work stoppage. Meanwhile, the exemption would be an enormous loophole. Because of the strict procedures of the Railway Labor Act, the parties know well in advance of the potential for a work stoppage. An employer could bring on foreign employees just to prepare for the eventuality of a work stoppage. Indeed, the very existence of this loophole may encourage such a practice.

As the ranking Republican on the Labor-Management Relations Subcommittee, I can verify that our labor laws have long protected certain rights of American workers. One of these protected rights is the right to strike. This right is meaningless if employers can hire foreigners to work in American workers' jobs. Permitting such use

of foreign workers to break the strikes of American workers is contrary to all notions of justice and fairness. If we continue to allow this practice, we jeopardize the essential role of Government as a neutral umpire in a labor dispute and in effect encourage American employers to replace their American workers with foreign labor.

I urge your support for this important protection for American workers.

□ 1315

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

Mr. Speaker, I rise in opposition to H.R. 285 in its current form and believe that this bill, if it is to be passed by Congress, should be brought back to the House under an open rule or reformulated to extend the law that was passed, that is the 1986 immigration law which in fact does what the sponsors say that they would wish to do. That is to deny foreign crewmembers any opportunity to take the place of American workers in jobs and yet allow those legitimate workers who already have jobs to continue on their already preassigned routes.

Mr. Speaker, I respect the gentlewoman from New Jersey a great deal but this may be one of the most misunderstood minor pieces of legislation this Congress has considered this year.

Let me walk through a few of the facts.

First of all, without this law we do not take away American jobs. These are not American jobs; we are discussing international flights that have an international arrival or destination. Nor would the practice permit the strikebreakers to take those American jobs. In fact, all that is at dispute is whether a worker who has a class D permit already flying a route will be allowed to continue to fly that same international route.

Let me walk through some of the facts on the bill.

What H.R. 285 does is, it is a bill to require the revocation of class D work visas for non-U.S. citizens currently working on U.S. carriers on an international route when the route originates or ends in the United States in the case of a domestic strike.

So it affects and revokes those class D permits for workers who are working international routes if there is a domestic U.S. strike.

Now that argument has some surface popularity. It is easy to be against foreign nationals. But in this case to vote for this bill places also one in the position of being against U.S. passengers who may well be stranded on an international destination and not be able to get back. It is further to be in favor of a unilateral and federally mandated lockout of workers who choose to and who wish to work.

Now this legislation, this issue was considered in the last session of Congress by the Subcommittee on Immigration of the Committee on the Judiciary. They reached an entirely different conclusion.

In the 1986 immigration law they reached the conclusion that for a short period of time—and I wish they had put it in permanently—for a short period of time they would place a prohibition against new class D permits in the event of a domestic strike for international workers, but they would not revoke those worker permits for existing workers on existing routes. The grandfather in that bill was very clear and very explicit: for existing workers.

This legislation, H.R. 285, does not have that grandfather provision and does not continue to permit existing workers to work their existing routes.

Presently foreign employees, when foreign employees are issued class D visas, those visas allow them to enter the United States on any trip which departs from a foreign port for a U.S. destination and vice versa.

Such visas do not permit foreign employees to work on trips which both originate and end in the United States. H.R. 285 is legislation then that has a surface appeal but its application would be damaging.

This bill, if enacted, would in effect require employers to lock out current employees. It would not discriminate between a 10-year employee or a 10-day employee.

Proponents of the legislation claim they are simply prohibiting U.S. employers from hiring and utilizing foreign labor during a strike, but that is not correct. The bill requires every foreign worker to be locked out regardless of their route and regardless of their prior employment status.

The legislation would establish several very negative precedents in the field of both immigration and labor law. First, this is an immigration matter, not a labor matter.

This issue was considered by the Committee on the Judiciary in 1986 and that committee reached a different conclusion.

The 1986 Immigration and Control Act states that class D visas in these situations shall not be revoked for employees who were employees before the date of the strike and who will continue to perform the same services on the same routes as the employees performed before the strike.

The only issue here is whether those employees who are currently employed with currently valid class D visas will be locked out of their current routes which they are already working.

The committee then, the Committee on the Judiciary, chose to sunset the provision on November 6, 1987, and has not chosen even to extend that provision with a grandfather clause. A simple extention of that provision would at least be fair to the nonstriking, non-U.S. employees and consistent with international obligations.

Second, H.R. 285 would unilaterally, unilaterally change current accepted multilateral conditions for working. Every country in this world handles its own labor disputes involving its own domestic routes. H.R. 285 would extend U.S. law to non-U.S. citizens in non-U.S. territory.

Other countries then could reciprocate mandating that U.S. citizens be locked out on comparable international flights. The result is chaos and the result is damaging to American workers. Third, this legislation would require, require an employer by law to lock out nonstriking employees during the strike on routes where they are not affected. The employer further would be required to pay the employee during the U.S. Government-mandated lockout. This may well be, in the history of U.S. labor law, the first mandatory lockout that the Congress has ever considered.

The bill originated from a March 7, 1986, TWA flight-attendants' strike when they went on strike and that is the sole genesis of this bill so far as anyone can determine.

On March 7, 1986 in order to return aircraft to the United States and to prevent inconvenience and possible stranding of booked passengers, 3 flights, Mr. Speaker, 3 flights left Europe for JFK attended by 24 TWA personnel employed overseas. These long-time employees of TWA worked as contingent flight attendants on these flights. On March 8, one additional flight from Milan, Italy, to JFK was made for the same reasons. Five TWA employees employed overseas worked that flight. That is the reason for this bill. All work in that situation was performed on transatlantic segments only. No overseas personnel were used on domestic flights, nor could they have been. A class D visa only permits an alien crew member to work on flights between the United States and a foreign destination.

H.R. 285 would, in effect, increase economic pressure on an employer by interrupting his operations which are otherwise not directly involved in the strike. It requires him to lock out current employees.

Proponents of the bill contend that it closes a loophole in the current law. This argument is simply untrue.

The jobs covered by H.R. 285 are not U.S. jobs in the same sense as those covered by other provisions of the Immigration and Nationality Act. That act does permit for example, class H visas to be issued for temporary farm workers entering the country to perform work. However, regulations do prohibit these and other types of non-

immigrant aliens already from working when their employers of American workers are on strike. But these are U.S. jobs. The jobs of an airplane crew of an international flight are performed in international air space and a substantial portion of the remaining work time, takeoffs and landings, is spent in foreign countries.

Further evidence of the jobs in question are only marginally U.S. jobs at all is that the jobs are already over before the foreign crew members seek to enter the United States. Indeed, if the crew members were willing simply to remain on board the aircraft, they would not need to be admitted to the United States at all in the technical sense of the immigration law.

This bill should not be on the suspension calendar. One simple amendment, one amendment, the grandfather clause which has already been passed by this House and recommended by the Committee on the Judiciary in 1986, a grandfather clause which says that any alien employee who was employed before the date of this strike and who is seeking admission to the United States to continue to perform service on the same routes could be offered and that is all that is necessary to make the bill acceptable. The bill ought to be brought up, brought back up under an open rule to allow the House to vote on that grandfather clause which the Immigration Subcommittee and the Committee on the Judiciary had previously concluded.

Now, Mr. Speaker, I have received a letter from the Department of Justice in which they analyzed this legislation. I do want to read into the RECORD one portion of that letter. They do recommend a "No" vote on this and do recommend the extension of the grandfather clause. One of the things that the letter says specifically is that the grandfather clause exemption for a current employee can work.

The letter says:

> We see no reason why an exemption for foreign crew members already employed in a certain job along with specified routes could not be reasonably administered. All that would be required is a showing by the employer through documentary evidence that the foreign worker has been so employed for some minimum period of time before the beginning of the strike. For the foregoing reasons, the Department of Justice views H.R. 285 in its current form to be an ill-conceived measure. We would not object to H.R. 285, however, if amended to extend permanently section 315(d) of IRCA in order to allow continued international air or shipping service by alien crew members on routes they had previously served.

Mr. Speaker, in summary, one can make a case to deny class D visas to new workers, particularly over American air space. But we should reinstate that prohibition of those new workers that we passed in 1986; but with it we ought to bring this bill up on suspension so that we can adopt a grandfather clause so that current workers flying current routes can continue those routes in international air space without a mandated Federal lockout that this bill provides.

□ 1330

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

Mr. BARTLETT. I am happy to yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Speaker, I would like to make just one comment that really focuses not on the merits or the demerits of this particular legislation but, rather, on the procedure.

As the ranking member of the Immigration Subcommittee which has, of course, jurisdiction and oversight over this issue, I think it is significant that we have held no hearings on this issue during this Congress. It is true there were hearings held in the last Congress, but the point is that we are seeing a very disturbing pattern occurring in this House of Representative. We will see another chapter of that same book being written later this afternoon when we explore the so-called Civil Rights Restoration Act, a piece of legislation that bypassed the committee process, did not go through the Judiciary and in fact went straight to the floor and was passed. That is part of the reason the President found it necessary to veto that legislation, because as a result of that procedure, I think there was no opportunity to make corrective amendments.

My focus here in terms of H.R. 285 is really twofold. First, it is always a mistake, whether you are for or against a piece of legislation, to bypass the safeguards granted under our rules and under our procedure that allow the types of hearings and exploration within the committees that have assigned jurisdiction and hopefully expanded on the ramifications intended, and otherwise.

But the second aspect of it that concerns me is by bringing it out on suspension, in addition to having bypassed the procedural safeguards designed to inform Members within the committee system, as well as outside the committees of expertise, what the ramifications are, you also find yourself in the posture of not being able to make any amendments that would address some of the concerns which I think are very legitimate about this bill.

So for both of those reasons, I say to my colleagues whether you are for or against this bill, certainly we ought to have enough respect for the integrity of a system that we put in place, not with an eye on any particular piece of legislation but, rather, with an eye on the integrity of the process, to vote against it. But the point I would like to make is that irrespective of how you feel about the bill, let us protect the integrity of the process, vote it down on a suspension vote, so that it can go through the system and come forth as I think we would all like to see legislation come forth.

Mr. BARTLETT. Mr. Speaker, the gentleman, of course, is the ranking member of the Immigration Subcommittee. I have one additional comment, and that is that one time the subcommittee and the Judiciary Committee did consider this legislation, and they reached the opposite conclusion.

Mr. SWINDALL. That is a very good point.

Mr. BARTLETT. They passed a bill that in fact would allow existing employees to continue to work their existing routes on international routes. That is all that needs to be done with this legislation. That makes it fair legislation, one that everybody can agree to.

Mr. Speaker, I thank the gentleman at this point.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

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

Mr. Speaker, I, as a member of the Immigration Subcommittee of the Judiciary Committee think it is important to correct a misimpression that may have been given. The Judiciary Committee has a sequential referral on this bill. I know that I was aware of this legislation. I know that we agreed with what the gentlewoman was seeking to do with this bill and with what the Committee on Education and Labor intended to do. I know that our committee has a number of pressing issues which we are dealing with, and I know that the vast majority of the membership of that subcommittee and of the full committee believed there was no point in exercising our right to take this bill and to work on it because we agreed with what the committee was doing.

It was not a case of avoiding the Judiciary Committee. It was a conscious decision by the Immigration Subcommittee and the Judiciary Committee not to go and review that which we already agreed with.

Mr. Speaker, I do want to make one additional point. I was involved in 1986 and 1985 in extensive negotiations on another program, the H-2 Program, where growers were seeking to expand this use of temporary guest workers in agriculture and many other areas. We had a lot controversy, a lot of discussions, a lot of disagreements. We worked out some negotiations. At no time in any part of that were the growers of this country or any other employer group that I am aware of suggesting that foreign guest workers, nonresident aliens, should be brought

in for purposes of working during a labor dispute.

The one point that was always conceded from the beginning by every employer group is this is an improper use of our immigration processes, our work permits, our work visas. I have never heard that suggested except by the opponents of this particular legislation, and I find it quite an astonishing contention.

Mr. Speaker, I support the bill that is before us. I congratulate the committee and the gentlewoman for introducing it.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

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

Mr. Speaker, I rise in support of H.R. 285 which would prohibit the use of aliens to take the jobs of striking American workers on American ships or aircraft entering the United States. This bill will protect our workers from unfair foreign competition when they are involved in a labor dispute.

Mr. Speaker, this legislation raises a fundamental issue in American labor law: when labor and management engage in economic warfare, should the Federal Government take sides?

Over the past few years, Federal laws relating to labor disputes have been put to the test. We have seen a number of instances where companies have replaced strikers in virtually every industry. There are those who question whether our laws should even allow this. That, of course, raises a much larger issue than does this bill and I am sure we would all have our reasonable differences over whether that law is good policy.

But I have always thought that there is one aspect of labor disputes on which everyone agrees: the Federal Government does not take sides. Of course, we try to help. We establish certain ground rules. We provide mediation assistance. But even in those situations where mediation is required, we have never imposed binding arbitration on the parties. That would violate our traditional neutrality.

Nor do we allow the use of Federal funds to assist either party in a labor dispute. For example, an employer can't use Federal job training funds to train strike replacements.

Since I had thought that this traditional neutrality was complete, I was shocked to learn that an employer could actually use the Federal immigration statutes to facilitate the replacement of strikers. Although it is prohibited in the H-2 farmworker program, under current law, an American airline or ship can actually bring in under a class D visa a foreign national who is performing the work of a striking American worker. This is an outrage.

Why does the law permit this? As is the case with most laws, until someone took advantage of the situation, no one thought to make it illegal. Well, after the TWA situation, we now know that companies can and will do it. So let's clean up the law and enact this prohibition.

Mr. BARTLETT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise in opposition to H.R. 285. This bill would amend the Immigration and Nationality Act to revoke class D work visas for non-U.S. citizens currently working on U.S. carriers on international routes when the route originates or ends at a U.S. port in case of a U.S. domestic strike. Why? Proponents argue that domestic carriers have used alien crewmembers as strike breakers. During the hearings on the matter, the evidence presented to support this claim was at best inconclusive.

The class D visas permit the alien to work on international trips—it does not permit the alien to work on trips which originate and end within the United States. Passage of this bill would prohibit foreign crewmembers who were employed on routes previous to any strike to serve those same routes once a strike began. It would delete the grandfather clause in current law allowing foreign crewmembers employed prior to a strike to continue to work the same routes before any strike began.

This situation would establish a lockout on foreign nationals and terminate the international air operations of any U.S. carrier experiencing a domestic strike. This would present the possibility of reciprocal legislation by other countries and cause confusion.

According to the Justice Department, passage of this bill would also escalate economic pressure on any employer by interrupting operations of that employer which may not be directly involved in the strike. This amounts to unfair interference.

The claim by proponents that a vote for this legislation is a vote for the American worker is preposterous, and I resent the assertion. The jobs that are the subject of this bill are not U.S. jobs because the work performed is primarily in international airspace. The use of the rhetoric of economic nationalism to garner support for passage of this bill is misleading and unfortunate. Any examination of the facts will clearly show this legislation is unnecessary.

As the old adage says, "If it ain't broke, don't fix it." Well, it ain't broke. I urge my colleagues to vote against H.R. 285.

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

Mr. Speaker, I want to say one thing very clear, and that is that this does not involve U.S. jobs. The gentleman from California was correct as far as immigration law goes on farmworkers. Those are U.S. jobs. Forget that class H farmworker permits are not permitted to come in during a domestic strike. This is a domestic strike, but these are international jobs.

Let me explain briefly how it works. Crewmembers fly routes. A route originates in Europe and lands in New York. A United States or foreign national crewmember can fly that route, and usually both do. Those existing crewmembers have jobs, have routes, and have rights. If we take those rights away, then another foreign country will and can reciprocate to take rights away from U.S. workers. All that the crewmembers are involved with in the United States is class D permits to land, to turn back around and fly the route back. It is not a U.S. job; it is an international job that the foreign crewmember already has. Mr. Speaker, this bill would mandate, would take sides by madating a lock out of those international jobs.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. JEFFORDS], the ranking member of the Committee on Education and Labor.

Mr. JEFFORDS. Mr. Speaker, I rise in strong support of H.R. 285, which would deny airlines the use of foreign strikebreakers in flights to and from the United States. As the ranking Republican on the Education and Labor Committee and an original cosponsor, I urge the House to suspend the rules and pass this bill.

Mr. Speaker, the sound policy underlying this bill is so obvious that it does not need a lengthy explanation. It is beyond comprehension that an American employer should be allowed to use our immigration laws in order to find replacements from beyond our borders for striking employees.

The need for such a prohibition is so clear that its existence in the H-2 Domestic Worker Program has never been challenged. Indeed, the absence of such a prohibition in the crewmember program has gone virtually unnoticed. It was only when an airline used this loophole during a strike in 1986 that it came to our attention.

In reaction to this apparent oversight in the law, we included in last year's immigration reform measure a 1-year prohibition on the entry of nonimmigrant crewmembers during a strike or lock-out. The purpose of the 1-one year timeframe was to allow us to study the issue to see if there really was some sound reason for treating alien crewmembers differently from other temporary foreign workers.

We could find no such reason and, therefore, the committee has reported a permanent prohibition. It is worth noting that no representative of indus-

try appeared before our committee, despite the fact that they were invited. There was testimony submitted for the record, with a suggestion that existing employees be exempted. Yet, no explanation was provided as to why this exemption was needed here, when it does not exist in the H-2 program. Moreover, not a single amendment was offered to the bill, and it was reported on a voice vote. Thus, I think it is entirely appropriate to put this legislation on the suspension calendar.

Meanwhile, both the State Department and the Immigration and Naturalization Service indicated that it would be difficult, if not impossible, to administer a "current employee" exception. No exception was offered in committee and the bill was ordered reported by voice vote.

Mr. Speaker, it has been stated that the use of alien crewmembers has worked smoothly for 70 years without the need for a prohibition such as that contained in this bill. The point is that, for 69 of those years, no company found it necessary to use foreigners to break strikes. Somehow, they managed to cope with the effects of strikes without using the loophole. Now that we know a company can and will use it, it is necessary to close it before it becomes widely abused. Nothing in this bill would prohibit a carrier from hiring replacement workers—they simply would have to be American workers.

This bill simply corrects an inconsistency that heretofore went unnoticed. Let's pass this measure quickly today under suspension and make this technical correction without further delay. I urge my colleagues to vote "aye."

□ 1345

Mr. BARTLETT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. SWINDALL], the ranking member of the Immigration, Refugees, and International Law Subcommittee.

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

Let me first state that we are talking here about an immigration reform, not a labor reform, an immigration reform.

Obviously, it would have been beneficial had we had hearings on this at the Immigration Subcommittee level. I think it is significant that there are no reports here today. You will not find an Immigration Subcommittee report on this subject. In fact, you will not find the chairman of the subcommittee here today.

The point is, this is a major substantive change in the immigration law and yet we have had no hearings.

My friend, the gentleman from California, suggests that it was a deliberate decision made not to have hearings. Let me say, as the ranking member of that committee, that I was never consulted. I certainly would have liked to have had an opportunity to at least have issued a minority report.

The last point I would make is that we hold these hearings during each Congress that we are going to consider because we have a turnover in the Congress. We have had some 15-percent turnover since these hearings were held where a contradictory opinion was reached.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. SWINDALL. The reason I feel, Mr. Speaker, that it would be very beneficial had we had hearings, we could have cleared up the misconception and misrepresentation in terms of what really is occurring in our immigration law. Under current law, these individuals would not be locked out because they were grandfathered. That is to say if they were already in place, already working, they would not be kicked out.

This is a substantive change in the intent of Congress and the substantive change is that these individuals would be deprived of an existing job for which they have already been hired.

We are not taking away American jobs here. We are taking away an individual job granted to a foreigner, but still their jobs are effectively removed as a result of this substantive immigration change.

Mr. CLAY. Mr. Speaker, I yield myself whatever time I might consume.

Let me attempt to clarify the statements that are being made that are inaccurate.

This is both an immigration bill and a labor bill, but they, the Labor Committee, had the primary jurisdiction on this bill, the Judiciary Committee had an opportunity, if they so chose, to act on this bill. They choose to concur with the position being taken by the Labor Committee and are supportive of this position. So if there was no action coming from the Judiciary Committee, it is because there was no will and nobody requested any action.

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

Mr. CLAY. Yes, I yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Speaker, my concern with the gentleman's statement is this. It is a change in the immigration law by definition. My point is, how can you say that the Immigration Committee made decisions when the minority, that is, the ranking member, was never consulted on it?

Mr. CLAY. Mr. Speaker, I reclaim my time.

I still contend that if the Judiciary Committee had wanted to act, they would have acted. The ranking minority member should have requested such action.

In addition to that, Mr. Speaker, I do not know why we should permit in our land to have an exemption to use current alien employees to replace American workers under any circumstances, and that is precisely what TWA admitted to this committee that they did, that they hired people as contingent workers in anticipation of a strike and they used those people in that behalf.

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

Mr. MURPHY. Mr. Speaker, I thank Chairman CLAY for yielding me this time and commend him for bringing this very needed legislation out on the floor.

It is both an immigration matter and a labor matter. It is a matter concerning the American economy and the economy of American workers as well.

I say, in answer to the gentleman from Georgia, this bill was introduced in January 1987. Any member of that committee who would have been interested in the measure could have called it to the attention of his chairman, called it to the attention of the minority members, requested a hearing, could have done anything they wanted in order to have that committee review it.

It has been under study by this Congress for well over a year. That is why today it should be considered under suspension.

The very fact is that we, the U.S. Government, have been granting an exception under our regular immigration laws, and that exception has been to the detriment of American seamen and to the detriment of American airline personnel.

Now, how can we in good conscience say that we are protecting labor, we are protecting people, when we have an exception on the books that particularly adversely affects American citizen employees of our airlines and our maritime service?

Mr. Speaker, I urge the Members to join us in voting for suspension today.

Mr. BARTLETT. Mr. Speaker, I yield myself my remaining 1½ minutes.

Mr. Speaker, I seek to try to put this debate into context, and let me add some additional facts.

First of all, there is more opposition to this bill from the Education and Labor Committee than was developed at the markup, because the markup happened rather suddenfly and members, frankly, were not advised of the consequences of this bill.

The bill, to read the summary of it and the description, sounds pretty

good. The difficulty is the bill also mandates a lockout of current employees, and that was on the basis of a 15-minute briefing in our caucus followed by a very quick markup. There was not really ample opportunity to discover that.

I am advised that there was one hearing somewhere in a subcommittee. I was not a member of that subcommittee, and I did not know of that hearing at the time.

Further, the Judiciary Committee has acted on this matter at one time. They acted in 1986. It is the only time they ever acted in exactly the opposite direction.

Today there is no letter from the Judiciary Committee. There is no markup. There is no hearing report. There is no hearing record. There is no report. There is just simply a substantive unilateral change of multilateral immigration law.

I do call to the attention of the other Members that there is a dissenting view that was published after the markup in the dissenting views, signed by Congressmen BARTLETT, PETRI, GOODLING, BALLENGER, and ARMEY.

There are other members of the Education and Labor Committee who plan to vote against this bill, but it is difficult to go up against the ranking member of our own party and seem to advocate foreign nationals; but the fact is if we pass this bill, it is going to be contrary to the best interests of U.S. workers. It is also correct that neither the State Department nor INS supports this legislation. They along with the Department of Justice and the administration oppose the legislation.

Mr. Speaker, I urge a "no" vote to pass this legislation.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking minority member of the subcommittee.

The SPEAKER pro tempore. The gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 2 minutes.

Mrs. ROUKEMA. Mr. Speaker, I want my colleagues to know that this part of our immigration laws is broken. It has got to be fixed and it has got to be fixed here.

The TWA strike proved that the law was deficient, that there was a gaping loophole.

What our opponents now say is that we should retain that loophole in the form of their proposed exemption. If we were to keep that exemption, the loophole would be big enough to drive a 747 through.

As far as this red herring about the Judiciary Committee is concerned the committee had 1 year in which to act including a 60-day sequential referral of this bill. They chose not to act and in this body, that is considered consent.

One final point. There has been an intimation here today that these are not American jobs that we are talking about. Indeed these are American jobs. They are American-owned companies with American employees protected by American labor law. It is only because of our immigration laws that alien foreign workers are permitted to fill these jobs. If we are to reject this legislation today, not only will these foreign aliens be permitted on their current jobs, which is perfectly correct and feasible, but they may also be used to break strikes of American workers and deny other American workers further job opportunities.

In conclusion I see absolutely no reason why this should be controversial. It is simply making our laws consistent, whether they be immigration or labor laws and is completely consistent with all previous legislation. It is the closing of an unintended loophole, a loophole, that we do not want exploited at the expense of American workers.

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

Mr. DAVIS of Michigan. Mr. Speaker, I rise in strong support of H.R. 285, prohibiting the use of aliens to replace striking American workers on U.S. ships or aircraft entering this country. We should not allow foreign competition of interfere in domestic labor disputes.

While the Federal Government has been in the position of trying to help resolve labor disputes through mediation, I believe it is agreed that we, the Federal Government, should not take sides, that we remain neutral. For instance, we do not provide Federal funds to either party in a labor dispute.

What is happening, however, is that Federal immigration laws are being used to allow replacement of American workers with alien workers during such disputes, belittling our workers' ability to maintain a reasonable influence on labor-management negotiations.

This is unfair and should be stopped. H.R. 285 will do that, and I urge my colleagues to support it.

Mr. FORD of Michigan. I rise in support of H.R. 285, which would prevent the importation of foreign strikebreakers during labor disputes involving airlines or vessels. And I would like to salute the bill's authors, the gentlelady from New Jersey and the gentleman from Missouri, for their leadership on this issue.

H.R. 285 is a simple bill which has a single purpose—to close an unintended gap in our immigration laws that allows the admission of alien workers to the United States to take the jobs of Americans employed as airline or vessel crewmembers. As others have pointed out, this gap is not merely theoretical. In 1986, TWA exploited this loophole in order to staff its flights to and from the United States with foreign scabs, many of them hired and trained solely for that purpose. With that unfair advantage, TWA broke the flight attendants' strike, at tremendous cost to those American workers in terms of lost jobs, lost wages, and lost benefits.

Our immigration laws are supposed to protect the American labor market against the exploitation of alien workers, and generally speaking, they do. There should be no exception for airlines. I must admit, I am not moved by those who argue that this bill will require the airlines to lock out their foreign flight crews. It may be that some foreign employees will be temporarily disadvantaged during a strike, but my sympathies lie with the American workers, not the aliens.

The gentleman from Texas [Mr. BARTLETT] and others who worry about locking out foreign employees should look at the other side of the equation. Their solution, to allow foreign employees hired before a labor dispute begins to continue working, is tailor-made for union-busting. TWA could hire additional aliens in anticipation of a labor dispute (as it did in 1986), lock out its American workers, and replace the Americans with aliens—without the U.S. workers ever calling a strike.

Once again, I am far more worried about the possibility that American workers would be locked out and replaced by aliens than I am about the reverse.

Join me in protecting American workers. Support H.R. 285.

Mr. HAWKINS. Mr. Speaker, I rise in support of H.R. 285, a bill to deny to a nonimmigrant crewmember entry status to the United States during certain labor disputes. This is a very limited proposal designed to insure American workers the freedom to exercise their right to strike without fear that foreign workers will be used as strike breakers. It involves only American companies and their employees when they are involved in overseas travel with either a departure or arrival point in the United States.

A review of the record of the strike between TWA and the Independent Federation of Flight Attendants in 1986 illustrates the need for this legislation. The company admitted in written testimony submitted for the subcommittee hearing that it "trained a number of its European-based employees as contingent flight attendants in the event that those represented by IFFA elected to strike." The company explicitly made advance preparations for the use of aliens as strike replacements.

This use of foreign labor as a means of breaking a strike between an American union and an American company is inconsistent with the very foundation of our labor laws, and should not be allowed simply because of a gap in our immigration laws. This bill closes this gap.

Mr. Speaker, we have long appreciated the value of the right to strike and have limited admissions in other instances such as H-2's when there is a labor dispute in progress. This is not new law, it is consistent law, especially if we care about American jobs. I urge my colleagues to support H.R. 285.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 285, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore (Mr. GRANT). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## ORPHAN DRUG AMENDMENTS OF 1988

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3459) to amend the Federal Food, Drug, and Cosmetic Act to revise the provisions respecting orphan drugs and for other purposes, as amended.

The Clerk read as follows:

H.R. 3459

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Orphan Drug Amendments of 1988".

SEC. 2. DESIGNATION AS AN ORPHAN DRUG.

(a) REQUEST.—Section 526(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)(1)) is amended by adding after the first sentence the following: "A request for designation of a drug shall be made before the submission of an application under section 505(b) for the drug, the submission of an application for certification of the drug under section 507, or the submission of an application for licensing of the drug under section 351 of the Public Health Service Act.".

(b) DISCONTINUANCE.—Section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) is amended by redesignating subsections (b) and (c) subsections (c) and (d), respectively, and by adding after subsection (a) the following:

"(b) A designation of a drug under subsection (a) shall be subject to the condition that—

"(1) if an application was approved for the drug under section 505(b), a certificate was issued for the drug under section 507, or a license was issued for the drug under section 351 of the Public Health Service Act, the manufacturer of the drug will notify the Secretary of any discontinuance of the production of the drug at least one year before discontinuance, and

"(2) if an application has not been approved for the drug under section 505(b), a certificate has not been issued for the drug under section 507, or a license has not been issued for the drug under section 351 of the Public Health Service Act and if preclinical investigations or investigations under section 505(i) are being conducted with the drug, the manufacturer or sponsor of the drug will notify the Secretary of any decision to discontinue active pursuit of approval of an application under section 505(b), approval of an application for certification under section 507, or approval of a license under section 351 of the Public Health Service Act.".

SEC. 3. FINANCIAL ASSISTANCE

(a) MEDICAL DEVICES.—Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) In subsection (a), by inserting "(1)" after "assist in" and by inserting before the period a comma and "(2) defraying the costs of developing medical devices for rare diseases or conditions", and

(2) in subsection (b)(2)—

(A) by inserting "(1) in the case of a drug," after "means" in the first sentence and by adding before the period in that sentence a comma and "(2) in the case of a medical device, any disease or condition that occurs so infrequently in the United States that there is no reasonable expectation that a medical device for such disease or condition will be developed without assistance under subsection (a)", and

(B) by striking out "under this subsection" in the last sentence and inserting in lieu thereof "under section 526 of the Federal Food, Drug, and Cosmetic Act".

(b) MEDICAL FOODS.—Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) in subsection (a) (as amended by subsection (a)), by inserting before the period a comma and "and

(3) defraying the costs of developing medical foods for rare diseases or conditions",

(2) in subsection (b)(2) (as amended by subsection (a)), by inserting before the period at the end of the first sentence a comma and "and (3) in the case of a medical food, any disease or condition that occurs so infrequently in the United States that there is no reasonable expectation that a medical food for such disease or condition will be developed without assistance under subsection (a)", and

(3) by adding at the end of subsection (b) the following:

"(3) The term 'medical food' means a food which is formulated to be consumed or administered enterally under the supervision of a physician and which is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.".

(c) AUTHORIZATION.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

"(c) For grants and contracts under subsection (a) there are authorized to be appropriated $10,000 for fiscal year 1988, $12,000,000 for fiscal year 1989, $14,000,000 for fiscal year 1990.".

(d) STUDY.—The Secretary of Health and Human Services shall conduct a study to determine whether the application of subchapter B of chapter V of the Federal Food, Drug, and Cosmetic Act (relating to drugs for rare diseases and conditions) and section 28 of the Internal Revenue Code of 1986 (relating to tax credit) to medical devices or medical foods for rare diseases or conditions or to both is needed to encourage the development of such devices and foods. The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than one year after the date of the enactment of this Act. For purposes of this section, the term "rare diseases or conditions" has the meaning prescribed by section 5 of the Orphan Drug Act (21 U.S.C. 360ee).

SEC. 4. NATIONAL COMMISSION ON ORPHAN DISEASES.

Section 4(n) of the Orphan Drug Amendments of 1985 (42 U.S.C. 236 note) is amended by striking out "September 30, 1987" and inserting in lieu thereof "February 1, 1989".

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3459, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, 5 years ago the Congress passed the Orphan Drug Act, incorporating into legislation the public's strong resolve to discover and develop drugs for rare diseases. At the time, we had high expectations and we talked of the enormous good the act could do.

Today, all Members can point with pride to the incredible success of the Orphan Drug Program. In 5 years, development and testing of 188 orphan drugs has taken place and 24 orphan drugs have been approved. This represents over five times as many drugs under development since the act as during the 10 years prior to enactment.

The Orphan Drug Act was adopted in January 1983 and amended in 1984 and 1985. Our years of experience now indicate that the reauthorization of the Orphan Drug Grant Program and some further fine tuning of the act is warranted. H.R. 3459 will accomplish the needed changes.

The bill extends the authorization for the Orphan Drug Grant Program for 3 years, fiscal years 1988-90, and expands the program to allow grants for the development of orphan medical devices and orphan medical foods. These grants have proven to be very instrumental in the development of many orphan drugs. They are awarded by the Food and Drug Administration to independent researchers when no private pharmaceutical company will

sponsor the testing and development of an orphan drug. The results are then used to encourage pharmaceutical companies to sponsor the drugs. The expansion of the grant program to include orphan medical devices and orphan medical foods is necessary because the lack of financial incentives deterring orphan drug work also affects these other products.

The bill also directs the Secretary of Health and Human Services to study whether the other provisions of the Orphan Drug Act that encourage private company development, should be available to companies working on orphan medical devices and orphan medical foods.

The bill also amends the orphan drug provisions in the Federal Food, Drug and Cosmetic Act to assure that companies which choose to stop the production of an approved orphan drug provide notice to the FDA 1 year prior to discontinuing the drug. The 1-year notice will give the agency the opportunity to try to secure another manufacturer so that patient care is not disrupted.

Mr. Speaker, one provision in H.R. 3459, as reported by the Committee on Energy and Commerce, has been deleted from the bill before us. That provision dealt with the 7-year period of market exclusivity that is currently awarded to an approved orphan drug.

The purpose of market exclusivity is to protect the company that develops an orphan drug whose patent has expired or would expire by the time the drug can be tested and approved. Exclusivity assures such a company that it can offset some or all of its costs of development by recouping all possible revenues from the sale of the drug during the 7-year period of exclusivity.

Market exclusivity is intended to be an incentive to develop orphan drugs with little or no commercial value and inadequate patent protection. However, it can also be used to block competitors of drugs with significant commercial value due to the very high prices that are charged for them. In such cases, a company would seek to designate a drug as an orphan drug solely to get market exclusivity that would cut off competitors who might also seek approval of the drug.

In at least one case so far, with human growth hormone, market exclusivity has been used to block several companies that would like to sell the drug. These additional companies are interested because the price of human growth homone is estimated to be $10,000 per person per year. So even with this small market of 10,000 patients, human growth hormone is a very successful drug.

In addition to human growth hormone, there are several other drugs now under development where more than one sponsor is seeking approval because of the drug's perceived commercial value.

These commercially viable—even highly profitable—drugs fit within a strict construction of the Orphan Drug Act. But the Congress never intended to extend the benefits of the act to such drugs.

While I believe this unintended use of the act must be stopped, there is considerable disagreement over how the act should be changed. Because we do not want to jeopardize the reauthorization of the grant program, I believe Congress should pass these amendments and return to the problems of market exclusivity at a later time.

Mr. Speaker, I am deeply concerned with what I believe is the increasing use of the Orphan Drug Act by companies to cover highly profitable drugs. The act has already done enormous good in 5 short years. We should not allow profit motivated companies to endanger this successful law. I intend to follow this matter closely and expect to introduce legislation in the near future.

The Orphan Drug Act has always enjoyed broad bipartisan support. The bill before us warrants the continued support of all Members.

□ 1400

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

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

Mr. Speaker, today we are considering amendments to the orphan drug law that we passed in 1983. I firmly believe that over the past 5 years the orphan drug law has played a really important role in encouraging the development of drugs for those limited patient populations which have rare diseases. The pharmaceutical industry has responded quite favorably to the incentives in the law. Evidence clearly indicates that manufacturers have devoted substantial resources toward the development of orphan drugs. As of last week, the Food and Drug Administration reports that 190 drugs have been designated as orphans under the law—and some 24 of these have been approved for market distribution.

It is important to note that the amendments considered today do not alter any of the key provisions in the law that have accounted for the industry research and development on orphan drugs. Instead, the amendments are narrowly focused on reauthorizing the FDA's authority to make grants for the development of orphan drugs. The amendments will also help the FDA improve its administration of the law and develop information on whether the incentives in the law should be extended to cover medical devices and medical foods.

The Orphan Drug Program's greatest strength over the years is the widespread support that it enjoys—from the Congress, the administration, the patients, and the pharmaceutical manufacturers. However, this consensus has been seriously tested over the past few months, while possible changes to the current law's exclusive marketing incentives have been contemplated. Many suspect that the central goal of the law—that of encouraging the development of orphan drugs—might be compromised by the approaches suggested thus far to address perceived problems associated with a few orphan designations.

Accordingly, I am pleased that the decision was made to hold off trying to address these preliminary concerns regarding the scope of the exclusive marketing provision, until more information is developed on whether changes to the current law are in fact needed. Moreover, if changes are found to be necessary, additional efforts must be made by all concerned to reach a consensus on how the changes should be fashioned. I believe that it is imperative that we maintain a consensus behind this program to ensure its continued viability and success.

In conclusion Mr. Speaker, I support the bill before us. I want to commend my colleague, subcommittee Chairman WAXMAN, for his efforts in developing this bill, and for deleting sections of the bill reported out of committee which might have threatened the broad support enjoyed by the orphan drug law.

Mr. Speaker, I have further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3459, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3757, by the yeas and nays; H.R. 285, by the yeas and nays; and H.R. 3459, by the yeas and nays.

The Chair will reduce to a minimum of 5 minutes the time for each additional vote after the first such vote in this series.

## FEDERAL EMPLOYEES' LEAVE-TRANSFER ACT OF 1988

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3757, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 3757, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 9, not voting 15, as follows:

[Roll No. 38]

YEAS—408

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Mack
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—9

Badham
Cheney
Kyl
Lukens, Donald
Marlenee
McCandless
Nielson
Stump
Walker

NOT VOTING—15

Aspin
Biaggi
Chappell
Espy
Gephardt
Gray (IL)
Gray (PA)
Hayes (LA)
Kemp
Levine (CA)
Lightfoot
Madigan
Martinez
Mica
Price (IL)

□ 1428

Messrs. COYNE, MOLINARI, BILIRAKIS, and DENNY SMITH changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRANT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

## DENIAL OF NONIMMIGRANT CREWMEMBER STATUS IN THE CASE OF CERTAIN LABOR DISPUTES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 285, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 285, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 302, nays 114, not voting 16, as follows:

[Roll No. 39]

YEAS—302

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Clarke
Clay
Clement
Clinger
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos

Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
MacKay
Manton
Markey
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—114

Andrews
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boulter
Brown (CO)
Bunning
Burton
Chapman
Cheney
Coats
Craig
Crane
Dannemeyer
Daub
de la Garza
DeLay
DeWine
Dickinson
Dreier
Edwards (OK)
English
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Gradison
Hall (TX)
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
Martin (IL)
McCandless
McCollum
McCurdy
McEwen
Montgomery
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Petri
Porter
Ray
Rhodes
Roberts
Rogers
Roth
Schulze
Sensenbrenner
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Thomas (CA)
Upton
Valentine
Vucanovich
Walker
Weber
Whittaker
Young (FL)

NOT VOTING—16

Aspin
Biaggi
Chappell
Dicks
Gephardt
Gray (IL)
Gray (PA)
Hayes (LA)
Kemp
Levine (CA)
Lightfoot
Madigan
Martinez
Mica
Michel
Price (IL)

□ 1435

Mr. RAY changed his vote from "yea" to "nay."

Messrs. McMILLAN of North Carolina, PURSELL, YOUNG of Alaska, and TAYLOR changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read "A bill to amend the Immigration and Nationality Act to deny crewmember status in the case of certain labor disputes."

A motion to reconsider was laid on the table.

## ORPHAN DRUG AMENDMENTS OF 1988

The SPEAKER pro tempore (Mr. GRANT). The pending business is the question of suspending the rules and passing the bill, H.R. 3459, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3459, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 409, nays 1, not voting 22, as follows:

[Roll No. 40]

YEAS—409

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)

| | | |
|---|---|---|
| Smith (TX) | Swift | Walker |
| Smith, Denny (OR) | Swindall | Watkins |
| Smith, Robert (NH) | Synar | Waxman |
| Smith, Robert (OR) | Tallon | Weber |
| Snowe | Tauke | Weiss |
| Solarz | Tauzin | Weldon |
| Solomon | Taylor | Wheat |
| Spence | Thomas (CA) | Whittaker |
| Spratt | Thomas (GA) | Whitten |
| St Germain | Torres | Williams |
| Staggers | Torricelli | Wilson |
| Stallings | Towns | Wise |
| Stangeland | Traficant | Wolf |
| Stark | Traxler | Wolpe |
| Stenholm | Udall | Wortley |
| Stokes | Upton | Wyden |
| Studds | Valentine | Wylie |
| Stump | Vander Jagt | Yates |
| Sundquist | Vento | Yatron |
| Sweeney | Visclosky | Young (AK) |
| | Volkmer | Young (FL) |
| | Vucanovich | |
| | Walgren | |

NAYS—1

Crane

NOT VOTING—22

| | | |
|---|---|---|
| Akaka | Hunter | Martinez |
| Aspin | Jenkins | Mica |
| Biaggi | Kemp | Oberstar |
| Chappell | Levine (CA) | Price (IL) |
| Gephardt | Lewis (CA) | Schulze |
| Gray (IL) | Lightfoot | Stratton |
| Gray (PA) | Lowery (CA) | |
| Hayes (LA) | Madigan | |

□ 1446

Mr. PURSELL changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. AKAKA. Mr. Speaker, I did not vote on H.R. 3459. Had I voted, I would have voted "yea."

## NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 255) to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. MORRISON of Washington. Mr. Speaker, I would like to thank both the chairman of the subcommittee, the gentleman from California, and the gentlewoman from Maryland for their cosponsorship of this important resolution. I would also like to express my appreciation to the over 225 of my colleagues who have joined me in sponsorship of National Organ and Tissue Donor Awareness Week.

The need for organ and tissue donation is a great one. We have all been reminded of this need far too many times through letters describing the pain and frustration endured by our own constituents seeking suitable organs and tissues for transplantation. In my district, 4-month-old Holly Nelson of Yakima suffers from biliary atresia, a congenital disease of the liver, and is in need of a liver transplant if she hopes to celebrate her first birthday. Like Holly, Kimberly Anthis of Entiat, and Ben Contine of Richland needed and received successful liver transplants.

But the pool of available organs nationwide is simply too small to accommodate all those needing lifesaving transplants. Right now, more than 12,500 people in the United States are awaiting kidney transplants. More than 800 are waiting for heart transplants. Almost 500 are on waiting lists for liver transplants, more than 150 for heart-lung transplants, and close to 100 for pancreas transplants. I strongly believe if more people were aware of the tremendous need for organ and tissue donors, thousands of additional lives could be saved each year.

Mr. Speaker, my goal is to encourage families to take time to talk about organ donation during this special week of April 24 through April 30, and to join me and thousands of other Americans in signing and carrying an organ donor card. Donor cards will be available throughout the week at local hospitals and chapters of the National Kidney Foundation, and are always available through the American Council on Transplantation by calling 1-800-ACT-GIVE. You too could give someone like Kimberly Anthis, Ben Contine or little Holly Nelson the gift of life.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 255

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week.".

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 upon the table.

## NATIONAL DRINKING WATER WEEK

Mr. ACKERMAN. 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. 185) to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week." and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, as a cosponsor of House Joint Resolution 381, I urge my colleagues to support the bill which designates April 24 through April 30, 1988, as "National Drinking Water Week."

As a nation, Mr. Speaker, we now have clean, safe water flowing through our taps. However, it was not so long ago that some of cannot remember that everyone did not have this luxury. It is due to the commitment of dedicated people that clean water has become the norm in our lives; we barely give it a second thought as we turn on the faucet and drink potable water. We owe an expression of appreciation to these people who operate the storage, collection, treatment, and distribution of this precious commodity.

The Washington Suburban Sanitary Commission [WSSC], which serves the bicounty areas of Montgomery and Prince George's Counties, MD, is performing laudable service; the public is being well served and at the same time the WSSC is making strides in improving the quality of water which is received in our homes, and the treatment of waste water as it flows back to the source. I want to take this opportunity to express a special note of thanks to WSSC and to encourage it to continue its good work.

Mr. Speaker, I urge my colleagues to support Senate Joint Resolution 185 and commend the gentleman from New Jersey for introducing the measure in the House.

Mr. ROE. Mr. Speaker, I want first of all to thank Chairman FORD, Mr. DYMALLY, the distinguished chairman of the Subcommittee on the Census and Population and the gentlelady from Maryland, whom I have the pleasure of sitting with on my Science and Technology Committee, Mrs. MORELLA, for their support on the expedient passage of Senate Joint Resolution 185, the "National Drinking Water Week." I would also commend my fellow sponsors of the identical House bill, House Joint Resoution 391, for their assistance and attention to a matter which is of growing concern to our Nation.

You have heard my statements over the years with regard to the great importance of water. My colleagues and I worked for years to pass the Clean Water Act and Superfund legislation in order to protect our precious supply of this most valuable resource. With this legislation, we have the opportunity to make the public more aware of the need to act now to insure that in the future we will have safe, adequate supplies of drinking water.

Every day we are reminded that this resource like any other is finite and can be contaminated through carelessness or accident. The recent incident on the Monongahela River

which left over 1 million people with either contaminated supplies or no drinking water whatsoever is only one example of how man's encroachment on the environment can have serious consequences. Simply finding adequate reservoirs to treat and distribute has become a nationwide problem. It is no longer true that only arid regions in the west are faced with this difficult task. Population pressures have peaked demand and made this an issue of concern for areas throughout the entire country.

Drinking water obviously does not appear from the tap by magic and yet for the most part none of us gives it a second thought when we fill our glasses. Many persons playing many different roles are involved in the distribution of what we have all come to take for granted—fresh, safe drinking water. Without water there would be no life. And I believe it is very appropriate to not only honor those who work to provide this necessity to us, but also to make us more aware of and to educate all of us to the vital need to protect and preserve our water resources.

Finally, Mr. Speaker, I would like to commend the American Water Works Association with the National Water Alliance and all the organizations which lent their support for their work to bring this legislation to life and insure May 2 through May 8 will more than enhance public awareness in name only. Often simply making persons aware of a problem will put you more than half way down the road toward a solution, and I am confident this will be an important step on this journey.

Mrs. MORELLA. Mr. Speaker I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 185

Whereas water itself is God-given, and the drinking water that flows dependably through our household taps results from the dedication of the men and women who operate the public water systems of collection, storage, treatment, testing, and distribution that insures that drinking water is available, affordable, and of unquestionable quality;

Whereas the advances in health effects research and water analysis and treatment technologies, in conjunction with the Safe Drinking Water Act Amendments of 1986 (Public Law 99-339), could create major changes in the production and distribution of drinking water;

Whereas this substance, which the public uses with confidence in so many productive ways, is without doubt the single most important product in the world and a significant issue of the future;

Whereas the public expects high quality drinking water to always be there when needed; and

Whereas the public continues to increase its demand for drinking water of unquestionable quality: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period commencing on May 2, 1988, and ending on May 8, 1988, is designated as "National Drinking Water Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, activities, and programs designed to enhance public awareness of drinking water issues and public recognition of the difference that drinking water makes to the health, safety, and quality of the life we enjoy.

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 upon the table.

## GENERAL LEAVE

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

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will begin to recognize Members for special order speeches subject to receipt of a message from the Senate on the veto of S. 557.

## ORDER OF BUSINESS

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that the 30-minute special order I had for today be coverted to a 5-minute special order.

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

There was no objection.

## THE NEXT STEP IN ARMS CONTROL

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

Mr. MORRISON of Washington. Mr. Speaker, debate over the historic INF Treaty has been underway for several months, yet only recently has much attention been given to the nuclear materials contained in those missiles. More specifically, the question has been asked: What is to come of those materials once the missiles are dismantled?

The INF Treaty calls for the most stringent verification measures ever negotiated in an arms agreement. But the plutonium and enriched uranium in the missiles are not destroyed—they go back into stockpiles. This has given rise to a growing school of thought that truly verifiable arms control is not possible unless the "gunpowder" is destroyed along with the "musket."

While the amount of plutonium and uranium in the missiles covered by the INF Treaty is just a fraction of total United States and Soviet arsenals, I believe future, more expansive agreements will mandate the disposal of these materials as well as their delivery systems.

Why? I'll answer that with another question: Can arms control, in the truest sense of the term, really become a reality if the weapons materials are not destroyed? Failure to dispose of the weapons materials means they're available for use in other missiles that could be deployed in a clandestine manner.

Politically, psychologically, and militarily, I think sentiment on both sides of the Iron Curtain calls for these materials to be done away with. Moreover, no matter how secure the stockpiled materials, may be, the assurance that they will never in any way threaten our environment cannot be guaranteed unless they are destroyed.

Today I have introduced a bill that I think will bring us closer to the next plateau in securing a lasting peace in the nuclear age. It calls for the Department of Energy to conduct, in partnership with the Soviet Union, a pilot project to test the feasibility of destroying weapons-grade nuclear materials.

DOE has the expertise to dismantle nuclear weapons and the capability to safely burn the nuclear materials from those reactors in its liquid metal reactors at Hanford, WA, and Idaho Falls, ID. My bill calls for the Secretary of Energy to devise a plan for conducting a pilot project and to report to Congress within 3 months the timetable and funding requirements for carrying out the plan. After it is completed, the President will have the option of inviting the Soviet Union to participate in the project.

Combined with, first, the administration's determination that the Nation's plutonium stockpile has reached required levels and, second, the pending START accord that would free up untold amounts of weapons materials, it's clear we must be prepared for a new era in preserving peace. This project would be a giant step to meeting the demands of the new era. Let's have the technology ready to go when we need it.

## THE VOTE TO OVERRIDE PRESIDENT REAGAN'S VETO OF THE CIVIL RIGHTS RESTORATION ACT, S. 557

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

Mr. WEISS. Mr. Speaker, last week, President Reagan vetoed the most important civil rights bill passed by Congress in many years. He did so while claiming that "there is no matter of greater concern to me than ensuring that our Nation is free of discrimination." According to the Leadership Council on Civil Rights, it was the first veto of a civil rights bill in 120 years.

The veto must be overridden.

The overwhelming margins by which the House and Senate passed the Restoration Act sent a clear message to the White House that the Congress would not tolerate federally financed

discrimination. Unfortunately, it seems that the President's general disregard for justice and equality, encouraged by the shrill rhetoric of his extremist cohorts, impeded his ability to fairly judge the issue.

It has been 4 years since the Supreme Court ruled in Grove City College versus Bell that Federal antidiscrimination laws apply only narrowly to particular federally supported programs, and not to recipient institutions as a whole. While the Grove City case specifically applied to title IX of the Education Amendments of 1972, the ruling has been interpreted to include 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 the result, women, minorities, the disabled, and the elderly have been denied the protection which Congress specifically intended them to receive.

Clearly, the Court misinterpreted the intent of Congress, and we have been working ever since to clarify the coverage of those laws.

Our recent vote in support of the Civil Rights Restoration Act reflected our strong bipartisan commitment to equal rights and equal treatment under the law. We cannot now be intimidated by false information and vitriolic threats. Federally financed discrimination must come to an end.

I urge my colleagues to vote in favor of the resolution to override the President's veto.

## MIDWEST FARM PRODUCERS IMPACTED BY USDA DECISION

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

Mr. BEREUTER. Mr. Speaker, I would like to bring to the attention of this body a recent decision made by the Secretary of Agriculture which will have profound negative financial impact on farmers in my State, and, I believe, the taxpayers of this country. Mr. Speaker, I refer to the Secretary Richard Lyng's recent decision not to extend 9-month Commodity Credit Corporation [CCC] 1987 crop loans for wheat and feed grains that mature after March 1, as well as the Department's apparent refusal to extend 1-year loans on the 1985 and 1986 crops of wheat and feed grains approaching maturity. It also appears that the Department is prepared not to renew loans on crop years prior to 1985. I have been urging the USDA to modify the recent decision to allow for a more orderly delivery of grain stored on the farm.

As I review the USDA's most recent plan to move grain held in the farmer-owned reserve to the market pipeline, I am deeply concerned with the economic and logistical problems the proposal will cause. While large quantities of grain are beginning to move in order to satisfy domestic and export needs, and while the market prices for the major commodities are not fortunately comparable to loan rates, I believe that the USDA must reverse or modify its decision in order to minimize the negative financial impact on producers and to avoid the logistical problem that would inevitably occur when an extraordinary amount of grain is moved out of the farmer-owned reserve into commercial channels.

Mr. Speaker, it has been estimated by USDA officials and agricultural economists that nearly 1 billion bushels of feed grains will be needed to meet the increased export demands for the remainder of this year. However, the effect of the decision not to extend the crop loans for the 1985 through 1987 crop years, and the effect of calling the farmer-owned reserve grain into commercial channels, will result in the estimated movement of over 2.7 billion bushels from June through September for the market pipeline to absorb. The USDA would have us believe that there will be room for this additional grain in commercial facilities. However, it is no secret that most country elevators in Nebraska are currently filled to capacity and are having difficulty obtaining rail cars needed to move large volumes of grain. In fact, shippers throughout my district have been experiencing delays in receiving rail hopper cars for up to 90 days from the time the cars were ordered. Furthermore, delays of 5 to 6 weeks are commonplace.

I am also concerned that the USDA is neglecting the congressional intent of the Budget Reconciliation Act of 1987 which, under the farm program adjustments, called for a $230 million reduction in the CCC storage and handling payments made to commercial storage facilities over the next 2 years. It would appear that by in effect forcing farmers to forefeit and deliver their crops to local elevators and commercial facilities, the $230 million savings will be achieved out of the pockets of our producers. Instead of allowing farmers to extend their loans and to continue receiving the much lower storage rate, the CCC will pay for additional handling charges and increased storage payments for commercial warehousing.

Mr. Speaker, in the State of Nebraska alone, the USDA action will result in the movement of over 1.4 billion bushels. Almost 1 billion bushels of corn from crop years 1986 and 1987 alone will be displaced from farm storage to commercial elevators. In purely economic terms, this shift of grain from on-farm storage where Government payments to farmers is at 26.5 cents per bushel, would result in the loss of over $242 million in income to our producers. On the other hand, the Government would have to pay the commercial facility where the farmer must deliver his grain an average of 35 cents per bushel storage for a total of $323 million. This last amount does not include additional handling charges that the Government is required to pay to commercial facilities.

Given the shortage of space at commercial facilities, more temporary storage will have to be made available at warehouse rates. In fact, the USDA has already approved temporary storage at commercial warehouses amounting to over 500 million bushels for 1987-crop grain. Mr. Speaker, in order to emphasize the total unfortunate economic and budgetary impact of the USDA decision, I would like to call to the attention of this body the results of a recent GAO study on what the Government paid to a dozen grain companies for the temporary storage of 65 million bushels of feed grain. The grain was stored in the fall of 1986 on over 1,200 river barges, for a period of 4 months, for a grand total to the taxpayer of $62 million. This temporary storage program cost the taxpayer 69 cents per bushel over and above the normal costs for shipping, storing and disposing of the grain, or an additional $44.8 million. Given this record, I strenuously ask the USDA to reconsider a decision which moves an additional 500 million bushels of 1987-crop grain into temporary storage. Why do that when there is adequate storage capacity in on-farm facilities at bargain rates?

I have been informed by reliable sources within Nebraska that should commercial space be available at all, it would be in the western Panhandle of the State where large stocks of wheat are being shipped to north-western terminal markets. However, because the majority of on-farm storage is corn and other feed grains destined for gulf terminal markets, this would seem to be an excessive demand on already strained transportation systems. Farmers, elevator operators and railroads could not begin to imagine the nightmare that would result in loading unit trains with feed grains, shipping and storing them in western elevators, reloading trains with the same commodities a few months later and shipping it back east for eventual delivery of gulf ports.

As an alternative to the USDA's absurd plan, I have been advancing a proposal for a 9-month extension on all crop loans for 1986 through 1987. Storage payments to producers should continue until the CCC has moved most of its own stocks into the market pipeline and storage space at commercial facilities is available. As additional grain is needed for the replenishment of the commercial channels, the USDA should make every effort to

move stored grain from those crop years prior to 1985. This will allow for the orderly movement of the oldest on-farm grain into commercial channels.

Common sense dictates that older farm-stored grain should be delivered before the later crop years to minimize any possible conditioning damage that may have occurred to older grain while in storage. Unfortunately, the CCC seems to have altered the current Uniform Grain Storage Agreement [UGSA] to allow for more latitude in the blending of a unit train in order to expedite a shipment. I would like to quote from a recent edition of a Grain and Feed publication, outlining CCC modifications to this year's UGSA contract being offered to commercial elevators and warehouses.

"Rejection of individual cars of a county elevator unit shipments: Section VII. F. 6 has been added to the contract to provide greater tolerance governing the rejection of individual cars in a unit shipment to CCC from county elevators. The provision states that except for cars grading sample grade, CCC . . . will not reject individual cars of a unit shipment for individual quality factors, including protein, provided that the shipment as a whole is fairly representative of the quality ordered shipped." In addition, the newsletter states that if the loading order or master trust release for CCC-owned grain at a terminal warehouse calls for delivery to CCC of U.S. No. 2 grain, the numerical grade listed on the official certificates of at least one-third of the bushels represented by the warehouse receipts tendered by CCC must be at least No. 2 or better.

What will be used to measure the other two-thirds of the shipment? It would seem the work this body has done in tightening the grain standards will be thrown by the wayside in order to ship quantity instead of quality.

In closing I would again demand that the USDA reexamine the position they have taken in the calling of on-farm grain and to accept the compromise that I have offered to extend 9-month crop loans on the 1986-87 crop years. The USDA must approach the storage situation in an economically feasible manner, and producers and elevator managers throughout Nebraska agree that this is an equitable compromise to the current situation. They also realize that while there is a need to move grain into the market, the USDA's proposal to shift such a massive amount in a short period of time will be nothing short of disastrous. The agricultural sector has had to adjust to the program reductions contained in the recent budget package. To force an additional policy shift on our producers at this critical spring planting period will result in a devastating loss of income to a number of farmers who have agreed to store this grain in good faith.

□ 1500

## SIX-MONTH EXTENSION OF THE DEADLINES UNDER ASBESTOS HAZARD EMERGENCY RESPONSE ACT

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

Mr. ANTHONY. Mr. Speaker, I am introducing a bill, today, to extend the deadlines in the Asbestos Hazard Emergency Response Act of 1986, for 6 months. Let me first state that I recognize the health hazards that asbestos causes, and do not, in any way, wish to minimize the health threat. Rather, my intent is to ensure that we confront this problem in a thorough and responsible manner. For this reason, I am completely supportive of the provisions established in AHERA. It is important that we proceed with efforts to identify and implement plans for removal or management of asbestos material.

However, it has been brought to my attention that numerous school districts will be unable to meet the deadline. Many areas are suffering from a shortage of certified asbestos inspectors, or lack certified State programs for the training of their own personnel. As you are aware, the funds we appropriated last December, in the EPA budget for States to establish their own programs won't even be distributed until April. Therefore, while funding was specifically made available for inspection certification programs to be established under the auspices of the State Departments of Education, the deadline of October 12 does not enable school districts to take advantage of these funds. An extension would enable more school districts to participate in these programs.

I've spoken with officials from several of my school districts, as well as an asbestos company, and they are all working diligently to meet the deadline. Most of the school districts in Arkansas have formed cooperative units to enable them to secure certified inspectors at a reasonable cost, yet the asbestos companies express concern that the imminent deadline will result in a large number of incomplete inspections, or in shortcuts being taken to meet the deadline.

I have introduced this bill to extend these deadlines for 6 months in order to ease the panic and to provide schools with more time to allow them to complete the process correctly. This modest extension cannot be construed as ignoring the existing problems for another year. I believe a 6-month deadline extension is more than adequate in alleviating the pressure from the impending deadline. The intent of my bill is to ensure the proper execution of the AHERA regulations, and that this is accomplished in an expeditious and thorough manner.

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

## IN TRIBUTE TO THE HONORABLE VICTOR WICKERSHAM

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

Mr. ENGLISH. Mr. Speaker, I rise today to pay tribute to a man who graced these Halls for many years, a man whose name is synonymous with public service in his and my home State of Oklahoma.

Mr. Speaker, Victor Wickersham, the elder statesman of Oklahoma politics, passed away last Tuesday evening in Oklahoma City. Intent to the end on serving the people who had come to love him, Victor was an 82-year-old member of the Oklahoma State Legislature when he died.

Those in Congress who are long on seniority will remember Victor Wickersham, and remember him fondly. He was first elected to the House of Representatives by the people of western Oklahoma in 1940, and served here with great distinction for three separate periods before returning home in 1964.

As the Sixth District's Representative in the 100th Congress, I have the honor of trying to live up to the tremendous legacy Victor Wickersham has left behind. He was a man who could always be counted on, someone whose sense of commitment was clear and unyielding. He was the perfect embodiment of the people of western Oklahoma: honest, selfless, and dedicated.

Victor Wickersham moved to Greer County, OK, with his parents in 1915 at the age of 9. Starting as a court clerk in 1926, he spent more than 60 years working on behalf of his neighbors in Greer County and the State. He was to remain there all his life, becoming a fixture to the people of the area, a man whose willingness to help would never waver.

I grew up with his sister in Cordell, OK, and was thus fortunate to be acquainted with Victor's family. All of Oklahoma shares in their loss.

Victor Wickersham was well-known for this saying: "write, wire or call—you always have a friend in Victor Wickersham." Mr. Speaker, that motto was the driving force behind this gentleman's half-century in public life. No request was too small, no person was undeserving of help. It is an attitude that holds a lesson for all of us.

In fact, it was this undeniable calling that led Victor Wickersham out of retirement last winter and back into public life once again. Asked why at the age of 81 he would put aside the quite life he so deserved to serve in the Oklahoma House of Representatives, Vic replied "I tried to retire from politics, but everybody kept saying 'go see

Victor' when hard problems needed fixing."

And so it was that Victor Wickersham was sworn into the Oklahoma Legislature last February 9, exactly 82 years to the minute after his birth. True to form, he dismissed the notoriety of his age, simply saying "I don't know about being the oldest, but I'll be the hardest working one."

Mr. Speaker, I want to extend my heartfelt condolences to Vic Wickersham's family. They have lost a man whose virtues will shine far beyond his death as symbols of the excellence good men are capable of.

## AN OPEN LETTER TO THE PRESIDENT

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

Mr. DORNAN of California. Mr. Speaker, as we take this very unusual break in the middle of a legislative day to await our good colleague and Presidential candidate, the gentleman from Missouri [Mr. GEPHARDT], let me avail myself of this opportunity which sometimes works to speak to the President of the United States directly through my colleagues here in the House and through the Chair. If this were a newspaper, I guess I would make it "Open Letter to the President of the United States."

At the meeting with your Republicans in the House this morning, Mr. President, you addressed an interesting scenario that our very eloquent Member, the gentleman from Illinois [Mr. HYDE] outlined. To paraphrase him only, he saw a scene on a brisk winter day this coming January where the President of the United States in the waning days of his 8-year Presidency would lead an entourage of press with cameras clicking down to the beloved Vietnam Memorial with the names of 58,134 Americans on it, men and women who gave their lives in a fight for freedom, and that there in front of that hallowed wall, you would sign a pardon for Purple Heart, Silver Star and Bronze Star winner, Lt. Col. Oliver North and that you would sign a pardon for a distinguished three-star admiral, first in his class of 1958 at Annapolis, John Poindexter.

I was stuck in traffic on the 14th Street Bridge, Mr. President, so I can only relate what my colleagues told me that you turned your head in that winsome way as you do and said, "Well, the issue is in the courts. I can't comment upon it; but Henry, I like your scenario."

Now, Mr. President, everybody in this Nation knows that you are not going to let this hero who fought for freedom for a nation that now suffers so badly, all of Vietnam, not to mention the killing fields of Cambodia and Laos, but Vietnam still suffers so badly that the average of people trying to escape from that country to freedom last month was over 2,000; the month before over 2,000; the month before, 1,700; the month before way over 2,000. The average, 13 years after the collapse of Saigon under the heel of a Communist aggressor from Hanoi, these many years later, still 2,000 people flee every month and we still do not know how many die every day, day in and day out, in the South China Seas in those tiny, little river boats.

Ollie offered his life and saw his friends give their lives in that battle and he was unwilling, no matter how he conducted himself, to see us portray these young boys and girls that he visited within the Contra freedom fighter camps of Central America, and it was an irony that the indictments came out against Poindexter, North, retired major general of the Air Force, Dick Secord, and his partner, Albert Hakim, ironic that they should come out on the 4-year anniversary of the capture of an American diplomat CIA station chief who was tortured to death, William Buckley, on the 3-year anniversary of a man who is still held, the AP bureau chief, Terry Anderson, who is now 2 weeks into his fourth year, and on the very day that the Communist forces of Nicaragua pushed deep into Honduras in hot pursuit of what my colleague, FORTNEY STARK, described as Contra forces with an average age of less than 14. An average age of less than 14, it is hardly that, but it is not too many years away.

This is what Ollie was unwilling to see, and on the day he was indicted this, as you quote it, Mr. President, invasion and near blood bath of the forces of freedom in Central America was taking place, and only in the last few hours have the Communist forces gone back into Nicaragua.

Now, Mr. President, if you wait until January, the trial may still be going on and you may be an ex-President with no power to pardon at all. If you leave the White House in the capable hands of your courageous and excellent Vice President, then it is a supposition that maybe he will get to give that honorable pardon, provided that Ollie and all do not beat all charges before most juries in this country. I think that is possible.

The one area of the country with this moral vacuum inside the beltway is a one area where all or any of them might get hit with some guilty charges on those indictments.

Mr. President, I propose to you that whoever on your staff is telling you not to pardon them today, tomorrow, the day after tomorrow, is going to rue the day that they ever gave you that advice.

Mr. President, we have already seen the independent counsel waste millions of dollars in this prolonged investigation and not one charge is brought that has anything to do with Iran. It all focuses on communism in Central America.

If you do not pardon Ollie now and save the taxpayers millions of dollars, save a beating for your own party, for your country and the possible turning of the White House over to the likes of some of these people who are campaigning, with the loss of several seats in this chamber and in the United States Senate, with more Carter malaise to follow if we get another gutless Democrat in White House, Mr. President, you can see all of that unfold before you in less than 10 months. If you allow this trial to start in July and deliberately drag on under the most liberal judge in the United States, certainly one of the four or five most liberal, Gerhard Gesell, I cannot understand why you do not bite the bullet. This is in no way analogous to Gerald Ford's pardoning of Richard Nixon, a cheap burglary and a stealing of the playbook of the opposition party and lying and covering up and a lot of self-gain, we are talking about people who were trying to stop a Soviet colony getting a foothold on the isthmus between us in Panama.

Mr. President, in closing, I implore you, stop the procrastination, do the inevitable, right now pardon Ollie North and John Poindexter, Secord and Hakim will take care of themselves with excellent lawyers.

## REPORT FROM EL SALVADOR

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

Mr. KASICH. Mr. Speaker, I want to spend a few minutes talking about my recent trip to El Salvador. A group of us were sent by the President to El Salvador this past weekend to monitor the national elections. In that group was Senator LUGER, Senator BOND, Congresswoman BYRON, Congressman MOLLOHAN, Congressman MURTHA, Congressman EDWARDS, Congressman ROWLAND, and myself.

One of the things I had an opportunity to do was to visit the Knights of Malta clinic in El Salvador. The Knights of Malta is a charitable organization and their job is to assist those who have been injured as a result of the war in El Salvador. They will tell you the injuries that have befallen people within El Salvador have been a result of the Marxist guerrilla activity.

I took 14 boxes of medical supplies from my district in Columbus to San Salvador. I want to thank the donors in my district. Jack Sandman, who is the administrator of St. Ann's Hospi-

tal, headed up the effort to gather these medical supplies. St. Ann's was a contributor, along with St. Anthony Medical Center, Mount Carmel Medical Center and Children's Hospital. In an era when we hear a lot of criticism about airlines, U.S. Air transported these medical supplies to Washington free of charge, where we could get them on a plane to San Salvador. So the people of central Ohio really helped in terms of providing badly needed assistance to these fantastic people who have been injured as a result of that war.

When I visited the hospital, I had the opportunity to witness some of the injuries that have occurred to 15- and 16-year-old boys who have had their legs blown off doing nothing more than trying to take care of the family farm, trying to tend to the cotton out in the fields, who step on a land mine and lose their legs.

There was one man there who was asked to join the guerrillas. He refused to do it. The guerrillas took a machete and cut off both his arms and his leg. He was in that hospital trying to receive treatment from the Knights of Malta.

Congressman FRANK WOLF and Congressman BILL MCCOLLUM are way ahead of the curve when it comes to this humanitarian assistance. These two great Congressmen have made a yeoman's effort trying to deliver needed medical supplies to this operation in El Salvador.

Congressman BILL MCCOLLUM, I am told, is responsible for about $5 million of the assistance that has been delivered to these people.

I wish that everybody in this country would have an opportunity to go and to witness the fantastic things that these people are doing and to compliment Congressman WOLF and Congressman MCCOLLUM for the persistence that they have shown in trying to help people out who have been caught in a horrible conflict that really they do not have any responsibility for whatsoever.

□ 1515

Mr. Speaker, I want to shift for a second and talk about the elections in El Salvador because it is something that a lot of people in America are talking about and it is something we really need to understand. As most people in the Congress know, the Arena Party, the more conservative party in El Salvador, won a majority of the seats in the national assembly. People say why did that happen?

There are many people who are concerned about what happened, but essentially the situation in El Salvador was one of frustration come election day. There have been incredible acts of terrorism by the Marxist guerrillas, all of whom are interested in trying to shut down the process of government in El Salvador. If human beings happen to get in the way of the process of government, the Marxists are prepared to blow them up, take their lives, kidnap them, and do virtually anything.

When our party landed in San Salvador on Saturday, we went to the hotel only to find that we had no water and that we had no electricity because the Marxist guerrilla rebels had decided they were going to try to shut down the election process. The rebels in fact had said that any form of transportation on the highways on election day was going to be considered a military target. There was a giant bus strike all over the country. People who owned buses, private bus owners and operators, would not drive their buses on the streets because they were afraid they were going to be attacked.

There were political candidates who were assassinated as close as a week before the election. I have already told my colleagues about the horrible scene in that hospital with amputees being 15 or 16 years old, and I saw people who had been affected who were much younger than that.

There was a sense of frustration in El Salvador whenever there were bombings of cars or buses set on fire, and the military policy would exercise very great restraint because of the criticism they have had in the military and in the government in terms of human rights violations.

There has been a great sensitivity to not overreacting to the problems that occur in the street, not overreacting to the guerrilla problems that occur within the country.

Mr. Speaker, my time has expired, but I would ask time of the gentleman from Virginia [Mr. OLIN] when he is recognized for his special order.

## LEGISLATION CONCERNING SATELLITE DISHES

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Under a previous order of the House, the gentleman from Virginia [Mr. OLIN] is recognized for 60 minutes.

Mr. OLIN. Mr. Speaker, I first yield to the gentleman from Ohio [Mr. KASICH].

### EVENTS SURROUNDING ELECTION IN EL SALVADOR

Mr. KASICH. Mr. Speaker, I appreciate the gentleman from Virginia [Mr. OLIN] yielding me this time.

The people of El Salvador obviously see the tremendous cost of this civil war and the activities of the guerrillas and at the same time an inability to respond as swiftly and as surely to the violence as they would like. This situation built a sense of frustration within the country. At the same time, there is great frustration with the economy. The greatest enemy of democracy is poverty. We have not been able to solve the economic problems in El Salvador primarily because the guerrillas are intent on destroying the infrastructure of El Salvador, and if a country does not have a good infrastructure that country cannot have economic growth.

Mr. Speaker, taking the frustration present as a result of the guerrilla activity, and combine it with the frustration over the lack of economic growth, there was a great sense of frustration in the Salvadoran people. That is why they voted for a different party. They did not vote for extremists in the other party but they, rather, voted for the leadership, the present leadership in the other party that argues that we ought to have a move to free-market economics in El Salvador and that we ought to continue the road to total democracy in El Salvador.

What is interesting is that over 65 percent of the people in El Salvador voted and many of them had to walk as far as 3, 4, and 5 miles to polling places and in fact were threatened if they would go to vote. They would get a mark on their finger when they voted so that they could not vote a second time.

Many of the voters were told that if they got that mark on their finger, that the rebels were going to cut if off.

In one village that we went to, the guerrillas had staged a firefight 3 or 4 hours before our arrival, the guerrillas attempted to surround the town. However, the army drove them off.

At great personal risk, over 65 percent of the people of El Salvador went to the polls and exercised a free and open democracy and open choice with great personal risk at stake. But they still voted.

It was truly a testimony to democracy in El Salvador. The vote in El Salvador does not reflect the return to death squads or extremism by the military or extremism by the government but, rather, it reflects a growing frustration in dealing with the problems of Marxist guerrillas in El Salvador and their terrorist activities, and the inability to get that economy to grow.

For those who have been concerned about El Salvador and the progress, and I know the gentlewoman from Ohio [Ms. OAKAR] is very concerned, this was not a vote to go back to the 1970s, but rather a vote to go forward. The beautiful thing that happended in El Salvador was when the Arena Party won the election, President Duarte's Christian Democrats stood up and shook hands and assured a transfer of power of the assembly.

Our position in this Government is we are going to work with those people who have been freely chosen to represent the democratic wishes of the Salvadoran people and not to return to extremism. The Area Party is aware

of our position. They need our support. We need to work constructively with them to assure them we can solve many of the problems for the folks in El Salvador, the common people in El Salvador who really want to raise their families and have a hope for a better tomorrow.

Mr. Speaker, I again wish to express my appreciation to the gentleman from Virginia [Mr. OLIN] for yielding me this time, and I look forward to additional special orders and additional explanations about the tremendous democratic movement that we have seen in El Salvador today and which we hope will continue well into the future.

Mr. OLIN. Mr. Speaker, just about a month ago today, I held a special order for the purpose of trying to emphasize to Members of the House the importance of trying to bring to rural and mountainous regions of our districts, to those residents who have satellite dishes and whose signals have been scrambled by the broadcasters of satellite programs, to support the availability of signals and programming to those people at fair cost on an equitable basis.

At that time two of our colleagues joined me on the floor, the gentleman from New York [Mr. MARTIN], and the gentlewoman from Nevada [Mrs. VUCANOVICH]; the gentleman from Wisconsin [Mr. KASTENMEIER] and the gentleman from Vermont [Mr. JEFFORDS], made 1-minute statements regarding support of signal access in their areas. Mr. Speaker, in addition, 21 other Members of the House submitted statements for the RECORD.

This broad showing of support continues to emphasize the need for congressional action on this issue. The purpose of this special order today is to provide time for those who could not be heard 1 month ago to now come to the floor and make their statements.

Mr. Speaker, satellite dishes are the only means that many residents of rural areas have to get television signals. It may sound strange to those who live in urban areas that many of our citizens in mountainous areas far away from cities and towns, that many of these people have never been able to receive good television programming.

This began to change with the use of satellites to transmit television signals. Rural families began to purchase home satellite dishes which cost them between $2,000 and $5,000. For the first time these families were able to get the same television programs as everybody else and they began to participate in the information age.

Then many of these programmers who were concerned that they were not being paid properly for their programming, at least to the dish owners, began to scramble their signals. This left additional owners confused and frustrated. They had invested all this money and they do not know how much programming will be scrambled or whether they will be able to buy the programming or not. No one is saying. The dish owners do not say that they should be able to obtain privately owned programming for nothing, but they should be able to purchase the programming at a fair price and in an equitable manner on the same terms as people on cable systems.

There are two bills before Congress which would support the policy of equitable access and fair pricing for home dish owners. They are the Satellite Home Viewer Copyright Act, H.R. 2848; and the Satellite Television Fair Marketing Act, H.R. 1885.

H.R. 2848 is sponsored by our colleague the gentleman from Wisconsin [Mr. KASTENMEIER], who also chairs the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of the Committee on the Judiciary, which is the subcommittee considering this bill. This bill would modify the copyright law so that dish owners can legally be sold programming of independent stations which are transmitting these signals over satellite. This bill also establishes a method for the owners of copyrights to be paid for this programming.

As I understand it, hearings on this bill have been completed in subcommittee and the gentleman from Wisconsin [Mr. KASTENMEIER], the chairman of the subcommittee, has announced that the bill will be marked up in the Committee on the Judiciary in the near future.

Mr. Speaker, H.R. 1885, sponsored by our friend the gentleman from Louisiana [Mr. TAUZIN], and at least up to the present time this bill does not seem to be moving.

The basic principle of this bill is the right to buy. The intent is to establish a system where dish owners can buy programming and buy it at a fair price.

The bill is in the Committee on Energy and Commerce, Subcommittee on Telecommunications and Finance. That subcommittee held a hearing on the bill last summer, a hearing that was very well attended but there has not been any subsequent action.

Mr. Speaker, it is time that more hearings be held and the bill be reported on.

Mr. Speaker, at this time I will yield to my colleagues who have come into the Chamber and would like to participate in this special order. I yield first to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I rise to join my colleagues in calling for the House's quick consideration and passage of this legislation. This is a field in which the development of technology has outpaced our legal system, and we do not have a fair and efficient way for protecting the rights of both programmers and viewers.

My district, like that of many other members, has large rural areas and a number of small towns. These areas are not served by any cable system. They are far removed from VHF broadcast stations and the few UHF stations have even more limited broadcast ranges. As a result, my constituents who live in these areas have a real interest in the Satellite Viewing Rights Act. For them, satellite dish reception represents the only reliable way to receive even regular network programming. In past generations rural life along with its many advantages, has also meant a certain degree of isolation. With present-day broadcast technology, literally the entire world can be brought into the home. Not only is the range of entertainment greatly exapanded, but the educational opportunities offered by this technology are unsurpassed.

Unfortunately, at present the lack of uniform rules and the justifiable concern of program originators has resulted in conflicting standards and incompatible coding or scrambling technology. My constituents are willing to pay a reasonable fee for the right to receive programming. What they object to is the multiplicity of decoding devices and the ever-multiplying fees which are being assessed by broadcasters and cable companies seeking to expand their base.

Mr. Speaker, my people recognize that those who originate and broadcast these programs deserve compensation for their efforts, and as I said before, they are willing to pay a reasonable fee for the privilege of receiving these broadcasts. What we in the Congress must do, and do without further delay, is provide a system which fairly addresses the needs of all groups involved in this issue. We must bring stability and predictability to this new technological frontier.

Mr. OLIN. Mr. Speaker, I thank the gentleman from Alabama [Mr. HARRIS] for his comments. I know he is going to help those of us who are interested in this subject to do all we can to push these bills in the committee they are in.

Mr. Speaker, I now yield to the gentleman from Louisiana [Mr. TAUZIN], who is the principal sponsor of H.R. 1885. I have complimented him on his work in this regard and I look forward to what he has to say.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman from Virginia [Mr. OLIN] for yielding me this time. I wish to compliment the gentleman from Virginia for taking this special order to talk about an issue that is to so important to so many people of America, not just rural Americans but Americans who live in urbanized areas

and have not yet been touched by cable, and even to those cable subscribers who would like to know that there is competition going on out there to make sure that cable rates are fair and equitable.

Mr. Speaker, we deregulated cable recently.

□ 1530

When we deregulated cable, we did it with the understanding that there would be competition for signals that would be brought to Americans via the satellite, and as a matter of fact, the courts recently upheld that deregulation and said that cable companies under that bill have exclusive right to set their own rates in cities that are served by more than three stations over the air broadcasting. As a consequence, it is important that there be some competition out there to hold down the charges that Americans pay for satellite television services, whether they are delivered via cable or via the special process of a home satellite dish.

Let me compliment, first of all, the cable industry. They have done a good job for America. It has brought programming to American homes that the networks and theatrical producers in Hollywood might never have thought to bring to us. It is some delightful and interesting programming, varied, and in ways enlightening, entertaining, and informational.

I was at the Ace Awards in Los Angeles when cable celebrated its very most recent successes in that type programming. They are to be congratulated and encouraged in their work.

At the same time it is important for those consumers who live outside cable areas, particularly in the rural parts of America or the urbanized parts that do not have a cable in front of their homes that they have access to that same programming. That is what our bill is all about, to guarantee equal, fair access to the programming.

We have some good and bad news for you. Since we have had our hearings, we have been encouraging the cable industry, which controls much of the programming, by the way, to open its doors and to allow some competition to flourish. We have been encouraging it, the good news is that the rates that HBO and ShoTime and others charge home satellite dish-owners to descramble their product have come down to much more reasonable rates, but the bad news is they have not come down enough.

The truth is when you buy those programs over the cable that part of your subscription fee goes to pay for the plant, the plant of the cable and the wire and the equipment and machinery and the buildings that provide that service to you over the cable. But when you buy your own home satellite dish, you are buying your own plant. You ought to get some benefit in the subscription rate, but we do not in rural America.

As a matter of fact, there is not yet a distributor of products outside of the cable-owned or controlled companies that is now offering a full range of programs in a package to rural America. There is one trying hard, the NRTC, which has been organized, and for a year now has been trying to negotiate the rights to sell programming to rural America outside of the cable-controlled operations of the programmers themselves.

Let me tell the bad news. The bad news is that they have yet to sign up one of those premier theatrical producers from Hollywood. Why? Because they are controlled by the cable companies, the big cable companies, and the big cable companies are becoming more and more controlled by a few people. TCI, for example, just recently bought rights and policy control to Turner Broadcasting, and you can see a consolidation of control occurring in cable programming that is not going to help competition.

What we are promoting is a bill that says to NRTC and to other people who want reputable people who want to distribute those programs in a package at fair pricing to Americans, there ought to be a vehicle to do that. The law ought to say that Americans have a right to packaging of programming on their satellite dish just as we have a right to packaging on cable, with competition working in the marketplace giving all consumers in America, whether you live in a remote mountainous area, a distant Plains State, or the Bayou country of Louisiana, the right to receive those signals just as if you lived in a heavily cabled area. That is what the bill is all about. It is a good bill, out of the Senate committee, and we on the House side are going to have an oppportunity later this year hopefully to see some action on our bill on the House side.

We need your help. We need other Members, and other Members who are not part of your committee, especially, to join with us in cosponsorship, to join with the millions of rural Americans who want a chance to see and enjoy the informational, educational, entertainment programming that so many in America have a right to see and enjoy via cable. We need to have competition is all we are asking for, and rural America deserves it.

Mr. OLIN. I thank the gentleman for his comments. He is right on target. There is no question that what we really need is a vehicle that allows the competition and packaging not only to start but to flourish. That is the only way.

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

Mr. OLIN. I would certainly yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman put his finger on the right word, that is, fair packaging and the pricing.

Right now if you own a satellite dish and buy a descrambler or you get one of the black market descramblers, and there are many out there, by the way, unfortunately, if you have a descrambler and you want to buy the programming, you can buy it on an a la carte basis, on a very expensive one-time shot program from the programmer. But if you want a fair list of packages, if you want to buy them in a package the same way you buy programs in a package from a cable company, you have a tough time doing it unless you buy it from a cable-controlled company.

Again, what we are saying is there ought to be fair packages at fair, competitive rates. The gentleman from Virginia put his finger on it, fair packaging offered to American consumers, and Americans will be treated fairly in the television world.

Mr. OLIN. I wonder if I could give the gentleman from Louisiana some information I picked up from one of my cities.

In addition to availability has been the pricing. Some of my constituents who have dishes have given me this information.

Right in the center of my district, if you are a cable subscriber in that particular area, you pay $12.75 a month for the basic program. This is a basic mix of programs, a package. If you are a dish owner in that same area, you pay not $12.75 but $19 a month, and furthermore, you have to pay a year in advance, $228, that is for the basic.

If you want an add-on package, that is, 15 more channels and you are a cable subscriber, you pay $5.95 a month, but if you are a dish owner, you can get a package that happens to be only 14, not 15. You will have to pay $20 a month, not $5.95, and you are going to have to pay a year in advance, $240 up front.

Does the gentleman from Louisiana hear the same kinds of things in his area?

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

Mr. OLIN. Absolutely, I will yield to the gentleman from Louisiana.

Mr. TAUZIN. Yes, we hear it all over America. While prices have come down on the a la carte charges, nevertheless, when you total them up as a cable subscriber would pay for total programming in a package, the prices are exorbitantly high to the home satellite dish consumer, and that is not fair.

The rural consumer ought to have the same, indeed, fair rates of pricing for packages that are available over the cable.

Let me add an insult to injury for a minute. It is not just the HBO's and the ShoTimes and the Disneys that

are scrambling the signals. The networks are talking about scrambling, too, and when the national networks begin their scrambling, and they want to do it for good reason, they want to protect their up link signal, because that is an unprotected kind of conversation, to make sure that people are not receiving it and perhaps they would be subject to some sort of suit or damage or lose the confidentiality of a conversation on the up link side.

When they begin scrambling their down link signals, they will begin denying to rural Americans the same commercial television programming that is now available to others over the air broadcasting.

Let me be more specific. In many areas of America, television signals cannot arrive. The only way they can see NBC, CBS, or ABC is to see it over satellite with a home dish.

When those signals are scrambled, unless there is provision made for the rural consumer to unscramble those network signals, he will be denied the variety of network programming that we pay for, by the way, when we go to the supermarket. My point of view is when you buy the soap you ought to be able to see the soap opera, too. That is what it is all about in commercial television. We ought to have a way that the networks make sure that the rural signal is available to the consumers. Several networks are trying to do that, but one is holding back, and we should get the networks to come across by yielding to the consumer, I believe, legitimate requests to see their down link signals in the rural parts of America. Then we will have a better world of satellite viewing as well.

So it is a twofold problem, the problem of the specialized HBO's and Sho-Time programming that is typically seen on cable, or the programming that we normally see over the air of broadcasts from the networks. Both types of scrambling pose new problems for consumers in America, and as the gentleman from Virginia pointed out, they create a situation where prices are not fairly apportioned across the breadth and width of our land.

Mr. OLIN. The gentleman really makes a good point here.

It is true that this subject of scrambling started sort of gradually. It started out with HBO and Cinemax a couple of years ago. Everybody was shocked when that started to happen. We have gotten past that. That is gradually being worked out to some degree, but now it looks as though almost all the signals are going to end up being scrambled in some form, and the poor rural American that has a dish and paid $4,000 for the dish, and he paid $400 for a descrambler, and now he wants a reasonably fair deal on the availability of signals that he can get into his descrambler, it is not yet clear how that is going to happen. Unless we find some way of providing facilities of packaging so intermediate brokers, if you want to call them that or distributors, can make the arrangements to provide different package options for different homeowners according to their needs and desires, rural America is not going to have the privilege that people who live in cities have when they have access to a cable system.

Mr. TAUZIN. If the gentleman will yield, I would love to be able to tell him that legislation is not going to be necessary. I would love to be able to tell him that our hearings and experience in the real world of telecommunications is resulting in a free and fair competitive marketplace for rural consumers.

Unfortunately, I think legislation just might be necessary. Let me give you an example. Two years ago, the Disney channel representatives came before our committee and assured us that they would negotiate a contract with the Rural Telecommunications Corp., the same group trying to put together a package for rural America, 2 years ago. They have yet to negotiate a contract. That is how slowly the cable industry and the producers have moved to this independent form of packaging and sale of the product in America.

If you did not have consolidation of the cable industry, if there was great competition there, then you might not need third-party packaging, but as the cable industry consolidates and as Americans in rural parts of our country find they have to pay these kinds of charges to see what many of us have a right to see because we live near a cabled-up area, then you get the feeling that maybe we need to push this legislation. Maybe we need to pass it this year to guarantee those rights to rural Americans.

Mr. OLIN. I thank the gentleman for his observations.

I would like to call to his attention, as he knows, that there is a companion bill, H.R. 2848, which is in the subcommittee of the gentleman from Wisconsin [Mr. KASTENMEIER]. He thinks he is going to be able to get some movement on that bill. I hope he is right. I am all for him, and I hope that the gentleman from Louisiana is successful in getting some movement on his bill sometime this year, because it is very clear that the market really has not formed in an effective way at this time.

There is unavailability of signals. Some people still like the idea of being able to charge exorbitant amounts for their signals, and they do not make them available except on a preferential basis, and that really has to stop.

Then there is the question of putting together reasonable packages so that the home dish individual gets the same kind of a deal that somebody that lives in a city and has access to cable gets.

Mr. TAUZIN. Let us talk about another issue, that of fairness. When General Instruments, the original maker of this decoder, and that was the centerpiece of the scrambling-descrambling movement here in telecommunications from satellite, when they first appeared before our committee, they guaranteed us their equipment was foolproof, that no pirate could come in and produce a pirated type of equipment from which others could steal the signal. Let me tell the gentleman what he is finding out in the market. Piracy is rampant. We understand the latest pirated black box or phony decoder being sold to consumers out there is undetectable by General Instruments, so here we have some people who buy their satellite dish, who go through the process of correctly buying a decoder and paying these prices the gentleman pointed out, trying to do it the right way, the legal way, when maybe next door, across the street or across the next mountain, somebody else has a pirated box and is getting the signal free.

The system is not working well, and the system will not work well until there is fair pricing and adequate programming available.

As long as the pressure to cheat is there, some young genius is going to be out there in his back garage figuring out how to pirate that macom decorder. It is happening now. Piracy is rampant.

If we are going to have a good system by which pay programs are properly paid for, we ought to have a system where the pricing and the packaging is there, where pirating is not encouraged but, rather, discouraged.

Mr. OLIN. That is a very good factor to bring up.

I would like to comment also that it really is not the function of Congress to dictate the detailed pricing and the arrangements in a market like this. It is too complex. We ought to leave that to the private market system, but we have got to establish the structure that permits a free market to function properly, because the free market finally will bring equity to people if it is open and available to everybody.

Mr. TAUZIN. The gentleman makes a good point which maybe I can stress again.

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The bill we have offered to Congress and are asking Members to consider cosponsoring and joining with us on is not a bill to regulate pricing; it is a bill simply to insure fair competitive marketplace, where the marketplace will set the price but in a way that guarantees that there will be competition working.

You see, a fair competitive marketplace does not work when there is only one group of people controlling the pricing out there. That is our problem today. If we can somehow overcome that, the Government does not have to come in and set prices; the marketplace will do an adequate job of it. That is all our bill does, it sets up a good, fair competitive marketplace.

Mr. OLIN. That is why both of these bills ought to get the full support of all Members of Congress and move through these committees faster than they are moving.

Mr. TAUZIN. I thank the gentleman for his special order and encourage him in his efforts to encourage support for the bill.

Mr. OLIN. And I thank the gentleman for having initiated one of these bills and for all the work he is doing to get the bill passed.

I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman from Virginia for again holding this special order on an issue of real importance to rural areas, including mine as well.

I am pleased to be a cosponsor again in this Congress of H.R. 1885, the satellite television fair marketing act.

I thank the gentleman for his hard work in behalf of this and other legislation to help solve this critical problem.

H.R. 1885 would do many things. It would require that any programmer who offered his programs to cable also offer them to satellite dish owners. It would require that all PBS and Armed Forces TV be available to dish owners without any scrambling; it would require there be one universal unscrambling system for all channels, it would make sure that prices are fair by having the Federal Trade Commission investigate the competitiveness of satellite TV; it would make sure that network programming is available to all those who cannot get such programs over-the-air.

We have had hearings on this bill in both the 99th and 100th Congresses and dozens of people have testified. What we need now is action, action on this bill by this House, by the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce and we need this bill to be marked up in that subcommittee so that we can have a vote on it here in the House.

I have spoken to the Chairman Dennis Patrick of the Federal Communications Commission about the issue. He and I do not agree on the issue. I think the only way to resolve the conflict is through passage of H.R. 1885. We are not going to get an administrative solution to the problem.

People in my district have written by the hundreds. They are fair and reasonable people. They want the chance to watch the same programs that their neighbors with cable can watch. I really think we have got a question of free speech here as flagrant as any that you would find.

Many people simply cannot get the cable because they live outside of the town or city or outside the reach of that cable system, outside the reach of an on-the-air signal.

They have invested thousands of dollars in buying what is their own cable system, their own satellite dish and they deserve to be able to have access to these same programs at a reasonable price. And that is what H.R. 1885 would do. I urge all of my colleagues in calling for immediate action on H.R. 1885 and, together, we can get this bill moving forward both in the subcommittee, the full committee and the House at large.

Again, I want to thank the gentleman from Virginia for his leadership on this issue and congratulate him on this special order where we can have a chance to air our support for the measure.

I thank the gentleman for yielding.

Mr. OLIN. I thank the gentleman from Kentucky for his support and for his comments. I am hoping that one of the results of this special order will be that not only our colleagues here in Washington are going to hear this but it is possible that this might be picked up by satellite and there might be quite a few others around the country hearing.

I hope that the people who hear this message will be getting in touch with their Members of Congress, see if they cannot stimulate them a little bit.

Mr. ROGERS. If the people who have communicated with me would communicate with those who are not yet on board, it would help a lot.

Mr. OLIN. It would help a great deal.

Mr. Speaker, I think it is obvious that the issue of program access for home satellite dish owners is very important to a broad segment of the American public. This situation is much like the situation in the 1930's when rural families did not have electricity.

The Federal Government helped bring electricity to the rural areas and helped these rural families get electricity into their homes so they could have the same standard of living that was appreciated by other people in our country.

Today we live in an information age, an age in which all of our citizens need access to information, the type of information provided by television, in order to fully participate in our society. Our rural citizens also have the right to get the same entertainment programming that is available to those who live in cities and towns. It is not just entertainment, it is information, it is news, it is analysis, it is history, it is our culture.

I think that this is a problem of the right to buy. Dish owners, program packagers and others should have a right to buy programming which is sent out over the public airways and over satellites which were put up there in the first place with the aid of taxpayer money. They should have the right to buy this programming at a fair price and on an equitable basis.

This right-to-buy is a policy issue that Congress should address. The two bills before the House are complimentary methods of establishing this right to buy. H.R. 2848, the Satellite Home Viewer Copyright Act reforms copyright law to get it in line with the new demands of satellite technology. H.R. 2848 would establish the right to buy the programming of independent stations. This bill is moving. I want to commend Chairman KASTENMEIER for his work on this measure.

H.R. 1885 would establish the right to buy all programming which is scrambled for resale. This is an important measure which would support equitable access and fair pricing for dish owners.

My colleague, BILLY TAUZIN of Louisiana has worked hard to draft this bill. Unfortunately, the Subcommittee on Telecommunications and Finance has not seen fit to move the bill. We should help all our citizens obtain full access to information and entertainment services provided by television. The current situation is unfair and it is time that it was fixed.

I urge all of my colleagues, particularly those from rural districts and also those in urban districts to do whatever they can to speed action on this issue.

Mr. JEFFORDS. Mr. Speaker, I commend the gentleman from Virginia [Mr. OLIN] for reserving this special order today. I have previously stated the importance to Vermonters of access to satellite programming at a reasonable price.

Vermont is characteristically rural and hilly, the combination of which has made it very difficult to receive a good television signal. If you don't live in a town that broadcasts a signal, then you probably have a hill between you and that signal blocking it.

Satellite dish technology has changed a lot of that. Many people living in rural Vermont have had, for the first time, access to a variety of quality programming. News, sports, education, and entertainment programs are now available because these people have had the initiative to purchase a satellite dish.

It should be noted that the vast majority of people who have purchased dishes in Vermont have done so not as an alternative to cable or local network, but because it is the only way they could ever hope to receive more than one or two channels. Rural Vermonters have made a considerable investment in a dish in order to have access to programming that can enrich the cultural, politi-

cal, and contemporary aspects of their daily lives.

Dishowners in Vermont are not looking for any special treatment. But neither do they want to be shut off from signals being reflected from satellites that have been put into space at Federal expense. I think there is an argument here.

In the 99th Congress I cosponsored legislation to protect satellite dishowners, and in the 100th, my colleague, Mr. TAUZIN, has reintroduced this legislation as H.R. 1885. I am proud to be a cosponsor of this bill, the Satellite Television Fair Marketing Act.

The bill says that if a programmer scrambles a signal and then sells it to someone, then he must offer it for sale to home satellite dishowners, and at a price comparable to those charged to cable subscribers.

It directs the Federal Communications Commission to establish uniform standards for encription.

H.R. 1885 also prohibits scrambling of taxpayer supported Public Broadcasting Service or Armed Service Radio programming intended for broadcast by television stations.

Mr. Speaker, since 1985 we have considered legislation to protect the rights of home dishowners and to allow them access to the same programming as their urban neighbors. Today I join my colleagues in urging Chairman MARKEY to bring H.R. 1885 to the floor for a vote.

Satellite dishowners in rural America deserve our attention. They should not unfairly be shut off from the variety of news, educational and entertainment programming that is available to others.

No one is asking for a free lunch, but merely a place at the table with the same menu.

I ask my colleagues to join me in supporting this bill.

Mr. LUJAN. Mr. Speaker, I appreciate this opportunity to express my strong interest in seeing some attention paid to the rights of home satellite dishowners during this 100th Congress.

Usually, Mr. Speaker, the longer a technology is around, the more accessible and less expensive it becomes. Computers are a prime example of this process. Who, 20 years ago, would have envisioned that computers would become household appliances for many?

Well, this principle, for a variety of reasons, just does not apply where satellite dishes for television reception are concerned. In the last few years, dishowners have discovered that the television programming they once received for the cost of the dish now carries an additional price tag. The same television shows that other Americans receive for free, or for a low subscriber cost, dishowners only receive if they ante up more money.

Now, Mr. Speaker, like many congressional districts across our Nation, the First Congressional District of New Mexico has areas that do not receive any local television signals. Folks in my district, like Dale Hanson, have expressed to me the frustration they encounter in their efforts to simply receive television programming at a reasonable price. I'm sure their views on this don't differ much from the millions of other dishowners in this country. In other words, they are willing to pay their fair share for the programming and related services they receive.

I am encouraged by the interest now being shown in satellite dish television by many rural cooperatives and the rural telephone companies. Involvement by operations like this, I am sure, could certainly enhance viewing opportunities for many residents of rural areas, and additionally provide programmers access to this population.

At the same time, because of the important matters at stake here, I believe serious congressional attention to the subject of satellite television is overdue. More than the concept of a free and spirited marketplace is involved here. There are constitutional questions to be addressed, and the rights of the broadcasters to be considered also. These are clearly not minor considerations.

For this reason, it is my hope that during the remaining months of this 100th Congress, the rights of home satellite viewers, along with the interests of those who provide this programming, will receive the active consideration they deserve.

## GENERAL LEAVE

Mr. OLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Is there objection to the request of the gentleman from Virginia?

There was no objection.

## GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 60 minutes.

### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I stand before you today, as has been my custom, to recognize and celebrate the 167th anniversary of the independence of the Greek people from their Turkish occupiers. Mr. Speaker, while I fully realize that current political issues may oftentimes cause tensions between our country and Greece, the fact remains that we have been loyal allies who share many bonds that must be brought to light so that they may serve as an incentive for the continuation of good relations between these two historic friends.

Mr. Speaker, March 25 is a day of celebration for those of the Greek heritage and Greek Orthodox faith. Almost greater than any other day of the year in their religious faith and national history, March 25 commemorates the beginning of the Greek struggle for independence from over 400 years of Ottoman domination.

Mr. Speaker, it was on March 25, 1821, that the so-called Greek resistance, small battle-weary groups of guerrillas known as Klephtes, embarked on their long and just struggle against the mighty Ottoman empire.

The Greek resistance appeared to the world as no match for the power of the Turkish military might, but the Greeks fought with the determination and valor that was the personification of the words of their manifesto of independence—reminiscent of the American Declaration of Independence, I might add—which clearly declared that:

> Our tongues, which before dared not utter a sound, except vain supplications for clemency, now cry with a loud voice, and make the air re-echo with the sweet name of liberty. In one word, we are unanimously resolved on liberty or death.

The Klephtes, Mr. Speaker, were ill-clad, ill-fed, and ill-equipped, but fought valiantly and ferociously for their right to a national identity and won battles from the empire almost from the beginning.

The justice of the Greek cause soon spread and encouraged a movement throughout Europe, as well as the United States, to assist the Greeks in their struggle for freedom.

The last battle of Missolonghi, often referred to as the "Greek Alamo," almost more than any other point in the long, difficult, 6-year struggle illustrated the Greek will and the justice of the cause at its best.

Missolonghi, a small fishing village, provided the gateway to free access between the Greek mainland and the Peloponnese and, as such, was the heart of the Turkish concentration. In 1826, the Turks brought the full impact of the Ottomon might to bear on this little village effectively blockading the town by sea and ringing it with cannon and troops by land.

On January 27, 1826, the Turks presented an ultimatum of surrender. However, this ultimatum was answered not with surrender, but, unhesitatingly, on the same day, with the following response, which I quote:

> The Capitan Pasha is well aware that the Greeks have suffered unheard of misfortunes, shed streams of blood, and seen their towns made deserts; and for all this nothing can compensate, nothing can indemnify them, but liberty and independence.

The battle for Missolonghi continued through January, February, March and most of April, with the 15,000 Turkish troops gaining a foothold on the walls three times, only to be hurled back by savage hand-to-hand counterattacks from the 4,000 Greeks.

On the 21st of April, the Turks again offered the garrison surrender

terms, but with a caveat that a refusal would seal the doom of all defenders. The intrepid spirit which had animated the movement of independence had not diminished, even under bombardment, disease, and starvation. The Greeks, again, refused to surrender.

The following day, April 22, saw many acts of heroism by the Greeks. They fought to the bitter end, until there were only 300 men left from the original 4,000 in the garrison. These remaining 300 still would not surrender, however, and sealed themselves in a windmill and fought the Turks until only a few were left alive. Then, as the Turks stormed the mill, the Greeks set fire to their gunpowder and blew into oblivion the defenders as well as the attackers.

The following words, taken from a letter written by a Swiss citizen who perished in the last defense of Missolonghi, was written a few days before his death and shows the spirit which animated the townspeople. I quote:

Seventeen hundred and forty of our brothers are dead. More than a hundred thousand bombs and balls thrown by the enemy have destroyed our bastions and our houses. We have been terribly distressed by hunger and the cold * * * Notwithstanding so many privations, however, it is a great and noble spectacle to witness the ardor and devotedness of the garrison. A few days more, and these brave men will be angelic spirits. * * * I announce you the resolution sworn before heaven, to defend foot by foot the land of Messolongi and to bury ourselves, without listening to any capitulation, under the ruins of the city. We are drawing near our final hour. History will render us justice—posterity will weep over our misfortunes. I am proud to think that the blood of a Swiss, of a child of William Tell, is about to mingle with that of the heroes of Greece. May the relation of the siege of Messolongi, which I have written, survive me.

Yes, Mr. Speaker, it was this kind of will and determination that prevailed among the Greeks and Philhellenes and eventually led to the sultan's conceding of national political independence to the Greek revolutionaries after the battle of Navarino on October 20, 1827.

The Greek war of independence, however, was not the only time that the Greek people have exemplified themselves.

In 1940, the Greeks were handed another ultimatum—this time from Mussolini demanding that Italian troops be allowed to occupy the Greek Islands of Crete and Corfu, parts of Epirus, and the Port of Pireus. The Greeks, as was the case with the Turks, again adamantly rejected the ultimatum with a defiant "oxi"—"no" which is commemorated on October 28 of each year.

As a result of the Greek defiance, Italian troops moved over the Albanian border into Greece on the morning of October 28, and were met with unexpectedly stiff resistance.

The Greek troops again valiantly rose to the occasion and blocked the Italian attacks time after time until, by November 7, the Greek Army of 5,000 officers and 65,000 men had stopped the Italians!

On the 14th, the Greeks counterattacked. By the 22d, not only had all Italians been ejected from Greek soil, but the Greek Army had taken Koritsa, the principal Italian base, and Pogradia—two towns well over the Albanian border.

Some think that this unexpectedly fierce Greek opposition to the Axis invasion of Greece may have saved the British forces which were then assembling in the Middle East. If Greece had given way suddenly and Hitler's drive into the southern part of the Soviet Union been made earlier and had been more successful—as well it might have—the two Axis Powers, Italy and Germany, might have crushed them, one from the southern part of the Soviet Union and the other from North Africa, in a pincer before they were strong enough to resist.

And so, Mr. Speaker, such is the legacy of the Greek people to the free world. By the example of the sacrifices of these patriots, they have, hopefully, given others the strength to defend the principles founded by our ancestors. It was precisely this Greek legacy and spirit that prompted President Harry S. Truman, among others, to note in the post-World War II era that: "The valor of Greece * * * convinces me that the Greek people are equal to the task."

This weekend, Mr. Speaker, the events of March 25 will be marked in countless schools and Greek Orthodox parishes throughout the United States and Greece. The kindred will and spirit that would not then—and will not, now—tolerate domination should, and must, be celebrated, for it has battled for countless other just causes throughout the centuries that appeared unreachable and lost.

The Hellenic spirit and ideal must not be forgotten, Mr. Speaker. It must continuously be kept alive for future generations to learn from, just as it has taught those of the past.

There is no doubt but that the Hellenic tradition has shaped and molded every one of us, whether we are Greek-American or not. It has influenced almost every facet of the composition of the great Nation we live in and has, thereby, touched every one of us as its citizens.

Hellenism is ever-present, and our lives are the richer for it. Whether it be in the political values we are so proud of, the language we speak, the buildings we work in, or the literature, art, and music which soothes us, the Greek influence is real and present and it must be acknowledged and celebrated.

As a Greek-American, Mr. Speaker, I send my best wishes to those of my heritage, both in the United States as well as in Greece, on this historic occasion. As a Member of this body, I pledge my efforts in behalf of improved relations and long-term assistance and understanding between the United States and Greece.

Mr. TALLON. Mr. Speaker, it is a pleasure and an honor that I join with my colleagues in recognizing this Friday, March 25, 1988, as Greek Independence Day.

In 1821, the Greeks won their independence after centuries of bloody battles and foreign domination. Their struggle for freedom was watched with great admiration and passion here in the United States where independence was new and precious.

It is only fitting that the United States mark this special day in Greek history as part of our own heritage. So much of the greatness of the United States has its roots in Greece.

Democracy was the invention of the Greeks. Our Founding Fathers made the Greek model of democracy the core of our representative government. Our judicial system is based on laws and rules of justice created by the ancient Greeks. Moreover, we in America. All Americans need to know that our cherished Government institutions are Greek in origin.

The example of the ancient Greeks in science, culture, and learning have played a vital role in American history. As a democratic nation we see individual expression as the key to a civilized culture. The American commitment to this tenet is equaled only by its Greek archetype.

America also owes a great deal of honor and respect to the sizable Greek population which has immigrated here over the past two centuries. I know that in the Sixth District of South Carolina the Greek-American population has made invaluable contributions to industry, business, agriculture, and government. Greek immigrants and their progeny are the kinds of citizens who make the United States a strong and unique nation.

Greek Independence Day is important to all Americans because of what it symbolizes to us about our heritage and our culture. As Americans, it is a privilege for us to join with the citizens of Greece in celebrating centuries of progress and 167 years of independence.

Mr. Speaker, I yield to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to compliment the gentleman as the representative of probably one of the largest Greek-American communities in the continental United States for calling to the attention of our colleagues and to the attention of the people of America this great relationship that we have and continue to have with the people of Greece.

Mr. ANNUNZIO. Mr. Speaker, 167 years ago, on March 25, 1821, the people of Greece declared their independence, and began a series of uprisings against the oppressive rule of the Turks. It is fitting that

Americans join with the Greeks to celebrate this historic day in the freedom of mankind, not only because this heroic struggle inspired Americans during this period, but also because Greek philosophy, art, literature, and political thought have contributed in countless ways to our own civilization.

In 1814, several Greek merchants performed a secret organization known as the Society of Friends to plan a methodical conspiracy for a general uprising of all of the sections of the Turkish Sultan's Empire. Seven years later, in 1821, this revolution openly broke out achieving successes from the beginning, especially in the Peloponnese, central Greece, and the Aegean Islands. This was followed by 7 more years of fierce fighting during which a handful of rebels were able to contain the combined forces of the sultan's Ottoman Empire. Although they suffered losses and endured much tragedy, the courageous Greek patriots fought valiantly against the might of the Turks and obtained many victories.

On October 20, 1827, at the battle of Navarino, the Turkish fleet was finally defeated and destroyed by the combined elements of the British, French, and Russian navies. This victory gave the Greeks additional strength and resolve in their fight against Turkish oppression, and after many centuries of foreign rule, freedom for the Greeks was regained by the Treaty of Adrianople of 1829 and later by the London protocol of 1830.

In recognition of the contributions the people of Greece have made upon our own political and philosophical experience, and in commemoration of the democratic links which have joined our two governments, I was proud to add my name as a cosponsor to House Joint Resolution 383, a bill to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." Similar legislation was approved by the full House of Representatives and the Senate, and sent to the President for his signature into Public Law. A copy of this resolution follows:

H.J. RES. 383

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1988 marks the one hundred sixty-seventh anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That March 25, 1988, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

Mr. Speaker, the contributions made and still being made to the growth and greatness of the United States by Greeks who have chosen to make their home in our country continues. It is, therefore, a pleasure to join with Greek-Americans in the 11th Congressional District of Illinois which I am honored to represent, as well as Americans of Greek descent across our Nation, on the occasion of Greek Independence Day, as we celebrate the precious heritage of freedom which our two countries have shared over the last 167 years, along with the genuine friendship between the people of America and the people of Greece.

Ms. SNOWE. Mr. Speaker, as a Greek-American and an original cosponsor of House Joint Resolution 383, I am pleased to rise today and to speak in commemoration of Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

This Friday, March 25, 1988, marks the 167th anniversary of the beginning of the Greek revolution, when such brave Greek patriots as Alexander Ypsilanti and Petros Mavomichalis began the struggle for freedom in Greece, after some 400 years of Turkish occupation following the fall of Constantinople to the Ottomans in 1453.

Their struggle found an immediate and sympathetic response in the United States, which only 40 years earlier had fought for many of the same democratic principles in its war of independence. Contemporary American leaders, among them James Monroe, John Adams, and Daniel Webster, recognized that the ideals of individual liberty, representative democracy and the dignity of man for which America's revolutionary soldiers fought and died were also the foundation for Greece's declaration of independence. Just as classical Greece's philosophy and democratic guidelines had inspired America's Founding Fathers, so too had the American Revolution encourged the struggle for freedom in modern Greece.

Since that time 167 years ago, Greece has successfully secured its independence as a sovereign state in modern Europe, and it has proceeded in recent years to reestablish a strong and flourishing democracy. Greece today is a founding member of the United Nations, a Western ally in NATO and a full partner in the European Community, offering the benefits of its ancient civilization and culture to its friends throughout the democratic Western World.

The friendship between Greece and America has also flourished since 1821, as our nations' common interests in Europe and the many ties between our peoples have repeatedly drawn our two countries together. In World I and II, the United States and Greece fought together to preserve freedom in Europe against authoritarian aggression, and American assistance again proved vital to Greece's freedom and security in the years following World War II. It is also appropriate to note, on this anniversary, modern Greece's many contributions to American culture and society, represented by such figures as Maria Callas and Dr. George Papanicolau.

Mr. Speaker, it is clear that Greece and America have a special bond of friendship in the values and the history that our nations have shared, and I join with my colleagues once again in saluting the special relationship between our countries.

Mr. COELHO. Mr. Speaker, I wish to join with my colleagues and Greek-Americans across the Nation, who this week are celebrating Greek Independence Day.

March 25 is a special day for Greeks and the friends of Greece. It is recognized that on this day, in 1821, the people of Greece began their successful battle to oust the oppressive Turkish regime which had occupied the nation for over 400 years. Although full reunification of Greece would involve a long struggle, her people persevered out of their love for the freedom, religion, and culture which the Ottoman Turks had stifled.

As Americans, we also have cause to join our Greek friends in commemmorating this anniversary. It was the ancient Greek ideal of democracy which inspired our revolt from the British Empire in 1776 and was the basis for the Government established under the U.S. Constitution. Our fight for independence and democracy influenced others in the 19th century, such as the French, Germans, and Greeks, and this spirit lives on today, as evidenced by the struggles in the Philippines, South Africa, and Haiti. Ultimately, it was the Greek dogma of democracy that was the catalyst, and it is appropriate that the modern-day nation of Greece eventually benefited.

Congratulations to our Greek friends on this 167th anniversary of their freedom.

Mr. LIPINKSI. Mr. Speaker, as cochairman of the Democratic Council on Ethnic Americans, I rise in strong support of Greek Independence Day. Today marks the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

After some 400 years of Turkish domination, the Greek people rose up against oppression, the denial of their civil and religious rights, and the utter disregard for their historical love of freedom and democracy. Daniel Webster, U.S. Representative of Massachusetts at the time of the uprising, stated that the Greek people have been "for centuries under the atrocities unparalleled Tartarian barbarism that ever oppressed the human race."

As every American knows, our own democracy with its emphasis on representative government and freedom of expression is patterned after the ancient Greece James Madison and Alexander Hamilton wrote:

Among the confederacies of antiquity the most considerable was that of the Grecian republics. From the best accounts transmitted of the celebrated institution it bore a very instructive analogy to the present confederation of the American states.

Our Republic also shares much with the formation of modern Greece. Our American Revolution became a rallying cry for the Greeks in their fight for independence in the 1820's. Greek intellectuals actually translated the American Declaration of Independence and used the language as their own declaration. In our century, President Harry S. Truman recognized the importance of Greek democratic tra-

dition and the bonds between the United States and Greece when he pressed Congress for assistance to the country in its struggle against Communist rebels. Today, Greece is a valued friend and integral ally of the United States.

In America, the many accomplishments of Greek-Americans have enriched our Nation's cultural and ethnic heritage. Americans of Greek heritage have been well-represented in all the fields of human achievement in our country, from the sciences to the performing arts. It's my understanding that the children of Greek immigrants now rank No. 1 among American ethnic nationalities regarding educational attainment. In my hometown of Chicago, Greek-Americans have contributed much to civil pride and have served admirably in many public capacities.

I would like to take this opportunity to commend the gentleman from Florida [Mr. BILIRAKIS] for sponsoring this commemoration and to extend my best wishes on this special day to the Greek citizens of my district on the southwest side of Chicago.

I would further like to urge my colleagues to support legislation designating March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

Mr. MANTON. Mr. Speaker, as a cosponsor of House Joint Resolution 383, which designates March 25 as Greek Independence Day, I am delighted to join my colleagues today in observing the 167th anniversary of Greek independence. I would like to commend my friend and colleague, Mr. BILIRAKIS, for organizing today's special order so we can all mark this special occasion.

Today we commemorate the beginning of the Greek people's brave struggle for independence. After over 400 years of foreign domination, oppression, and abuse, the brave people of Greece claimed their rightful heritage of democracy and freedom. Using the United States Declaration of Independence as their guide, Greek independence was declared. Greece, the birthplace of democracy, was again on the road to democracy and self-determination. The Greek people's commitment serves as an example and a hope to people throughout the world today who are fighting for freedom.

As the proud Representative of the Ninth Congressional District of New York, which has one of the largest Greek-American populations in the Nation, I am pleased to join my constituents in marking Greek Independence Day. I know first hand that Greek-Americans have greatly contributed to the strength and prosperity of the United States. Furthermore, the longstanding friendship between Greece and the United States is a symbol of both nations' commitment to democracy and independence. Our nations have fought together against tyranny. I firmly believe the great friendship between America and Greece will continue to grow.

Mr. Speaker, our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece when they formed our great nation. It is therefore appropriate we join our friends in commemorating Greek Independence Day and reaffirm our similar heritage, values, and ideals.

Miss SCHNEIDER. Mr. Speaker, it is my great pleasure to be a part of this special occasion: Greek Independence Day. Today marks the 167th anniversary of Greece regaining its independence from the Ottoman Empire after 400 years of subjugation. In the year 1821 Alexander Ypsilanti proclaimed the freedom of the Greek people from the foreign domination of the Ottomans.

Over 2,000 years ago, Athens was the scene of the rise of the first democratic republic in the history of man. Figures such as Aristotle and Socrates talked of the dignity and power of mankind. They believed, as we here do today, in the ability of man to rule with compassion and justice.

The same ideals that inspired the birth of a democratic republic in Athens inspired the birth of our Nation. Men such as Thomas Jefferson, Alexander Hamilton, James Madison, and other colonial intellectuals who shaped the American revolution read and believed in the basic ideas of government given birth in ancient Greece.

America has made its own contribution to democracy in Greece. After gaining independence in 1821, Greece translated the Constitution of the United States to be their own. This document, which was so influenced by their ancestors, was taken to heart to be the supreme law of their land. After 2,000 years, democracy returned to Greece.

America and Greece are tied together in more ways than simply intellectual ideals and the love of liberty. After the Second World War, Greece fought against Communist forces to preserve their freedom. The United States aided the Greeks in this battle in what became the first steps in the rebuilding of Europe through the Marshall plan.

The fierce independence that burned in the Greek people at the Battles of Marathon, Salamis, and Thermopylae, and burned in them 167 years ago on the day of their independence, still burns in them today.

Today Greece is our ally in the North Atlantic Treaty Organization. Greece, as it has throughout history, guards the Dardanelles, the important access way to the Black Sea and the southern front of Europe. The United States and Greece do not always agree on issues yet we remain friends and allies. That is the true nature of our relationship, friendship even in the face of disagreement.

Mr. Speaker, I join with my Greek-American friends in Rhode Island and throughout the country on this joyous occasion as we look forward to a future of cooperation and friendship between our great nations.

Mr. PICKETT. Mr. Speaker, Thomas Jefferson once said, "to the ancient Greeks, we are all indebted for the light which led ourselves out of Gothic darkness."

This week, as we remember Greek Independence Day, Jefferson's words should take on a special meaning for all Americans. To a greater extent than perhaps any other people in history, the ancient Greeks and their theories of government provided a framework for constitutional government in America. The ancient Greeks taught us that government is strongest when power is vested in the hands of the people. They taught and practiced equality under the laws, and they recognized that leaders of men should be chosen on the basis of merit. Even the principle of separation of powers, which we often think of as a unique American doctrine, can be traced to ancient Greece.

These contributions are why it is appropriate for Americans to share in the celebration of the 167th anniversary of Greek independence from the Ottoman Empire. For almost 400 years, extending from 1453 until their independence in 1821, Greeks had been deprived of liberty. But as history has shown so many times, those who cherish democracy will always prevail over tyranny.

So this week, we join with Greeks and Greek-Americans in celebrating not only victory 167 years ago, but our Nation's shared democratic heritage.

I thank the distinguished gentleman from Florida [Mr. BILIRAKIS] for taking out this special order, and I join him and other Greek-Americans in this celebration.

Mr. ROE. Mr. Speaker, March 25 marks Greek Independence Day, the 167th anniversary of the beginning of the revolution which freed the Greek people from the 400-year rule of the Ottoman Empire. I believe it is indeed fitting that we take time out in the United States House of Representatives to commemorate Greek Independence Day, because I believe the American people have a special appreciation for this historic event.

Not only has our Nation, like Greece, waged a battle for independence within the last two centuries, but the vision of independence as seen by our Founding Fathers embraced a democratic form of government first conceived by the ancient Greeks. As Aristotle said:

"If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

Mr. Speaker, Greece fought its war for independence between 1821 and 1829, when it became a kingdom; it was established as a republic in 1924. This battle for independence and democracy continued when 600,000 Greek citizens lost their lives fighting on the side of the United States during World War II.

While we as Americans take this particular occasion to celebrate Greek Independence Day, in a real sense we celebrate it on a continuing basis. Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not they are of Greek ancestry, have a bond with the Greek people. The common heritage which we share has forged a close bond between Greece and the United States and between our peoples. It is reflected in the numerous contributions made by present day Greek-Americans across the country to our American culture.

Today, let us celebrate with the Greek people, a common heritage of freedom and democracy that both our nations share.

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleague from Florida [Mr. BILIRAKIS] for requesting this time to commemorate Greek Independence Day.

It is the spirit and determination of the Greek people that we celebrate today for it was on March 25, 1821, that they rose up and rebelled against the Ottoman Turks who had

ruled their country for more than four centuries. Led by Archbishop Germanos, this uprising marked the beginning of the Greek war for independence and within 9 years this brave struggle resulted in the rebirth of the Greek nation.

Our Nation is indebted to Greece, because many of the most important principles which underly our democratic government were derived from Greek history. Clearly it is this strong belief in democracy and quest for freedom which inspired Greece to reestablish its independence.

In Pinellas County, FL, I'm proud to represent one of our Nation's most active Greek-American populations. They symbolize the same spirit and determination with which their ancestors overthrew those who denied the Greek people freedom for four centuries. Sunday, the United Hellenic Society of Tampa Bay will gather in Clearwater to commemorate Greek Independence Day. Their ceremony stands as a reminder that even the most brutal conquerors cannot squelch the desire for freedom among the Greek people. It is the love of freedom and democracy which provides the special bond that exists between the Greek and American people and is in great part what we celebrate in ceremonies today and throughout this week.

Mr. YATRON. Mr. Speaker, on March 25, 1821, after four centuries of Ottoman rule, Greeks rose up in arms, fought valiantly, and finally achieved a dream centuries old—freedom from Turkish domination.

The ancient Greeks created the very notion of democracy, in which the ultimate power to govern was vested in the people. As Aristotle said: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike share in the government to the utmost." It was this concept that the Founding Fathers of the United States of America drew heavily upon in forming our representative government.

Constitutional democracy has made the American way of life possible. For that contribution alone, we owe a heavy debt to the Greek people. But the contribution of democracy was not the only contribution made by Greek patriots to American society. The ancient Greeks contributed a great deal, both to our cultural heritage, as well as to European culture, in the areas of art, philosophy, science, and law. In the preface to his poem "Hellas" Shelley wrote: "Our laws, our literature, our religion, our arts have their roots in Greece."

Every time I go to vote in our Nation's Capitol, I am inspired by a painting of the signers of the Monroe Doctrine. On the right hand side of this Fresco is a Greek soldier combatting his ottoman oppressors, signifying the linkage between Greek independence and the American Revolution. This picture depicts the common heritage which we share, a heritage which has forged a lasting bond between Greece and the United States.

Greek-Americans have followed the rich tradition of their ancestors. They have made their mark in many professions, including medicine, science, law, and business, among others. The welfare and progress of the Greek community, both here and abroad, is of great importance to all of us. I, together with my esteemed colleagues, realize the enormous contribution Greek-Americans have made to the United States. In order to commemorate the ancient Greeks and pay tribute to the Greek-American community, Congress passed a joint resolution, which is now Public Law 99-532, designating March 25 as "Greek Independence Day." I am proud to have been an original cosponsor of this legislation.

Greek Independence Day was a model for a new Nation, and continues to be an inspiration for all those living in the darkness of oppression.

I want to commend the gentleman from Florida, Mr. BILIRAKIS, for sponsoring this special order. I also want to commend him on his leadership on this, and many other issues in the Congress.

Mr. BROOMFIELD. Mr. Speaker, I commend Congressman BILIRAKIS for his initiative in bringing this special order to the floor. This order marks a truly historic occasion, both for Greeks and for all Americans.

On March 25, 1821, the Greeks gained independence from their Turkish overlords. Though their struggle for freedom was long and hard, the Greeks had the will to persevere. The ancient Greeks and we modern-day Americans share a deep commitment to our freedom.

The Greek pursuit of freedom and democracy and our strong belief in those same values have linked our two countries throughout history.

Jefferson and other great Americans studied the ancient Greeks and their government. Our Founding Fathers transplanted many of the concepts of the ancient Greeks to this new land. America's constitution has a strong classical ancestry. In this Chamber today, we are following a concept of representative government that has its origin in Greece, the cradle of democracy. The richness of the Greek experience must be preserved. It must be shared with those around the world who yearn for liberty.

I salute the Greek people and all Greek-Americans as we mark this celebration of freedom. As we recollect the ties of friendship and shared democratic traditions, let us work to maintain smooth waters in our relationship with Greece, the land that gave democracy its name.

Mr. HOWARD. Mr. Speaker, I am proud to join with my colleagues today in commemorating the 167th anniversary of the Greek war for independence from the Ottoman Empire.

The struggle of the Greek people for political freedom has a special meaning for Americans, because it was in Greece over 2,000 years ago that the idea of democracy was born. The belief that there should be a government of the people, by the people and for the people inspired our own Revolutionary War and laid the foundation upon which the United States stands.

This common belief in the right of a people to self-determination has been the basis of strong alliance between Americans and Greeks. Then Secretary of State John Quincy Adams remarked of the Greek uprising, which was to gain them independence 6 years later, that:

> The people of the United States, sympathizing with the cause of freedom and independence wherever its standard is unfurled, behold with peculiar interest the display of Grecian energy in defence of Grecian liberties, and the association of heroic exertions, at the present time. If in the progress of events, the Greeks should be enabled to establish and organize themselves into an independent nation, the United States would be among the first to establish diplomatic and commercial relations with them.

In 1917, Greece entered World War I on the side of the allies and took part in the allied occupation of Turkey. The republic became an active member of the North Atlantic Treaty Organization [NATO] in 1952, and today United States-Greek relations are stronger than ever.

Greeks are a proud people who have always placed high values on family, church and education. Thus, they valiantly defended their homeland when those beliefs and the freedom they had fought so long to achieve were threatened by a communist takeover shortly after the end of World War II. Despite heavy losses and thousands of forced evacuations, the Greek people were able to turn back the tide of communism in their country and preserve their independence.

This spirit of a tenacious defense of liberty and a traditional way of life thrives today in the Greek-American community which totals over 3,000,000 people. These people are as proud and determined as their ancestors who gave their lives to secure Greek independence some 167 years ago. I take great pleasure in honoring the celebration of Greek Independence Day with the hope that Greece will once again serve as an inspiration to other people struggling for the cause of freedom.

Mr. MATSUI. Mr. Speaker, this Friday, March 25, 1988, marks an important date in the history of freedom and democracy. This Friday is the 167th anniversary of the beginning of the Greek people's struggle for independence from the Ottoman empire. This struggle for freedom, like our own Revolutionary War, succeeded in throwing off the yoke of foreign domination and set the Greek people on the road toward restoring democratic rule to the land where democracy was born.

Friday is a fitting day to acknowledge and celebrate the many influences of Greek culture that we find today in the United States. The British poet Percy Bysshe Shelley wrote:

> We are all Greeks. Our laws, our literature, our religion, our arts have their roots in Greece.

Those words ring as true for 20th-century America as they did for 19th-Century England.

Friday is also an appropriate time to thank and congratulate Greek Americans for their achievements and many contributions to American society. This vibrant ethnic community has only added to the diversity which makes the United States the great nation that it is today. Additionally, the presence of our Greek American colleagues here in Congress and the present success of the first Greek American candidate for president are only two signs of the important role Greek Americans are playing in modern America.

Mr. Speaker, for these reasons and many more, I take great pleasure in joining my col-

leagues to honor and celebrate Greek Independence Day.

Mr. PORTER. Mr. Speaker, I would like to join my colleague, Mr. BILIRAKIS, in this special order on behalf of Greece and Greek independence day.

Greece holds a very special place in the hearts of free men. As the birthplace of democracy, all democratic nations turn to Greece to find freedom's ancient heritage.

As the birthplace of the Olympics, Greece has provided a shining example for the world to fashion into the modern Olympic games. Today, all countries gather as the city states of ancient Greece once did to celebrate athletic excellence and peace among men.

The liberation of the Greek people in 1821 gave a message to the people of Europe that the old dynasties had run their course. Men like Lord Byron responded to the ancient call for freedom. One hundred and sixty-seven years ago, the Greek people rose up in revolt and pushed their Ottoman oppressors out of Greece. In only a few years, they were able to establish their own country, free from foreign rule.

There were tough times ahead: the Balkan Wars, the Nazi occupation and the Civil War. One out of every four young Greek men came to America during that time to provide for their families and support their loved ones at home.

Today, Greece stands as a free and democratic nation and an ally of the United States. With the strong Greek American community here, there is a special bond between our two countries. Although there may be differences at times between the present government of one side or the other, they are like quarrels within a family that must be seen within the context of close cooperation and longstanding ties.

Mr. Speaker, I join with my colleagues in celebrating this day and the continued friendship and cooperation between the United States and Greece.

Mr. LAGOMARSINO. Mr. Speaker, 2 days from today, March 25, marks the 167th anniversary of Greece's independence from the Ottoman empire. I join my colleagues in celebrating this historic event and the heroic legacy of the Greek people.

While many Americans many not realize it, Greece is the birthplace of American democracy. "Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which the man possesses." One might think this statement was made by Thomas Jefferson, James Madison or even by an American living today. But it wasn't. Pericles made these remarks in an address in Greece some 2,000 years ago!

On a more contemporary note, Thomas Jefferson said "to the ancient Greeks * * * we are all indebted for the light which led ourselves—American colonists—out of gothic darkness." His colleagues, James Madison and Alexander Hamilton wrote in the Federalist Papers, "among the confederacies of antiquity the most considerable was that of the Grecian Republics * * * from the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the present confederation of the American States."

The United States, in turn, provided a role model for Greek independence. Our revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's. Greek intellectuals translated our declaration of independence and used it as part of their own declaration. Many volunteers from America sailed to Greece to participate in Greece's war for independence.

Today, the close friendship between Greece and the United States remains strong. Greece is a member of NATO and hosts important American military facilities. The economic, social, and cultural ties grow stronger every day. Greek-Americans have provided great services to both countries. It is only befitting that Americans join their Greek friends in celebrating this joyous occasion. I look forward to celebrating many more March 25ths!

Mr. TORRICELLI. Mr. Speaker, on March 25, 1821, Greek patriot, Alexander Ypsilanti, began a struggle that initially led to Greece's independence from the Ottoman empire in 1829 and eventually led to the creation of a Greek republic in 1924. It was not only a struggle to bring Greece the freedoms of democracy, but it was also a fight to return democracy to its birthplace after a hiatus of many hundreds of years.

Mr. Speaker, it is with great pleasure and respect that I congratulate Greece on the 167th anniversary of its independence and that I thank it for laying the initial foundations of democracy, which so greatly influence America's Founding Fathers. In view of this fact, it is indeed fitting that Congress has passed Senate Joint Resolution 218 making March 25, 1988 a national day of Greek and American democracy.

Greece and America have a special relationship of sharing. Initially, we shared ideas. In the early days of the United States, our Founding Fathers looked to the Greek example of two millennia past when forming our government. The founders of modern Greece, in turn, looked to our modern example of democracy when forming their new society.

Later, we shared customs and families. As Greek immigrants flocked to the United States in the early 20th century, they influenced the nature of the American "melting pot." They brought with them their customs, language, cuisine, religion, knowledge, skills and a heritage of dedicated citizenship. America has, in return, affected life in Greece through Greek-American family ties. In view of the fact that many Greek immigrants left some family behind in Greece, American ideas made their way back to those who remained in Greece. Presently, most Greek families have at least one relative who is an American citizen.

Today, America and Greece continue to strengthen a relationship of sharing. We share in the defense of Europe as members of the North Atlantic Treaty Organization. We also share in the idea of easing tensions between Greece and Turkey, especially with regard to Cyprus. We are all encouraged by Prime Minister Papandreou's recent meeting with Turkish Prime Minister Ozal, and we all hope future talks can lead to the peaceful resolution of any Greek-Turkish disputes. Lastly, the United States and Greece share in the benefits of a full diplomatic, political and economic friendship that will undoubtedly continue on into the distant future.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Stewart, Secretary of the Senate, announced that the Senate having proceeded to reconsider the bill (S. 557) entitled "An act 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", returned by the President of the United States with his objections, to the Senate, in which it originated.

The message also announced that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

□ 1600

## CIVIL RIGHTS RESTORATION ACT OF 1987—MESSAGE FROM THE SENATE

The SPEAKER laid before the House the following message from the Senate:

The Senate having proceeded to reconsider the bill (S. 557) entitled "An act 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," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

## CIVIL RIGHTS RESTORATION ACT OF 1987—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the Senate of the United States:*

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of discrimination. Our country has paid a heavy price in the past for prejudices, whether based upon race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 *Grove City College* decision, I voiced my support for legislation that would strengthen the civil rights coverage of educational institutions that existed prior to that decision. I have repeatedly endorsed legislation to do just that. Today I am sending to Congress a bill that goes further than the legislation previously endorsed. This proposed bill is intended to accommodate other concerns raised during Congressional consideration of the *Grove City* issue.

Our bill advances the protection of civil rights. It would:

—Prohibit discrimination against women, minorities, persons with disabilities, and the elderly *across the board* in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive *any* Federal aid.

—Extend the application of the civil rights statutes to *entire* businesses which receive Federal aid as a whole and to the *entire* plant or facility receiving Federal aid in *every* other instance.

—Prohibit discrimination in *all* of the federally funded programs of departments and agencies of State and local governments.

Our bill complements well our body of existing Federal civil rights laws. But even more remains to be done. For example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Fair Housing Act of 1968, including the need to protect persons with disabilities.

Congress, on the other hand, has sent me a bill that would vastly and unjustifiably expand the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, farms, businesses, and State and local governments. In the process, it would place at risk such cherished values as religious liberty.

The bill presented to me would diminish substantially the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty because of its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure to protect, under Title IX of the Education Amendments of 1972, the religious freedom of private schools that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as job training programs, would be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it would not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and its legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector—entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation—would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid. Again, there was no demonstrated need for such sweeping coverage.

Further, this bill would be beyond pre-Grove City law and expand the scope of coverage of State and local government agencies. Under S. 557, any agency of such a government that receives or distributes such assistance would be subject in all of its operations to a wide-ranging regime of Federal regulation, contrary to the sound principles of federalism.

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers—which is most of America—an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. For example, persons with disabilities seeking to enhance their job skills are not helped if businesses withdraw from Federal job-training programs because of their unwillingness to accept vastly expanded bureaucratic intrusions under S. 557. Business groups have indicated many of their members may do just that.

The Civil Rights Protection Act that I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would protect civil rights and at the same time preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill would:

—Protect religious liberty by limiting coverage to that part of a church or synagogue which participates in a Federal program; by protecting under Title IX, the religious tenets of private institutions closely identified with religious organizations on the same basis as institutions directly controlled by religious organizations; and by providing that when a religious secondary or elementary school receives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation.

—Ensure that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business, as a whole, receives Federal aid, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.

—Preserve the independence of State and local government from Federal control by limiting Federal regulation to the part of a State or local entity that receives or distributes Federal assistance.

In all other respects, my proposal is identical to S. 557, including the provisions to ensure that this legislation does not impair protection for the lives of unborn children.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

RONALD REAGAN.

THE WHITE HOUSE, *March 16, 1988.*

□ 1615

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The question is, Will the House, on reconsideration, pass the Senate bill, the objections of the President to the contrary notwithstanding?

The gentleman from California [Mr. HAWKINS] is recognized for 1 hour.

Mr. HAWKINS. Mr. Speaker, I wish to allocate, for debate only, 15 minutes to the minority of the Committee on

Education and Labor to be controlled by the gentleman from Vermont [Mr. JEFFORDS]; 15 minutes to the minority of the Committee on the Judiciary to be controlled by the gentleman from Wisconsin [Mr. SENSENBRENNER]; 15 minutes to the gentleman from California [Mr. EDWARDS] of the Committee on the Judiciary; and I reserve the remaining 15 minutes.

I further suggest, Mr. Speaker, that the Members mentioned alternate and each be recognized in turn, so that we would not use up exclusively each of the 15 minutes until the end. To commence the debate, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, 4 years ago a Supreme Court decision significantly narrowed the scope of four civil rights statutes, and under the so-called Grove City ruling the basic civil rights of women, minorities, the elderly and the disabled, have been threatened, denied, and ignored with no redress.

Mr. Speaker, I am frankly amazed at the holy war that has been going on by the moral majority. Is it not interesting that every religious Christian group that I know of, with the exception of the moral majority, supports the bill. We have the American Jewish Congress, the U.S. Catholic Conference of Bishops, the American Baptist Churches, the United Methodist Church, the Episcopal Church, the Evangelical Lutheran Church, the Presbyterian Church U.S.A., the National Association of Independent Colleges and Universities, which contains small religious colleges, and the list goes on and on.

There has been a sea of misinformation, Mr. Speaker, about this bill. To me, it is unbelievable that this could take place by a so-called Christian organization, but so be it. We will not set back the clock. We were not afraid of civil rights in 1964, when Congress passed the Civil Rights Act and barred discrimination based on race, color, or national origin. We were not afraid of civil rights in 1972 when Congress passed the education amendments and prohibited sex discrimination in educational programs or activities receiving Federal funds. We were not afraid of civil rights in 1973 and 1975 when Congress passed the Rehabilitation Act and the Age Discrimination Act to forbid discrimination against the handicapped and the elderly.

Mr. Speaker, I urge my colleagues to support the Civil Rights Restoration Act and override the President's veto.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I intend to vote to sustain the President's veto.

Mr. Speaker, from an intended course to try to correct Grove City, this body is headed toward Grave City. The unforeseen grave consequences of this piece of legislation no one can predict, and that is the main reason that we ought to have a second look at this legislation. No. 1, what consequences does that have, intended or unintended, for the mom-and-pop grocery store that deals in food stamps? What consequence does this bill hold for a religious institution whose tenets govern their educational program to a degree that this bill might change forever? What intended consequences are there in the realm of housing and other corporate ventures and business ventures and farm institutions around the country?

This is a program, if adopted in this piece of legislation, that will have so many—I repeat—unforeseen consequences that our generations yet to come will suffer the consequences of a system that will be so federally intruded that it would be indescribable.

Mr. EDWARDS of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, there are many millions of Americans out there who ask you to vote "aye," to override the sadly mistaken veto of President Reagan.

He has made a terrible mistake and I can only suggest that he received some very bad advice.

S. 557 is a good bill, a decent bill, a much needed bill.

The Supreme Court's unfortunate decision in 1984, allows organizations and people to accept taxpayers' money and to use that money to discriminate against minorities, women and girls, the handicapped and the aged.

The record made before the 98th, 99th, and 100th Congresses clearly demonstrates that discrimination in federally funded institutions is occurring at an accelerated pace. Since 1984, the Department of Education has closed or suspended 674 complaints.

The Grove City decision is affecting court decisions as well. In October 1987 the 11th Circuit Court of Appeals dismissed the Federal Government's complaint against Alabama's higher education system because the Government had failed to establish which programs and activities in the system received Federal funds.

Heaven knows how many thousands of complaints have not even been filed because the world is out that the right to be free from race, sex, handicap, and age discrimination in federally funded programs is no longer enforceable under these four laws.

Mr. Speaker, we are facing an epidemic of discrimination and the veto must be overridden.

The people who have phoned our offices asking us to sustain the veto have been cruelly frightened and shockingly misinformed. The moral majority is responsible for this smear campaign and they have not done their homework.

Mr. Speaker, except for the Danforth abortion amendment, which I find most repugnant, the bill is a simple restoration of the law as it was before February 1984. None of the fears and hysteria whipped up in support of this veto has any foundation whatsoever.

My colleagues, listen to scholarship and reason and not to the unfounded hysteria of the past week. Listen to the U.S. Catholic Conference of Bishops, the major Protestant churches and Jewish leaders; they all support the Civil Rights Restoration Act.

Vote "yes" to override. Vote yes for a decent, fair and equitable law.

Mr. HAWKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I hope the House is about to put into law a very basic principle, that people who voluntarily take Federal funds have an obligation to treat everybody else fairly, on their merits, and without regard to any particular prejudice.

There are two issues in particular I want to address. There has been some question about the position of the home builders indicative of the impact of this on the home building industry. One "Dear Colleague" letter listed the home builders in opposition. As a result of some conversations we have had, the home builders have sent a letter which I have sent to other people making it clear that they are now in favor of the bill. They had some questions. They have now been answered.

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

Mr. FRANK. I will yield briefly to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I think the gentleman——

Mr. FRANK. Mr. Speaker, I said I would yield briefly.

Mr. SENSENBRENNER. I think the gentleman with this organization is showing that the membership is on one side and the executives are on the other side.

Mr. Speaker, I would like to ask unanimous consent to incorporate into the record the resolution by the membership.

Mr. FRANK. Mr. Speaker, I take back my time.

The SPEAKER. The gentleman from Massachusetts declines to yield further.

Mr. FRANK. Mr. Speaker, I do not yield further. The gentleman put out a "Dear Colleague" letter listing this organization in opposition. We have from the president of the organization a letter saying they are in favor of it. They had some questions and they have been answered.

Does that mean that every member is in favor of it? No, but the organization's official position is in favor of it.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield again?

Mr. FRANK. Mr. Speaker, the gentleman has plenty of time on his own. The time is very limited here and the gentleman controls the time period.

The point is that the Home Builders having raised those questions have been satisfied. They have written a letter and have urged us to tell people to support the bill.

The other issue that I was somewhat surprised to hear had to do with AIDS. I heard Jerry Falwell talking about how this bill would force people to hire those with AIDS and there was a lot of discussion about AIDS.

Then we got the President's substitute bill today, and lo and behold, in the President's substitute bill there was the identical language dealing with infectious diseases that we have in our bill.

Now, I look forward to reading the paper tomorrow to hear Jerry Falwell denouncing Ronald Reagan. That will be a very interesting contest.

But the Members ought to be very clear that the bill that Ronald Reagan has sent to us with regard to infectious diseases is word for word the bill that is before us, and it is word for word what was in the Senate bill; so those who have been hearing from the Moral Majority's objections about how this bill deals with infectious diseases, I suggest these members give them the White House answer. I think the answer ought to be, "Let Jerry Falwell and the President debate this, and you can take on the winner." There is no need to debate it simultaneously, because the objections they have to our bill, they must also have to the President's bill.

Now, I do not know how Ronald Reagan is going to explain this to Jerry Falwell, and I would like to be there when he does, but I probably will not be invited.

The relevant point is this. All our bill says with regard to infectious diseases that if you are through any health problem a direct threat to other people, you can be fired or be put in another place where you will not be a threat. We say that. The Senate says that. President Reagan says that. So all this discussion about being forced to hire people with AIDS, it may be a problem, but if it is, it is a problem with a bill that the President of the United States sent to us. Some people do not like that, but they will have to take that up with the President. I do not speak for him.

Mr. JEFFORDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it is unfortunate, I believe, that we find ourselves here today. I wish that the President had not vetoed this bill. I believe it is incredibly important that we move forward and that we end the discrimination that has resulted because of the Grove City case.

For three consecutive Congresses now we have struggled to secure legislation overturning the 1984 Supreme Court's Grove City decision, and to make institutionwide the scope of coverage under four civil rights laws that ban discrimination in programs or activities receiving Federal money.

Before Grove City narrowed the reach of those civil rights protections, the courts generally had viewed coverage as institutionwide—which is clearly what Congress had in mind when the laws were written to begin with. Moreover, officials at the agencies with enforcement responsibilities testified that they had applied the laws institutionwide. So all we are really trying to do here is to return to an interpretation of the laws that existed before Grove City.

This vote today is the long-awaited culmination of what we began back in the 98th Congress, in 1984, when the House passed a civil rights restoration bill. Unfortunately, that bill eventually was tabled in the final days of the Senate's session. But in the very next Congress, we again took up the issue, and attempted to answer concerns that had been raised during Senate consideration the year before. We developed a bipartisan bill, which I introduced at the Education and Labor Committee markup in 1985. This time, however, the House never considered the bill, largely because it had become tangled in the highly emotional issue of abortion.

Today, we have before us a bill that essentially is identical to that bipartisan proposal I offered 3 years ago.

And the heart of the bill remains the same—to restore the simple concept in law that the public's money—taxpayers' money—should not and will not be used to support discriminatory practices.

The Federal Government gives money to a lot of people and organizations. When it hands out its checks, the Government has the right to attach conditions to the use of its money, of our money. One of the conditions we have attached is that you cannot discriminate if you take public money. You cannot discriminate against minorities, against women, against the handicapped or against the elderly. If someone wants to avoid being covered by the civil rights law, if they want to discriminate, then they have a clear choice. They do not have to take the public money, but as long as they do, they are bound by the civil rights laws of this Nation that protect against discrimination.

One of the major issues during the debate on this bill over the course of time that I have been involved since 1984 was abortion. Both bills are the same on abortion. They are abortion-neutral.

Another important issue is the religious tenets exemption for church-related colleges and universities subject to title IX. I won't deny that there may not be some problems with the religious tenets issue. With the Senate amendment, however, we have taken care of the title IX abortion regulations, which was the major area of concern for religiously affiliated colleges and universities. Moreover, our past experience with this bill indicates that the current religious tenets language just hasn't been a big problem. In fact, no college has ever been turned down. It's important to note that many religious organizations support this bill. And the National Association of Independent Colleges and Universities—which has been the main advocate of an expanded religious tenets amendment—urged the President not to veto this bill.

Another area that we have heard many complaints and phone calls about has to do with what happens if somebody comes in with AIDS. The bills are both identical on that question.

There have been a great deal of outrageous hypotheticals floating around concerning what this bill would and would not require. We've all gotten the calls, I'm sure, from callers claiming this bill would require you to hire drug-addicted, alcoholic transvestites with AIDS—that the bill is really a gay rights bill, not a civil rights bill. Those kind of claims are absolutely ridiculous. "Sex discrimination" in this bill, for the purposes of title IX, refers to gender, not sexual orientation. Neither this bill nor the four statutes it amends even mention the terms "homosexual" or "sexual orientation." And no Federal statute prohibits discrimination on the basis of homosexuality. If such a prohibition existed, there would be no need for the gay rights bills that have been introduced over the past several years.

The kind of ridiculous claims such as these that have been made about this Civil Rights Restoration bill are basically scare tactics—the kind of tactics we should pay no heed to. Those who have been alarmed by them, however, and who may be leaning toward sustaining the veto so that the President's alternative can be considered should take note: the President's bill does not address any of these allegations at all. If they truly represented real problems, I cannot believe that the President would have ignored them in his own 11th-hour proposal, or that the Senate would have ignored them today.

The reason why neither the President nor the Senate addressed these allegations is because that's all they are—allegations. They are not real problems.

So what are the differences between S. 557 and the President's alternative? What are the basic differences? The only difference in reality when you get down to it is one of religious tenets. I would admit I wish there were some different wording there and I fought for amendments on that in the past; but if you look at the practice, there is no problem. Everyone who asked for and who should logically have been given one, has been granted an exemption. That is why the Catholic Conference supports this bill. That is why we do not have a problem here.

Second, the only area where we really have a difference in these bills is the scope of coverage.

□ 1630

How much of the local government, how much of the State governments are put under the law? The President's alternative narrows the coverage.

Which are covered? Those agencies that receive the money, are they covered? Are they forced not to discriminate? Yes.

Then what is the difference in private enterprise? The only difference and distinction outside of the corporate field is with respect to grocery stores. Our bill says that they are not relieved from discrimination against the handicapped, and if there is a problem with architectural barriers, as long as they do something reasonable, that is all right. That is all that has to be done. The administration only exempts grocery stores. Otherwise the pharmacies and private sector is covered.

They narrow the scope with respect to corporate bodies.

We would cover all, at least those receiving Federal funds.

Mr. Speaker, the differences are very slim. There is no reason not to override.

The only real problem we are dealing with today is the problem of discrimination. Until 4 years ago, before Grove City intervened, our laws ensured that taxpayers' money could not be used to support discriminatory practices. By overriding the veto today, by overturning Grove City, we will restore that basic protection against discrimination in law.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I strongly urge this body to vote to override this mistaken veto.

Mr. Speaker, I rise today in strong support of the Civil Rights Restoration Act. It is a vital piece of legislation that I have backed for 4 years. It was passed by the House and Senate by overwhelming bipartisan majorities. It has the support of some of the President's strongest allies in Congress. High ranking officials from the Nixon, Ford, Johnson, and Carter administrations support the bill. Nearly every religious denomination, countless civil rights groups, and civic organizations support this bill.

With all this bipartisan support, why did the President veto last Thursday? Good question. There isn't a good answer. His veto is the first veto of a civil rights bill in 120 years. I can only conclude that despite what he says, the President is not really concerned about stopping federally sponsored discrimination.

In the years since the Supreme Court's Grove City decision, I've watched its destructive impact with great sorrow. What took us so long to build—equal opportunity for all citizens and an end to Government condoned discrimination—was mangled by the Grove City wrecking ball. Now, instead of signing a 4-year-long bipartisan effort to undo the damage, the President has chosen to swing the demolition ball one more time into the wreckage of Grove City.

It is distressing to see the President fall so completely under the spell of the Jerry Falwells, whose public distortions of this bill are a travesty. In a last-ditch attempt to derail restoration of civil rights, Falwell's organization has put out a disinformation campaign unmatched by any other in recent memory.

Falwell has written a memo to pastors all across America saying that "churches and religious leaders could be forced to hire a practicing, active, homosexual drug addict with AIDS to be a teacher or youth pastor," if this bill becomes law.

This is unadulterated balderdash.

All this bill does is restore four major civil rights laws, some of which have been on the books for over 20 years. These laws were passed to make sure the Government stayed out of the business of racism. They were passed to give all citizens—women, minorities, the elderly, the disabled—an equal opportunity in all endeavors backed by the Federal Government. With the Grove City decision, Congress had to act to restore the original intent of these laws. That is what exactly, precisely, specifically what Congress has done. No more, no less.

I stated before, during House consideration of S. 557, that I am distressed by the Danforth language which was included in this act. Despite my serious opposition to this provision, I remain strongly committed to passage of this vital act.

And I'm confident that the American people, and the Congress, will not be deterred by the vocal distortions of a scared and intolerant minority. A minority which prefers to fan the flames of religious intolerance and bigotry rather than to promote the basic human democratic principles this country was founded on.

But I am greatly troubled by the number of phone calls I received last week urging me to support the President's veto of this bill. Many of my constituents called me with their concerns that this bill was "anti-family," "anti-church," and dangerous.

Most of them were responding to inaccurate inflammatory information given to them by the Moral Majority or by a television evangelist. They were honestly and seriously concerned. But they have been misled. They have been told outright lies. Some of them have taken the time to study this bill and sincerely oppose it. I regret that I find myself in disagreement with them. But others have merely responded to Jerry Falwell's false alarm. And to these people who have called me I want to say that I can't believe they really want me to cast a vote in favor of using Federal dollars to promote racism and discrimination against women and the disabled. I can believe that Jerry Falwell has managed to convince good people of something that is horribly untrue.

If this bill did any of the outrageous things its detractors say it does, how could it possibly have such broad bipartisan support? How could the leaders of the House and Senate—Democrat and Republican—back the bill? How could nearly every religious entity in the country support it?

How could the National Parent Teacher Association, the League of Women Voters, AFL-CIO, NAACP, the Evangelical Lutheran Church of America, the Presbyterian Church, the Episcopal Church, the United Methodist Church, Common Cause, Paralyzed Veterans of America, the American Bar Association, People for the American Way, the National Urban League, the National Association of Independent Colleges and Universities, the American Jewish Congress, the United States Catholic Conference, the American Civil Liberties Union, American Baptist Churches, the Children's Defense Fund, the National Easter Seal Society—and the list goes on and on—how could these fine organizations representing millions and millions of Americans from all walks of life support a bill that would force churches to hire drug addicts?

How? I'll tell you how. Because Jerry Falwell's claims are without foundation. They are not true. They are designed to enrage and fund-raise—not to assure an informed citizenry.

The Moral Majority can call ensuring that tax dollars are not used to discriminate, "the greatest threat to religious freedom and traditional moral values ever passed," if it wants to. I don't. I call it democracy.

My colleagues, I urge you to vote to override the President's veto of this act.

Mr. EDWARDS of California. Mr. Speaker, I yield 7 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I approach this legislation a little bit different from other Members. I have been a Baptist for some 42 years and for some 15 years I traveled these United States as a gospel singer in a gospel quartet. I guess I have been in more different churches, in more denominations than probably any Member that has ever sat in this House of Representatives, or most Members.

Mr. Speaker, it disturbs me, the information that has been going out to friends of mine that I have known for 25 years, I have been in their churches, I have been in their homes, I have eaten meals in their homes, broke bread with them, because people have called me and said, "Congressman, I cannot believe that you would vote for legislation that would mandate that

our religious leaders would hire a practicing homosexual drug addict with AIDS to be a young pastor."

It is my belief that I have never done that.

Some of my friends have called me and said, "Congressman, I don't believe that you would vote for legislation that if a Social Security recipient got his Social Security check and went to his church and made a contribution to that church where he had belonged for all these years, that that church comes under the long arm of the Federal Government."

I do not believe I have done that.

I believe there has been so much misinformation about this bill that it saddens me that good people that work hard 5 days a week, go to their churches, and have been told that if they receive a disability check, a Social Security check, a veterans payment, or if they are on food stamps and they go to a little country grocery store and they take these food stamps that in this country store they would have to hire whoever came in to be an employee at that country store.

I do not believe that I have voted for that kind of legislation.

I do not believe the opponents of this believe all these things that I have been told that have been told to these people in my district and in districts in Oregon, in California, and Alabama.

Mr. Speaker, no job is worth it to me. Mr. Speaker, I have served in this body it will soon be for 14 years.

As I have said, I have traveled these United States singing gospel music for many, many years. I have suffered one heart attack. I will be 58 years old on the 11th of April. No job is important enough to me, no job is important to me to lie to the American people, and no bit of legislation is important enough for the American people or against the American people to put out falsehood under the name of religion to the American people.

I find it reprehensible not to those thousands of people that have made the phone calls, but reprehensible to the people that have instigated this misinformation.

I have got friends that I have known for 30 years and have gone to church with them, gone to conventions with them, done favors for them, helped them get Social Security checks to which they were entitled, helped them get veterans benefits, helped them with all sorts of problems that one could have and these same people say to me, "Congressman, I don't believe that you could vote to put us under the long arm of the Federal Government and cause us all these problems."

I do not believe that I have done that. I would not do that. But if it means that I lose my position in the U.S. House of Representatives, and that I have to cave in to false information and base my vote on what people believe to be true but which I know to be not true, I say to my colleagues this job is not worth that to me.

Mr. Speaker, there are other things that I can do. I do not believe that the American people knowing the truth would expect any of us here to cave in and give up our convictions for what we know to be right. I would not knowingly force any individual in my district or anybody else's district to do something that was against their religious convictions, and neither does this legislation.

Mr. Speaker, there may come a time when somebody would wind up with a practicing homosexual drug addict with AIDS in their employ, that might be a member of a church, but it will not be because of this legislation that we are voting on here today. I would just like to urge all the Members to look very closely based on what our convictions are. But I think it is reprehensible for people to put out so much misinformation to good, well-intentioned people that have put their trust in what these people are saying to them.

I do not blame the thousands of people that have called, because they are frightened. It is enough to frighten a pastor when he gets a letter that says that this is a gay rights bill that was slipped in on us during the Presidential primaries. It is enough to frighten anybody. I do not blame them for not listening to us when we say this does not do that, especially when people go on television and go into tirades that if they are a mom and pop operator of a grocery store and if they take food stamps, that they are going to have to hire a homosexual or a transvestite, or will have to hire a practicing homosexual drug addict with AIDS to be a youth pastor.

How ridiculous.

No job is important enough to me for me to compromise my principles in what I believe and I have read the bill over and over and over and over and I would urge the Members to vote to override this veto.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. I say to my colleague from North Carolina [Mr. HEFNER] that I only hope that along with having read this bill that he will have read the Arline decision because combining the Arline decision of the U.S. Supreme Court of last year with this bill one gets the precise results that the gentleman says are not a part of this legislation.

Let us make no mistake about it. This bill is going to result in the claim being made that a church in America must hire a professing homosexual who has the virus for AIDS because the claim will be made under the Arline decision that such a person fits within the definition of a handicapped person as Congress developed that term in 1973, and the tragedy of the passage of this legislation through the House at this time is that we are not taking the opportunity of debating the issue, and offering of amendments to make sure that does not happen.

I say to my colleagues, I went to the Committee on Rules and I asked for an amendment to be made in order so that we could debate on the floor of the House that the adoption of this legislation and the Arline decision would not result in the definition of a handicapped person, including someone with a communicable disease.

In 1978 Congress by specific act said that we did not intend to include within that definition a person such as a drug addict or alcoholic. I submit it was never the intention of Congress to include within that definition somebody with a communicable disease and communicable disease includes many, for example in my State of California there are 58 on the list. If one has one of those communicable diseases under the Arline decision that person has a leg up on the system because they can come into court and say that they come within the protections of the handicapped act.

That is a part of this whole issue. It was never the intention of Congress to do that, but under the rules fashioned by our Democrat leadership we had 4 hours to debate this when it came up on the floor of the House. That is totally inadequate. The American people deserve a clear understanding of what this is. We need a specific amendment to say that we do not intend to have the definition of a handicapped person be a person with a communicable disease.

Mr. JEFFORDS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from Vermont [Mr. JEFFORDS] for yielding me this time.

Mr. Speaker, on numerous occasions over the last several years lopsided votes have called for overturning the case of Grove City versus Bell, the latest of course being today's vote in the Senate of 73 to 24 to override the President's veto.

I would like to read a letter that is addressed to the gentleman from Vermont [Mr. JEFFORDS] from Terrel H. Bell, who was part of the proceedings that brought us to this matter in the Grove City case.

The letter says:

MARCH 21, 1988.

Hon. JAMES JEFFORDS,
*House Office Building, Washington, DC.*

DEAR REPRESENTATIVE JEFFORDS: I am writing to urge you and your colleagues to vote to override the President's veto of the Civil Rights Restoration Act, which previously

passed the House and Senate by strong bipartisan margins. The legislation necessarily restores coverage of civil rights laws to their original intent and purpose.

When I was Secretary of Education, we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell Grant program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes if it received any federal assistance. We believed that if you take federal funds you must comply.

With the exception of a few small private institutions, there was broad acceptance and support of the civil rights laws to protect minorities, women, and the handicapped from discrimination. At the time I could see no reason to come forth with a new interpretation of these laws. It would cause strife and bitterness among those currently enjoying the protection of the civil rights laws.

It was clear to me then, as it is now, that the Department of Justice is determined to weaken civil rights enforcement in the nation's colleges and schools. Their position was, in my view, harmful to American education and potentially damaging to the rights of minorities who fought against discrimination.

It was a great disappointment to me when the Supreme Court handed down the decision in *Grove City College* v. *Bell*, affirming the Justice Department's position.

The Civil Rights Restoration Act is as much a Republican bill as a Democratic bill. As you know, thirteen high ranking government officials from the Johnson, Nixon, Ford, and Carter administrations have all testified in support of the legislation to overturn the Grove City decision.

I am grateful for your leadership in this effort and I hope the Congress will, at long last, reaffirm its commitment to civil rights by overriding the President's veto.

Sincerely yours,

TERREL H. BELL.

Mr. HAWKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me first salute my colleague the gentleman from North Carolina [Mr. HEFNER]. I have received literally hundreds of phone calls in my office on this issue and I am sure that he has received many more. It took a great deal of courage for him to make the statement that he made earlier.

Mr. Speaker, this issue had been crafted by opponents so that it is a magnet for the phobias of the right-wing in America. They have resorted to scare tactics in an effort to convince Congress to sustain the President's veto. Otherwise good, God-fearing people have been swept into a campaign to believe that this bill will somehow expand the rights of homosexuals, alcoholics, drug addicts, and persons with contagious diseases when in fact the record is clear that this bill does not expand any substantive rights in those areas.

The basic question which we face today in the House of Representatives is whether we are willing to sacrifice basic American protections against discrimination to allay the unfounded fears of both President Reagan and the moral majority.

This bill is sensible and reasonable and in the mainstream of American political thought. It says that as religious belief should not fall victim to our efforts to reverse Grove City, neither should it be a shield for bigotry in the name of God.

□ 1645

It is impossible for us to craft legislation which looks into the motives of a church or an individual practicing its religious beliefs. But we have crafted in this legislation a procedure and language which guarantees that religions will have an opportunity to make a good faith proof that they are in fact acting consistently with their religious beliefs.

I think that is not only harmonious with the American system, but it is a good thing for this country to move forward and out of the shadow of the Grove City decision. It is sad that religious leaders on the right would labor so hard to strike the very body of law which protects their congregations from religious discrimination, for without the protection of law, religious belief is a slender reed. In fact, there are those who would say it is a reed which can be destroyed or uprooted by shifts in the winds of public opinion.

If my colleagues will look to the congregations and religions which have endorsed our legislation today they would find a litany of those faiths which believe that there can be diversity in America and that this legislation poses no threat to those who practice religion. The groups include the U.S. Catholic Conference of Bishops, the American Jewish Congress, the American Baptist Churches, the Evangelical Lutheran Church of America, the Presbyterian Church of the U.S.A., the United Methodist Church, and the Episcopal Church.

Mr. Speaker, the choice before us is clear, and I would hope all of my colleagues would join me in overriding the veto of the President.

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, every time this body considers civil rights legislation, and I know this only from history because unfortunately we have not considered too much in the last 7 years since I have been here, the same thing happens. A parade of horribles is trotted out: What if, the opponents say, what if this, what if that, what if the other.

Let me say to my colleagues who are wondering about these parades of horribles, these scare tactics that have emanated from all sorts of places, let us look at the real issue. We have tried long and hard in this country to eliminate discrimination. It is a difficult fight. It is a real fight. It is not a hypothetical thing out there. People face it every day.

Mr. Speaker, are we going to let bugaboos and hobgoblins scare us into making the progress that we know we must make in this country in order to fulfill our ideals under the Constitution? I say to my colleagues, this vote determines which side they are on.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, since we have only 15 minutes in which to debate this very important measure, I will rise in support of the President's bill.

Mr. Speaker, I rise in support of efforts to sustain the President's veto of S. 557, the Civil Rights Restoration Act, which is also known as the Grove City bill.

Because there are too many unanswered questions as to the effects of this legislation if enacted, I opposed its passage when it was before the full House of Representatives. Disagreement over what the bill will and will not do does not seem to me, or to my constituents, to be the makings of good legislation.

On face value, it would seem that a so-called Civil Rights Restoration Act should have the unanimous support of the Congress and the people. As we are all well aware, this is not the case. However, a reality of this legislation is that the jurisdiction of several Federal statutes could be vastly expanded to State and local governments, churches and synagogues, religious school systems, businesses, and other elements of the private sector.

Unfortunately, too many questions as to the effect of this legislation remain unanswered. Questions of which institutions will be mandated to comply and what exactly will be required are important questions that tug at the very essense of this proposal. Perhaps if hearings had been held in the House of Representatives during the current session of Congress, some of the important and troubling ambiguities could have been resolved.

I do not believe it is responsible policymaking to rush through legislation without adequate hearings and limited public knowledge. Therefore, I believe we should sustain the President's veto of this questionable bill. We should examine it more closely, along with the President's alternative bill, the Civil Rights Protection Act of 1988. Let's work to ensure that our Federal civil rights laws are adhered to in a manner that protects the rights of all Americans against discrimination while, at the same time, the tendency of the Federal Government to have overreaching powers is curtailed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. Mr. Speaker, those who argue in favor of this bill argue that it involves the issue of discrimination. In fact it does not. If it did, we would not be here debating today.

In fact, it involves exactly the same issue from which the bill derives its name: The Grove City issue. If my colleagues read the case, which is instructive, it says: "The undisputed fact is that Grove City does not discriminate and so far as the record in this case shows—never has discriminated against anyone on account of sex, race, or national origin. This case has nothing whatever to do with discrimination past or present."

What then does it have to do with? The case goes on to state exactly what it does have to do with. "Petitioner Grove City College is a private, coeducational, liberal arts college that has sought to preserve its institutional autonomy by consistently refusing State and Federal financial assistance. Grove City's desire to avoid Federal oversight has led to decline to participate, not only in direct institutional aid programs, but also in Federal student assistance programs. * * *

This case, this bill, is not about discrimination. It is about the rights of millions of Americans in churches and synagogues to be free from Federal intrusion.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I rise in opposition to this bill and in support of the President's veto.

I am for civil rights. I have no problem with the goals of this bill—to restore the pre-Grove City application of civil rights laws.

However, this bill is surrounded with so much ambiguity, so much controversy, and so much confusion that I cannot support it in its present form. And I believe the President has done the right thing in fixing his veto firmly on it.

We have a lot of private schools in the State of Kentucky and they are concerned about this legislation. They are concerned that they are going to be dragged under the full heavy net of Federal intervention, interference, and regulation.

Proponents of the bill say, "Don't worry, this bill won't hurt you. It is simply restoring the pre-Grove City status quo."

Quite a few religious organizations in my State are worried about this bill. They are concerned that if one of their programs or operations takes in a single Federal dollar that they too will fall under the sweeping regulation and paperwork puzzle of the Federal Government.

Proponents of this bill say, "Don't worry, this bill won't hurt you."

Small business in my district is concerned about this bill and concerned that if they take one food stamp or Federal contract that they will be deluged with red tape and lawsuits.

Proponents of the bill say, "Don't worry, this bill won't hurt you."

There are good many farmers in my district who are concerned about this bill. They are concerned that if they take a dollar in price supports or crop subsidies that they will be drawn under the broad network of compliance reviews, accessability requirements and other nightmares of Federal regulation.

The proponents of the bill say "Don't worry, this bill won't hurt you."

I don't know about the rest of you, but in my district when the Federal Government says, "Don't worry, we'll take care of you." That's when the people start sweating.

Wouldn't it be a little easier and a little safer, if we just stop where we are and take this bill back to the drawing board and clarify it?

The proponents of the bill says they simply want to restore things to the way they were before Grove City. Few, if any of us, oppose that goal. But so many people are concerned that this bill goes beyond that goal; so many people and organizations are concerned that this bill is a tremendous expansion of Federal intrusion into their lives and businesses, and churches and schools.

So many people share these concerns, that "don't worry" is not enough even if it is repeated 1,000 times.

We should sustain this veto, send the bill back to the drawing board and come back to the floor with a clean bill that clarifies what it does and does not do. This bill has become controversial because it is surrounded with so much ambiguity and so many contradictions. If we clear that ambiguity and confusion away, this bill will sail through with the blessing of virtually every American.

But passing this bill over the President's veto—in the face of the very real concerns of the thousands of people who are calling our offices every day—is not the way to further civil rights in this country.

I urge my colleagues to join me in supporting the President's veto of this bill. The people who have legitimate concerns with this bill have some rights, too.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HENRY.]

Mr. HENRY. Mr. Speaker, I rise in opposition to the bill and in support of the veto. I will try to speak very rationally and deliberately to the religious tenets issue alone, not to the issue as to how far ultimate beneficiary ought to be extended or even to how far the question of ultimate beneficiary in the Grove City fix is extended, but simply to the problem of the religious tenet language.

The issue for me, at any rate, Mr. Speaker, is not the issue of discrimination on race or handicap or sex or age, all of which obviously I am opposed to, and my record in any number of other issues clearly indicates that, but the issue of the bill, because of the way in which it is crafted, threatens the religious liberties and independence of religious organizations not only in the religious educational sphere but potentially because of the expansions in the bill, in the social services sector as well.

If we look at the current religious exemption language, we note that statutorily, and if you read carefully the President's language, educational institutions, for example, which are controlled by a religious body, are given legislative protection for when their religious commitments run into or clash with some of the goals of the other civil service civil rights issues. Rightly or wrongly, from our point of view, we have honored the freedom of religion.

The problem arises that due to the expansion encountered in this act and because of the changing way in which religious organizations are organized, organizations that are equally, if not more, religious in many instances than those directly controlled by denominations are not guaranteed the same protections under the law as those which are directly denominationally controlled.

The test has thus become the form of religious governance as a criterion of exemption rather than the religious character of the institution per se and the religious legitimacy of its claim for exemption under the act.

Because of this fact, Mr. Speaker, in 1986 we deliberately broadened the religious tenets exemption under the Higher Education Reauthorization Act. This is not new language.

When this bill was last before the House Education and Labor Committee, the committee voted 18 to 11 to broaden the religious tenets exemption to address this problem. The problem arose for many of us, Mr. Speaker, because the rule under which the bill was brought to the House unfortunately refused to allow us to address this issue without also entangling it in other attempts to narrow the scope and range of the Grove City restoration, and that is the problem.

The religious community, I should point out, is not opposed to religious tenets language. It is true the major religious and ecumenical organizations opposed any amendment which would derail or entangle the passage of the Civil Rights Restoration Act. However, none are opposed to independent and exclusive consideration of the religious tenet language.

The Catholic Conference, the American Jewish Conference, the National Council of Churches, as well as your fundamentalist and evangelical groups run from acceptance to active support for this language. Unfortunately, Mr. Speaker, we were not allowed to present the issue in such a way as to assure the protection of nondenominationally controlled organizations, be they educational or social service, and that is the concern for many of us.

The SPEAKER pro tempore (Mr. PANETTA). The Chair will announce that the gentleman from Vermont [Mr. JEFFORDS] has 6 minutes remaining, the gentleman from Wisconsin [Mr. SENSENBRENNER] has 10 minutes remaining, the gentleman from California [Mr. HAWKINS] has 7 minutes remaining, and the gentleman from

California [Mr. EDWARDS] has 7 minutes remaining.

Mr. HAWKINS. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I would like to engage a member of the committee in a colloquy concerning a certain question that I have, and the question is: Does tax exempt status constitute "Federal financial assistance" or any other "benefit" so as to bring a recipient institution under the coverage of this act? For example, would a private religious school with tax exempt status be covered by this act?

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

Mr. HARRIS. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, the answer is "No." Tax exemption in and of itself will not trigger that, and as the gentleman would note, under our first amendment, we have restrictions on helping directly religious organizations.

If a simple tax exemption were considered a form of Federal financial assistance, Madeline Mary O'Hara would have been in and out of court all the time. A simple tax exemption does not trigger any obligation under this act whatsoever. So a school which gets no Federal financial assistance in any way and simply has a tax exemption is not covered at all.

Mr. HARRIS. I thank the gentleman for his response.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, today each of us faces a difficult choice: Should we vote for a bill because it has an attractive title and worthy goals? Or should we support the President's veto of that bill because it is ambiguous; its scope is ill-defined; and it may therefore vastly and unnecessarily expand Government powers.

This choice is not one of whether we are for civil rights or against civil rights—almost every Member of this body is committed to the rights set out in the four statutes amended by this bill. The question is much more complex and the issues more intricate.

While I embrace the goals of the Civil Rights Restoration Act, I cannot overlook the troublesome questions raised by the statutory language contained in this measure. We can do a better job of legislating. The definition we tried to give the bill through committee reports and floor debate should be part of the statutory language of this bill—we should not leave the job half finished.

The uncertainty about the impact of this legislation on churches, small businesses, and farmers should be eliminated before the measure is enacted into law.

First, the treatment of churches in this legislation should be revised. There is general agreement that entire churches, synagogues, and other religious institutions will be covered by the civil rights laws if this bill is enacted. This is true, even if only a single program operated by the church receives Federal funds. For instance, if a church operates a homeless shelter which receives Federal assistance, not only will the shelter operations be subject to the civil rights laws and regulations, but every aspect of the church will have to comply with these regulations. There is also some uncertainty on the extent of coverage of a diocese if an individual parish participates in a Federal program. We have assurances that only the parish will be covered, but the statutory language itself is unclear.

Thus, this is potentially a great expansion of Government into the free exercise of religion. Congress has traditionally been reluctant to entangle the Government with religion, but this bill compromises this longstanding principle, because the issue has not been fully explored by this body.

An effort was made to partly address this problem as it relates to title IX. A clarification of the religious tenet exemption to reflect the current environment would at a minimum ensure that institutions closely identified with religious institutions would not be forced to comply with a regulation which was in direct conflict with their religious principles. But proponents of this bill did not support this amendment, clearing indicating their desire to place Government civil rights laws above religious freedom in this country.

Second, the impact on small businesses causes concern. Corporation-wide coverage is triggered by this bill. This is an expansion of the scope of the civil rights laws beyond their pre-Grove City status. Moreover, this coverage brings with it several burdens, which will be particularly troublesome for small businesses. These include increased Federal paperwork; compliance with Federal regulations; exposure to Federal bureaucratic on-site compliance reviews; and adherence to accessibility requirements under section 504.

Third and finally, the impact of the bill on farmers is uncertain. While assurances have been made that this bill will not trigger coverage of farmers, the language itself is vague enough to generate doubts, and conflicting interpretations of the statutory language have been advanced. These conflicting readings of the bill should be put to rest by clear statutory language before the bill is enacted.

Before extensively expanding the authority and reach of Government, we, acting on behalf of the people, should clarify precisely the limits of that new Government power. We have assurances from the proponents of the bill that many of these problems are not real, but it would be more meaningful if those assurances were in the statutory language contained in the bill itself.

That is why I am voting to sustain the President's veto—to give this Congress an opportunity to do a better job. And I sincerely hope that, if the veto is sustained, the proponents of this legislation will continue to work for a civil rights bill that can be supported by this body and by the President.

Mr. JEFFORDS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, I rise in support of the Civil Rights Restoration Act.

This legislation demands and deserves a reasoned, measured, and thoughtful deliberation in Congress and across the United States.

Civil rights legislation must not be reduced to a discussion or deliberation based on inaccuracies and misunderstandings.

Therefore, we should assess this legislation and discuss what it does and what it does not do with respect to basic fundamental rights and freedoms for all Americans.

What does the Civil Rights Restoration Act do?

First, it prohibits discrimination on the basis of age, prohibits discrimination against the elderly.

Second, this legislation bars discrimination against the disabled, the handicapped.

Third, this measure forbids gender-based discrimination in the work force.

Fourth, this legislation just says no to discrimination against black Americans, just says no to discrimination based on race, color, creed, or national origin.

Also, let me emphasize an important aspect of this bill: The inclusion of the Danforth amendment, a provision which makes this act abortion neutral.

Now, let us examine what the Civil Rights Restoration Act does not do.

First, this legislation does not require, force, mandate, or dictate the hiring practices of employers.

Second, this measure is not a gay rights bill. This legislation is not directed toward sexual preference. Additionally, the Humphrey-Harkin amendment provides that anyone with a contagious disease or an infectious disease is not covered by this act. Why? Well, because of potential public health risks involved and the potential danger to others.

Third, this legislation does not cover or include farmers receiving government payments or food stamp recipients or Social Security beneficiaries. Why? Well, because section 7 of the

Civil Rights Restoration Act excludes ultimate beneficiaries from coverage.

Fourth, certain exemptions are included in this legislation to ease economic burdens on small businesses throughout America.

Fifth, the legislation does not intrude upon religious freedoms, which are the very foundation of this land. Religious freedom, religious independence, a hallmark of the United States—which reflect our basic values and character as a people—are protected by this legislation.

In conclusion, we, as a people, must be for equal opportunity and freedom in America. We, as a people, must be for equal protection under the laws in America. We, as a people, must be for equal treatment in America.

With this civil rights bill we are saying:

In America, we will not permit gender based discrimination.

In America, we will forbid discrimination based on your age, forbid discrimination because you may be a senior citizen.

In America, we will prohibit discrimination on the basis of a handicap or disability.

And, in America, we will not tolerate discrimination on the basis of your creed, race, national origin or the color of your skin.

□ 1700

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I rise as an original cosponsor of this legislation to urge my colleagues to vote to pass this bill, notwithstanding the action of the President of the United States.

The debate we have heard today is the debate, as previous speakers have indicated, that has occurred on this floor before.

There is always a time to insure the extension of civil rights tomorrow.

The previous speaker, I think, was absolutely correct, and I will not repeat his judgments because I agree with them, as to what this bill does and does not do. But I want to say to all my colleagues, all 434 of you, like the rollcalls of 1964 or 1965 or on other times when this House was called to express its opinion on guaranteeing the rights that our Constitution so eloquently stated were the people's of the Untied States, this vote will be looked at in years to come.

I urge all of my colleagues to remember that this is an historical vote for the rights of all Americans.

Mr. Speaker, on March 2, 1988, the House overwhelmingly passed S. 557, the Civil Rights Restoration Act of 1987. Following the example of the Senate, the House demonstrated the commitment of the 100th Congress to ensuring full civil rights for all Americans.

I am proud to have been an original cosponsor of the House version, H.R. 1214, also designed to overturn the narrow and restrictive application of some of the Nation's most important civil rights laws. In 1984, the Supreme court in Grove City College versus Bell reversed the existing interpretation—an interpretation that had evolved over 20 years of struggle for civil rights for all Americans—that Federal anti-discrimination laws applied to an entire institution if any program within that institution received Federal assistance.

The Congress, in originally enacting these civil rights measures, intended a broad interpretation, prohibiting discrimination on the basis of race, sex, religion, age, or handicap, in any organization that received Federal aid. With the Supreme Court's Grove City decision, only the particular program or activity that received Federal aid had to comply with these laws.

Our Nation has made tremendous strides toward eliminating discrimination. Unfortunately, our work is far from finished. The House of Representatives, composed of the elected spokesmen and spokeswomen of the American people, has an opportunity to show unequivocally and clearly that we will not tolerate discrimination.

It is unfortunate that we must take this action. A New York Times editorial stated yesterday, "Ronald Reagan appears determined to go down in history as a President who sought actively to set back the cause of civil rights." The President's veto of the fundamental bill is an embarrassment.

Today, a vote to override the President's veto of S. 557 is a signal that we support the idea of equal protection under the law for every American. Let us remember the words of the Reverend Martin Luther King, Jr., who on August 28, 1963, speaking before the Lincoln Memorial, said, "[e]ven though we must face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream that one day this Nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal."

Mr. JEFFORDS. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of overriding the veto.

Let me share with my colleagues that the comments that have already been made in the previous last two speakers I will not bother to reiterate, but I would like to share with my colleagues a letter that was written by Secretary Bell urging us and our colleagues to vote to override the President's veto of the Civil Rights Restoration Act.

To quote from the letter he says:

When I was Secretary of Education, we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell Grant Program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes. It was clear to me then as it is now that the Department of Justice is determined to weaken Civil Rights enforcement in the nation's colleges and schools.

Let me add that our only route of opportunity is to provide equal access to educational opportunities not only for all women but for all minorities, the handicapped and regardless of age.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise today in strong opposition to S. 557, the Civil Rights Restoration Act. The title of this bill is extremely misleading—instead of restoring civil rights, it actually trespasses on the civil rights of countless schools, churches, farms, businesses, and others. By incorporating broad and vague language, this bill subjects nearly every facet of American life to needless and detrimental Federal intrusion.

The list of those who will be adversely affected is vast; just to name a few, our churches, corner grocery stores, religious institutions, farmers, possibly even Girl Scouts and Boy Scouts will be subjected to unwarranted Federal paperwork.

The need for this sweeping intrusion has not been documented. Businesses, individuals, and religious entities will be—for the first time—subject in their entirety to extensive Federal regulation for no proven, documented reason.

And what about one of our founding principles, the principle of federalism—this legislation, S. 557, clearly violates the separation of Federal, State, and local jurisdictions by vastly expanding the scope of State and local coverage.

In conclusion, I strongly urge my colleagues to sustain President Reagan's veto and reject S. 557. It is in the best interest of the United States to protect the civil rights of the many, not promote the liberal agenda of a few special interest groups. I enclose two relevant and worthy articles that I invite my colleagues to read:

STATEMENT BY REV. CLEVELAND SPARROW, PRESS CONFERENCE AT THE NATIONAL PRESS CLUB, WASHINGTON, DC, FEBRUARY 22, 1988

I am Rev. Cleveland Sparrow, the President of the National Black Coalition for Traditional Values.

My organization publicly declares war on the so-called Civil Rights Restoration Act. We also believe these actions are a direct assault on black traditional values for church and family. The legislation is a racist attempt by special interest groups to further erode and infringe upon the gains and accomplishments won by the civil rights movement.

It was not so long ago that the racist Jim Crow laws determined where black people could eat, whom they could marry and whether they could exercise their rights as citizens to vote.

It took many people of strong convictions to repeal those laws and to begin the work of fulfilling the American dream for black Americans.

The freedom writers of the 1960s boarded buses so that no person would be told to sit in the back of one. Seemingly, black Ameri-

ca's struggle for civil rights is a victim of its own successes. More and more groups want to get on our civil rights bus and carpetbag upon the work of our movement.

The drive to make civil rights mean everything except rights for black people has reached its peak in the 9th U.S. Circuit Court of Appeals where a three judge panel on that court equated the homosexual rights movement with the black struggle.

The day that decision was announced, I began hearing from black people all over America. Their verdict was unanimous. They were disgusted and revolted that federal judges consider homosexuals just like black people.

We all agree that this decision endangers the entire basis of our civil rights law and our nation's moral health as well.

We feel that homosexual perversion is a matter of choice and therefore should not be subject to the same constitutional protection as racial minorities.

That decision tied with the passage of the so-called Civil Rights Restoration Act will destroy the meaning of civil rights that my black brothers and sisters went to jail for and some even died for.

Affirmative action requires that some folks be given preference over others. What happens when a white male claims to be a homosexual after he is passed over for a black candidate?

The civil rights struggle was a moral struggle which remedied a moral wrong. No civil rights measure is worthy of the name if it forces good people to accept what they believe to be immoral behavior by others.

The Civil Rights Restoration Act is nothing of the kind. It is simply a racist attempt by militant radicals to don black face so they can exploit the gains that my people fought and died for.

Thank you.

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Resting on the President's desk is legislation mandating the most sweeping expansion of federal power in the Reagan era. It is a measure of the loss of faith in President Reagan's revolution that half the GOP is begging him to sign.

"I implore you to sign this bill," Sen. Rudy Boschwitz, R-Minn., has written the President.

Under the Civil Rights Restoration Act, as this monster has been christened to frighten timid Republicans, #1 in federal aid, directly or indirectly, to any institution bring the entire institution under federal control. Virtually everyone, from the Girl Scouts to the community college would henceforth be fair game.

If, for example, one welfare recipient in Paducah, Ky., used her food stamps once, at a suburban Safeway, Washington would have the same authority to mandate racial quotas at that Safeway as it now has at General Motors. If a tiny Christian college in South Carolina fired a teacher for being drunk, setting a bad example for students, that teacher would have the right to sue for discrimination.

The underlying premise of this bill is that America is a bigoted sexist society whose institutions need monitoring by big Government to prevent their mistreatment of women, blacks, gays, Indians, handicapped, elderly, disabled, etc. Without constant supervision, we apparently are incapable of behaving as good men and women.

The bill is truly a Trojan Horse through which the social agenda rejected in 1980 and 1984 is to be smuggled into the books and imposed upon the nation. If the President's veto is overridden, feminists, gay rights activists and the Black Caucus will have successfully reversed the election returns. America's institutions will be hit with a hurricane of lawsuits, and the number of bureaucrats making inspections of our private schools, foundations, firms and factories would take a quantum leap.

Over two decades, Americans have seen the once-hallowed term "civil rights" perverted. Historic laws, enacted to end discrimination, have been twisted by activist judges to require quotas. Laws to protect the handicapped have been twisted to require employers to indulge the most outrageous behavior.

Millions of Americans still regard drunkenness, drug abuse and homosexuality as immoral conduct, manifestations of grave character flaws. Yet, courts are ruling that people have no control over their proclivities, that to deny alcoholics, addicts and gays jobs and housing is irrational discrimination.

This bill represents a wholesale reversal of what Reagan came to Washington to accomplish, i.e., to roll back government and restore power to the people.

Once again, Congress is transferring vast power to our unelected rulers in the federal bureaucracy. Once again, Congress is writing a law with such verve, disputed terms as "handicapped," "diseased" and "civil rights," leaving it to the courts to determine what those terms mean. Is it a handicap to be a transvestite, is it a functional disorder; or is it simply a chosen lifestyle? We will not know the answer until some federal judge has told us, and tells us how henceforth we must behave.

Historically, the Republican Party has seen its role as sheltering the free society from the dictation of that ancient anatagonist of human freedom, government controlled by ideologues anxious to re-shape society to conform to their image of the world.

Yet, half the Republican Party voted for this bill, and party leaders are imploring the President to sign. Why? Because nothing so terrifies a moderate Republican as the charge he is insufficiently progressive on civil rights.

A veto would have a "dangerous downside," Frank Fahrenkopf, party chairman, warns the President our critics will charge us with being "not interested in equal opportunity."

Well, Frank, if the GOP lacks the courage and capacity to sustain the President, and defend itself in public against the noisemakers and special interests clamoring for this bill that tramples under Republican principle, explain to us why the party is even worth worrying about this November.

Mr. JEFFORDS. Mr. Speaker, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE.]

Mrs. SNOWE. Mr. Speaker, I rise in support of the motion to override the Presidential veto of S. 557.

Regretfully, the President has sent this legislation back to Congress with the message that the Civil Restoration Act broadens the coverage of the Federal discrimination laws as it relates to private enterprise. That simply is not the case.

The Civil Rights Restoration Act does not change who is covered by the discrimination laws, not does it change what kind of discrimination is prohibited. In fact, the legislation actually narrows the scope of the laws prior to 1984, in the instance of private organizations not engaged in public services. Coverage of this type of business will only relate to the program that receives Federal funds, unlike the corporatewide coverage assumed before 1984.

I also must say that I am appalled at the misinformation being circulated by the Moral Majority and other groups. For example, there have been outrageous statements made about contagious disease.

In fact, this provision, which has been law since 1973, prohibits discrimination in instances of contagious disease, unless the disease poses a direct threat to the health and safety of others. I want to point out to my colleagues that the President has included this exact language in his proposal.

Today we have the opportunity to restore the full force of our discrimination laws. Without this legislation, many women, minorities, elderly, and handicapped are denied access to employment and education opportunities. The fact is, any institution which denies such access should in turn be denied Federal assistance.

Therefore, this legislation must be passed, ensuring that tax dollars do not in any way support discriminatory actions.

I urge you to vote to override the President's veto.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, on March 2, I voted in favor of S. 557, the Civil Rights Restoration Act, because I have a deep commitment to civil rights in our country. I was—and remain—in favor of overturning the Grove City decision and the continued execution of our four civil rights statutes.

However, since that March 2 vote, I have had additional time to further review the significance and ramifications of the provisions of this legislation. In consideration of what I have learned from Justice Department officials, the President's staunch rejection, and—most importantly—measuring the wishes of church leaders, school officials, small business owners, and farmers in my district, I will vote in favor of the President's alternative and to sustain his veto of S. 557. I sincerely believe that S. 557 would not just overturn the Grove City decision, but that it would expand on existing statutes to appoint of excessive, costly, and liberty-threatening Government involvement in our daily lives.

I repeat my support for the President's alternative to this Federal intrusion act, because it would work to uphold civil rights in our country while keeping bureaucrats out of the lives of farmers, small businessmen, and religious leaders.

I am particularly interested in just how individual rights will be affected if this supposed restoration legislation is voted into law. I sincerely believe that the citizens of our Nation will be better protected from Government intrusion by the President's alternative, while at the same time not jeopardizing the civil rights of women, the aged, minorities, and the disabled.

To call this legislation a simple restoration of previous civil rights laws is just short of insulting. In reality, this bill is a significant expansion. I am afraid that we are now using the good intentions of congressional Members to give the Federal Government the green light in intrusive regulation and oversight of churches, schools, small businesses, farms, and other organizations. Restoration in this case is simply shorthand for expansion.

Mr. Speaker, the Civil Rights Restoration Act would propel the Federal Government into situations where it should not be. For example, those groups in the United States with unique religious lineages would be subject to discrimination clauses that conflict with deeply held benefits. As far as I know, the freedom of religion is still a right protected by the U.S. Constitution. Why, then, should schools which are distinctly associated with religious tenets be subject to litigation because they refuse to take action contrary to those tenants? They could then be forced to hire someone who is not inclined to support the very tenets that the school is based upon. You see, this is just one area where the Governments should not be.

This is why I support the President's alternative to the religious tenet question. The President's proposal bolsters our constitutional rights in the area of religious freedom. This is another example of why the President's alternative is indeed superior.

Let's look at just one area that would be covered by expanded discrimination clauses under this legislation: grocery stores. Were grocery stores covered prior to the Grove City decision? No. The Justice Department informs me that grocery stores and supermarkets that participated in the food-stamp program were not simply by virtue of their participation in that program subject to the four civil rights laws. Will they be covered under S. 557? The answer seems to be yes. I, along with many of my colleagues, would appreciate it if the sponsors of this legislation would stop misleading the public by saying it is merely a restoration when it is actually a power grab for the Federal Government.

Speaking from personal experience, my father owned a corner pharmacy in Tully, NY, a typical mom-and-pop operation. I ask myself how he would have reacted to the possibility of being accused of discrimination simply because he could not afford to install wheelchair ramps, lower shelves, and adjust counters. It would surely be excessive to force a small-business owner to renovate his entire store just to curtail the chance of discrimination lawsuit. But this is exactly what this legislation seems to require. Ultimately, and ironically, the reaction of small mom-and-pop stores will be to withdraw from participation in Federal food-stamp and Medicaid programs because of the costs, administrative burdens, and legal liabilities that participation would impose. And who would be the ultimate losers in this type of situation? It will be those who rely on mom-and-pop stores for their food-stamp and Medicaid purchases. This certainly isn't my idea of civil rights.

Mr. Speaker, let us also look at the effect this would have on our already overburdened judicial system. This bill would not merely encourage, but would exacerbate excessive litigation. As we all know, the business community already faces an explosive growth in litigation. S. 557 would undoubtedly create multitudes of new plaintiffs to add to our current liability crisis. Litigation shopping would be a very real possibility. In short, the legal profession would have a heyday while our judicial system would be even further overwhelmed with lawsuits.

Mr. Speaker, I implore my colleagues to contemplate the adverse effects this legislation—as currently drafted—would have on our legal system, our business community, our farmers, our schools, our churches, and our individual daily lives. I am hopeful that we indeed have the foresight to support the President's alternative and to sustain the President's veto.

Mr. HAWKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

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

Mr. Speaker, proponents and opponents of this bill share the belief that religious liberty is the cornerstone of our democracy, and that separation of church and state is the foundation of our freedom.

The Civil Rights Restoration Act in no way compromises our shared beliefs.

This bill does not require the hiring of homosexuals. Nowhere does it address the issue of sexual preference.

It does not require an employer to hire or retain an alcoholic, a drug addict, or someone with AIDS if that person poses a threat to the health or safety of others, or cannot perform their job.

It does not infringe upon the rights of farmers, or recipients of Social Security benefits, food stamps, or Medicaid. These groups are clearly exempt.

This bill does honor our shared committment to the separation of church and state by exempting religious-controlled institutions from the civil rights laws if those laws conflict with the tenets of that religion.

Mr. Speaker, in 1964 President Reagan called the Civil Rights Act bad legislation; in 1967 President Reagan opposed the Fair Housing Act.

Regrettably, he was wrong in 1964, he was wrong in 1967, and he was wrong in vetoing the Civil Rights Restoration Act. This bill strengthens our civil rights while protecting our religious liberties.

I urge my colleagues to vote to override the President's veto.

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

Mr. PANETTA. Mr. Speaker, I rise in support of the override.

Mr. Speaker, I rise today to voice my support for the Civil Rights Restoration Act and to urge my colleagues to vote to override the President's veto. As you know, this legislation was introduced in response to the Supreme Court's 1984 decision in the case of Grove City College versus Bell. In that decision the Court reversed a long standing position of the law as it relates to discrimination.

In this Nation, there is no right unless there is a remedy. Civil rights have been established by laws enacted by the Congress and signed by the President over the last three decades. Title IV relates to discrimination in education, title XI prohibits discrimination on the basis of sex, section 504 of the Rehabilitation Act relates to discrimination of the handicapped and the Age Discrimination Act prohibits discrimination based on age. These laws make clear that discrimination is not only wrong, but that the Federal Government will not subsidize discrimination through Federal funds.

For over 20 years, agencies enforced these laws through the ability to terminate Federal aid to institutions when deliberate discrimination is proven. This is based on the legally supported premise that any institution that accepts or tolerates discrimination in any of its programs should be subject to the loss of all Federal funds. This Court, however, has severely limited that enforcement power with the Grove City decision. The Court ruled that an institution can essentially discriminate in one activity and still not be subject to loss of funds to the rest of the institution. For example, a school could discriminate against blacks in sports and still retain its Federal research funds. By allowing the school to continue to receive large amounts of Federal funds, the Government would in effect be subsidizing discrimination in direct contravention of the civil rights laws.

The purpose of this bill is to correct that situation and restore the law to its previous method of enforcement. The Senate approved the bill 75 to 14. The House followed with a vote of 315 to 98. The final bill was a careful compromise to ensure that the bill did no more and no less than restore the law as it stood prior to the Supreme Court decision. The groups endorsing its passage include: U.S. Catholic Conference of Bishops; American Jewish Committee; National Council of Churches; Church of the Brethren; American Jewish Congress; Presbyterian Church USA; American Baptist Churches; Church Women United; Evangelical Lutheran Church of America; Network-National Catholic Justice Lobby; Union of American Hebrew Congregations; United Methodist Church; Episcopal Church; and Anti-Defamation League of B'nai B'rith.

Unfortunately, a large lobbying effort of phone calls and letters is being waged in support of the President's veto on the Civil Rights Restoration Act. The concerns and arguments presented by these opponents of the civil rights legislation are frankly totally unfounded. I think it is important that we examine these arguments before casting our votes today.

First, one of the underlying concerns raised by opponents is the fear of increased Government intervention in religious and educational activities. As you know, many churches have already voiced their support for this legislation because they understand that the bill does maintain current protections enjoyed by religious groups. Specifically, title IX presently exempts "an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization." Passage of the legislation will not expand this coverage. It will merely make clear the congressional intent of the original law.

Second and more specifically, concern has been raised about the hiring of homosexuals. At no time have title IX or any of the other statutes affected by this legislation been interpreted by the courts as providing civil rights protection on the basis of sexual preference. As S. 557/H.R. 1214 is a restorative measure, no expansion of coverage will occur.

A related concern is the protection of individuals with contagious diseases, including AIDS. Clearly, this is a question that will continue to be a source of great controversy in our country. However, passage of the Civil Rights Restoration Act will not expand the protection of individuals with contagious diseases beyond the scope of exisitng law. Section 504 of the Rehabilitation Act of 1973 provides that, "* * * an employer is free to refuse to hire or fire any employee who poses a direct threat to the health or safety of others or who cannot perform the essential functions of the job is no reasonable accommodation can remove the threat to the safety of others or enable the person to perform the essential functions of the job." These decisons must be made on a case-by-case basis. The same provision applies to educational institutions.

Section 504 also addresses the question of protection for alcoholics and drug addicts. The courts have consistently interpreted section 504 to enable employers to refuse to hire or fire alcoholics and drug addicts if they cannot perform the essential functions of the job. Again, the Civil Rights Restoration Act will not expand the scope of coverage for alcoholics, drug addicts or individuals with contagious diseases protected under section 504 of the Rehabilitation Act.

Passage of this legislation today will ensure that those institutions found to discriminate on the basis or race, color, national origin, sex, handicap, or age do not receive Federal financial assistance. As former head of the Office of Civil Rights at the Department of Health, Education and Welfare, I have firsthand knowledge of the leverage the Federal Government can bring to bear against discrimination by using the tool of funding termination. Strong and effective civil rights enforcement is essential if our shared commitment to equal rights and equal opportunity for all our citizens is to have any meaning.

My main concern is that the original intent of the law be restored and in the process that full civil rights enforcement become possible. We cannot allow institutions which receive Federal funding to use the Grove City decision as a means to discriminate. Our country is built on the premise that all individuals are created equal. By allowing the 1984 Supreme Court decision to stand we are condoning discrimination at a national level. This is totally inconsistent with the efforts our country has made to ensure that civil rights are enjoyed by all. We have just finished celebrating Black History Month and the Bicentennial of our Constitution. This is the ideal time to pass the Civil Rights Restoration as a signal to all Americans that the Federal Government will not permit discrimination on the basis of race, sex, age, or handicap.

We cannot ignore the responsibility that we have to insure all the people of the United States have equal access to an education, health care, social services, and employment and are not denied these things because of their sex, age, race, or handicap. it is imperative that we restore the power of funding termination to the Federal funding agencies to insure that civil rights laws are enforced. I urge my colleagues to vote to override the President's veto on the Civil Rights Restoration Act today. With its enactment, those responsible for enforcing the Nation's civil rights laws will once again have the full force of the law behind them.

Mr. HAWKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in favor of the veto override.

Mr. Speaker, as a sponsor of the House's Civil Rights Restoration Act, H.R. 1214, I was pleased to vote for passage of S. 557 on March 2 and am pleased to vote to override the Presidential veto today. The House of Representatives seized the opportunity from the start, acting in the 99th Congress, responding to the terrible gap in Federal civil rights enforcement that has plagued our Nation since the 1984 Supreme Court decision in Grove City College against Bell. But the then-G.O.P. Senate failed to act. An overwhelming vote today, which will reverse this court decision, is necessary to restore the national policy of preventing Federal funding of discrimination experienced by minorities, disabled persons, women, and older Americans within institutions which receive Federal funds.

In the past, Congress has made commitments to such fundamental civil rights by enacting laws prohibiting discrimination on the basis of race, sex, age or handicap. President Reagan and Vice President BUSH are wrong to turn away and shun 40 years of national commitment and progress in civil rights. This administration in turning the clock back on antidiscrimination efforts and policy with this ill timed veto. Congress must act to save civil rights by overriding this veto and reaffirming yet again, our never-ending commitment to "form a more perfect union."

Despite the misinformation campaign waged against this legislation, the United States is back on the road to effective and meaningful implementation of our Federal antidiscrimination policies. The bill we have passed here today, does not redefine what constitutes Federal funding, nor does it redefine the recipients of such funds. The Civil Rights Restoration Act will not change the interpretation of sex discrimination based on gender to that of sexual preference. It does not require churches or other places of potential employment to hire substance abusers or an individual with AIDS who may pose a threat to the safety of others or who may not otherwise be qualified for the job. I regret that those who disagree with civil rights progress have sought to use such questionable tactics of fear to sustain this veto. This legislation, importantly, does continue to provide that institutions "controlled by a religious organization" are exempt from these laws if compliance would conflict with the tenets of their religion.

Mr. Speaker, our current civil rights laws since 1984 have been more bark than bite. Today, we will restore meaningful enforcement of the good intentions of our civil rights laws. Congress can once again make good on our Nation's commitment to enforce antidiscrimination laws on an institutionwide basis rather than the narrow, almost meaningless, program-only interpretation prescribed by the Grove City decision. The House of Representative's override of this Reagan veto of the Civil Rights Restoration Act should restore our legislative objectives and stop the mockery and hollow promises that the court's interpretation has made of the basic laws and values of our great Nation. President Reagan and Vice President BUSH are wrong. The party of Abraham Lincoln is not well served by such venial criticism and the comfort provided to those who make civil rights the adversary of religious freedom. Let us act today to dash such political ghosts and protect both these important freedoms that our Nation cherishes.

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

Mr. HAYES of Illinois. Mr. Speaker, I rise in support of the override of the President's veto.

Mr. Speaker, I rise to add my support to override President Reagan's veto of the Civil Rights Restoration Act.

The Civil Rights Restoration Act, S. 557 passed the House by a vote of 315 to 98 on March 2, 1988. The other body adopted the legislation on January 28, 1988, 75 to 14. Today the other body voted to override President Reagan's veto 73 to 24. We must act now to override his veto.

On March 16, President Reagan vetoed this bill, claiming the legislation would "vastly and unjustifiably expand the power of the Federal Government over the affairs of private organizations such as churches and synagogues, farms, businesses, State, and local governments."

The Civil Rights Restoration Act would overturn the 1984 Supreme Court decision that dramatically reduced the scope of the four Federal antidiscrimination laws and held that the protections of these laws only affects the specific "program or activity" that receives Federal funding. The bill simply restates Congress' original intent and reaffirms that federally assisted organizations must prohibit discrimination against women, minorities, the elderly, and disabled individuals throughout the institution. The Federal Government should not subsidize discrimination.

There is widespread misunderstanding about precisely what this legislation would accomplish. The Civil Rights Restoration Act, ap-

plies only to institutions that have received Federal funding.

The administration has offered a counter proposal similar to alternatives already overwhelmingly rejected by both the House and Senate. The administration proposal would exempt federally assisted educational institutions that are "closely-identified with religious organizations and would restrict application of the antidiscrimination laws to the program or activity receiving Federal assistance for churches and synagogues. In addition, this counterproposal would limit the coverage of the antidiscrimination laws for corporations, businesses, and local governments.

The Civil Rights Restoration Act respects the "wall of separation" between government and religion. The act does not change the religious exemption now in effect in title IX of the 1972 Education Amendments and title VII of the 1964 Civil Rights Act. It is important to recognize that federally funded institutions controlled by a religious organization are not required to comply with the regulations if the application of these statutes would not be consistent with the organization's religious tenets.

In effect, the Civil Rights Restoration Act will restore antidiscrimination laws to their pre-Grove City status. The act makes clear that any institution which has applied for and receives Federal funding, if found to discriminate in violation of title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act—which protects the rights of the disabled—the 1964 Civil Rights Act, or the 1975 Age Discrimination Act—loses all funding that supports the discriminatory programs. This act upholds the basic freedoms guaranteed to all people by the Constitution.

The 11th hour attack by Rev. Jerry Falwell of the Moral Majority is replete with misinformation. One of the statements is:

(o)ur churches and religious leaders could be forced to hire a practicing active homosexual drug addict with AIDS to be preacher or youth pastor * * *

Nothing in these bills nor any of the other statutes have ever been interpreted by the courts to provide protections on the basis of sexual preference, and so on, Reverend Falwell's statement is wrong.

As you may know, I am strongly opposed to discrimination on the basis of race, color, national origin, age, sex, or physical disability. I am an original cosponsor of the Civil Rights Restoration Act in the House, H.R. 1214. I voted in favor of this legislation when it was considered by the Committee on Education and Labor. I voted in favor of this legislation when it was considered on the floor of the House. I will vote to override President Reagan's veto and urge that my colleagues also vote to override this veto.

Mr. LEVINE of California. Mr. Speaker, I rise in strong support of the Civil Rights Restoration Act. I am proud to have been an original cosponsor of this and to have been closely involved in this bill since its inception. I urge my colleagues to join me in voting to overturn the President's veto.

We are here to reaffirm the civil rights of millions of Americans. The importance of this legislation in guaranteeing the civil rights cannot be over estimated. The Civil Rights restoration Act ensures that tax revenues generated from the entire population will not be used to benefit some and to discriminate against other members of our society.

A number of claims have been made about what this legislation is or does. This bill restores the original intent of Congress in the coverage of the four key laws which protect the rights of minority groups, ethnic groups, women, the elderly, and disabled. This legislation does not broaden these original four laws in any way. Additionally, this legislation does not place unfair burdens on religious groups. Religious groups may apply to be exempted from coverage, and in the history of these laws, no application has been refused.

What this bill will do is ensure the principle of "simple justice" John Kennedy advocated—that Federal tax dollars are not used by institutions which discriminate.

We are here today reaffirming some of the most important civil rights legislation passed in the last quarter century. I am proud to be part of this historical vote today, and I urge my colleagues to override this veto.

The SPEAKER. The Chair will state that the gentleman from Vermont [Mr. JEFFORDS] has 3 minutes remaining; the gentleman from Wisconsin [Mr. SENSENBRENNER] has 8 minutes remaining; the gentleman from California [Mr. HAWKINS] has 4 minutes remaining; and the gentleman from California [Mr. EDWARDS] has 6 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to overriding the President's veto.

Mr. Speaker, like many of my colleagues, both my district and Washington offices have received hundreds of calls to sustain the President's veto of the Grove City bill. My offices have tallied at least 666 calls. I welcome the opportunity to do my part to ensure that civil rights are not threatened under the guise of restoration by voting to sustain the President's veto.

Unquestionably, we all abhor acts that discriminate against another individual for reasons of race, sex, color, religion, national origin, age, or handicap. However, I believe that this bill, H.R. 1214, would extend its enforcement authority far beyond the proper scope of the Federal Government. If passed, the language of the bill makes it clear that the Government would have the authority to supervise, intervene into and regulate virtually every entity in this country.

I support the President's veto of Grove City because it trespasses upon the civil rights of our churches, schools, farms, and businesses, and restricts much of the good many of the institutions are able to do in helping our Government attend to those in need. The President's veto signals his concern over the religious and economic implications of this bill. Imagine the ironies involved here: A church which accepts federally subsidized cheese for its soup kitchen is susceptible to a Federal investigation. Not only is this an intrusion, but it also wastes time that could be better spent feeding people. The grocer who accepts food stamps for those customers who need them would also be susceptible to a Federal investigation.

Civil rights and the freedom to exercise them represent the great freedom that identifies and motivates our country. My vote to sustain the President's veto is cast in the spirit of this freedom.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Wisconsin is recognized for 8 minutes.

Mr. SENSENBRENNER. Mr. Speaker, the question before the House is whether to pass a well-drafted civil rights bill offered by the President or one that is not well-drafted. If you support a better drafted civil rights bill, sustain the veto and support the effort to make the President's bill law.

The President's bill is better drafted because it better effectuates the intent of the proponents while avoiding unintended consequences. For example, the proponents state that their purpose is simply "restoration"—that is, to restore the scope of four major civil rights laws as they existed before the infamous Grove City decision by the Supreme Court. However, the bill calls for corporationwide coverage of five areas of business while the rest of the private sector gets single plant or entity coverage. This disparate coverage of the private coverage is new. This was not the law prior to Grove City. Two weeks ago on the House floor, I asked my good friend and a man I deeply respect, the gentleman from California [Mr. EDWARDS] a proponent of this bill, whether the bill's private sector coverage was pre-Grove City law. I asked him three times and he never answered my question.

In addition, the President's alternative better effectuates the intent of the proponents because it codifies many of the colloquys. The two gentlemen from California [Messrs. HAWKINS and EDWARDS] have both said that the bill is not meant to cover farmers, grocers, and those parts of churches that are not extended Federal assistance. The President's bill merely states these exemptions as opposed to leaving those questions to the courts. Neither Mr. HAWKINS nor Mr. EDWARDS have explained why it is so disagreeable to put those exemptions in the language of the bill.

I know some Members have been offended by statements made by the

Moral Majority. I hope these Members are equally offended by unfortunate comments made by Ralph Neas, executive director of the Leadership Conference on Civil Rights. Ralph Neas in this morning's New York Times says without any explanation that the President's bill would subsidize discrimination. That statement is inaccurate and unfair.

The President's bill represents a moderate, compromise proposal. It is very different from the administration proposal, H.R. 1881. The President's bill is the same as S. 557 except it includes a religious tenets amendment, a corporate coverage amendment, and codifies exemptions mentioned in colloquys. It is similar to the Sensenbrenner substitute. When I offered by substitute on the floor, I challenged the proponents to cite any form of discrimination that would be sanctioned by inclusion of a religious tenets and corporate coverage amendment. To this moment, I have not heard a response.

The religious tenets exemption addresses the same issue in the Jeffords amendment that was passed in the House Education and Labor Committee in 1985. Was the gentleman from Vermont [Mr. JEFFORDS] a racist or sexist for offering that amendment to a bill he cosponsored? Of course not. The religious tenets amendment uses virtually verbatim the same language that the 99th Congress approved nearly unanimously in the Higher Education Act of 1986. Was the 99th Congress racist or sexist? Of course not.

The corporate coverage amendment while not using the same language addresses the same issue of an amendment offered by the gentleman from New York [Mr. FISH] in the Judiciary Committee in 1985. Would anybody in their right mind suggest that Mr. FISH, the lead sponsor of the Grove City bill, would undercut it with this amendment? Would anyone dare suggest that the distinguished and highly respected vice chairman of the Judiciary was not acting responsibly in offering this amendment?

My friends, I ask you, can a civil rights bill that is the same as S. 557 except that it includes two amendments that address the same issues offered by two cosponsors of the bill as well as codifying exemptions intended by the drafters be seriously called anticivil rights? What discrimination is being subsidized? I challenge the proponents to tell us how the President's bill is "anticivil rights." I suggest there is no response because the President's bill is a responsible package. Sustain the veto and I will demand that the President's bill be both brought up immediately and passed. The President will sign it and we can overrule Grove City.

The proponents' actions speak louder than words. In this Congress, they railroaded this bill without hearings, markups, or committee reports. The bill was passed under a closed restrictive rule that did not allow any freestanding amendments to be voted on. The opposition only got 7½ out of the 60 minutes of general debate on the bill. There were so many questions about the bill, numerous colloquys were made on the floor in an attempt to clarify the intent of the bill. There were so many of them some could not be done during the general debate time and so were done during the rules debate. Moreover, this bill was held up for 3 years by the proponents over the issue of abortion neutrality. They claimed all through that time that the abortion neutral amendment would kill the bill. Subsequent events should show what kind of credibility some proponents have on assessing amendments. The proponents talk about Moral Majority but won't talk about the questions in this bill.

There is nothing shameful about subjecting civil rights legislation to a little bit of the legislative process. It's time to change the terms of debate on civil rights in America. It is not Martin Luther King versus Bull Connor anymore. It is not homosexuals versus racists. It is destructive to insist on passing vague civil rights bill which will be misconstrued by courts. We can do better than this. Let's be constructive. I want to work with the gentlemen from California [Messrs. HAWKINS and EDWARDS] to pass a good civil rights bill. Let's change the terms so we can have reasoned debate. Sustain the veto and support the President's civil rights bill.

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

Mr. FIELDS. Mr. Speaker, I rise in strong support of the President's veto and against more Federal regulation as it relates to our churches, our universities, and the lives of our people.

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

Mr. MICHEL. Mr. Speaker, today I am introducing President Reagan's civil rights bill, as outlined in his message to the Senate on March 16.

I believe his bill advances the protection of civil rights and does so in a way consistent not only with previous civil rights laws, but with the processes of effective and orderly government and the procedures of the House.

Let me say a few words preliminarily, in order to put in perspective the current debate over what has been called the Grove City Civil Rights Restoration Act, which passed the House and Senate and has been returned unsigned by the President, and to place before our colleagues my own views—and my own record—on civil rights legislation.

In voting to sustain the President's veto, I do so convinced that my vote is consistent with a pro-civil-rights voting record going all the way back to the historic legislation of 1964.

I voted for passage of the Civil Rights Act of 1964, a bill to enforce the right to vote and to prevent discrimination in access to public accommodations and other areas. This was unquestionably one of the most important pieces of civil rights legislation ever passed in the United States.

In 1965 I voted for the Voting Rights Act, an equally important bill guaranteeing the unencumbered right to vote for all Americans.

In 1967 I voted for passage of the Open Housing Act providing additional protection against interference with persons exercising their civil rights, and then voted to accept the Senate amendments to the bill.

In the same year I voted for the Aged Discrimination Act of 1967 to prohibit employers, employment agencies and labor organizations from discriminating against workers or potential workers between age 40 and 65 because of their age.

I voted for the Vocational Rehabilitation Act of 1973 which included section 504 protecting the rights of the handicapped.

In 1981, I voted for the voting rights extension to extend key enforcement provisions of the 1965 act.

And in 1984 I voted for H.R. 5490, to clarify that prior civil rights legislation covers an entire institution if any program receives Federal assistance. In short, I voted for the 1984 version of the Grove City civil rights legislation.

I believe the voting record I have achieved on civil rights speaks for itself. I supported the landmark legislation, the very foundation of all subsequent civil rights legislation back in the 1960's. These are among the votes in my 32 years of congressional service of which I am most proud.

I was there for civil rights in the beginning, voting for the laws that would help transform this Nation. I was there for civil rights, voting for other important civil rights legislaltion, in the years afterward.

I stress this record not only because of my pride in helping to pass such laws, but because I believe that record is at the heart of my views of the importance of civil rights to all Americans.

With all of this as background, let me now address the reasons I am introducing the President's Civil Rights Protection Act of 1988.

I agree that the Supreme Court's interpretation of the scope of Federal civil rights laws in the 1984 Grove City case was too narrow. That is why I support restoration of Federal civil rights laws to original congressional

intent, and sponsored legislation to this effect back in 1984.

The 1984 Grove City bill came after we had gone through the processes and procedures, the hearings and the testimony, absolutely necessary for the formation and passage of legislation, of any kind.

But, as I said during the debate on the rule of the Civil Rights Restoration Act of 1988, those same procedures and processes were simply ignored in bringing a Senate-passed bill to the floor. We in the House simply took the Senate bill and were given 2 hours to debate it.

Four years is too long a time to let pass without debating, once again, the long-range implications of what we are doing, particularly in civil rights legislation. The additional thought and study that has been injected into the process since 1984 was ignored.

Issues this important, and the people benefiting from this type of legislation, deserve serious consideration by the Congress. But S. 557 got no hearings, only one hour of debate and no legislative history.

There is no way for Members of Congress or the American people to know what S. 557 does. Obviously there are a lot of interpretations and opinions. Because the bill is so poorly drafted, we won't know the real impact of this bill until Federal courts decide what it means. This will lead to the courts, in effect, legislating a state of affairs that always leads to trouble.

Leave any ambiguities to the courts we are told. But that approach is abandoning our duties.

Because of unclear language, S. 557 may require any farmer who accepts Federal funds, via any Federal loan guarantee or any other Federal program, to comply with all Federal age, sex, race, and handicap discrimination laws. We simply don't know what will happen.

The same thing would apply to small grocery stores or supermarkets which accept food stamps, companies which accept job training funds, businesses which construct or operate subsidized housing or religious schools which in any way receive Federal funds.

If these entities decide to reject any association with Federal funds rather than be subject to a heavy-handed Federal bureaucracy, the real losers would be the very people this bill purports to help. Minorities might not be able to use food stamps in stores of their choice or receive job training assistance from reputable companies, or find decent housing.

I feel we have a duty to clarify exactly who is covered, and under what circumstances. That is why I have introduced the President's alternative proposal which better provides such clarification.

The motivations of those who support S. 557 are noble. But even the highest of motivation cannot make up for a lack of legislative clarity.

That is why I am glad to be able to offer a positive, forward-looking piece of legislation that meets all the essential requirements of a civil rights bill and offers us the chance to do this thing in the spirit and within the same processes as the historic civil rights legislation of the past.

I can do no better than to quote the President as to why his bill is the more acceptable of the alternatives offered to us:

He said: "Our bill advances the protection of civil rights. It would:

"Prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive any Federal aid.

"Extend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance.

"Prohibit discrimination in all of the federally funded programs of departments and agencies of State and local governments."

I believe the President's bill does what must be done, but does so in a way that solves more problems than it creates.

I am proud to be able to introduce legislation which is in the spirit of those great, historic civil rights bills I have voted on throughout the years.

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

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the President's veto.

Mr. Speaker, since the House vote 2 weeks ago on the Civil Rights Restoration Act, our offices in Washington and Ohio have been flooded with calls.

Our constituents are concerned that the bill passed by the House does more than simply restore individual rights threatened by the Supreme Court's Grove City decision in 1984.

Citizens have expressed their fears that this new legislation will impact on our churches, schools with a religious affiliation, farmers, and small business owners to name but a few.

Mr. Speaker, last week I asked the Justice Department to respond to some of these concerns and today I would like to share these answers.

I received a letter Monday from Mr. Mark R. Disler, Deputy Assistant Attorney General at the U.S. Department of Justice's Civil Rights Division.

Pursuant to your request, I am enclosing some information that expresses our concerns about S. 557, the Civil Rights Restoration Act of 1987. In our view, the bill is far more than a simple restoration of the scope of the statutes it amends.

Specifically, I am enclosing for your review a list of just some of the flaws in S. 557, together with more detailed explanations of some of those concerns.

Included with the letter from the Justice Department was a 2-page listing of "flaws" in the legislation we passed 2 weeks ago. Some of these are alarming. Let me share them with you.

The Civil Rights Restoration Act represents a vast expansion of Federal power over State and local governments and the private sector, including churches and synagogues, farmers, businesses, voluntary associations, and private and religious schools. The expansion goes well beyond the scope of power exercised by the Federal Government before Grove City. Without being exhaustive, some examples are:

An entire church or synagogue will be covered under at least three of these statutes if it operates one federally assisted program or activity.

Every school in a religious school system will be covered in its entirety if one school within the school system receives even $1 of Federal financial assistance.

Grocery stores and supermarkets participating in the Food Stamp Program will be subject to coverage solely by virtue of their participation in that program.

Farmers receiving crop subsidies, price supports, or similar Federal support will be subject to coverage.

Every division, plant, facility, store, and subsidiary of a corporation or other private organization principally engaged in the business of providing education, health care, housing, social services, or parks or recreation will be covered in their entirety whenever one portion of one division, plant, facility, store, or subsidiary, receives any Federal aid.

Thus, if one program at one nursing home or hospital in a chain receives Federal aid, not only is the entire nursing home or hospital covered, but all other nursing homes or hospitals in the chain are automatically covered in their entirety even if they don't receive Federal aid.

Further, if the tenant of one unit in one apartment building owned by an entity principally engaged in providing housing receives Federal housing aid, not only is the entire apartment building covered, but all other apartment buildings, all other housing operations, all other nonhousing businesses of the owner are covered even though they receive no direct or even indirect Federal aid.

The entire plant or separate facility of all other corporations and private organizations not principally engaged in one of the five specified activities would be covered if one portion of, or one program at, the plant or facility receives any Federal aid. This includes all other plants or facilities in the same locality as the facility which receives Federal aid for one of its programs.

A private, national social service organization will be covered in its entirety, together with all of its local chapters, councils, or lodges, if one local chapter, council, or lodge receives any Federal financial assistance.

A State, county, or local government department or agency will be covered in its entirety, whenever one of its programs receives Federal aid. Thus, if a State health clinic is built with Federal funds in San Diego, CA, not only is the clinic covered, but all activities of the State's health department in all parts of the State are also covered.

All of the commercial, non-educational activities or a school, college, or university, including rental of commercial office space and housing to those other than students or faculty, as well as investment and endowment policies, will be covered if the institution receives even $1 of Federal education assistance.

A vague, catch-all provision creates additional coverage.

As a consequence, more sectors of American society will be burdened with:

Increased Federal paperwork requirements;

The need to consult with certain advocacy groups, and to maintain a record of such consultations for a period of years;

Random on-site compliance reviews by Federal agencies even in the absence of an allegation of discrimination;

Thousands of words of Federal regulations;

Costly section 504 accessibility regulations that can require structural and equipment modifications, job restructuring, modifications of work schedules, and provision of auxiliary aids;

The need to adhere to an equality-of-result rather than equality-of-opportunity standards that can lead to quotas, proportionality, and other Federal intrusions;

The need to attempt to accommodate contagious persons—employees, students, members, participants, customers—including those with AIDS;

The requirement of providing auxiliary aids for hearing-impaired and vision-impaired persons if necessary for them to participate in the programs or activities of the covered entity;

The requirement of adopting "Grievance procedures that incorporate appropriate due process standards;"

There will be increased exposure to costly private lawsuits that will inevitably seek the most expansive interpretation of the already overbroad language of the bill;

And, of course, there will be increased exposure to the judgments of Federal courts.

But what does all this mean to the average farmer or grocery store owner or university president or rabbi, priest, minister?

Well, grocery stores, for example, will be covered under this bill for the first time—despite the fact that in most instances their only contact with Federal assistance is the acceptance of food stamps—and even though not one word of testimony in 4 years of debate on Grove City has suggested that there is any problem with grocery stores.

In fact, the National Grocers Association, just one of many national organizations opposed to this burdensome bill—and I will get to some of the others in just a minute—the National Grocers Association testified on March 27, 1985, before a joint committee hearing in the House that their members' profit margin is about 1 penny on the dollar.

It's not difficult to understand what will happen to that profit margin should grocers be subject to the Federal paperwork, reporting requirements, inspections, auxiliary aids, and the rest called for in this bill. Should a grocer be subject to a lawsuit because of this legislation—that slim margin of profit would go right down the drain.

And the grocers are not alone.

Yesterday, during its annual Washington meeting, the National Association of Home Builders joined the growing outcry against the Civil Rights Restoration Act.

The NAHB resolution reads as follows:

Whereas the National Association of Home Builders will continue to support and work for responsible civil rights and fair housing legislation; and

Whereas, the House and Senate have recently passed legislation which is intended to expand civil rights coverage under the Supreme Court's decision in the Grove City case; and

Whereas, the scope of legislation is very broad and ambiguous and the Congress has invited the courts to decide the exact scope on a case-by-case basis; and

Whereas, there was no opportunity to amend the legislation and more clearly define the scope and intent of the legislation; and

Whereas, the debate over the bill in the House of Representatives left unanswered the degree to which existing buildings will be retrofitted if involved with FHA loans, VA loans, or other federally guaranteed loans to individuals, corporations, or partnerships that are used to purchase, or build, single or multifamily housing; and

Whereas, this legislation could result in substantial expense and tenant disruption by requiring existing buildings to be retrofitted for handicapped accessibility; and

Whereas, the President has announced his intent to veto this legislation: Now, therefore, be it

*Resolved*, That the National Association of Home Builders work in sustaining the veto of the legislation and work with the President and the Congress to devise and implement responsible legislation that addresses the special needs of the handicapped that is not ambiguous nor has the unintended consequences of the current legislation.

The Home Builders joined the National Association of Realtors which had previously expressed its reservations to this bill. I will not read their letter to the Judiciary Committee, but I would like to insert it at this point for the RECORD:

NATIONAL ASSOCIATION OF REALTORS,
*Washington, DC, February 24, 1988.*

Hon. JAMES SENSENBRENNER,
*Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, House of Representatives, Washington, DC.*

DEAR CONGRESSMAN SENSENBRENNER: We are writing to express the concerns of the National Association of Realtors with the substance of the Civil Rights Restoration Act of 1987 which will soon be before the House of Representatives.

We oppose those provisions that would apply Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975 to the entire operations of a corporation, partnership or sole proprietorship that is principally engaged in the housing industry if the entity receives any federal assistance. It appears from this proposed legislation that if a single tenant received a federal rent subsidy in one apartment building owned by a corporation primarily engaged in property management, then not only would all housing operations of the corporation be covered by the Rehabilitation Act and the Age Discrimination Act, but all nonhousing activities of the corporation would also be covered. Thus, this Bill does not merely "restore" the coverage of these Acts to their *pre-Grove City* scope. This Bill is an extension of federal authority far beyond what was ever intended by Congress when the Rehabilitation Act or the Age Discrimination Act were originally adopted.

We also believe that the definition of a "handicapped individual" contained in Section 504 of the Rehabilitation Act of 1973 is totally unworkable in the housing industry. A "handicapped individual" under Section 504 means any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment. This definition apparently includes persons with contagious diseases, mental illness, or an addiction to alcohol or drugs. Owners and managers of private residential property are not equipped to provide the special services persons with such conditions undoubtedly require. Nor are owners and managers capable of making the medical or psychiatric judgments that are necessary to determine whether such persons may pose a threat to the health and safety of existing occupants of a dwelling. In our view, the protection against housing discrimination that should properly be afforded to handicapped persons should be limited to persons with obvious forms of physical handicap such as blindness, deafness, or an inability to walk or live without assistance.

We appreciate the opportunity to present our concerns relevant to the Civil Rights Restoration Act of 1987.

Sincerely,

WILLIAM D. NORTH,
*Executive Vice President.*

Proponents of this legislation, including our good friends at the Washington Post, insist that the bill exempts farmers.

Unfortunately, they've yet to convince the American Farm Bureau Federation of that. Today the Farm Bureau sent a letter urging Members of Congress to sustain the President's veto because no agricultural exemption exists in the bill in its present form.

Last March, Mr. C.W. Fields, assistant director of the American Farm Bureau Federation's National Affairs Division, testified before the Senate Labor Committee to voice objections to the bill.

I will insert his entire testimony at this point, but I just wanted to highlight a few of his comments:

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE SENATE LABOR COMMITTEE REGARDING S. 557—CIVIL RIGHTS RESTORATION ACT OF 1987

(By C.H. Fields)

The American Farm Bureau Federation is the nation's largest farm organization with a current voluntary membership in excess of 3.5 million member families who have paid annual dues to nearly 2,800 county Farm Bureaus in 49 states and Puerto Rico.

Last January, the voting delegates of the member State Farm Bureaus reaffirmed a policy opposed to any legislation that would expand the scope of the existing civil rights statutes to cover those who have not been previously subject to them. The nations'

family farms are already struggling for their continued existence as economic entities, and are overburdened with a myriad of federal regulations affecting employment on farms and many other phases of their operations. They should not be threatened with coverage by additional statutory and regulatory requirements in the area of discrimination and civil rights, particularly when such coverage was never intended by the original sponsors of the original statutes and when there is no need for such coverage.

No group of people in this country has a stronger belief in the fundamental principles of freedom, liberty and justice embodied in our nation's basic charter than this nations' farmers and ranchers. We have long believed that unnecessary and unwarranted expansion of the power and responsibility of the federal government constitutes a serious threat to the fundamental principles upon which this nation was founded and prospered among the nations of the world.

We are mindful of the fact that some 750,000 farmers and ranchers are employers. Any statute or regulation affecting employment practices could have an impact on agricultural employers with regard to sex, age or handicap requirements. Several thousand farmers throughout the country operate roadside markets and other direct markets to consumers. The Department of Agriculture administers a number of programs involving federal payments or other assistance to farmers and ranchers. The broad and sometimes vague language in this bill raises serious questions as to what impact anti-discrimination regulations would have on such benefits as loan guarantees, commodity loans, deficiency payments, disaster payments, price supports, conservation cost-sharing, etc.

Supporters of the bill state that Section 7 provides a "rule of construction" which, in effect, exempts farmers as ultimate beneficiaries of federal aid.

We find that statement unpersuasive because:

1. There is no indication in the bill as to which persons or entities are defined as ultimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches.

2. Farms appear to be clearly covered by subparagraph (3) of each operative section because farms are business entities or private organizations, or both under this bill.

3. Even if Section 7 is constructed to exclude coverage of farmers as ultimate beneficiaries before enactment of S. 557, any farm-aid programs adopted after enactment of S. 557 would not be excluded from coverage.

It might also be erroneously argued that Section 4(c) exempts farmers from coverage under the Act. We point out, however, that this language applies only to discrimination against handicapped persons under Section 504 and does not reduce compliance burdens under Title VI or age discrimination. Even under Section 504, only some farmers will benefit from this exemption. USDA Section 504 regulations define "small providers" as entities "with fewer than 15 employees." Somewhere between 50,000 and 100,000 farms employ more than 14 persons. Further, even the "small providers" are exempted only from the most onerous of Section 504 regulatory burdens, such as making structural alterations to existing facilities—and only "if alternative means . . . are available."

The small operations would still be subject to many onerous requirements, including paperwork requirements, requirements to consult with disabled groups and make a record of such consultations; extensive employment regulations; and a requirement to "take appropriate steps" to guarantee that communications with hearing and vision-impaired applicants, employees, and customers can be understood.

To the extent that S. 557 extends the basic principle that the term "program or activity" means all of the operations of the "entire corporation, partnership, private organization, or sole proprietorship," farms may well fall within the scope of that definition in several ways. For example, a subsidy to one commodity on a farm would subject the entire entity to regulation. A farm of contiguous fields could be deemed a "geographically separate facility," and thus covered in its entirety. Additionally, farming could be construed as providing a "social service" to consumers.

Farm Bureau is not opposed to a bill that simply provides coverage under the Civil Rights statutes the same as it was before the Grove City College decision; but our analysis of this bill leads us to the conclusion that it seeks to go much further than that. We believe it would result in a broad expansion of coverage under the Civil Rights statutes, including farmers who were never covered before.

For that reason we are opposed to S. 557 as introduced. We favor, instead, a bill such as the one introduced by Senators Dole and Hatch in the last Congress and which we understood will be introduced in both Houses of this Congress. We hope this Committee will give careful consideration to the concerns we have expressed.

We appreciate the opportunity to present our views.

First, Mr. Fields says, "supporters of the bill state that section 7 provides a rule of construction" which, in effect, exempts farmers as ultimate beneficiaries of Federal aid.

We find that statement to be unpersuasive because:

First, there is no indication in the bill as to which persons or entities are defined as ultimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches.

Second, farms appear to be clearly covered by subparagraph (3) of each operative section because farms are business entities or private organizatons, or both under this bill.

Third even if section 7 is constructed to exclude coverage of farmers as ultimate beneficiaries before enactment of S. 557, any farm-aid programs adopted after enactment would not be excluded from coverage.

Mr. Fields makes a powerful argument on behalf of the more than 3.5 million member families who have voluntarily joined the Farm Bureau. So while the Washington Post and certain Members of the House and the other body may maintain farmer exemption—farmers remain opposed to the bill and are unsure of its consequences.

Of course, the home builders, realtors, grocers and Farm Bureau are not alone. They are joined by:

The National Black Coalition for Traditional Values.

The National Family Institute.

The National Association of Manufacturers.

The American Pharmaceutical Association.

The U.S. Chamber of Commerce.

The Committee to Protect the Family.

Concerned Women of America.

Intercessors for America.

The Catholic Center.

The Ad Hoc Committee of Life.

The American Association of Christian Schools.

The American Conservative Union.

Citizens for Educational Freedom.

Coalitions for America.

The Family Research Council.

Focus on the Family.

The National Committee of Catholic Layman.

Association of Christian Schools International.

The Christian Action Council.

Moral Majority Inc.

The Catholic League for Religious and Civil Rights.

At this point, I would like to insert some of their comments as well:

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NATIONAL FAMILY INSTITUTE,
*February 29, 1988.*

DEAR CONGRESSMAN/WOMAN: In years to come black Americans will know in no uncertain terms that the civil rights gains of the 60's were usurped by the so-called Civil Rights Restoration Act of 1988. By then it will be too late. It is not too late now to stop this travesty from occurring.

Today National Family Institute announced its opposition to the Civil Rights Restoration Act in its current form. The opposition is based on the following points:

1. The bill is, in part, an attempt to merge legitimate civil rights with illegitimate civil rights by radical white feminists and homosexuals donning blackface.

2. The bill is currently written to give favor and status to persons who have not been recognized as deserving the status of "minority" under current federal anti-discrimination laws. The effect of this will be a weakening of the current law's ability to protect legitimate minorities (race, gender, national origin, creed, etc.).

3. The bill represents a step backwards for legitimate minorities because the reach of federal regulations under this proposal will impose such burdens that private efforts toward self-help will either operate in noncompliance with the Act or shut down. They will shut down; thereby eliminating a source of training, self-worth, and vital assistance to the very people who should benefit from the Act.

National Family Institute encourages Congress not to let the take-over of the civil rights movement extend into the law. The legal status of minority people has come too far and at too great a price to suffer defeat in this way.

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NATIONAL ASSOCIATION OF MANUFACTURERS,
*February 29, 1988.*

Hon. F. JAMES SENSENBRENNER, Jr.,
*House of Representatives,*
*Washington, DC.*

DEAR MR. SENSENBRENNER: The National Association of Manufacturers wishes to express its support for the two amendments to S. 557, the Civil Rights Restoration Act, which you are planning to offer during the March 2 debate on the House floor.

While we cannot support S. 557 as it was voted out of the Senate, your efforts to improve this measure with the "religious tenet exceptions" and "corporate coverage"

amendments move S. 557 in a more positive direction. The NAM supports a legislative reversal of the Grove City decision, but strongly opposes any attempts to expand the scope of federal statutory coverage of all businesses.

These amendments to limit the application of "Grove City" are well-considered and will hopefully gain the support of your colleagues in the House of Representatives.

Sincerely,

JERRY J. JASINOWSKI.

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AMERICAN PHARMACEUTICAL ASSOCIATION,
*Washington, DC, July 16, 1987.*

Hon. STROM THURMOND,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR THURMOND: I am writing to express the American Pharmaceutical Association's (APhA) concern that S. 557, the Civil Rights Restoration Act, may require many small businesses, including pharmacies, to comply with burdensome paperwork. APhA is the national professional society of pharmacists representing the third largest health profession comprised of over 150,000 pharmacy practitioners, pharmaceutical scientists and pharmacy students.

Many of the pharmacies APhA represents operate small businesses. There are approximately 50,000 pharmacies in the United States reasonably accessible to virtually every citizen. These pharmacies actively compete for patients by providing a variety of price and service options. As a result of this intense competition, pharmacies today average less than a 3.5 percent net profit before taxes. Thus, pharmacists are particularly vulnerable to the additional costs, in terms of both money and time, associated with compliance with burdensome federal laws and regulations. In 1985 the Association's House of Delegates adopted policy on the "Reduction of Federal Laws and Regulation (Paperwork Burden)". This policy states:

"APhA supports the reduction and simplification of laws, regulations and recordkeeping requirements which affect pharmacy practice and are not beneficial in protecting the public welfare."

Consistent with this policy, we express concern whenever it appears that new federal laws or regulations may place an unreasonable burden on pharmacy practice. While we are not taking a position on the merits of S. 557, we are concerned that it may create onerous regulatory and paperwork burdens on many community pharmacies throughout the country. Moreover, by federally mandating how certain concerns must be addressed, the Congress may frustrate other more innovative ways of addressing these same concerns. For example, many pharmacies will deliver medications to those patients who for various reasons cannot visit the pharmacy to obtain their medications.

Thus, we urge you to consider carefully the paperwork burden that may be created if S. 557 is enacted.

Thank you for considering our views.

Sincerely,

JOHN F. SCHLEGEL.

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PRESS CONFERENCE AT THE NATIONAL PRESS CLUB, WASHINGTON, DC

I am Rev. Cleveland Sparrow, the President of the National Black Coalition for Traditional Values.

My organization publicly declares war on the so-called Civil Rights Restoration Act. We also believe these actions are a direct assault on black traditional values for church and family. The legislation is a racist attempt by special interest groups to further erode and infringe upon the gains and accomplishments won by the civil rights movement.

It was not so long ago that the racist Jim Crow laws determined where black people could eat, whom they could marry and whether they could exercise their right as citizens to vote.

It took many people of strong convictions to repeal those laws and to begin the work of fulfilling the American dream for black Americans.

The freedom writers of the 1960s boarded buses so that no person would be told to sit in the back of one. Seemingly, black America's struggle for civil rights is a victim of its own successes. More and more groups want to get on our civil rights bus and carpetbag upon the work of our movement.

The drive to make civil rights mean everything except rights for black people has reached its peak in the 9th U.S. Circuit Court of Appeals where a three judge panel on that court equated the homosexual rights movement with the black struggle.

The day that decision was announced, I began hearing from black people all over America. Their verdict was unanimous. They were disgusted and revolted that federal judges consider homosexuals just like black people.

We all agree that this decision endangers the entire basis of our civil rights law and our nation's moral health as well.

We feel that homosexual perversion is a matter of choice and therefore should not be subject to the same constitutional protection as racial minorities.

That decision tied with the passage of the so-called Civil Rights Restoration Act will destroy the meaning of civil rights that my black brothers and sisters went to jail for and some even died for.

Affirmative action requires that some folks be given preference over others. What happens when a white male claims to be a homosexual after he is passed over for a black candidate?

The civil rights struggle was a moral struggle which remedied a moral wrong. No civil rights measure is worthy of the name if it forces good people to accept what they believe to be immoral behavior by others.

The Civil Rights Restoration Act is nothing of the kind. It is simply a racist attempt by militant radicals to don black face so they can exploit the gains that my people fought and died for.

Thank you.

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U.S. CHAMBER OF COMMERCE,
*Washington, DC, February 26, 1988.*

Hon. CLAUDE PEPPER,
*Chairman, Committee on Rules, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The U.S. Chamber of Commerce, on behalf of its more than 180,000 business members, respectfully urges you to support an open rule on the Senate-passed S. 557, the Civil Rights Restoration Act. The Chamber understands that S. 557 is scheduled to be considered by the Committee on Rules on March 1.

S. 557 is a highly controversial bill, which would go far beyond reversing the 1984 Supreme Court decision in *Grove City College* v. *Bell.* The most appropriate legislative response to the *Grove City* decision remains unclear. In the 99th Congress, the House Committee on the Judiciary and Committee on Education and Labor both had close votes on, and in some instances, passed, amendments dealing with corporate coverage, religious tenets, Congressional coverage, and "abortion-neutral language"—among others.

Accordingly, the Chamber supports a full and fair debate on S. 557 and urges you to adopt an open rule in the interest of procedural and substantive fairness.

Sincerely,

ALBERT D. BOURLAND.

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THE CATHOLIC LEAGUE FOR RELIGIOUS AND CIVIL RIGHTS,
*Milwaukee, WI, February 25, 1988.*

Re: Religious Freedom Questions Raised by the "Grove City" Bill.

DEAR CONGRESSMAN: I am General Counsel of the Catholic League for Religious and Civil Rights. The Catholic League is a lay organization with a strong concern for both religious freedom and the right to life.

Soon the House of Representatives will be voting on important legislation involving the construction to be given civil rights laws in federally-aided institutions. While the Catholic League is directly concerned with civil rights, our emphasis is often on the preservation of rights of religious freedom and the right to life, which are sometimes overlooked by other civil rights interests. The Grove City bill has implications in both these areas.

As you know, the Senate has passed the Danforth Amendment which will ensure that the Grove City bill is not utilized to require federally-funded institutions to aid abortion. We are confident that House members will join their Senate counterparts in making certain that civil rights legislation is not used as a pretext for mandating aid to abortion.

Our major current concern is with a matter that evidently was overlooked by the Senate: religious freedom. The Senate voted to reject a "religious tenet" exception to the law. This amendment would have allowed for the accommodation of important religious concerns of religiously-oriented institutions without measurably harming the advancement of other civil rights interests. As I understand, the laws affected by the Grove City bill currently contain very narrow religious exemptions. In the important area of higher education, these provisions can be construed in a manner that would provide little protection for the vast majority of religiously-oriented colleges not directly owned and controlled by a church. In order that these important institutions preserve the religious heritage that makes them unique, they must be allowed to adhere to their religious tenets in vital policy areas. Without this right, these schools will lose the freedom to pursue their religious mission. This loss will affect not only the involved institution, but also our society, which values the religious diversity these centers of higher learning provide.

The spirit of religious accommodation provided by the religious tenet exception is in keeping with our Constitution's guarantees of the free exercise of religion. Legislative recognition of these interests through a religious tenet exception will clearly inform both the executive and judicial branches, which will construe the enacted legislation as demonstrating the concern of Congress for guaranteeing this constitutional freedom.

While the religious tenet exception is the most tangible religious freedom concern raised by this legislation, other religious

freedom questions exist. Specifically, the fact that the legislation equates students' use of federal student financial aid with federal funding of institutions raises questions concerning possible future judicial attempts to label use of such financial aid as government sponsorship of religion under the Establishment Clause. Such a construction could affect current student financial aid programs and might come to be used to challenge Pell grants to needy students in church-related colleges. It would be my hope that Congress specifically indicate that it does not intend to equate student aid with funding, for constitutional purposes.

In short, the Grove City bill has certain serious implications for our right to religious freedom, which Americans have long cherished. Please consider this important civil right as you pass upon this serious legislation.

Sincerely,

STEVEN F. MCDOWELL,
*General Counsel.*

A RESOLUTION

Expressing the consensus that religious freedom be recognized nationally, as well as internationally, and that the Congress of the United States should do the utmost within its power to allow people to exercise their religious freedom within their churches, synagogues, schools and organizations.

Concerned women for America, in concert with the Ad Hoc Committee in Defense of Life, American Association of Christian Schools, The American Conservative Union, Association of Christian Schools International, Christian Action Council, Citizens for Educational Freedom, Citizens for Reagan, Coalitions for America, College Republicans, Eagle Forum, Family Research Council, Focus on the Family, Moral Majority, National Association of ProAmerica, National Black Coalition for Traditional Values, The National Committee of Catholic Layman, and Pro-Family Coalition submits for consideration of Congress the following resolution.

Whereas, Congressman Chris Smith (R NJ), who has taken the active lead on behalf of religious freedom for people in the Soviet Union, introduced H. Con. Res. 223, on December 8, 1987, which to date has 153 cosponsors;

Whereas, Congressman John Porter (R IL), co-chairman of the Congressional Human Rights Caucus and a member of the Helsinki Commission, is an original cosponsor of H. Con. Res. 223 and has expressed concern over state control of religious expression and practice;

Whereas, Congressman Steny Hoyer (D MD), chairman of the Commission on Security and Cooperation in Europe stated, "It is important for each of us, as General Secretary Gorbachev visits the United States, to impress upon him that religious freedom and the right to practice one's belief in God is a fundamental and inalienable right arising from one's humanity, and not out of the good will of the state";

Whereas, Congressman Paul Henry (R MI), for himself and 258 members of the House of Representatives, introduced into the Congressional Record a letter to General Secretary Gorbachev outlining categories of religious oppression and repression in the U.S.S.R.;

Whereas, this letter stated that violations brought to the attention of Congress by citizens living in the U.S.S.R. included "interference in the religious governance of religious organizations and institutions" and "restrictions on institutions for theological education of Orthodox Roman Catholic, Protestant, Jewish, and other religious bodies";

Whereas, if further stated, ". . . Our tradition recognizes human rights as divinely endowed, and thus transcending the powers of the state. Thus, we regard the question of honoring religious rights of citizens as the heart of the human rights question. Your tradition recognizes human rights as 'granted by the government', and thus not having autonomy from the government which grants them";

Whereas, we believe that the "Civil Rights Restoration Act of 1987" impinges upon religious freedom in forcing religious institutions to relinquish their autonomy in order to adhere to governmental requirements;

Whereas, it is true that no schools have been denied religious exemptions by the Department of Education, it is also true that no schools were granted exemptions by the Department for over six years between the dates of October 15, 1976, and May 18, 1983. (See Congressional Record, January 28, 1988, pages S232-234);

Whereas, in 1980 a Federal District judge determined that employees of independent religious schools controlled by lay boards rather than a church were not exempt from Federal unemployment taxes. William Bell, a constitutional attorney, found that "to deny the exclusion for religious institutions which were every bit as religious as institutions operated by churches, would be violative of the Free Exercise and Establishment Clause of the First Amendment to the U.S. Constitution, as well as the Equal Protections Clauses of the Fourteenth Amendment. The exclusion would favor those religious institutions which are operated by churches and would give rise to excessive entanglements between government and religion";

Whereas, in the Civil Rights Restoration Act, indirect as well as direct federal financial assistance would cause an entire institution to come under the regulatory jurisdiction of the Federal government;

Whereas, a U.S. Commission on Civil Rights stated, "Since tax exemptions are probably Federal financial assistance, it is likely that private schools already are under the jurisdiction of Title IX of the educational amendments, which require non-discrimination in all education programs and activities receiving federal financial assistance." (From a report by the Federal Civil Rights Enforcement Effort—1974, Vol. 3, to ensure the educational opportunity, a report of the U.S. Commission on Civil Rights, January 1975, page 154);

Whereas, Pell grants, student loans, and G.I. Bill benefits have been declared as "federal assistance" (*Grove City College* v. *Bell*, 1984);

Whereas, in *Regan* v. *Taxation with Representation*, 1983, the Supreme Court found that "Both tax-exemptions and tax deductibility are a form of subsidy that is administered through the tax system";

Whereas, if follows that religious institutions, organizations, and corporations who are classified as 501(c)(3) would be considered the recipients of federal financial assistance;

Whereas, President Reagan declared December 10, 1987, Human Rights Day and pledged to support fundamental freedoms, human rights and self determination. On March 2, 1988, he stated in a letter to Congress that "Civil Rights Restoration Act of 1987" as passed by Congress ". . . diminishes the freedom of the private citizen," ". . . dramatically expands the scope of federal jurisdiction" over state and local governments, and "poses a particular threat to religious liberty";

Whereas, religious institutions should have the right to hire and terminate according to their religious doctrines as a demonstration of "the right to . . . manifest his religion or belief in teaching, practice, worship and observance" (see letter to General Secretary Gorbachev);

Whereas, a religious tenets amendment was offered by Senator Hatch (R UT) during debate on S. 557 and received 39 supporting votes;

Whereas, Congressman Sensenbrenner (R WI) offered an amendment including religious tenets to S. 557 in the House debate which received 146 votes of support;

Be it resolved, by concerned citizens for religious freedom internationally as well as in these United States that Congress should quickly pass H. Con. Res. 223, on behalf of political prisoners in the Soviet Union;

Be it further resolved, that Congress should recognize the grave concerns in this nation for the protection of liberties threatened in erosive yet virtually imperceptible ways; and

Now be it therefore resolved; that Congress should uphold the Presidential veto of the "Civil Rights Restoration Act of 1987" because it lacks a religious tenets amendment to protect these religious institutions and expands coverage of churches, synagogues, and religious schools systems.

Mr. Speaker, I'm certain you noticed the prevalence of religious institutions and affiliated groups in this listing. There is good reason for that and I would like to conclude my remarks this evening with a discussion of religious institutions and the affect of the Civil Rights Restoration Act upon them.

The Justice Department provided answers to some of the questions raised about this important issue by constituents. Let me share some of those today.

First. Question: Are entire churches, synagogues, and other religious institutions covered by S. 557, if just one program at such an entity receives Federal aid?

Answer: Yes. Subparagraph (3)(B) of the operative sections of the bill covers "all of the operations of" every "private organization" which is a "geographically separate facility * * * any part of which is extended Federal financial assistance * * *."

Obviously, a church or synagogue fits easily within that definition. The bill's sponsors acknowledged at a committee markup in the other body that such coverage of entire churches and synagogues will exist.

Therefore, if a church or a synagogue operates any federally aided program, such as "hot meals" for the elderly, a surplus food distribution program for the needy, a shelter for the homeless, or assistance to help legalize immigrants, not only will those assisted programs be covered, but, for the first time, all other activities of the church or synagogue, including prayer rooms and other purely religious components, educational classes, church or synagogue schools—even though conducted in separate facilities—or a summer camp for youngsters, will be covered as well.

Further, if the church or synagogue conducts a school which receives any Federal

aid, even in a separate building, the entire church or synagogue, as well as the entire school, will be covered.

Second. Question: How broad is the coverage of a "geographically separate facility?"

Answer: The Senate committee report at page 18 says that coverage "in the bill refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate."

For example, if a Baptist church in Birmingham, AL, operates an apartment building for the elderly located three blocks from the church, and the apartment building, or just one tenant in the building receives any Federal housing assistance, not only will the apartment building be covered, but all of the activities of the church itself will be covered as well. Similarly, in this example, if the church receives Federal aid for a surplus food program for the needy operated from the church building, the apartment building for the elderly will be covered even if it received no direct or indirect Federal aid.

Third. Question: Have sponsors of the bill provided evidence that such broad coverage existed prior to the Grove City decision?

Answer: No. The fact is that the scope of these civil rights laws, as originally enacted, did not cover entire churches, synagogues, or other religious entities, when just one of their programs received Federal Financial assistance. No one in Congress as that time suggested otherwise. That is not surprising due to the long-standing reluctance on the part of Congress and Federal agencies to entangle the Government with religion, potentially running afoul of the first amendment.

Moreover, case law concerning private sector coverage under the civil rights statutes prior to the Grove City decision held these statutes to be "program specific."

Fourth. Question: What are the consequences of such coverage?

Answer: Expanded Federal jurisdiction under these four statutes brings with it:

Increased Federal paperwork.

Exposure to Federal bureaucratic compliance reviews and onsite reviews even in the absence of an allegation of discrimination;

Thousands of words of Federal regulations;

The need to adhere to accessibility requirements under section 504, which for a church or synagogue could mean requirements to widen aisles and space between pews, additional modifications to prayer rooms and other parts of the church or synagogue, equipment modifictions, job restructuring, modifications of work schedules, provision of auxiliary aids including readers and sign language interpreters, and other extensive requirements;

The requirement to attempt to accommodate persons, including employees, with infectious diseases such as tuberculosis and AIDS;

Increased exposure to private lawsuits.

Such coverage represents a fundamental mistrust of religious institutions and expresses a desire to extend Federal control over all of the operations of every aspect of the private sector that touches Federal dollars. When a particular program at a church or synagogue receives Federal aid, that program itself should be covered, but the rest of the church or synagogue should not be covered by all of these Federal regulations.

Many churches or synagogues heretofore willing to take Federal social welfare aid may stop providing these important social services, or may reduce their efforts by the amount of Federal aid, rather than subject themselves to coverage of their entire institutions. In light of the value of pluralism and diversity in our society, the value of independent religious institutions, and in view of the complete absence of any case for the expansion of coverage over religious institutions, S. 557 is seriously flawed.

Finally, Mr. Speaker, presently 151 colleges, universities, seminaries, theological schools and the like, have religious exemptions under title IX of the Education Amendments of 1972. These include such prestigious institutions as Brigham Young University, Catholic University, Pepperdine University, Seton Hall University, and Baylor University. I would like to insert the complete list of exempted institutions, and a fact sheet on religious tenants controversy at this point in the RECORD.

RELIGIOUS EXEMPTIONS: TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

[*Five institutions were not included in the count of 216 case files officially pending as of February 19, 1985]

EXEMPTIONS GRANTED

1. Brigham Young University (UT),* August 12, 1976.
2. St. Charles Borromeo Seminary (PA), September 14, 1976.
3. Harding College (AR), Harding University (AR) (additional exemption granted 9-23-85), October 14, 1976.
4. Covenant Theological Seminary (MO),* May 19, 1983.
5. Saint John's University (MN), March 9, 1984.
6. Christian Heritage College (CA),* October 19, 1984.
7. Atlantic Christian College (NC),* January 9, 1985.
8. Lees Junior College (KY), May 17, 1985.
9. Asbury College (KY), May 17, 1985.
10. Asbury Theological Seminary (KY), May 17, 1985.
11. Central Wesleyan College (SC), May 17, 1985.
12. Freed-Hardeman College (TN), May 17, 1985.
13. Cumberland College (KY), May 17, 1985.
14. Chowan College (NC), May 17, 1985.
15. Columbia Union College (MD), June 18, 1985.
16. United Wesleyan College (PA), June 18, 1985.
17. Appalachian Bible College (WV), June 18, 1985.
18. Ohio Valley College (WV), June 18, 1985.
19. Immaculata College (PA), June 18, 1985.
20. Baptist Bible College and School of Theology (PA), June 18, 1985.
21. Catholic University of America (DC) (additional exemption granted 8-8-85), June 18, 1985.
22. Ricks College (ID), June 24, 1985.
23. LDS Business College (UT), July 22, 1985.
24. Presentation College (SD), July 22, 1985.
25. Southeastern Bible College (AL), July, 24, 1985.
26. David Lipscomb College (TN), July 24, 1985.
27. Johnson Bible College (TN), July 24, 1985.
28. Brescia College (KY), July 24, 1985.
29. Kenrick Seminary (MO), August 1, 1985.
30. York College (NE), August 1, 1985.
31. George Fox College (OR), August 5, 1985.
32. Mt. Angel Seminary (OR), August 5, 1985.
33. Walla Walla College (WA), August 5, 1985.
34. Western Baptist College (OR), August 5, 1985.
35. West Coast Christian College (CA), August 6, 1985.
36. Los Angeles Baptist College (CA), August 6, 1985.
37. Pope John XXIII National Seminary (MA), August 16, 1985.
38. Roberts Wesleyan College (NY), August 16, 1985.
39. Antillian College (PR), August 16, 1985.
40. De Sales School of Technology (DC), August 26, 1985.
41. St. John's Seminary (CA), August 27, 1985.
42. Pepperdine University (CA), August 27, 1985.
43. Dominican School of Philosophy and Theology (CA), August 27, 1985.
44. Denver Conservative Baptist Seminary (CO), August 27, 1985.
45. Northwest Baptist Seminary (WA), September 3, 1985.
46. St. Patrick's Seminary (CA), September 3, 1985.
47. Campbell University (NC), September 3, 1985.
48. Bethune-Cookman College (FL), September 3, 1985.
49. Tennessee Temple College (TN), September 3, 1985.
50. Campbellsville College (KY), September 3, 1985.
51. Oakwood College (AL), September 3, 1985.
52. Union University (TN), September 3, 1985.
53. Berea College (KY), September 3, 1985.
54. Biola University (CA), September 3, 1985.
55. Pacific Union College (CA), September 3, 1985.
56. Circleville Bible College (OH), September 13, 1985.
57. Bethel College (IN), September 13, 1985.
58. Trinity Evangelical Divinity School (IL), September 13, 1985.
59. Wheaton College (IL), September 13, 1985.
60. Dr. Martin Luther College (MN), September 13, 1985.
61. Grace College and Grace Theological Seminary (IN), September 13, 1985.
62. Bethany Lutheran College (MN), September 13, 1985.
63. Marion College (IN), September 13, 1985.
64. Andrews University (MI), September 13, 1985.
65. Kettering College of Medical Arts (OH), September 13, 1985.
66. The Cincinnati Bible Seminary (OH), September 13, 1985.
67. The Athenaeum of Ohio (OH), September 13, 1985.
68. College of Saint Benedict (MN), September 13, 1985.

69. Saint Mary of the Lake Seminary (IL), September 13, 1985.
70. Grand Rapids Baptist College (MI), September 13, 1985.
71. Cedarville College (OH), September 13, 1985.
72. St. Louis-Chaminade Education Center (HA), September 18, 1985.
73. Westminster Theological Seminary (PA), September 18, 1985.
74. Seton Hall University (NJ), September 20, 1985.
75. Wadhams Hall Seminary-College (NY), September 20, 1985.
76. Christ the King Seminary (NY), September 20, 1985.
77. Mid-America Bible College (OK), September 20, 1985.
78. Oklahoma Christian College (OK), September 20, 1985.
79. Oral Roberts University (OK), September 20, 1985.
80. Louisiana College (LA), September 20, 1985.
81. Concordia Seminary (MO), September 20, 1985.
82. Mesivta Yeshiva Rabbi Chaim Berlin (NY), September 23, 1985.
83. Mirrer Yeshiva Central Institute (NY), September 23, 1985.
84. Rabbinical College of Long Island (NY), September 23, 1985.
85. Rabbinical Seminary of America (NY), September 23, 1985.
86. Sh'or Yoshuv Rabbinical College (NY), September 23, 1985.
87. Yershiva Gedolah-Zichron Moshe (NY), September 23, 1985.
88. Yeshivath Kehilath Yakov (NY), September 23, 1985.
89. Yeshiva and Mesivta Ohr Yisroel (NY), September 23, 1985.
90. Yeshiva of Nitra Rabbinical College (NY), September 23, 1985.
91. Talmudical Academy (NJ), September 23, 1985.
92. Ohr Hameir Theological Seminary (NY), September 23, 1985.
93. Yeshiva Torah Vodaath and Mesivta (NY), September 23, 1985.
94. Mesivtha Tifereth Jerusalem of America (NY), September 23, 1985.
95. Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway (NY), September 23, 1985.
96. Central Yeshiva Beth Joseph Rabbinical Seminary (NY), September 23, 1985.
97. Grace Bible College (MI), September 23, 1985.
98. Saint Mary's College (MN), September 23, 1985.
99. Saint Mary's College (IN), September 23, 1985.
100. The Saint Paul Seminary (MN), September 23, 1985.
101. Concordia Theological Seminary (IN), September 23, 1985.
102. Calvin College and Seminary (MI), September 23, 1985.
103. Harding Academy (TN), September 23, 1985.
104. Rabbinical Seminary M'kor Chaim (NY), September 24, 1985.
105. Beth Hamedrash Shaarei Yosher (NY), September 24, 1985.
106. Rabbinical Seminary of Belz (NY), September 24, 1985.
107. Rabbinical College of Adas Yereim (NY), September 24, 1985.
108. Rabbinical College Ch'san Sofer of New York (NY), September 24, 1985.
109. Rabbinical Seminary of Munkacs (NY), September 24, 1985.
110. Ner Israel Rabbinical College (MD), September 24, 1985.
111. Reformed Presbyterian Theological Seminary (PA), September 24, 1985.
112. St. Louis Rabbinical College (MO), September 24, 1985.
113. Faith Baptist Bible College (IA), September 24, 1985.
114. Grace College of the Bible (NE), September 24, 1985.
115. Beth Hatalmud Institute for Advanced Talmudic Studies (NY), September 24, 1985.
116. Beth Medrash Emek Halacha (NY), September 24, 1985.
117. The Jewish Theological Seminary of America (NY), September 24, 1985.
118. Rabbinical College Beth Shraga (NY), September 24, 1985.
119. Rabbinical College Kamenitz Yeshivah of America (NY, September 26, 1985.
120. Talmudical Yeshiva of Philadelphia (PA), September 26, 1985.
121. Baylor University (TX), September 26, 1985.
122. Southern Baptist College (AR), September 26, 1985.
123. Notre Dame Seminary (LA), September 26, 1985.
124. Bartlesville Wesleyan College (OK), September 26, 1985.
125. Southwestern Adventist College (TX), September 26, 1985.
126. Crowley's Ridge Academy (AR), September 26, 1985.
127. Crowley's Ridge College (AR), September 26, 1985.
128. Rabbinical College of the Bobover Yeshiva Bnei Zion Inc. (NY), September 27, 1985.
129. Mesivta of Eastern Parkway Rabbinical Seminary (NY), September 30, 1985.
130. Brisk Rabbinical College (IL), September 30, 1985.
131. Telshe Yeshiva (OH), September 30, 1985.
132. The Hebrew Theological College (IL), September 30, 1985.
133. Michigan Christian College (MI), September 30, 1985.
134. William Tyndale College (MI), September 30, 1985.
135. Union College (NE), October 25, 1985.
136. Ohr Somayach (NY),* October 25, 1985.
137. Central Yeshiva Tomchei Tmimim Lubavitz (NY), October 25, 1985.
138. Mesivta Sanz of Hudson County (NJ), October 25, 1985.
139. Ayelet Hashachar (NY), October 25, 1985.
140. Yeshiva Kesser Torah (NY), October 25, 1985.
141. Yeshiva Toras Chaim Talmudical Seminary/Denver (CO), October 25, 1985.
142. Colorado Christian College (CO), October 25, 1985.

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RELIGIOUS EXEMPTION UPDATE, MARCH 10, 1987

[*UWC submitted one of the 216 requests resolved under the religious exemption project, and requested additional exemption after completion of the project]

Since the completion of the religious exemption project on October 30, 1985 (final report issued November 22, 1985), the following institutions have been granted religious exemptions.

1. Loma Linda University, CA, November 19, 1985.
2. United Wesleyan College, PA,* November 21, 1985.
3. Telshe Yeshiva—Chicago, IL, February 24, 1986.
4. Southern College of Seventh-day Adventists, TN, February 28, 1986.
5. Belmont College, TN, February 28, 1986.
6. Loyola University, LA, May 7, 1986.
7. Stonehill College, MA, May 15, 1986.
8. Elms College, MA, October 1, 1986, October 24, 1986.
9. Columbia Bible College and Columbia Graduate School of Bible and Missions, SC, November 14, 1986.

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RELIGIOUS TENETS AND GROVE CITY LEGISLATION

1. Q: Why is religious tenets language needed in Title IX?

A: Such language in Title IX is a necessary part of *Grove City* legislation in order to protect an institution's policy which is based upon tenets of a religious organization where the institution is controlled by, or closely identifies with the tenets of, the religious organizations.

In 1972, when Congress enacted Title IX, Congress included several exceptions to its coverage, including: "This section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization. . . ." 20 U.S.C. § 1681(a)(3).

At that time, many educational institutions were controlled outright by religious entities. Some of these institutions today, while retaining their identification with religious tenets, are controlled by lay boards and receive less financial support from religious organizations. Thus, many institutions which may have previously qualified are now outside the scope of the religious tenets exception of current law.

Thus, language must be included in any *Grove City* bill to protect a policy of an educational institution based on religious tenets when the institution is not controlled by a religious organization but *closely identifies with the tenets of* such an organization. This same protection should also be afforded to other institutions, such as hospitals, covered under Title IX by *Grove City* legislation when they have such a close identification with the tenets of a religious organization.

2. Q: Can an institution claim protection under this language for racial, handicap, or age discrimination?

A: No. the exception exists *only* under Title IX, which addresses gender discrimination. The exception recognizes that the tenets of some religious organizations differentiate in some ways between the sexes. In the spirit of diversity and pluralism in education and other parts of the private sector covered by Title IX under *Grove City* legislation, the exception respects the independence of an institution's conduct in carefully delineated circumstances when the institution is controlled by, or is closely identified with the religious tenets of, a religious organization.

3. Q: Is a covered institution exempt in its entirety from Title IX if just one of its policies is based on religious tenets and conflicts with Title IX?

A: No. The exception applies *only* to the specific policy or policies, based on religious tenets of those institutions able to avail themselves of the exception, when Title IX would conflict with stuch policy or policies.

4. Q: Will this exception have any application in public schools or other public institutions?

A: No. The First Amendment, as applied to states and localities, effectively prohibits

public schools or other public institutions from basing any policies or conduct squarely on the religious tenets of a religious organization.

This exception applies only to private institutions—for example, to schools where students are in attendance because they have freely chosen to attend the institution.

5. Q: What is the origin of this language?

A: In May, 1985, in response to concerns described in the answer to question one, the House Education and Labor Committee first strengthened the current religious tenets exception when considering *Grove City* legislation.

The particular language described in this document is virtually identical to language in the Higher Education Amendments of 1986, adopted by Congress and signed into law in October, 1986. There a prohibition against religious discrimination in the construction loan program was enacted with an exception using virtually the same language recommended for Title IX. This provision, in short, is modeled on language used by the 99th Congress.

These exemptions are threatened by a lack of religious tenets language in the Civil Rights Restoration Act.

In conclusion, Mr. Speaker, I want to express my strong opposition to the Grove City bill in its present form. We should vote to sustain the President's veto.

We do have options.

If we sustain the President's veto, we will have the opportunity to support an alternative measure which addresses the concerns of farmers, and home builders, and grocers, and small business owners, and ministers, rabbis and priests, and hospitals and millions of other Americans who feel threatened by this legislation.

Let's not act in haste, Mr. Speaker. Let's vote to sustain the President's veto and pass a better bill as quickly as possible.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I rise in strong support of the legislation and in strong support of the override.

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS] a member of the committee and of the subcommittee.

Mr. CONYERS. Mr. Speaker, once again President Reagan and Vice President BUSH have shown that they are not friends of civil rights, and how far from the mainstream they have taken their administration and party. The party of Lincoln fought for the advancement of civil rights in this country. The party of Reagan has undercut every attempt to foster equality and fairness in America.

In 1863, with one stroke of the pen, Abraham Lincoln emancipated the slaves. With one stroke of the pen, in 1963, John Kennedy banned housing discrimination. With one stroke of the pen, Lyndon Johnson enacted the historic Civil Rights Act of 1964. In 1988 President Reagan has chosen to break with this noble tradition, and to use his pen for the ignoble purpose of striking down the most important civil rights legislation to come before the 100th Congress—the Civil Rights Restoration Act of 1988.

Of course this is nothing new. The Reagan administration fought against the extension of the Voting Rights Act. Under the Reagan administration, the Department of Justice has consistently opposed affirmative action and school desegregation consent decrees. The Reagan administration supported tax credits for the segregated Bob Jones University. But I must admit that I was surprised when the President vetoed the bill before us today.

The principle behind the legislation is simple and axiomatic. A democratic government should never support or subsidize discriminatory practices in any way whatsoever. The Internal Revenue Service is an equal opportunity tax collector; you don't get special tax breaks because of your race, religion or gender. So because everyone is required to pay taxes, those tax dollars cannot be used for discrimination. Everyone who dips into the Federal till should be required to abide by the Constitution.

Presidents Kennedy, Johnson, Nixon, Ford, and Carter all believed that. That is why their administrations followed broad based interpretation of the civil rights statutes that we today seek to codify. Both the House and Senate, after 4 years of hearings and debate have voted overwhelmingly in favor of broad coverage.

A recent Supreme Court decision, Grove City versus Bell, interpreted the civil rights laws as they were written to apply only to recipient operations and not the entire institution. This legislation overturns that decision, and the opportunities for discrimination and unequal access that the decision created.

Consider the every day importance of the law:

A black man could be denied hypertension medication in a large clinic receiving Federal funds if those funds were not earmarked for hypertension treatment.

A victim of sexual harassment in a classroom would not be protected if Federal construction funds received by the school were not used to construct the building in which that classroom is located.

A qualified disabled employee could be denied a promotion in a nursing home corporation if the specific department involved received no Federal money though the corporation was a recipient of such funds.

An older couple could be denied flu shots in a privately built city clinic which decides to reserve vaccine for the so-called working-age population, even if the city health department got Federal health funds.

Literally hundreds of discrimination suits before the courts and administrative agencies have been dropped already—even when discrimination was found—due to the Grove City decision. According to the Department of Education's Office of Civil Rights, 834 cases in the administrative enforcement process have been affected between 1984 and 1986. Consider the kinds of cases and instances of discrimination we are debating:

A black high school student ranked fifth in her class who sued her school's chapter of the National Honor Society for allegedly denying her admission into the program due to race. The Office of Civil Rights dropped the suit because the alleged discrimination did not occur in a program directly receiving Federal assistance

A first year medical student's charges that she had been sexually harassed by a professor who offered her good grades in exchange for sexual favors and who threatened to have other professors manipulate her grades were dismissed because no Federal money was earmarked for first year students or the department in which the professor taught

The Office of Civil Rights also dismissed a suit against a community college which offered insurance policies that discriminated on the basis of age and sex, and which did not treat pregnancy and related disabilities the same as any other temporary disability. The case was closed because the college office which generated the mailing labels for the insurance company and the dean who wrote the letter to the students to introduce the plan were not part of the program that benefited from Federal funding. Clearly the primary vehicles for attacking the specter of discrimination for the last 25 years have been eroded.

The effects of discrimination, race based, gender based, are clear and undeniable. Just look at statistics on employment, income, representation in professional communities. This measure stops short of affirmative measure to correct those wrongs, it simply helps prevent the potential for more discrimination, and their lasting effects.

The so-called abortion neutral provision, commonly known as the Danforth amendment, is unusual law, and probably redundant. Current law requires medical recipients of Federal aid to provide all the available medical services for all citizens. And America's courts have said that abortion is a legitimate and legal medical service. Once the courts have decided on issues of law, it is dangerous for Congress to decide what legal medical services are legitimate. The amendment is also unnecessary for its stated purpose of pro-

tecting religious organizations' ethics and principles. Religious institutions for that reason have traditionally been exempt from abortion related requirements.

The bill is not as expansive as its opponents claim:

It does not cover churches, synagogues or religious institutions in their entirety simply because one facility or program receives Federal funds; current exemption rules have worked well for more than two decades so there is no reason to change them now

It does not cover farmers who receive crop-subsidies, persons receiving Social Security or Medicaid/Medicare benefits, or individuals receiving food stamps; as shown during the Senate debates, these are nonissues that have already been settled in both House and Senate report language

For those of you who do not want to fight the old battles and reopen the healed wounds from the civil rights movements; for those of you who truly want Dr. King's vision of justice and equality to become a reality in American life, the Civil Rights Restoration Act is an essential piece of legislation. I therefore urge you to vote to override the President's veto.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I rise today with some sort of a sense of frustration regarding the motion to override President Reagan's veto of the Civil Rights Restoration Act, and I rise in opposition to the bill.

Mr. Speaker, I rise today with a sense of frustration regarding the motion to override President Reagan's veto of S. 557, the Civil Rights Restoration Act.

I will vote to sustain the President's veto of this legislation. I do so out of a sense of respect for the hundreds of constituents and friends who have called, written, and telegraphed their opposition to S. 557 and their support for the President's veto.

I voted for S. 557, and I believe it is a good bill. It is my impression that many people misunderstand the intent of this legislation. However, enough questions have been raised to require a serious review of the bill.

It appears that there may be legal ambiguities which open the door to unusual and unintended cases. Taking that into consideration, along with my respect for the clergy, medical groups, legal professionals, and other constituents, I will support the President's veto.

If this veto is sustained, I will support the President's alternative legislation. This alternative addresses many of the problems with S. 557 including the effects this bill would have on private sector businesses. Rather than restore coverage to its state prior to the Grove City decision, S. 557 has the potential to expand that coverage. The alternative legislation will clarify or correct the questions that have been raised while at the same time protecting minorities, handicapped, and elderly people from discrimination in institutions which receive Federal funds.

Mr. JEFFORDS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong support of the override of the President's veto.

Mr. Speaker, I urge my colleagues to join me in voting to override the President's veto of S. 557, the Civil Rights Restoration Act of 1987. It is vital that we overturn the 1984 Supreme Court decision, Grove City Versus Bell, And restore the coverage of Federal antidiscrimination laws to ensure that institutions receiving Federal aid are not allowed to discriminate in any aspect of their operations.

After 4 years of effort to develop an acceptable compromise, S. 557 may be our only chance to overturn the Grove City case in the near future. The legislation has been endorsed by a coalition of 185 national organizations, including religious groups such as the U.S. Catholic Conference of Bishops, the American Hebrew Congregations, the National Council of Churches, and the Evangelical Lutheran Church.

Mr. Speaker, it is imperative that we reaffirm our stong support for our civil rights laws and make it clear that institutions which accept Federal funding cannot discriminate on the basis of race, religion, age, gender, or disability. Let us restore the scope of protection against discrimination intended under title IX and all of our civil rights laws.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman form Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the motion to override the President's veto of the Civil Rights Restoration Act.

Mr. Speaker, a lot of people are afraid of this bill. They should not be. I have taken a close look at this bill. I have looked closely at what this bill will do, and at what it will not do.

This bill will not force catholic hospitals to perform abortions. It will not require Christian or Jewish day care centers to hire homosexuals. It will not cause the extinction of the family farm or business. It will not extend the power of the Federal Government. These are some of the things this bill will not do.

I will vote to override the President's veto because of what this bill will do.

Enacting the Civil Rights Restoration Act will help make our existing antidiscrimination laws work. Institutions that discriminate on the basis of race, creed or gender, cannot demand Federal taxpayer's dollars. It is really that simple—this bill is about making the civil rights laws work.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the motion to override the veto of the President on the Civil Rights Restoration Act.

Mr. Speaker, I rise in strong support of and proudly identify with the effort to override the President's veto of the Civil Rights Restoration Act.

Discrimination, in the context of this legislation, is alien to all that we cherish so dearly as Americans. We have an obligation to do all that we can do to prevent it in any way that we can.

Not only should we not sanction discrimination, we must not subsidize it, either. It is shameful to think in terms of providing Federal funds—the taxpayers' money—in any way, shape, or manner to institutions or organizations that discriminate in the conduct of their affairs.

There is another aspect to this issue that should not go overlooked; the fraudulent campaign of misinformation waged by those who would have us go along with the ill-advised veto.

We all have been the recipients of a barrage of literature and calls from those who have been led to believe that what we are about is a sinister plot to advance a number of dastardly deeds. I won't dignify all of those wild and obscene claims by repeating them, but I will say to those who are parroting them, knowing better, shame on you.

My pride in being an American increases a thousandfold when I am given the privilege of backing up words I believe in deeply with deeds in the form of voting for strong civil rights measures that help make a great nation even greater.

Mr. JEFFORDS. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsion [Mr. ROTH].

Mr. ROTH. Mr. Speaker, sustaining President Reagan's veto is one of the most important duties each of us has if we are to preserve the rights we all have under our Constitution.

Discrimination has no part in our democratic society and I support—as we all do—initiatives to that end.

But this present bill would trample on those rights. That's why the President vetoed this bill. It was not done lightly. While individual rights must be protected we have a duty also to insure all freedoms independent churches and schools included.

There has been a great amount of confusion revolving around the question of "what does this bill really do?" If we don't know what the legislation will do, how can the American people who will have to live under this law. How are they supposed to know what it means?

The agencies, the courts, the people, all have a right and we have an obligation to pass a clear unambiguous law. This is a monumental bill. It will have long-lasting effects. It is vital that we make it clear before we pass such a law exactly what we are voting on before we do so.

Farmers, schools, churches, child care, all Americans will be touched by this law. We have all sworn—all of

us—to uphold the Constitution. It's the first thing we did when we become Members.

The President was and is right. To sustain the President's veto may be the difficult thing to do—but it's also the right thing to do. I hope all stand behind our President.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, I rise in support of the bill and in strong support of overriding the President's veto.

Mr. Speaker, because of the President's action last week, we are again being asked to cast a vote for or against prohibiting our Government from discriminating against our people on the basis of sex, race, age, and disability. To me, the choice is clear.

This Government is funded by the people of this country, by the taxes they pay—be they young or old; man or woman; black, white, brown, red, or yellow. The Civil Rights Restoration Act simply provides that this funding not be spent in any fashion which permits or results in discrimination. The vast majority of both the House and Senate have already agreed that this is not too much to ask.

This bill is a bipartisan effort, the result of compromise by Representatives of every philosophy. It contains a provision which allows entities controlled by a religious organization to be exempt from this law if it runs contrary to their beliefs. It contains a provision which assures that this law will require no entity to perform or pay for an abortion. And it contains four very specific provisions regarding the application of this law to educational institutions, State and local governments, private corporations and other entities that accept Federal funding. It leaves no room for uncertainty.

Let us prove that we are not a nation of hypocrites. If we are to continue holding our country up to our neighbors as offering the greatest freedom, the most opportunities, and the brightest future of any other country in the world, let us begin by ending this debate and overriding this veto. How tragic if we cannot even guarantee that our own Government will not discriminate against us because we differ from another.

But let me raise one more point about this debate. I am deeply offended by the efforts of the opposition to demagogue this already emotional issue. Many, many distortions and false statements have been spoken in an effort to promote hysteria over this legislation. Administration officials have touted this measure as too much government intervention, offering the example that grocery stores would be subject to the law simply because they accept food stamps from a recipient purchasing goods. In fact, food stamp recipients are specifically exempted from this law, and its arm cannot reach beyond them to the establishments they patronize.

Opponents also have claimed that this law will reach from the family farmer to the private school to every business on Main Street. In fact, it reaches only to entities that accept Federal funding. It does not affect individuals who benefit from Government programs such as social security or farm subsidies. It does not reach private schools and churches who do not accept Federal financial assistance.

Finally, the argument has been espoused that this law requires businesses to hire someone from the protected classes. In fact, this law does not require that an employer hire anyone. It only requires that employers who receive Federal funds not discriminate against a class of individuals in their hiring practices.

This campaign of misinformation is unfortunate because the simple truth is that this bill is both fair and reasonable. By voting for its passage, we reflect the goodness of the American people, and we ensure that this Government and no arm of this Government will practice discrimination. It represents a victory for us all.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of this legislation and in support of the override. One cannot have a right without a remedy. This bill provides a remedy for those aggrieved by civil rights violations, and I urge my colleagues to support the bill and oppose the President.

Mr. Speaker, I also insert into the RECORD the following exchange of letters between the distinguished majority leader and majority whip and the president of the National Association of Home Builders.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, March 21, 1988.*

Mr. DALE STUARD, *President,*
*National Association of Home Builders,*
*Washington, DC.*

DEAR MR. STUARD: The National Association of Home Builders has raised several concerns regarding the potential impacts of the Civil Rights Restoration Act of 1987 on property owners, tenants and home builders. These concerns relate primarily to the following issues: The impact of the Act upon existing buildings (subsidized and non-subsidized); the impact of the Act upon non-housing activities of a business predominately involved in providing housing; and the definition of the term "federal financial assistance".

First let us clearly state, a business involved in providing housing would have to comply with these requirements only after the date it receives federal financial assistance. If federal financial assistance is involved there will be some expense in altering existing structures to make them accessible to handicapped persons. However, it is not intended that every part of every building must be accessible to handicapped persons. Rather, the common areas of buildings should be accessible. There is no intention that building owners would have to undertake inordinate expenditures in order to comply with handicapped accessibility requirements. The cost to make existing buildings accessible to handicapped persons will be no more than 1 cent per square foot on the average.

There was also the question raised regarding the reach of the law to non-housing activities (e.g. commercial and manufacturing activities) and non-subsidized housing activities. If the non-housing activities are conducted in a form that is legally and operationally separate and distinct from the housing activities, and if the non-housing activities receive no federal financial assistance, then such non-housing activities are not affected by this law. Additionally, non-subsidized housing is not affected by this law, unless owned by an entity that is not legally and operationally separate and distinct from the entity that owns the subsidized housing.

Several concerns have been raised regarding the definition of federal financial assistance. You have raised specific concerns regarding the FHA and VA loan programs, FDIC and FSLIC insured loans, as well as GNMA and FNMA secondary market activities. Pursuant to the Department of Housing and Urban Development's interim regulations under Section 504 of the Rehabilitation Act of 1973, the term "federal financial assistance" does not include a procurement contract or payments pursuant thereto or a contract of insurance or guarantee. Thus, FHA and VA loans would not constitute federal financial assistance. Nor would the secondary market activities of government sponsored enterprises (e.g. FNMA or GNMA) or loans insured by FDIC or FSLIC constitute federal financial assistance.

We wish to emphasize strongly our commitment to ensuring that the law as interpreted in the future by courts and administrative agencies complies with the understandings set forth in this letter. Should legislation be required to correct any interpretation by any entities which contradicts any of these understandings, we will do our best to enact such legislation. In this context we note that the House will soon be considering some related issues in the context of the Fair Housing Act, on which we expect to continue to work together.

In particular, the Fair Housing bill will deal with the question of retrofit requirements for handicapped accessibility, and we believe the best course of action to meet our mutual concerns will be to ensure that any agreement we reach dealing with retrofit accessibility requirements during the fair housing deliberations be made explicitly applicable to the handicapped retrofit requirements triggered by the Civil Rights Restoration Act.

Sincerely,

THOMAS S. FOLEY,
*Majority Leader.*
TONY COELHO,
*Majority Whip.*

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NATIONAL ASSOCIATION
OF HOME BUILDERS,
*Washington, DC, March 21, 1988.*

Hon. THOMAS S. FOLEY,
*Majority Leader,*
*Washington, DC.*

DEAR MAJORITY LEADER FOLEY: On behalf of the National Association of Home Builders, I would like to take this opportunity to thank you for your March 21 letter regarding NAHB's concern with the scope of the Civil Rights Restoration Act of 1987.

As you know, we have never opposed civil rights legislation. Rather, our concern related to the potential impact of S. 557 on retrofitting existing buildings and the scope of the definition of "federal financial assistance".

Having raised these concerns, we are now satisfied that they have been adequately addressed. Your letter, as well as the legislative history, clearly spells out that there is no intent on the part of Congress for property owners to incur substantial expenditures in order to make existing buildings ac-

cessible to the handicapped. Furthermore, we have been assured that FHA and VA loan programs, FDIC and FSLIC insured loans, and GNMA and FNMA secondary market activities do not constitute federal financial assistance. Moreover, it has been clarified that unsubsidized housing would not be covered if legally and operationally separate from subsidized housing.

Accordingly, we support the Civil Rights Restoration Act of 1987.

Sincerely,

DALE STUARD,
*President.*

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MINETA], who has worked very hard and well on this bill.

Mr. MINETA. Mr. Speaker, I rise to urge my colleagues to support this important legislation and to override the President's ill-advised veto of this bill.

This is a very straightforward piece of legislation which sets the desirable policy that Federal tax dollars should not be used to discriminate.

Yet I have heard some amazing distortions of what this bill is and what it will do. It saddens me to hear the statements that can be the result only of studied ignorance or outright fabrications. One such distorted claim is that this bill will require an employer to hire or retain all alcoholics and drug addicts.

I know that President Reagan opposes this bill, and is urging my colleagues on the other side of the aisle to sustain his veto.

But I was surprised to read some remarks which he gave just this morning to a group of Repubican local officials.

According to the Associated Press, the President called the Civil Rights Restoration Act, and I quote, "A dangerous bill."

He also said, and again I quote, "One dollar in Federal aid—direct or indirect—would bring entire organizations under Federal control, from charitable social organizations to churches and synagogues."

The President must have vetoed the wrong bill! Because his comments certainly don't apply to the Civil Rights Restoration Act.

My dear colleagues, we know this bill is not a dangerous bill.

We know that this legislation will not bring churches and synagogues under Federal control.

The acceptance of Federal dollars includes the responsibility to uphold this Nation's most basic civil rights.

I enjoy the vibrant exchange of ideas, and the clash of different ideologies. That is at the core of the business of this body. But I am tired of fighting the half-truths and untruths which some opponents of this legislation are using.

My dear colleagues, we know that this bill will fight discrimination. We know that this bill contains protections of our precious religious freedom and to limit the intrusiveness of the Federal Government. We know that this bill has been long-considered and is well crafted. In short, we know that this bill deserves our support.

I urge you to override the veto.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the motion to override.

Mr. Speaker, on March 2, when the House debated passage of S. 557, the Civil Rights Restoration Act, I listened in amazement to a number of my colleagues explain their opposition to the legislation on the basis that the provisions are somehow intrusive. It was even suggested that the bill should be called the Civil Rights Intrusion Act. Indeed, when President Regean vetoed the bill, he called the legislation Federal intrusion into the private lives of American citizens.

I am at a loss to understand how the protection of basic human liberties could possibly be intrusive.

It was not intrusive to defend Rosa Parks' right to sit in the front of a bus. It was not intrusive to ensure James Meredith's legal right to attend the University of Mississippi, or Louise Brown's right to attend a public school in Topeka.

But it was very intrusive when my college classmate Andrew Goodman was viciously murdered, along with his friends James Chaney and Michael Schwerner, for trying to register black voters in Mississippi. And it remains intrusive for the President to attempt to snatch away the civil rights these and so many other courageous Americans struggled so hard for so long to achieve.

Let's be honest about why we are here once again discussing the Civil Rights Restoration Act, and what impact the measure will actually have. S. 557 was introduced to overturn the 1984 Supreme Court decision in Grove City College versus Bell. In that ruling, the Court accepted arguments of the Reagan administration that title IX of the Education Amendments of 1972, which prohibits discrimination in any school program or activity receiving Federal funding, does not refer to the operations of an entire educational institution. The Court ruled that only specific programs receiving direct Federal funding need comply with the sex-discrimination prohibitions under title IX. Only Federal funds received by a particular program in which discrimination is found, not all funds for the institution, would be terminated for violating the civil rights of women.

This interpretation dramatically narrowed the coverage of that particular statute, and is a sharp departure from previous enforcement practices by both Republican and Democratic administrations for the last 20 years. Because three other civil rights statutes (title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and section 504 of the Rehabilitation Act of 1973) have similar enforcement language, the Reagan administration indicated that it would enforce all four of these laws consistent with the Court's decision.

Since the Grove City decision, longstanding protections against discrimination have been eroded by the courts and Federal agencies in succeeding judicial and administrative decisions regarding education, employment, transportation and health care.

Hundreds of valid discrimination cases—affecting the basic rights and human dignity of many thousands of Americans—have been unjustly dismissed or limited. That is why both the House of Representatives and the Senate voted by overwhelming margins to pass S. 557 and restore Congress' intent in passing the civil rights statutes: to ensure that Federal funds are not used to discriminate on the basis of race, color, national origin, gender, handicap, or age. S. 557 requires that agencies and institutions which receive Federal funds must have comprehensive nondiscrimination policies in all areas of operation.

We are here today, of course, to override President Reagan's veto of this important civil rights measure. But why does the President oppose the bill? What horrendous consequences does he fear will occur if the legislation becomes law?

Many false assertions and misleading statements are being made against the bill. Many of the arguments being used are the same tactics used 20 years ago against advances in civil rights. The truth is the only thing the bill will do is restore enforcement of the law to its pre-Grove City decision status, ensuring that institutions that choose to accept Federal funds do not discriminate. It does not threaten any constitutional rights; rather, it will uphold the basic freedoms guaranteed to all people by the Constitution.

I urge my colleagues to reaffirm our Nation's historic commitment to civil rights by overriding the Presidential veto and preventing the use of tax dollars to subsidize discrimination.

Mr. Speaker, the alternative to the Civil Rights Restoration Act is clear: the continued taxpayer subsidization of discriminatory, biased and bigoted operations. It is nothing less than shocking that today—34 years after Brown versus Board of Education, 24 years after the murders of Goodman, Chaney, and Schwerner, and the same two dozen years after the passage of the Civil Rights Act—we are still arguing whether the Federal Government should underwrite racism, sexism, and discrimination against the elderly and the disabled.

Mr. Speaker, it is time to close this argument once and for all. It's time to pass the Civil Rights Restoration Act.

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, the gentleman from Wisconsin said we should pass the President's bill. Now I do not think we should, but one thing would happen if we pass the President's bill. We would codify the Arline decision.

You have heard earlier about the Arline decision which uses the two-step process to say, if someone has a contagious disease, you should not fire that person unless that person is a

danger to others, a direct threat and cannot otherwise be reasonably accommodated. That language, which is the only thing that deals with AIDS and other contagious diseases, the language that would codify the Arline decision, is in President Reagan's bill. So, however we vote today, the question about the Arline and other contagious diseases is not before us unless we plan to get the legislation which says a little, but not a lot.

The fact is that the gentleman from Wisconsin in his substitute, the committee bill, and the President have identical language on the Arline decision, so the issue about how to codify this two-step process with reasonable accommodation and direct threat of people is not an issue because what it says is this: If someone has an illness that is a direct threat to others and cannot otherwise be accommodated, he or she can be fired. All bills say that, the President's included.

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

Mr. ANTHONY. Mr. Speaker, I rise in support of the Civil Rights Restoration Act of 1987 and the override of the President's veto.

Mr. Speaker, there has been a lot of misinformation circulating concerning what this bill will accomplish, and who it will effect. Therefore, let me state for the record that this bill does not redefine those who are protected under nondiscriminatory policy. The laws which have defined these have been on the books for over 10 years, and public and private entities have been complying by these statutes for quite some time.

While some groups have been organizing strong opposition against this bill, they represent the vocal few. This bill enjoys the support of a large number of teachers and educators in my district. I believe that we must not be swayed by the misinformed public on this matter, and must unite in expressing a strong sense of Congress that taxpayer's money cannot be used to fund discriminatory policies.

The passage of the Civil Rights Restoration Act of 1987, is crucial to overturn the Supreme Court's decision in Grove City versus Bell, which limited coverage of nondiscrimination statutes to the specific program or activity receiving Federal funds. This narrow application of these statutes was clearly not the intent of Congress. After 3 years of attempting to pass clarifying legislation on this matter, we have finally succeeded. We must not allow these efforts to be for naught. Unless we succeed in overturning the more narrow view adopted by the Supreme Court in Grove City, the Federal Government would be put in the untenable position of providing Federal assistance to discriminating entities.

One of the provisions on which we were able to reach a compromise was that pertaining to religious organization. I believe the specific language will continue to protect the autonomy of religiously controlled groups. Such groups will continue to be eligible for an exemption from requirements where compliance with the Civil Rights Restoration Act would violate their religious tenets. This language will ensure that Federal funds are not used to support discriminatory activities, while limiting Government intrusion on religious institutions.

The other controversial provision on which we were able to reach a compromise was that which pertained to abortion. Language in this bill specifically states that "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 use of facilities, related to 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 legal abortion." This language has been endorsed by the bishops, the National Right to Life Committee and the 5,600-member American Hospital Association.

Because of the great amount of confusion over the implications of this action existing institutions, let me again stress that the Civil Rights Restoration Act of 1987 merely changes the scope of applicability of the following four statutes: Title IX of the Education Act, the Civil Rights Act of 1964, the Rehabilitation Act of 1974, and the Age Discrimination Act of 1975. These statutes state that a recipient (however defined) of Federal assistance (however defined) must not discriminate on the basis of sex, age, race, or handicap. There is no mention of discrimination on the basis of religious or sexual preferences. Nor does this bill redefine recipient or change the definition of Federal assistance. Therefore, those who have not been covered by any of these statutes in the past, will still remain outside of its purview. Furthermore, only institutions which receive Federal funding are covered under this bill.

Of particular concern to many is the provision pertaining to employment discrimination against individuals with a contagious disease. This language merely ensures that individuals with a contagious disease have a right to an individual review of their case, based on sound medical judgment, as to whether they pose a health threat to their coworkers, or whether the disease debilitates them in such a way that they cannot perform their job. By requiring employers to respond rationally to those handicapped by a contagious disease, the act will help remove an important obstacle to preventing the spread of infectious diseases: the individual's reluctance to report his or her condition.

Finally, I wish to conclude by stressing that the overwhelming majority in Congress feel strongly that programs funded by taxes collected from all the people should not be used in ways which discriminate against some. Thank you for the opportunity to express my strong support for this legislation.

Mr. HAWKINS. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of the motion to override President Reagan's veto of the Civil Rights Restoration Act. We earlier voted overwhelmingly to pass this legislation with a vote of 315 to 98. We passed it because we saw it to be sincere, straightforward means of restoring original congressional intent to the Civil Rights Act. The bill simply corrects an error in the language of the Civil Rights Act which has allowed the Reagan administration to minimize Federal enforcement of antidiscrimination laws.

In the 3 weeks since that vote, the "Religious Right" has launched a contemptible campaign of misinformation about the bill which has led many of our constituents to oppose it.

If I were to base my vote on this issue on the information provided by the Moral Majority, I, too, would probably oppose the bill. They would have us believe that every business, every community group, every church, and every school would come under a vast new array of intrusive Federal laws infringing on personal freedoms.

As interpreted by Jerry Falwell, the bill would:

Vastly expand the Government's reach into activities run by churches, businesses and other private groups;

Force religious institutions to go against the tenets of their faiths;

And force farmers who receive Federal crop subsidies out of business.

As the mailing puts it, the legislation would "qualify drug addicts, alcoholics, active homosexuals, transvestites, among others for Federal protection as handicapped."

Such claims are patently untrue. I believe it is a deliberate attempt to defeat the bill through the use of scare tactics. If such claims were true, why do such diverse religious groups as the U.S. Catholic Conference, the American Baptist Churches, the Presbyterian Church USA, the American Jewish Congress, and the National Conference of Churches support the bill?

Why is the bill supported by such diverse organizations as the National Association of Home Builders, the AARP, the Easter Seal Society, the AFL-CIO, and the Children's Defense Fund?

I believe the Moral Majority is deliberately attempting to defeat the bill through the use of scare tactics. The same people who now oppose the Civil Rights Restoration Act have historically opposed every one of the civil rights laws which are affected by this bill. And they are using the same scare tactics to defeat this bill that they have used in the past.

I am particularly aware of the importance of the civil rights restoration to Hispanics and other minorities who have only recently begun to benefit from the Civil Rights Act. Hispanics still suffer from large scale discrimination in such areas as schools and housing, employment, voting rights, access to health and social services, and business development and opportunity. Thus, the importance of continued support for, and enforcement of, civil

rights protections is particularly important to Hispanics as we seek to attain equality in America.

The Reagan administration has once again demonstrated a dramatic lack of understanding and concern for issues affecting disadvantaged and disabled persons. He prefers to rely on "intent" rather than "effect" in identifying discrimination so that in the absence of "discriminary purpose", effective discrimination is allowed.

I urge my colleagues to override this veto.

President Reagan claims that the CRRA will bring "an intrusive Federal regulatory regime; random onsite compliance checks by federal officials; and increased exposure to lawsuits."

In truth, the CRRA neither expands nor creates any new rights. It merely restores to the Civil Rights Act the scope and enforcement authority originally intended by Congress. It restores Federal enforcement authority to pre-Grove City status. It is important to note that pre-Grove City, judicial and administrative interpretation of the Civil Rights Act consistently supported a broad application of the antidiscrimination provisions. Both Republican and Democratic administrations pursued that course.

The Moral Majority has claimed that the CRRA would force religious organizations to violate the teachings of their faiths in hiring practices and delivery of services.

The CRRA does nothing to change the exiting religious tenet exemption of the Civil Rights Act which has adequately protected religious organizations in the past. That section of the act allows exemptions when nondiscrimination requirements are inconsistent with religious tenets of a religious institution. I quote from a letter from the Civil Rights Office to Senator KENNEDY, "The Office of Civil Rights has never denied a request for religious exemption." More than 150 have been approved.

The CRRA would not prohibit an organization from giving preference to members in the delivery of services but would not allow discrimination in the delivery of services directly funded by the Federal Government.

If the Moral Majority's claims are true, why is this bill supported by such diverse religious organizations as the U.S. Catholic Conference, the American Jewish Congress, and groups representing the Baptist, Lutheran, Episcopal, and Methodist faiths?

The Moral Majority claims that the CRRA would apply to small mom-and-pop businesses, to farmers receiving Federal crop subsidies, and to individuals who receive Federal assistance such as food stamps.

The CRRA specifically excludes the ultimate beneficiary such as farmers and individuals who receive Federal assistance. It also excludes small providers such as grocery stores that accept food stamps. The National Association of Home Builders has demonstrated its support.

The Moral Majority claims that the CRRA would give handicapped status to alcoholics, drug addicts, homosexuals, and persons with AIDS and other infectious diseases.

The CRRA does not protect infected persons, alcoholics, or drug addicts who cannot perform job duties or who pose a threat to others.

The Moral Majority claims that the CRRA would expand the civil rights of homosexuals.

Title 9 has never been interpreted to extend protections to persons on the basis of sexual preference.

The CRRA is supported by a diverse group of mainstream organizations including:

The U.S. Catholic Conference.

The National Association of Home Builders.

The AARP.

The American Jewish Congress.

Paralyzed Veterans of America.

Steelworkers, AFL-CIO, CWA.

La Raza Unida.

The Easter Seal Society.

American Association of State Colleges and Universities.

Childrens Defense Fund.

PTA.

American Federation for the Blind.

A large number of religious organizations support this bill from all mainstream faiths including Jewish, Baptist, Lutheran, Methodist, Episcopal, and Catholic.

Mr. Speaker, I wish to bring to the attention of my colleagues a very disturbing trend which I have begun to notice. There is a new stereotype of late, one that I have read in the newspapers and that has been relayed to me by my constituents.

The new stereotype developing is that anyone who appears to be Hispanic and who has any wealth must have made it in the drug trade. Last week, I had a young, aggressive banker in my office, someone I am sure any of us would be proud to have as a constituent. He is trying to build his bank on community service and wants to spur economic development in his area.

He had a most disturbing story to tell. It appears he started his career in an old family business which had trading operations throughout the world. He spent a number of years in Mexico and was later transferred to the Far East. A few years later, when the family business was sold, and my constituent was looking for a new investment, an opportunity opened up for him to take over a failing bank. He told me there was excessive redtape, simply because the examiners wanted proof that his funds came from legitimate sources, rather than from the drug trade. I wonder whether an individual with an Anglo-Saxon name and fair skin would have had the same problems?

If this were an isolated incident, it would be one thing, but the stereotype that Hispanics with money are drug smugglers is much more pervasive—it exists here in the House of Representatives. I note a recent story from the Atlanta Journal in which one of our colleagues stated "I point blank asked him, 'where are these people from and where is their money from?' I mean when you meet a guy from Miami and his last name is Hispanic, your first thought is they're not legitimate."

I am personnally offended and outraged that our Government and its leaders should speak in this manner. I believe such statements by Members reflect poorly on this institution and is not the type of message we should be sending. I would instead urge my colleagues to lend the support of this body in repudiating this type of racial and ethnic stereotyping and ensuring the equal and fair treatment of all our citizens.

Mr. JEFFORDS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of the override. I believe, like many others do, that civil rights is an issue whose day has come, as it has in years past. Yet it seems that some people are content today on addressing this issue of civil rights legislation as we have before, based on technicalities, on interpretations, and on distortions.

Everyone talks about the fact that this legislation is going to be an expansion of civil rights legislation entering the lives of everyone in this country. Let us understand that what we are doing is restoring the 1984 interpretation of this legislation by this Congress and by this administration. If you were not bothered before 1984, you will not be bothered by the restoration of this act. Therefore, whether it be the religious tenets or the extent of private business or other sections of our economy, never in this history of civil rights has so much time been spent in colloquies on the floor, in committee history, and other efforts to allay any possible misunderstandings or fears.

Today is our chance to send a signal. As the students of Gallaudet said to this Nation 2 weeks ago, civil rights based on age, sex, race, or handicap is a right for all Americans.

□ 1730

Mr. JEFFORDS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Vermont is recognized for 1½ minutes.

Mr. JEFFORDS. Mr. Speaker, I want to spend just a moment talking to those on my side who may be con-

sidering switching from having voted for the bill upon passage and now supporting sustaining the veto. I do so because we have had a lot of facts, a lot of very inconsistent facts. We have had a lot of emotional phone calls. I want to try to save you from the embarrassment and the agony of having gotten yourselves in a position of having to explain.

First of all, let us go through some of the facts. AIDS and homosexuality, thousands of phone calls on that issue. The differences in the bill? None, both the same.

Abortion, that perpetually troubling problem, the bills are the same.

Farmers wondering whether they are covered if they take money with respect to any of the programs; in both bills, they are not covered.

Small providers, the bill that you voted for would allow relief to all small providers who may have problems with architectural barriers. The substitute, only grocery stores.

Religious tenets, there is a difference, but there is no problem. All those who have requested exemptions have received them.

The override is backed by the Catholic Conference and backed by the National Association of Independent Colleges and Universities.

I urge you to continue to demonstrate your opposition to discrimination. Do not allow your opposition to demonstrate your inexplicable inconsistency.

Mrs. MEYERS of Kansas. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of the override.

The SPEAKER. The Chair will state that the gentleman from Wisconsin [Mr. SENSENBRENNER] has 1 minute remaining, the gentleman from California [Mr. HAWKINS] has 3 minutes remaining, and the gentleman from California [Mr. EDWARDS] has 3 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the remaining minute.

Mr. Speaker, I am proud of my record on civil rights. I was one of those who helped put together the extension of the Voting Rights Act of 1982, which is landmark civil rights legislation.

I think we have got to remember why we are here today and that is because in 1972 Congress was sloppy in its draftsmanship of title IX of the Higher Education Act. There was enough ambiguity in that law to allow the case to go to the U.S. Supreme Court involving the Grove City College, which resulted in a decision based on statutory interpretation, narrowly construing the antidiscrimination provisions of title IX.

Everybody who has taken part in this debate agrees that where Federal money goes, there should be no discrimination, but those of us who support the President in his veto are quite plain in saying that this bill makes the same mistake that Congress made in 1972, and that is it is not clear and precise. We want to avoid future Grove City type decisions which will bring this issue up before the Congress again and again.

The way we do that is by doing the job right this time. We do not do the job right with this bill. It is a blank check to the bureaucrats and the litigators, and that is why we ought to go back and tighten the bill up so that the courts have precise legislative direction in the statutory language of the bill, not in colloquies, to know precisely what the Congress of the United States has meant.

So please vote to sustain the veto. Let us vote to do our jobs as legislators right, so that the courts will make the right decisions.

Mr. HAWKINS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in strong support of S. 557, the Civil Rights Restoration Act of 1987, and urge my colleagues to vote to override the President's veto.

Three weeks ago, by a vote of 315 to 98, we voted to send S. 557 to the President, and, we did so knowing exactly what this bill did. There were no hidden agendas, no new protections, and no new rights established by this measure and we knew that when we so overwhelmingly passed S. 557.

Amidst the most incredulous campaign of distortions and fabrications by the Moral Majority to which we all have been subject, we must remember why we voted for this bill in the first place. The premise is simple—Federal funds should not be used to subsidize discrimination based on race, age, sex, or handicap. If an institution wishes to discriminate their choice is simple—don't take Federal dollars.

This premise of nondiscrimination goes on to insure that all taxpayers are treated fairly and equally when their dollars are used by federally supported institutions. If an educational institution wishes to assign girls to only home economics and boys to engineering and to provide only athletic programs for little boys and not to girls they are free to do so but they may not use Federal funds. If a housing unit or nuring home wishes to admit only whites that's their moral decision, but as a corporate unit they should not be allowed to use Federal dollars either directly or indirectly through the notion of freeing up other dollars for such discriminatory activities.

My colleagues these are not new and startling revelations—rather these were the elements of the debate when we passed the Civil Rights Act of 1964, 25 years ago; of title IX of the Education Amendments of 1972—16 years ago; section 504 of the Rehabilitation Act of 1973—15 years ago; the Age Discrimination Act of 1974—14 years ago. There is nothing in S. 557 that changes in any way the substantive definition of what constitutes discrimination under these statutes, or what an institution must do to fulfill this duty; it does not alter what triggers coverage of these laws, in other words, what is Federal financial assistance; nor does it change or expand the protections that these basic laws have guaranteed for the last 25 years.

What S. 557 does do, and rather clearly, is define the scope of the covered entity that has a duty not to discriminate as it had been understood prior to the Supreme Court's misinterpretation of title IX in the Grove City College decision. S. 557 defines the phrase "program or activity", or "program" simply to make clear that discrimination is prohibited throughout entire agencies or institutions if any part receives Federal financial assistance.

The Senate added two amendments. First, was the Danforth abortion amendment. Second, was the Harkin-Humphrey amendment that made it explicit that "Congress wishes to assure employers that they are not required to retain or hire individuals with a contagious disease or infection when such individuals pose a direct threat to the health and safety of other individuals, or cannot perform the essential duties of a job." For greater detail, I am enclosing at this point in my remarks letters of correspondence from the sponsors detailing their intent. It should be noted as well this provision is also contained in the Presidents' substitute.

Mr. Speaker, S. 557 has been the subject of an incredible campaign of lies and distortion by the Moral Majority and done in the name of religious liberty. We all care deeply about our religious beliefs, and the freedom which allows each of us to practice our faiths, and not one of us here would in any way jeopardize any one's religious rights and freedoms. That is why, Mr. Speaker, I am so troubled by the accusations that this measure in some way infringes on the first amendment right of freedom of religion. Those accusations are simply not true. Listen to the list of churches that unequivocally support this measure:

U.S. Catholic Conference of Bishops.

National Council of Churches.

American Jewish Congress.

American Baptist Churches.

Evangelical Lutheran Church of America.

Union of American Hebrew Congregations.

Anti-Defamation League of B'nai B'rith.

American Jewish Committee.

Church of the Brethren.

Presbyterian Church USA.

Church Women United.

Newwork-National Catholic Justice Lobby.

United Methodist Church.

Episcopal Church.

The hysteria that has been created by the Moral Majority is simply that—hysteria—it is unfounded fear based on distortions and fabrications over what this bill does. I wish to restate as others have done that S. 557 does not create rights for homosexuals, nor does it require employers to hire people who have contagious diseases, who are alcoholics or drug addicts, and who pose a direct threat to the health or safety of others or who cannot perform the essential functions of the jobs.

S. 557 simply restores the coverage of our civil rights laws to the pre-Grove City institution wide framework. I urge your support of the override.

Mr. Speaker, I include the following material:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, February 22, 1988.*

Hon. Senator TOM HARKIN,
*Chairman, Senate Subcommittee on the Handicapped, Washington, DC.*

DEAR SENATOR HARKIN: As you know, the House of Representatives will be considering S. 557, the Civil Rights Restoration Act in the near future. As part of that bill, we will be reviewing Amendment No. 1396. Our reading of the Amendment is that it is designed simply to allay any fear that employers may have had in hiring and retaining individuals with contagious diseases or infections. It does not change current, substantive protections afforded to people with contagious diseases or infections under Sec. 504 of the Rehabilitation Act of 1973.

We need your views to aid us in our assessment of this Amendment. As Chair of the Subcommittee on the Handicapped and sponsor of the Amendment, we ask that you forward a description of the terms of the Amendment and its impact at your earliest convenience.

Thank you for your assistance.

Sincerely,

DON EDWARDS,
*Chairman, Subcommittee on Civil and Constitutional Rights.*
AUGUSTUS F. HAWKINS,
*Chairman, Committee on Education and Labor.*

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U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED,
*Washington, DC, February 26, 1988.*

AUGUSTUS F. HAWKINS,
*Chairman, Committee on Education and Labor, Washington, DC.*

DON EDWARDS,
*Chairman, Subcommittee on Civil and Constitutional Rights, Washington, DC.*

DEAR CONGRESSMEN HAWKINS AND EDWARDS: I am writing in response to your request for a discussion of Amendment No. 1396 to S. 557, the Civil Rights Restoration Act of 1987, which I cosponsored with Senator Humphrey and which was accepted by the Senate on Thursday, January 28, 1988.

Your reading of the amendment is correct. The amendment clarifies how section 504 of the Rehabiliation Act of 1973 applies to individuals with contagious diseases and infections. The amendment is consistent with the Supreme Court decision in *School Board of Nassau County* v. *Arline.* The amendment does not change or modify the substantive standards of section 504.

The fact that the amendment clarifies and does not modify or change the substantive standards of section 504 is evident from the statement of purpose preceding the amendment; the amendment itself; and the colloquy accompanying the amendment.

The statement of purpose provides: "Purpose: To provide a clarification for otherwise qualified individuals with handicaps in the employment context." I would note that we intentionally did not state that the purpose of the amendment was to change the scope or circumstances under which persons with contagious diseases or infections are covered by section 504.

The language of the amendment also reflects this intent. The language specifies that for purposes of sections 503 and 504, as they relate to employment, the term "individual with handicaps" does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who would be unable to perform the duties of the job.

This language was purposely patterned after a similar amendment adopted by Congress in 1978 with regard to alcoholics and drug users. At that time, many employers had unjustified concerns that they could be forced to hire or retain alcoholics or drug addicts who could not perform the essential functions of a job or who posed a threat to others. The legislative history of the 1978 amendment makes clear that Congress understood that the "otherwise qualified" standard of section 504 already ensured that no such requirement could be placed on employers. Nevertheless, Congress enacted the amendment in order to reassure employers regarding the existing section 504 protections.

As we stated in the colloquy, Amendment No. 1396 is designed to serve the same purpose. The objective of the amendment is to expressly state in the statute the current standards of section 504 so as to reassure employers that they are *not* required to hire or retain individuals with contagious diseases or infections who pose a direct threat to the health or safety of others or who cannot perform the duties of a job.

The basic manner in which an individual with a contagious disease or infection can present a direct threat to the health or safety of others is when the individual poses a significant risk of transmitting the contagious disease or infection to other individuals. The Supreme Court in *Arline* explicitly recognized this necessary limitation in the protections of section 504. The amendment is consistent with this standard.

Again as we stated in the colloquy, the amendment does nothing to change the requirements in the regulations and case law regarding the provison of reasonable accommodations to a person with handicaps, as such provision applies to a person with a contagious disease or infection. Thus, for example, if a reasonable accommodation would eliminate the existence of a direct threat to the health or safety of others or eliminate an individual's inability to perform the essential duties of a job, the individual is qualified to remain in his or her position.

Finally, as was stated in the colloquy, the two-step process of section 504 applies in cases involving an individual with a contagious disease or infection. That is, a court must first determine whether an individual is protected under the traditional three-part definition of "individual with handicaps" under the statute. The court must then make an individualized determination as to whether the individual is "otherwise qualified" to hold the particular position at issue in the case before it.

I hope that this discussion is useful for you in your upcoming consideration of the Civil Rights Restoration Act of 1987.

Sincerely,

TOM HARKIN,
*Chairman.*

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I rise in opposition to the effort to override the veto.

I am very disappointed with the vote to override the President's veto of S. 557, the Civil Rights Restoration Act.

I have been very disturbed by the way in which this bill has been handled. First, the House leadership sought to bring it up for a vote under rules that allow no amendments. It found it could not get the votes to pass the bill under this procedure, so it turned to something called a modified closed rule. This rule allowed only one amendment to be considered, despite the concerns of several Members and their desire to offer amendments intended to clarify the intent of the legislation. I find these tactics of people who hold themselves out to be champions of civil rights to be peculiarly undemocratic.

The fact is that the Civil Rights Restoration Act is too vague and leaves the door open for the Federal judiciary and the bureaucracy to interpret it as it sees fit. It is a poorly crafted bill and could, as a result, have serious consequences for religious institutions, small businesses, grocers, and farmers, to name a few. It would result in increased Federal intrusion into these areas, which means increased costs and hassles for the people involved.

The Federal Government should have no hand in subsidizing institutions with discriminatory practices, but this legislation is a poor solution to the problem. The President has offered, and I have cosponsored, alternative legislation that would achieve the stated goals of the supporters of the Civil Rights Restoration Act without exposing hardworking people and our churches and religious schools to unwarranted intrusion of the Federal Government.

We should deal with civil rights legislation the same way we deal with other legislation: with careful consideration and full discussion.

Mr. EDWARDS of California. Mr. Speaker, to close the debate, with great pleasure and honor, I yield the balance of my time to the chairman of the Committee on the Judiciary, the

gentleman from New Jersey [Mr. RODINO].

Mr. HAWKINS. Mr. Speaker, I yield my 1 minute remaining to the gentleman from New Jersey [Mr. RODINO].

The SPEAKER. The gentleman from New Jersey [Mr. RODINO] is recognized for a total of 4 minutes.

Mr. RODINO. Mr. Speaker, I come before the House today to strongly urge my colleagues to override the President's veto of S. 557, the Civil Rights Restoration Act. This action is necessary to ensure that the promise upon which our country was founded—equal opportunity and equality under the law for every American—will be attained.

It was over 200 years ago when Thomas Jefferson wrote those immortal words "all men are created equal." Those words and the ideals they represented began a revolution that culminated in the forging of a new nation based upon the principle of "liberty and justice for all." Yet, we know that not every American was free nor was every individual treated equally. For years, people of color faced discrimination, often at the hands of their local government, that relegated them to second-class citizenship. The barriers of segregation created two societies—one black, one white; two societies, separate and unequal.

The struggle to break down those barriers was not an easy one, nor did it come quickly. America was not a fledgling nation, but a world power before she began in earnest to overcoming racial discrimination. And the effort was not without pain and sacrifice. In the 1950's and 1960's the South erupted as individuals demonstrated, marched, and even died in the effort to secure the equal rights and opportunities guaranteed to all Americans by the Constitution.

In 1964, Congress provided the tools to eliminate discrimination against people of color by enacting the Civil Rights Act. Title VI of that act made clear that Federal funds would no longer be used to subsidize racial discrimination. Although a decade before the Supreme Court had ordered school desegregation in Brown versus Board of Education, it was not until title VI became law that widespread integration was achieved. Faced with the loss of Federal funds, recalcitrant school districts decided that Federal assistance was more important than adherence to a bankrupt racist philosophy. Other recipients of Federal funds too began to dismantle their discriminatory practices.

In the 1970's, Congress heard the cries of other groups that were excluded from the American dream because of prejudice and discrimination and enacted legislation to correct this injustice. Title IX of the Education Amendments of 1972 prohibited sex discrimination in educational programs or activities receiving Federal aid; section 504 of the 1973 Rehabilitation Act banned discrimination against the disabled by recipients of Federal funds; and in 1975, the same protection was granted to the elderly by the Age Discrimination Act.

At the beginning of this decade, it looked as though we were well on the way to achieving the promise of America begun 200 years before—a land where all citizens, are guaranteed an opportunity to achieve their fullest potential, without regard to their color, gender, physical disability or age. Then, in 1984, the progress achieved was put at risk by the Supreme Court's decision in Grove City College versus Bell. The Court took a very narrow view of title IX, finding that only that part of the institution receiving Federal funds was prohibited from discriminating on the basis of sex; all other programs and activities were free to deny equal opportunity to women. Since all four civil rights acts contain identical language, the Grove City decision also jeopardized the rights of the elderly, the handicapped, and minorities.

The repercussions were swift and unfortunate. Hundreds of cases of discrimination have been dropped in the past 4 years. Women, minorities, the disabled and the elderly are being denied simple, basic protections. We must not let this travesty of justice continue. That is why we must override the President's veto of the Civil Rights Restoration Act. Contrary to the claims of its few opponents, this measure does not create new law or expand civil rights. It merely restores the status quo that existed before the Grove City decision and thus provides society with the tools to see that discrimination is never subsidized by the Federal Government.

Before I close, I want to address the claim of the bill's opponents that this measure places an undue burden upon religious institutions, especially colleges and universities with religious affiliation. I find that claim difficult to reconcile with the list of supporters of this legislation that includes the U.S. Catholic Conference of Bishops; National Council of Churches; American Jewish Congress; American Baptist Churches; Evangelical Lutheran Church of America; Union of American Hebrew Congregations; Anti-Defamation League of B'nai B'rith; American Jewish Committee; Church of the Brethren; Presbyterian Church, USA; Church Women United; Network-National Catholic Justice Lobby; United Methodist Church; and Episcopal Church. Moreover, in a letter to the President urging him to sign S. 557, the National Association of Independent Colleges and Universities—the country's largest association of independent colleges and universities, many of which are church-related—said, in part, "We want to reiterate our unqualified support for this legislation. We strongly urge you to sign the Civil Rights Restoration Act of 1988."

In closing, I want to add that I am deeply saddened by the fact that we must vote today to override a Presidential veto of this important civil rights legislation. Instead of supporting equality under the law for all Americans, regardless of their race, color, gender, age, or physical condition, the President has again attempted to turn the clock back on the progress that has already been made toward that goal. Thus, it is doubly important that we, through our vote today, ensure that the promise of liberty and justice for all made over 200 years ago becomes a reality for every American.

Mrs. COLLINS. Mr. Speaker, in 1964 a great victory was won in the struggle for civil rights. The 1964 Civil Rights Act finally allowed the obvious to be stated clearly, once and for all—that all people are created equal regardless of race, religion, creed, or gender. And because of this equality, every person is entitled to fair and equal treatment. Finally, discrimination was made illegal in this country which prides itself on its doctrine of freedom, liberty, and equality.

But in 1984 the Supreme Court began to chip away at the progress made in the struggle against discrimination. Its decision in Grove City versus Bell effectively condoned discrimination by claiming that only the particular program receiving Federal aid should be subject to scrutiny, not the institution as a whole. This decision to turn a blind eye to an overall policy of blatant discrimination was an act of regression—it turned back the clock to the days when it was permissible and acceptable to discriminate. What we are talking about is a decision which gave in to discrimination instead of fighting it at the source of its evil.

The question is this: Should the U.S. Government be funding any institution which would practice discriminatory policies in its nonfederally funded programs? The answer is obvious to those who realize that no foothold can be given to discrimination. The U.S. Government would be placed in the position of being an accomplice to the crime of discrimination.

Many legislators seem to have missed the point of the whole discussion surrounding this bill. It's not a question of how much Federal assistance an institution receives, or in which programs it chooses to discriminate. Discrimination was outlawed in 1964, and whether you receive a lot of Federal aid, a little, or none at all—discrimination is an unacceptable practice.

It must be noted that the last victims of discrimination are people with infectious diseases, particularly AIDS patients. Because of the rising controversy caused by the mistreatment of these people as a group, language—which I wholeheartedly support—has been added to include them in S. 557. It is now explicitly against the law for recipients of Federal assistance to discriminate against disabled

persons, which includes persons with infectious diseases such as AIDS. Legislators who oppose S. 557 must remember that a law only works if the people believe that those who govern them believe in that law. I believe in equality. And I believe in the fact that discrimination in any form or amount is wrong. And finally, I believe that we must pass S. 557 in order to right the wrong Grove City versus Bell has perpetrated. We must put the civil rights movement back on the right track, and move forward in our effort to bring every American to an understanding and agreement about the importance of equality.

Mrs. KENNELLY. Mr. Speaker, I rise to urge my colleagues to vote to override the President's veto of the Civil Rights Restoration Act. This legislation has been the subject of more misunderstanding and half-truths than any in recent memory. In fact, the tactics and intolerance exhibited by some opponent groups points up exactly why we need civil rights legislation in the first place.

This legislation ends the taxpayer's subsidization of discrimination and simply restores the broad coverage of existing civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex handicap, or age, in institutions which receive Federal funds.

It does not require employers to hire people with contagious diseases or require hospitals to perform abortions. It does not require religious organizations to violate their religious beliefs. It simply upholds the basic freedoms guaranteed all Americans under the Constitution.

This legislation is supported by nearly every major civil rights and religious organization, including the U.S. Catholic Conference, in the country. I urge my colleagues to do the same.

Mr. TALLON. Mr. Speaker, the Civil Rights Restoration Act of 1988 does exactly what it says it does. Simply, it ensures that Federal funds will not support discrimination or segregation.

The United States has been operating on this standard since 1964. The 1984 Grove City decision pointed out that these laws needed clarification. With the passage of S. 557 in both Houses, we have done just that.

I have watched this issue closely and I am convinced that the law passed is a good one. The massive propaganda campaign against it has played on groundless fears and does not properly address the actual language of S. 557. I would like to take this opportunity to point out some facts about this law.

Farmers are considered "ultimate beneficiaries" and thereby qualify for an exemption under these laws. Farmers who receive price and income supports and loans have been and will continue to be exempt from the requirements of this legislation.

In regard to church schools, this bill will not change the way the Federal Government presently respects religious activities. The exemption for church schools remains as it has since 1972. No matter what false information has been spread, this law does not require religious-controlled institutions to comply with the civil rights laws if compliance would conflict with the tenets of that religion.

Sexual preference has never been protected by law, nor is it protected in S. 557.

S. 557 does not require an employer to hire or retain in employment persons with contagious diseases because they are considered handicapped by law. An employer is free to refuse to hire or fire any employee who poses a direct threat to the health or safety of others or who cannot perform the functions of the job. Nothing in S. 557 changes this fundamental right of the employer.

The taxpayers of America need to have insurance that their hard-earned money will not go to programs or institutions which practice discrimination on the basis of race, sex, handicap, or age.

Mr. ROWLAND of Georgia. Mr. Speaker, I have always supported the intent of the Civil Rights Restoration Act. However, I have been concerned over possible loopholes in this bill which may actually be detrimental to the cause of civil rights.

The 1984 Grove City decision needs to be corrected. If institutions receive Federal funds, it is the intent of civil rights laws that those institutions be fully covered.

Provisions have been added to the original bill, however, which may—if broadly interpreted by the courts—impose unintended burdens on churches, businesses, and private citizens. In my view, it would be better for everyone who supports civil rights to bring the bill back for renewed consideration and tighten up those provisions.

There are many questions which have still not been adequately answered, and it would be better to resolve them in Congress than to leave them up to the courts.

Mr. STOKES. Mr. Speaker, the fight for equal rights must be restored as a priority issue for our Nation. Just a few days ago, on March 2, 1988, I cast an unequivocal vote supporting the passage of S. 557, the Civil Rights Restoration Act. Since that time, my position on this issue has not changed. What I had to say on March 2 is still applicable today: The time to reaffirm our Nation's commitment to eliminate discrimination against minorities, women, the elderly, and disabled is now.

Within the last few weeks, my office has received many calls in opposition to the passage of this bill. Based on these calls, it appears to me that many Americans have been grossly misinformed regarding the substantive provisions of S. 557. If I may, I would like to offer clarification.

Quite simply, S. 557 has been drafted to eliminate the use of Federal taxpayers' money to fund discrimination. Such an occurrence is a blatant aberration of the democratic principles which have helped to make our Nation great. Moreover, such an occurrence contradicts the spirit and purpose of specific laws Congress has enacted to ensure the provision of equal rights and opportunity to disadvantaged groups.

Just 4 years ago, in Grove City College versus Bell, the U.S. Supreme Court issued a ruling which watered down the substantive provisions of our Nation's civil rights laws. In Grove City, the Supreme Court held that Federal laws prohibiting discrimination do not apply to entire institutions, but only apply to the program or activity receiving Federal assistance. Based on this ruling, Federal funds have been used to further discriminatory practices. To say the least, for minorities, women, the disabled, and elderly, this ruling sets civil rights back a couple of decades.

For this reason, S. 557 is probably the most significant piece of civil rights legislation considered by the Congress since the Civil Rights Act of 1964. I am hopeful that we will enact S. 557 into law today. And, when we do, our Nation will take one step closer to fulfilling the promise of equal rights and opportunity to all of its citizens.

Mr. FAZIO. Mr. Speaker, I rise today in support of S. 557, the Civil Rights Restoration Act and urge my colleagues to override the President's veto of this important bill.

Passage of the Civil Rights Restoration Act is essential to restore the broad coverage of our civil rights laws which were by the Supreme Court's ruling in Grove City College versus Bell. The Senate originally approved the bill by 75 to 14 and the House approved it overwhelmingly 315 to 98. Clearly, the measure has a broad support from Members on both sides of the aisle and in both bodies.

The bill also has support from a wide spectrum of groups including: The Roman Catholic Church, the American Jewish Congress, the National Council of Churches, the National Women's Law Center, the U.S. Catholic Conference, the National Association of Independent Colleges and Universities, the Union of American Hebrew Congregations, and the Leadership Conference of Civil Rights.

S. 557 merely restores broad coverage of laws to protect citizens against discrimination due to race, sex, age, or handicap by institutions receiving Federal funds. This bill does not require an employer to hire all persons with contagious diseases. It does not state that any employer must hire drug addicts or alcoholics. This bill does not change existing law to create any new duties, new standards, or new requirements. Nor does it require a religious organization or institution to violate its own principles and beliefs.

We must vote to override the veto and end Federal support for institutions which unfairly discriminate. As Members of Congress, we have an obligation to protect the rights of all our constituents. This measure does not threaten the rights of anyone; it does just the opposite. The Civil Rights Restoration Act upholds the fundamental rights and freedoms guaranteed to all Americans by the Constitution and which are reaffirmed in our previously enacted civil rights statutes.

Mr. FRENZEL. Mr. Speaker, I rise in support of the effort to override the President's veto of S. 557, the Civil Rights Restoration Act. Opposing any President on a veto-override attempt, much less a President of one's own party, is not an easy matter. However, I believe the veto was unwarranted in this case.

The opposition to this bill has been quite aggressive. That is the way the system is supposed to work. However, S. 557 has been interpreted as a bill which will totally destroy the moral fiber of this country. In any judgment that interpretation is a little heavy-handed.

The opponents' grassroots campaign to defeat the bill has been impressive. Hundreds of calls have poured into my office, and, I assume to many others as well. Interest groups which support the bill have been active as national organizations, but they have not

developed a grass-roots campaign of their own.

The number of calls into my own offices, and the concern of my constituents, have forced me to scrutinize the bill even more closely. I have tried to determine whether the legislation would result in the changes feared by its opponents, but I have found no such language in this bill.

Many citizens fear that Federal courts will misinterpret the law. One should always be nervous about people in black robes, but if we let nervousness turn into paranoia, we could never pass another bill.

This legislation does not change our current civil rights laws, other than to restore the application of those laws to cover an entire institution, rather than a program of an institution, if Federal funds are received. This was the way civil rights laws were administered prior to the Supreme Court's Grove City decision over 4 years ago.

None of the fears being expressed now were realized before Grove City. Church-related schools were not forced to hire homosexuals and farmers, and small grocers were not covered, and abortions were not forced upon church-run teaching hospitals. The bill has been designed to narrow the coverage of the civil rights laws to ensure that the laws would work as they did before the Court decision.

The Congress has been debating this issue for 4 years. It has not proceeded this far without plenty of discussion and debate. We all knew this legislation was coming, and there have been some opportunities for imputs.

Of course, I prefer the regular order in the House. I would be happier if the House had moved the bill under its regular procedures. I cannot defend the procedures under which it passed the House, but in a matter of this importance I cannot let procedure stand as a more compelling argument than substance. The need to overrule the Grove City decision is too great.

First of all, many of the interests expressing opposition to the legislation would not even be covered by it. It is well to remember that an organization is covered only if it receives Federal funds. There is language in the bill which excludes such ultimate beneficiaries as farmers, welfare, Social Security, Medicare and food stamp recipients from coverage under the bill.

There is a religious tenet provision which would enable church-controlled organizations to refuse to perform abortions or to refuse to hire homosexual teachers. The intent here is to interpret this language as broadly as possible. As a result, many of the major religious organizations have supported S. 557. To date, no religious group applying for a religious tenet exemption has been denied an exemption.

To be sure I would prefer the language "affiliated with" to the language of the bill, "controlled by" in the religious tenets section. But the history of the current law is that the religious tenet language has been interpreted well.

There is a restatement of current law that companies or organizations receiving Federal funds would not have to hire a person with a contagious disease, such as AIDS, alcoholism, or drug addition, if there would be a direct threat to the health or safety to others.

There is, in addition, a small provider provision which exempts small businesses from expensive alternations of their businesses for excess by the handicapped, if they can provide services to the handicapped in some other way.

Homosexuals are not covered under any of these laws now, and there is nothing in this bill that extends any rights to them. There have been attempts for many years to amend civil rights laws to include sexual preference, but Congress has shown no interest at all.

But, for more important than any defense against attacks on this bill is the need to make our rights laws work. To accent the positive, the urgent need to guarantee the rights of American citizens far outweighs the objections to S. 557.

And where are civil rights more important than in our institutions of higher education? Young Americans, preparing themselves for leadership roles in our society, should, above all, be working in a discrimination-free environment. For me that's what this bill is all about. And that's why I support S. 557.

Civil rights laws should be administered to end discrimination due to race, gender, age, or disability, in the manner intended by the Congress before the Grove City decision. I do not believe that this bill goes beyond that, and therefore I shall vote to override the President's veto.

Mr. BOULTER. Mr. Speaker, I rise today to express my strong opposition to and grave concern about the Civil Rights Restoration Act.

What is the bill? What will its impact be? And, most importantly, whose civil rights are we restoring?

The purpose of Senator KENNEDY'S bill is to extend Federal civil rights statutes like those in the 1972 title IX provisions of the Education Act, made "program specific" in the Grove City case, to cover not only the programs receiving Federal aid within an institution but all of the institution's services. This purported extension of Federal civil rights protections sounds laudable until one realizes that this bill will greatly expand Federal control in all types of institutions which receive direct or indirect Federal aid.

Let's take a look at the potential repercussions of this legislation.

For the first time, churches and synagogues will be subject to Federal regulatory control. Only title IX of the 1972 Education Amendments Act allows a waiver for religiously controlled schools. The other civil rights statutes included in the bill's purview—such as section 504 of the Rehabilitation Act and title VI of the Civil Rights Act—do not provide for exclusions for religious institutions and would therefore force entire churches to comply with antidiscriminatory regulations should they operate one federally assisted program or activity.

How helpful is the waiver provision in title IX? Proponents of this bill argue that any religious institution receiving Federal educational dollars can apply for a waiver from compliance with the title IX antidiscriminatory regulations. The problem with this argument is that only institutions legally "controlled by a religious organization" will be exempt from those title IX provisions which contradict the institution's religious tenets. The following Texas colleges that are religiously affiliated—but not religiously controlled—asked for waivers and did not receive them: Dallas Theological Seminary, Lubbock Christian College, University of Dallas, Southwestern Assemblies of God College, and Concordia Lutheran College.

Implementation of this legislation will also mean that religiously affiliated schools that receive no Federal aid, but whose students do, could be forced to achieve a racial balance through a quota system as the Federal Government applies an effects test. This test could determine whether or not the institution in question has any practices which cause discriminatory effects—even if the institution's intent is not to discriminate. The extension of the effects test to the private sector could result in affirmative action plans affecting grocery stores that accept food stamps, farms that get Federal price supports, insurance companies that administer Medicare or Medicaid * * * the list is endless.

According to William Bradford Reynolds, Assistant Attorney General, the purpose of this bill is "to use the overturning of Grove City as a vehicle for expanding to the fullest extent possible the reach and role of the Federal bureaucracy into every facet of the public and private affairs of all our citizens."

I am certainly against discrimination of the disabled, of women, of minorities, and of the elderly. However, it is my strong opinion that long-established and dear liberties exercised by many of our churches, private colleges, and hospitals will be sacrificed so that bureaucratic intrusion can be furthered in every sector of our American society under the guise of protecting individual liberties that are already insured by law.

Mr. Speaker, it is my firm belief that the President's veto should be upheld. I urge my colleagues to vote to sustain the veto and kill this bill.

Mr. GRADISON. I rise in opposition to the veto of the President of S. 557, the Civil Rights Restoration Act, and urge my colleagues to join me in supporting this critical civil rights legislation.

S. 557 would restore the broad scope of coverage, intended by Congress, to four existing civil rights laws that form the foundation upon which this country stands against discrimination based on race, color, national origin, age, or sex. These legal protections of basic civil rights—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—ensure that recipients of Federal funding cannot discriminate on those grounds.

The Supreme Court, in its ruling on February 28, 1984, in the case of Grove City College versus Bell, effectively narrowed the application of the coverage of these important civil rights statutes. The Courts' ruling reversed administrative practices and enforcement interpretation that had been carried out for years by both Democratic and Republican administrations. Before the Supreme Court's 1984 ruling there was little dispute about what the intentions of Congress were in enacting these laws.

The issue before the House today is whether to reaffirm the Nation's commitment to the broad coverage of the antidiscrimination provisions of these important civil rights statutes as it existed before the Court ruled in the Grove City case. As the President indicated in his letter of March 16, 1988, "protection of the civil rights of Americans is an important duty of the government." In my view, S. 557 accomplishes this worthy goal.

Although this legislation enjoys wide bipartisan support, it has been severely criticized. Some fear that S. 557 would present an unnecessary and unprecedented regulatory intrusion of the Federal Government into the operation of State and local governments and private organizations. It is feared that churches and synagogues, private schools, farms and small businesses would all come under the heavy hand of Government.

As my colleagues have, I have received hundreds of calls, letters, and telegrams from constituents who are understandably concerned about the ramifications of this legislation. It is most unfortunate that much of what they have been told about this legislation is misleading and false.

After careful consideration, I am convinced that the fears which have been expressed to me are unfounded. This bill merely restores the status quo ante where the Grove City case is concerned. State and local governments would not be under any additional Federal mandates. This bill would not affect the operation of farmers who receive Federal subsidies. Nor would it affect those who receive Medicaid benefits, food stamps, or Social Security benefits.

Small businesses, such as grocery stores, that receive some form of Federal assistance, would not be required to make significant and costly structural changes to their existing facilities to ensure access for the handicapped. S. 557 does not require an employer to hire someone with AIDS or any other contagious disease if that person would pose a threat to the health or safety of others. Similarly, no employer would be under any mandate to hire or retain alcoholics and/or drug abusers. The courts have upheld the rights of employers in this area. This bill in no way changes that.

Much of the concern has come from those who are worried about the adverse impact this legislation purportedly would have on their church or synagogue. S. 557 does not require religious controlled institutions to comply with the civil rights laws if compliance would conflict with the tenets of that religion. Furthermore, nothing in the bill requires any person or organization to provide or pay for benefits and services related to abortion.

In addition, the legislation does not create rights for homosexuals, based on their sexual preference. This bill would not prevent a religious organization from taking an individual's sexual preference into account in any of its activities if it would violate the religious tenets of that organization.

It is unfortunate that much of the substantive debate on this issue has been shrouded by arguments that purport to stand on religious grounds. The fact is that major Catholic, Protestant, and Jewish organizations all support the enactment of S. 557. These organizations include, among a number of others, the U.S. Conference of Catholic Bishops, the National Council of Churches, the American Baptist Churches, the Evangelical Lutheran Church of America, the Episcopal Church, and the Union of American Hebrew Congregations.

Mr. Speaker, after 4 years of discussion and debate the Congress has arrived at a carefully crafted solution to restore coverage to some of the critical provisions of the Nation's civil rights statutes. In order to keep our commitment to effective Federal civil rights statutes, S. 557 is a necessary and desirable addition to current law and I urge my colleagues to join me in support of the legislation.

Mr. HOUGHTON. Mr. Speaker, there has been much debate over whether the Civil Rights Restoration Act should become law—part of this debate has been based on fact—much has been based on out and out emotion. Emotion is key to our lives, but must be tempered when being translated into hard, tough law. The truth is that before the Grove City case, Federal antidiscrimination laws applied to whole institutions when Federal money was involved. S. 557 is an effort to restore the same protection which existed prior to the Supreme Court's decision. It's that simple.

The compromise is not perfect. And frankly there was little opportunity to improve it. I supported the one amendment permitted, and that, unfortunately, was voted down. Now we are faced with the final "up or down" vote on the bill.

I plan to vote "up." There have been 3 years of hearings on the bill and compromises along the way. S. 557 is now abortion neutral, which relieves the concerns of right-to-life advocates. Corporate-wide coverage has been limited to five areas, although I would have personally preferred that all coverage be at the plant or facility level. The religious tenet language seems satisfactory to most of the educational institutions with whom I've talked. Very simply they would request an exemption under the act.

On other issues—current Federal law does not prohibit discrimination on grounds of sexual preference, nor does this bill. Similarly, the bill restates existing law which says that persons with contagious diseases, such as AIDS, must be treated as handicapped "except when they present a danger to the health and safety of others or cannot perform essential functions of their jobs."

There may be need for some refinement of the bill as we move to implement it. But I support the major thrust of the legislation—meaning that the Federal Government ask organizations that get tax dollars to comply with our civil rights laws.

Mr. KOSTMAYER. Mr. Speaker, I am voting to override the President's veto of S. 557, the Civil Rights Restoration Act.

On March 2, the House of Representatives passed S. 557 by an overwhelming 315 to 98 vote. The Senate passed the same bill on January 28 by a similarly wide margin, 75 to 14.

The purpose of this legislation is to re-affirm the broad coverage of civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex, handicap, or age, in institutions with federally funded programs.

In the last several days I have received many telephone calls concerning the President's veto. While well intentioned, many constituents contacting me, Mr. Speaker, are misinformed about S. 557 and its coverage.

The Civil Rights Restoration Act does not grant rights to homosexuals. This bill does not require an employer to hire or retain a person with a contagious disease. This legislation also does not require an employer who receives Federal funds to hire or retain an alcoholic or drug addict.

Most callers for example, Mr. Speaker, are also not aware that the bill only applies to institutions which receive Federal funding.

And most callers, Mr. Speaker, are not aware that S. 557 does not change the religious exemptions now in effect in Federal civil rights statutes.

This legislation was introduced by a bipartisan group of Members of Congress in response to a Supreme Court ruling (Grove City College versus Bell) interpreting title IX of the 1972 Education Amendments to mean that an institution receiving Federal funds must comply with Federal civil rights laws only in those programs that directly receive Federal funds. As a result of the Court's decision, federally funded schools and colleges could discriminate in other nonfunded programs without risking the loss of Federal funds. Schools that do not receive Federal funds, of course, are not covered by this legislation. But Congress passed title IX with the intention that if a school or college freely applied for Federal funds and received Federal aid in any form, the entire school must compy with the Federal civil rights statutes. In the face of the Supreme Court ruling in the Grove City case, an overwhelming bipartisan majority of the House and Senate felt legislation was necessary to restore the original intent of Congress to protect all Americans from discrimination.

Nevertheless, there has been widespread misunderstanding about precisely what this legislation would accomplish. But it's important to note that it applies only to institutions that have received Federal funding.

I am voting in favor of the bill because I think that most Americans would agree that taxpayers' funds should not go to an institution or organization which discriminates based on race, age, sex, national origin, or handicap. Discrimination is abhorrent to our Constitution and our country. We don't tolerate discrimination because of someone's race or religion in the United States. Organizations which apply for and receive Federal funding ought to honor that simple mandate.

Finally, Mr. Speaker, I should reiterate that S. 557 also respects the separation of church and state which the Constitution guarantees. S. 557 specifically recognizes that federally funded institutions controlled by a religious organization are not required to comply with the regulations under title IX and title VII if the application of these statutes would not be consistent with the organization's religious tenets. For example, a Catholic University which receives Federal funds would not be obligated to accept women into its seminary programs since the Catholic priesthood is male only. That is the law today. That will still be the law

tomorrow even if the President's veto is overridden.

I might add that many religious groups have contacted me indicating their support for the legislation, including: U.S. Catholic Conference of Bishops, National Council of Churches, American Baptist Churches, Evangelical Lutheran Church of America, Church of the Brethren, Presbyterian Church USA, United Methodist Church and the Episcopal Church.

Mr. Speaker, I urge my colleagues to support S. 557.

Mr. KONNYU. Mr. Speaker, I would like to go on record as supporting the concept but opposing not only the form of S. 557, the Civil Rights Restoration Act of 1988, but also the methods used to get it passed. I would have supported President Reagan's substitute bill which would have overturned the Grove City decision without creating onerous new burdens on private citizens and small businesses. However, since no discussion or amendments were allowed on the President's alternative, I strongly object to the process which did not allow the minority to have a voice.

The bill in its present form is faulty from a number of perspectives:

It is big government at its biggest by being overbroad and going far beyond overturning the Supreme Court decision in the Grove City case.

It rewrites four statutes and would subject nearly every facet of American life to Federal Government intrusion—from the corner grocery store to churches and synagogues.

As an example, it would cover an entire college or university if only one student received Federal aid, even if the college itself received not a penny of Federal assistance.

It does not protect institutions which closely identify with the tenets of a religious organization.

Grocery stores, as an example, which accept food stamps (even very small ones with as few as one employee) could be subject to Washington's long regulatory arm and the requirements of this bill.

I certainly believe in civil rights and in the objective of overturning the Supreme Court decision. However, imposing a law which significantly expands the jurisdiction of the Federal Government into the private lives of citizens without allowing perfecting amendments in the House is unwise at best.

Mr. DURBIN. Mr. Speaker, I would like to take this opportunity to speak about the Civil Rights Restoration Act. This important legislation passed both the House and Senate by wide bipartisan margins. Unfortunately, President Reagan vetoed the bill. I support the motion to override the veto because I believe it is essential that we restore antidiscrimination laws for women, minorities, the elderly, and the handicapped.

The Civil Rights Restoration Act does not change the religious exemption now in effect in title IX of the 1972 Education Amendment and title VII of the 1964 Civil Rights Act. It is important to recognize that federally funded institutions controlled by a religious organization are not required to comply with the regulations if the application of these statutes would not be consistent with the organization's religious tenets.

The bill will not require individuals, institutions, programs or activities that receive Federal financial assistance to provide or pay for abortions. In response to concerns expressed by the U.S. Catholic Conference and other religious organizations, an amendment was added to the bill in the Senate to make it "abortion-neutral" so that it would have no effect on these institutions.

The bill does not require an employer to hire or retain someone with any contagious disease, an alcoholic, a drug addict or an ex-convict if that person would pose a threat to the health or safety of others.

The bill does not require a recipient of Federal funds to provide a homosexual the protections provided individuals by title IX. Neither title IX nor any of the other statutes have ever been interpreted by the courts to provide protection on the basis of sexual preference.

The bill also explicitly affirms that "ultimate beneficiaries" of Federal aid, for example food stamp recipients, farmers who receive price and income supports, Social Security recipients, and AFDC recipients are not covered under the act.

There is widespread misunderstanding about precisely what this legislation would accomplish. It is important to emphasize that it applies only to institutions that receive Federal funding. The Civil Rights Restoration Act does not in any way alter the substantive definition of what constitutes discrimination under these statutes. It does not change in any way who is a recipient of Federal financial assistance. And it does not in any way alter the definition of Federal financial assistance.

The Civil Rights Restoration Act is supported by many major religious groups including: the U.S. Catholic Conference of Bishops, the American Baptist Churches, the Evangelical Lutheran Church of America, the American Jewish Congress, the Presbyterian Church USA, and the Episcopal Church. These groups worked closely with Congress to assure that the legislation protects religious rights and freedoms.

In effect, the Civil Rights Restoration Act will restore civil rights enforcement measures to their pre-Grove City status. The legislation does not threaten any constitutional rights or religious freedoms; indeed, it is intended to uphold the basic freedoms guaranteed to all people by the U.S. Constitution.

Mr. McGRATH. Mr. Speaker, I am sorry that I do not share the views of the President in his decision to veto S. 557, the Civil Rights Restoration Act. In turn, I am voting to override the President's veto for several reasons.

First, I believe the bill is essential in combating discrimination at any institution receiving Federal funds. Since the Grove City decision, major civil rights laws have been crippled. Penalizing only certain portions of an institution for blatant civil rights offenses is merely a slap on the hand. Mr. Speaker, we are about to enter the 1990's. It is certainly time to let these institutions know that we find civil rights abuse morally repugnant and that violators will not be tolerated.

Second, I support the bill's provisions concerning abortion. The Senate's reconciliatory language strengthened the bill and was a factor in my decision to vote to override the veto. The provision, which was widely supported, ensures that no institution will be required to provide abortion services or benefits as a condition of receiving Federal funds.

Finally, I believe this bipartisan supported bill, in effect, reactivates the four major civil rights laws passed in the 1960's and 1970's. The 1984 Grove City decision seriously diluted these landmark antidiscrimination measures. By forbidding institutions that receive Federal funds to discriminate, the Congress is only implementing previously enacted civil rights legislation.

I urge my colleagues to vote to override the veto. It is not too often that legislation with such a clear message comes before the Congress. I suggest we take advantage of this opportunity and send that message throughout the Nation.

Mr. LAGOMARSINO. Mr. Speaker, while I firmly oppose discrimination and support the overturn of the 1984 court ruling in the Grove City case, I fear that this measure we are considering today represents too drastic a change. I voted against it the first time it was before us and I strongly urge my colleagues to join me in doing so now.

Of particular concern to me is the religious tenets provision of the bill which allows exemptions from the law only for institutions controlled by a religious organization. This means that if a church or synagogue operates just one program with Federal aid, such as Meals for the Poor, or a shelter or other help for the homeless, not only will those assisted programs be covered, but, for the first time, all other activities of the church or synagogue, including prayer rooms and other purely religious components, educational classes, church or synagogue schools—even though conducted in separate facilities—or a summer camp for youngsters, will be covered as well. This has serious ramifications for religious freedom. I believe it would be more appropriate for exemptions to be allowed for entities closely identified with the tenets of a religious organization.

I am also deeply distressed by the fact that the democratic majority chose to railroad this single most important piece of civil rights legislation since the landmark bills of the 1960's right through Congress without sufficient debate. Had the bill been open to amendment and has such amendments as the religious tenets amendment been accepted, I would have been pleased to support the measure. However, as it was, the bill was considered by not one single committee in the House and the rule under which it was considered allowed only one amendment. The measure represents a monumental change in the civil rights enforcement landscape and rewrites four statutes to the point that the Federal Government will be involved in nearly every facet of State and local activity. I continue to believe that such a major piece of legislation must be open to amendment.

I urge my colleagues to support the President in his effort to reject this flawed so-called Civil Rights Restoration Act. Let us admit we were hasty and instead let's get down to the business of doing what we set out to do in the first place—passing a carefully crafted bill to ensure that our Nation will be free from discrimination.

Mr. DREIER of California. Mr. Speaker, I rise in support of the President's veto of S. 557, the Civil Rights Restoration Act, and in support of H.R. 4203, the President's alternative bill, of which I am an original sponsor.

In our efforts to protect the civil rights, we must be careful that we do not deny freedoms and opportunities for all citizens. S. 557 vastly expands Federal jurisdiction over State and local governments and the private sector, including churches and synagogues, farmers, businesses, voluntary associations, and private and religious schools. When we expand Federal authority, we expand the burdens that go with it and we had better be sure a need exists. The American people do not want the Federal Government to interfere and order their lives as S. 557 would require.

S. 557 does not adequately protect the free exercise of religious beliefs. While educational institutions controlled by a religious organization would be exempt, educational institutions which are governed by lay boards would not. To deny these institutions an exemption would be to deny them the freedom to teach the values and tenets that they believe in.

I am also concerned about the impact of this legislation on small businesses. S. 557 would require expansive new Federal control of private employment practices, increased Federal paperwork requirements, random onsite compliance reviews by Federal agencies, thousands of pages of Federal regulations, costly structural and equipment modifications, and more.

Rather than protecting civil rights, S. 557 represents a threat. The response of many small business employers to the imprecise and subjective language in this bill would be to withdraw from participation in Federal job programs, training programs and social service programs because of the potential costs, administrative burdens, and legal liabilities.

Mr. Speaker, S. 557 is simply too far-reaching. I urge my colleagues to sustain the veto and support the President's alternative as it is the ideal bill which limits the jurisdiction of Federal statutes to that originally intended before Grove City, and protects our freedom of religion.

Mr. WELDON. Mr. Speaker, I rise today in support of civil rights but against the manner in which the Civil Rights Restoration Act was brought to the House floor. I voted in favor of this legislation on March 2 and again today to override the President's veto.

Recently, I along with many of my colleagues received a flood of constituent telephone calls and correspondence in opposition to this legislation. Hearing the arguments coming from my district, I am convinced this is a result of misinformation. If the appropriate House committees had held hearings on the language of S. 557, this situation could have been avoided, and our constituents would have had an opportunity to hear from us on the substance of this issue. Instead, we are forced to respond to the irresponsible claims of certain groups opposed to any civil rights legislation.

In response to the question: Do I have to hire gay drug addicts with AIDS because of this legislation? The answer is "No." Further, allow me to dispell this along with some other common myths I have come across.

Homosexuals are not given any new or "special" protections under title IX of this legislation nor under any other statutes. For this reason, gay rights organizations are seeking separate legislation targeted specifically at discrimination on the basis of sexual preference. In addition, religious tenets holding homosexuality as impermissable, are able to discriminate against those individuals acting against their beliefs.

Drug addicts and alcoholics may be fired or denied employment if they pose a threat to the health or safety of others or even if they are unable as a result of their condition to adequately perform their job function. Language to this effect was intentionally placed in the Civil Rights Restoration Act to address the fears of some employers about their responsibility to employ these individuals.

Persons with infectious diseases may be refused employment or fired if they pose a threat to the health or safety of others or if they cannot perform their job functions adequately and if no "reasonable accommodations" can be made to restore health, safety, and job performance. A reasonable accommodation is considered to be an effort to utilize Federal guidelines for safety in the workplace set forth by the Center for Disease Control, the Department of Labor, the American Hospital Association, and various other research organizations.

Religious organizations by definition are primarily "religious". Therefore, even if a religious institution receives Federal assistance for providing health care, housing, social services or recreation they are not required to comply with the nondiscrimination provisions for each of their programs. Title IX has an exemption provision upon application to the Department of Labor for religious institutions whose beliefs forbid or restrict the actions or beliefs of certain groups covered under the language of this legislation. To date, there have been no exemption applications denied by the Department of Labor.

If this legislation is the "greatest threat to religious freedom and traditional moral values ever passed", why then does it have the expressed support of the following religious institutions: the U.S. Catholic Conference, the American Baptist Churches, the Evangelical Lutheran Church of America, the National Council of Churches, the United Methodist Church, the American Jewish Appeal, the Presbyterian Church of America, the Episcopal Church, the Union of Hebrew Congregations, and many others.

There is "abortion neutral" language in the Civil Rights Restoration Act. The language ensures that no provision of this legislation will require or prohibit any entity from providing or paying for abortions. This language has satisfied the national pro-life movement to the point of receiving their endorsement for the legislation. This provision may be invoked by any institution receiving Federal assistance.

Mr. Speaker, as a freshman Member of Congress I am fast learning how pressure can be applied by special interest groups on Members. It is most unfortunate that there are organizations which resort to scare tactics when the substance of the issue does not carry the message they wish to convey. In this instance, we see such an example. In the future, your cooperation in scheduling hearings on controversial legislation will enable Members of the House to debate, and if necessary alter major legislation such as this.

Mr. KONNYU. Mr. Speaker, I would like to go on record as supporting the concept but opposing not only the form of S. 557, the Civil Rights Restoration Act of 1987, but also the methods used to get it passed. I would have supported President Reagan's substitute bill which would have overturned the Grove City decision without creating onerous new burdens on private citizens and small businesses. However, since no discussion or amendments were allowed on the President's alternative, I strongly object to the process.

The bill in its present form is faulty from a number of perspectives:

It is big government at its biggest by being overboard and going far beyond overturning the Supreme Court decision in the Grove City case.

It rewrites four statutes and would subject nearly every facet of American life to Federal Government intrusion—from the corner grocery store to churches and synagogues.

As an example, it would cover an entire college or university if only one student received Federal aid, even if the college itself received not a penny of Federal assistance.

It does not protect institutions which closely identify with the tenets of a religious organization.

Grocery stores, as an example, which accept food stamps—even very small ones with as few as one employee—could be subject to Washington's long regulatory arm and the requirements of this bill.

I certainly believe in civil rights and in the objective of overturning the Supreme Court decision. However, imposing a law which significantly expands the jurisdiction of the Federal Government into the private lives of citizens without allowing perfecting amendments in the House is unwise at best.

Mr. MFUME. Mr. Speaker, the American people are issuing a cry and Congress can answer it by following the Senate's lead in voting to override President Reagan's veto of the Civil Rights Restoration Act. It was the first time that a President had vetoed a civil rights bill in 120 years. I repeat for emphasis, 120 years.

The Civil Rights Restoration Act would overturn the 1984 U.S. Supreme Court decision in Grove City College against Bell. In that case, the Court ruled that laws barring discrimination do not apply to entire institutions, only to the specific program or activity receiving Federal funds.

The Supreme Court's decision dealt specifically with title IX of the Education Amendments of 1972, which bars discrimination on the basis of sex. For example, if a college's archeology department received Federal research grants, but the economics department did not, the Federal law prohibiting schools from discrimination on the basis of sex would apply only to the archeology department and not the economics department.

In the 20 years prior to the Grove City decision, antidiscrimination laws were generally applied to entire institutions if any program within those institutions received Federal

funds. As a result, the 1984 ruling was a major blow to the promotion of civil rights as a fundamental test of justice in this society. The Supreme Court's narrow interpretation of title IX in the Grove City case has resulted in the Justice Department dropping antidiscrimination suits—even in case where the evidence has been overwhelming—because the discriminating program did not receive Federal funds.

The Civil Rights Restoration Act would clarify congressional intent with regards to title IX of the Education Amendments of 1972 and other important civil rights laws—the Civil Rights Act of 1964, which prohibits discrimination on the basis of race; the Rehabilitation Act of 1974, which prohibits discrimination against the disabled; and the Age Discrimination Act of 1975, which prohibits discrimination against the elderly. By passing the measure before us today, it would finally be clear that if one part of the entity receives Federal funds, the entire institution would be covered under antidiscrimination laws.

Rarely has a piece of legislation been the victim of a disinformation campaign as intense as that surrounding the Civil Rights Restoration Act. Our offices have been flooded with calls from citizens who were tricked into believing that the bill would force hospitals to perform abortions and require colleges controlled by religious groups to accept policies that conflict with their religious beliefs. As proof that these contentions are unfounded, the U.S. Catholic Conference, the United Methodist Church, and the Presbyterian Church have endorsed the Civil Rights Restoration Act.

A strong society demands equal opportunity and this body cannot waiver in the fight to secure civil rights for all citizens. Accordingly, with the eyes of the Nation upon us, I strongly urge my colleagues to join me in voting to override the President's veto of the Civil Rights Restoration Act.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to strongly oppose President Reagan's veto of the Civil Rights Restoration Act and of the tactics used by organizations opposed to this bill to increase public opposition to it.

We have before us the opportunity to enact the most important piece of civil rights legislation in this decade, and we must demonstrate to the President that even if he is willing to go back in time with regard to civil rights, the Congress is not. I have heard from a multitude of my constituents on this issue, and those who are truly informed about the thrust and scope of this legislation were strongly in support of it. Many individuals, however, received misleading information from people they trust and opposed this legislation because they did not have complete information on the bill's purpose and scope.

This tactic is alarming, Mr. Speaker, because these people were given inflammatory information about the legislation's effect that was erroneous, misleading, and, in many cases, complete lies. I abhor this misinformation campaign organized by the religious right, and I call on President Reagan, whose name is being used in connection with this cause, to publicly repudiate this smear campaign and those who cower behind it.

This bill will overturn a 1984 Supreme Court decision, Grove City College versus Bell, that resulted in sharp curtailment of the enforcement of four major civil rights laws. In this ruling, the Court held that title IX of the 1972 Education Amendments banned gender discrimination only in a particular education "program or activity" receiving Federal aid, not in the entire institution. This decision has affected three other laws—title VI of the 1964 Civil Rights Act, section 504 of the 1973 Rehabilitation Act, and the 1975 Discrimination Act—that prohibit discrimination on the basis of race, color, national origin, sex, handicap, and age in institutions with federally funded programs.

As a result of the Court's decision, federally funded institutions are allowed to discriminate in other nonfunded programs without risking the loss of Federal funds. I believe that Congress passed these statutes with the intention that if an institution freely applied for Federal funds and receives Federal aid in any form, the entire school must comply with the civil rights statutes.

This Supreme Court decision is a misinterpretation of congressional intent, and legislation is necessary to restore the original intent of Congress to protect all people from discrimination. When the House of Representatives passed this measure, it did so by an overwhelming margin of 315 to 98. Similarly, the Senate passed it by a margin of 75 to 14. These votes reflect the bipartisan support this bill enjoyed in Congress as well as the great desire to strengthen these statutes to their pre-Grove City status.

Over the last few weeks I have become very concerned over the amount of misinformation and propaganda that has been circulating in my congressional district, and I am sure, in many areas of the country, about this bill. What has been most upsetting has been the number of individuals who formed an opinion about this bill from information provided to them by others without even having seen a copy of the bill or knowing the full thrust of this legislation. I do not know who was responsible for the dissemination of this wrong information, but I found many people to have the wrong impression of what this bill would do. Because of this misinformation campaign, many people who would support this bill if they were fully aware of the protections it offered, indeed, some of the very people this bill is intended to protect, expressed opinions opposing this legislation.

It has become obvious to me that individuals and organizations who opposed this bill for one reason or another chose to spread inflammatory rumors about the effect this bill would have that are totally erroneous. I hope people realize that if the bill would accomplish everything that is being alleged it will accomplish, certainly it could not garner the support of the large number of Senators and Members of Congress that supported this bill. Although President Reagan claims that this bill would diminish the freedom of religious institutions, he is overlooking the fact that aside from being supported by more than 225 organizations, this bill was strongly supported by the National Council of Churches, the American Jewish Congress, the U.S. Catholic Conference, and other religious organizations.

There appears to be widespread misunderstanding about precisely what this legislation would accomplish. Please note that it applies only to institutions that receive Federal funding. It does not change the religious exemptions now in effect. Further, this bill was not intended to protect homosexuals, transvestites, sexual deviants, or any of the other groups mentioned to me by constituents who were obviously not familiar with the legislation. The only provision of this bill which even remotely approximates this is a minor provision which protects under the Rehabilitation Act individuals with contagious diseases.

This provision would protect against discrimination victims of AIDS, whether these are children who contracted the disease from a blood transfusion, individuals who contracted it through sexual contacts, or otherwise, as well as people with other contagious diseases, such as hepatitis and tuberculosis. Please keep in mind that the much larger population of homosexuals who are not infected with the disease are not covered by this law. This legislation does not threaten any constitutional rights; indeed, it is intended to uphold the basic freedoms guaranteed to all people by the Constitution.

I am opposed to discrimination on the basis of race, color, national origin, age, gender, or physical disability. That is why I support the Civil Rights Restoration Act, was a cosponsor of this measure, and voted to override the President's shortsighted veto.

Mr. OBERSTAR. Mr. Speaker, we have before us today a motion to override the President's ill-considered veto of the Civil Rights Restoration Act. For the first time in this century, a President has vetoed a major piece of civil rights legislation, in spite of a broad and vigorous bipartisan effort to ensure its passage. This administration has done little to advance the cause of civil rights. It has repeatedly attempted to grant a tax exemption to the racially discriminatory Bob Jones University and to undermine the role and authority of the Civil Rights Commission, and now seeks through this veto to overturn years of Federal agency decisions and litigation on civil rights dating back to the early 1960's.

In recent weeks certain groups have distributed considerable misinformation about the bill; those misstatements should be corrected. I would like to take this opportunity to place the bill in historical context and briefly describe its anticipated effects.

The three branches of our Federal Government, along with the governments of our 50 States and their hundreds of local subdivisions, have for decades been wrestling to find an answer to a simple question: How can we best preserve and protect the rights of all U.S. citizens? Even after a vigorous lobbying effort by many House and Senate Members of his own party, the President has vetoed this civil rights legislation. He has ignored the broad bipartisan consensus enjoyed by the bill demonstrated when it passed the House earlier this month by a vote of 315 to 98, after passing the Senate in late February by a vote of 75 to 14.

In the last two decades, four major pieces of civil rights legislation have been enacted into law. The Civil Rights Act of 1964 banned

discrimination on grounds of race. Equal access to educational and athletic facilities at our colleges and universities was guaranteed under title IX of the Education Amendments of 1972. Discrimination against the disabled was prohibited with the Rehabilitation Act of 1974, and against older Americans with the Age Discrimination Act of 1975. These landmark civil rights measures confirm our vision of a free society in which all participate and all contribute.

In 1984, the Supreme Court accepted an argument advanced by the Reagan administration to narrow the scope of civil rights legislation intended by the Congress to apply broadly to virtually all recipients of Federal financial assistance. The court ruled in the case of Grove City College versus Bell that the rights of free citizens are protected on some parts of a college campus, but not on others. The Court held that only those specific programs at Grove City which received Federal financial assistance were subject to the antidiscrimination provision of title IX. In other words, a student is fully entitled to constitutional protections in the science lab, where Federal research dollars are being spent, but not in the history building, gymnasium, or bookstore. In effect, this narrow interpretation of the statute has allowed the administration to extend Federal civil rights protections "a la carte."

After 4 years of negotiating and 23 days of hearings in both bodies, a consensus was reached to restore—not broaden—the coverage of civil rights legislation to its pre-Grove City status. This document embodies that broad bipartisan consensus. It restates congressional intent that our civil rights laws apply according to the broad pre-Grove City standards. It will ensure that constitutional and legal protections are provided to all recipients of Federal funding, except those explicitly exempted from such coverage. It specifically addresses the Supreme Court's finding in the 1984 Grove City case and extends the antidiscrimination guarantees of our civil rights laws to all parts of all institutions receiving Federal moneys. It also extends these guarantees to State and local governmental agencies, private corporations, and other entities that receive Federal grants or loans or whose principal activities involve providing health care, housing, social services or parks, and recreation.

At the same time, this legislation will not abridge the freedom of teaching hospitals and other institutions which choose not to perform abortions. This bill guarantees that hospitals will not be forced to perform abortions, nor will institutions receiving Federal dollars be required to provide abortion benefits as part of their employee insurance plans. The bill also prohibits educational institutions from discriminating against individuals who are seeking or have had an abortion.

Further, the bill allows for those institutions controlled by religious organizations to apply for an exemption under the law. To date, no institution that has applied under this law has been denied such an exemption. The Justice Department's Office of Civil Rights reports that 150 institutions have been granted religious exemptions from the obligations of title IX.

Further, the measure exempts persons considered to be ultimate beneficiaries of Federal financial assistance, including farmers who receive crop subsidies, social security recipients, Medicare and Medicaid recipients, individual recipients of food stamps, and others considered by the courts and Federal agencies to be ultimate beneficiaries of Federal assistance. I recently received a thorough summary of the effects of the bill prepared by the Leadership Conference on Civil Rights which I would like to offer for the RECORD at this point.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS—CIVIL RIGHTS RESTORATION ACT—QUESTIONS AND ANSWERS

HOMOSEXUALS

*Question:* Does this bill require a recipient of federal funds to provide a homosexual the protections provided women by Title IX or provided under any of the other statutes amended by the bill?

Answer: Neither Title IX nor any of the other statutes has ever been interpreted by the courts to provide protection on the basis of sexual preference; none of the regulations have ever so provided; and nothing in the bill creates any such protection. Homosexual groups recognize this lack of protection in seeking new legislation specifically prohibiting discrimination on the basis of a person's sexual preference.

This bill does not preclude an entity from discriminating against an individual solely on the basis of the fact that the individual is homosexual. Thus, if an entity's religious tenets require it to take disciplinary action against any individual who is homosexual (regardless of whether such an individual is infected with the AIDS virus) and it takes such action solely because of that person's homosexuality, the fact that section 504 coverage happens to include AIDS would offer no source of protection to such an individual.

ALCOHOLICS AND DRUG ADDICTS

*Question.* Does this bill require an employer who receives federal funds to hire or retain in employment all alcoholics and drug addicts?

Answer. No. A person who is a current alcoholic or drug addict can be excluded or fired from a particular job if it is determined that he or she poses a direct threat to the health or safety of others or cannot perform the essential functions of the job and no reasonable accommodation can remove the safety threat or enable the person to perform the essential functions of the job.

*Question.* Does the bill change current law in any way?

Answer. No. Since it became law in 1973, section 504 of the Rehabilitation Act (the civil rights statute for handicapped persons) has been interpreted to enable employers to refuse to hire or fire alcoholics and drug addicts under these circumstances. To allay the fears of some employers about the nature of their responsibilities to such persons, this policy was expressly inserted into the statute in 1978 (See section 7(8)(B) of the Rehabilitation Act).

*Question.* Has current law created an untenable position for recipients regarding the hiring or retention of alcoholics and drug addicts?

Answer. No. The 1978 amendments allayed the fears of employers. They now understand that they don't have to hire or retain all alcoholics and drug addicts. Courts have upheld the right of employers to fire employees who cannot perform or who pose health and safety risks.

*Question.* Do the standards governing the exclusion of alcoholics and drug addicts in the employment context apply in other situations, such as exclusion from participation in a program receiving federal assistance?

Answer. Yes. As in the employment context, a person must, with reasonable accommodation, meet the essential qualifications for participation.

PERSONS WITH CONTAGIOUS DISEASES

*Question.* Does this bill require an employer to hire or retain in employment all persons with contagious diseases?

Answer. No. An employer is free to refuse to hire or to fire any employee who poses a direct threat to the health or safety of others or who cannot perform the essential functions of the job if no reasonable accommodation can remove the threat to the safety of others or enable the person to perform the essential functions of the job. This determination must be made on an individualized basis and be based on facts and sound medical judgment.

*Question.* What guidelines exist for determining what is meant by a "reasonable accommodation?"

Answer. Federal agencies such as the Centers for Disease Control, the Department of Labor, and professional organizations such as the American Academy of Pediatrics, and the American Hospital Association have issued guidelines for ensuring safety in the workplace. These guidelines can be relied on for determining reasonable accommodations.

*Question.* Does this bill change current law in any way?

Answer. No. This has been the law of the land since 1973, when Congress passed section 504 of the Rehabilitation Act. The circumstance under which a person with a contagious disease can be excluded was recently reaffirmed by the Supreme Court in the Arline decision.

The bill includes language which is consistent with this decision. The language in the bill is modeled after the language added in 1978 with respect to alcoholics and drug addicts.

*Question.* Who supported the inclusion of this language in the bill?

Answer. On the Senate side, it passed without dissent as a Harkin/Humphrey Amendment. On the House side not only was it included in the bill that passed the House, but the exact same language was also included in the Sensenbrenner Substitute, which was endorsed by the Administration through a letter from Secretary Bennett.

*Question.* What standards apply in nonemployment contexts such as admission of pupils to schools?

Answer. The same standards.

*Question.* Will the fact that section 504 covers contagious diseases mean that recipients will not be able to take normal good faith public health precautions to prevent the spread of contagious diseases?

Answer. No. Public Health measures designed to prevent the spread of infectious diseases or infections such as AIDS would not be undermined by covering persons with contagious diseases or infections under section 504. In fact, the American Public Health Association has argued that "promotion of public health is aided, not impeded, by an individualized determination of whether a person with a communicable condition is qualified to work." In addition to

the APHA, the American Medical Association and the American Nurses Association support the inclusion of contagious diseases under section 504.

*Question.* Has the Administrative Board of the Catholic Conference taken a position on discrimination against persons with AIDS?

Answers. Yes. In a publication entitled, "The Many Faces of AIDS—A Gospel Response" the Administrative Board of the U.S. Catholic Conference (November 1987) stated: "Discrimination directed against persons with AIDS is unjust and immoral." The Administrative Board also stated: "Because there is presently no positive or sound medical justification for the indiscriminate quarantining of persons infected with AIDS, we oppose the enactment of quarantine legislation or other laws that are not supported by medical data or informed by the expertise of those in the health-care or public health professions."

COVERAGE OF RELIGIOUS ORGANIZATIONS

*Question.* A religious organization (a church or a diocese or a synagogue) receives federal financial assistance to aid refugees. Under the Civil Rights Restoration Act, will that 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?

Answer. No. Complete coverage of a corporation, partnership or "other private organization" occurs in only two circumstances. The first is where assistance is extended to the private organization "as a whole." "As a whole" refers to situations where the corporation receives general assistance that is not designated for a particular purpose. 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 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 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.

*Question.* Is there anything in this legislation that would limit the right of a religious organization to prefer members of the religion in services or benefits it provides with federal funds?

Answer. No. None of the statutes amended by the bill bars discrimination on the basis of religion. Thus, a religious organization can prefer members of the religion in its federally-assisted activities. Religious preference cannot be a pretext, however, for racial discrimination.

RELIGIOUS TENET EXEMPTION

*Question.* What is the religious tenet exemption and how is it used?

Answer. Title IX provides for an exemption to that statute where nondiscrimination requirements are inconsistent with the religious tenets of an educational institution controlled by a religious organization. An educational institution need only make application to the Department of Education for such an exemption. To date, *no institution* that has completed an application *has been denied an exemption.* The Department's Office of Civil Rights reports that 150 institutions have been granted religious exemptions from the obligations of Title IX.

The two most frequently cited reasons for requests for religious exemption involved religious tenets calling for sex discrimination in institutions training students for the ministry, and for differential treatment of pregnant students and employees, particularly if they are unmarried. A significant number of requests also sought to treat men and women differently in athletic programs.

Some examples of exemptions are:

(A) An institution's religious standards so strongly condemn sexual activities outside marriage that it wants to control what it holds as "Sacred Scripture violations" on the part of students and staff. The college would be permitted to restrict an unmarried student who is pregnant from living with other unmarried women in the dormitory.

(B) A college believes that the scriptures teach that the husband is the head of the wife. A women whose employment came in conflict with her marriage obligations would be expected to be in submission to her husband, and for that reason the institution is exempted from Title IX regulations and allowed to take marital status into consideration in its hiring.

(C) A college would be permitted to forbid men and women from swimming together because of its religious stand on "modest attire."

*Question.* Many educational institutions that were once controlled by religious orders, ministers, or other officers or leaders of a religion have changed their governance structure and now have lay boards of directors. Shouldn't these schools be allowed an exemption from Title IX since they still keep their close identity with the religion?

Answer. While it is true that many private educational institutions have moved to lay boards, that is not a compelling reason to extend the religious tenet exemption language. In fact, none of the prominent institutions cited by those who sought to broaden the religious exemption (e.g. Notre Dame, Georgetown) has felt any need to seek a religious exemption at any point in its history.

*Question.* Isn't this a matter of religious freedom?

Answer. No other federal law allows sex discrimination under the guise of religious freedom, including Title VII. The religious tenet exemption was included in the 1972 Act that prohibits sex discrimination in educational institutions and was originally meant to cover seminaries and other strictly religious institutions. Since 1972, exemptions have been granted to a large number of educational institutions. Loosening the language of the statute would not only increase the number of institutions that are exempt from sex discrimination regulations but also invite other institutions to create a "religious identity" in order to discriminate against women.

ABORTION

*Question.* What about institutions that are not religiously controlled that have an objection to performing abortions?

Answer. The Civil Rights Restoration Act includes a provision that may be invoked by any institution that receives federal assistance which states that nothing in the legislation "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 abortion. . . ."

BACKGROUND INFORMATION

*Question.* What statutes are amended by the Civil Rights Restoration Act?

Answer. The Act covers 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.

Title IX prohibits sex discrimination in educational programs or activities receiving Federal financial assistance. Title VI bars discrimination based on race, color or national origin in a program or activity that receives Federal aid. Section 504 prohibits discrimination against disabled persons in programs or activities receiving federal funds. The Age Discrimination Act prohibits discrimination on the basis of age in federally funded programs and activities.

*Question.* Does the Civil Rights Restoration Act broaden coverage of federal civil rights laws?

Answer. No. The bill merely restores coverage to what it was before the *Grove City College v. Bell* decision by providing a definition for the existing "program or activity" language.

This means that:

For educational institutions, the bill provides that if federal aid goes anywhere within a college, university, or system of higher education, the entire institution or system is covered. If federal aid is received anywhere in an elementary or secondary school system, the entire system is covered.

For state and local governments, only the department or agency that receives the aid is covered. Where an entity of state or local government receives federal aid and distributes it to another department or agency, both are covered.

For private corporations, if the federal aid is extended to the corporation as a whole, or if the corporation provides a public service, such as social services, education, or housing, the entire corporation is covered. If the federal aid is extended to only one plant or geographically separate facility, only that plant or facility is covered.

The bill also explicitly affirms that "ultimate beneficiaries" of federal aid, e.g. food stamp recipients, are not covered. Other individuals who are the ultimate beneficiaries of federal funding include farmers who receive price and income supports and loans, AFDC recipients, and Social Security recipients.

The bill does not in any way change the definition of "federal financial assistance."

To sum up * * *

Pell Grants are federal financial assistance and trigger coverage of education institutions.

Farmers receiving crop subsidies—ultimate beneficiaries—are not covered.

Persons receiving Social Security, food stamps, welfare payments—ultimate beneficiaries—are not covered.

*Question.* What about small businesses for whom compliance with some provisions of 504 may be a hardship?

Answer. The Civil Rights Restoration Act adds a new subsection (c) to Section 504 of the Rehabilitation Act of 1973 which clarifies that small providers such as pharmacies and grocery stores with fewer than fifteen employees are not required to make significant alterations to their existing facilities to ensure accessibility to handicapped persons if alternative means of providing the services are available.

*Question.* When an institution is found to have discriminated, does that mean that all its federal funding will be cut off?

Answer. No. While, historically, the coverage of these four civil rights statutes has been construed to provide a broad prohibi-

tion on discrimination by programs or activities receiving federal aid, and almost always cases are resolved without federal funds being cut off, in the rare cases that reach that stage fund termination has been pinpointed so that only those funds that are actually supporting discrimination can be terminated. The bill does not change this.

Mr. Speaker, we have been fighting for the cause of civil rights here in the United States for more than a generation. In that time protections have been extended to all Americans, regardless of race, creed, age, or disabling handicap. This carefully negotiated compromise measure addresses the concerns of many of us in this body deeply committed to the sanctity of human life, and guarantees continued respect for religious liberty while ensuring that Federal financial assistance will not be used to subsidize discrimination. While I am troubled that simple restoration of these guarantees has required such a struggle, I am confident that in overriding this veto we are again on the right path. Passage of this legislation will recapture for us what we temporarily lost in the Grove City decision 4 years ago, and will move us one small step closer to the day when the few in our country share equally with the many the civil rights and protections our society offers.

I urge my colleagues to vote "aye" on this motion to override the President's veto.

Mr. FIELDS. Mr. Speaker, today I rise in support of the President's veto of S. 557, the Civil Rights Restoration Act of 1987. Of the hundreds of letters that I have received regarding this bill, 99.9 percent have been in opposition to S. 557.

I think that we all agree that discrimination has no place in our society. If S. 557 did what its title says it does, restore civil rights enforcement to pre-Grove City law, I believe it would have passed the House and Senate unanimously. But, in fact, what the broad, loosely structured language does is to deny rights to some while restoring rights to others.

I have already spoken out against the shortcomings of this legislation. The bill would go far beyond pre-Grove City law and unjustifiably expand the power of the Federal Government over the decisions and affairs of private organizations such as churches and synagogues, farms, businesses, and State and local governments. The President has forwarded to us a responsible legislative package which contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends.

Mr. Speaker, I urge my colleagues to vote to sustain the President's veto of S. 557 and give the President's proposal the careful consideration that it deserves.

Mr. HAWKINS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were: yeas 292, nays 133, not voting 7, as follows:

[Roll No. 41]

YEAS—292

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grant
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Lungren
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (NC)
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—133

Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boulter
Broomfield
Buechner
Bunning
Burton
Callahan
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Fawell
Fields
Gallegly
Gekas
Gingrich
Grandy
Gregg
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kemp
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Mack
Marlenee
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Moorhead
Myers
Nielson
Oxley
Packard
Parris
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Rowland (GA)
Russo
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—7

Biaggi
Gephardt
Gray (IL)
Lightfoot
Madigan
Martinez
Price (IL)

□ 1801

So, two-thirds having voted in favor thereof, the Senate bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

## GENERAL LEAVE

Mr. HAWKINS. 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 bill just passed.

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

There was no objection.

## LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask to proceed for the purpose of inquiring of the distinguished majority leader the program for the balance of the day and tomorrow, maybe the week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, this concludes the business for today. It will be my intention to offer a unanimous-consent request that when the House adjourns tonight it adjourn to meet at 11 a.m. tomorrow rather than at 2 p.m. for the purpose of taking up the budget resolution for fiscal 1989, and if that request is granted it is our hope that we could conclude the debate on the budget and reach a vote on that by perhaps 6 o'clock tomorrow night.

At that time it would be my intention to ask unanimous consent that the House adjourn to meet in pro forma session on Thursday, and we would then go over until Monday.

We will have a further program for next week to announce tomorrow, but that will be the program for this week.

It is our hope that we can go in tomorrow early and conclude the debate at a reasonable hour.

Mr. MICHEL. I thank the gentleman from Washington.

## HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet at 11 a.m. tomorrow.

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

There was no objection.

## PERMISSION FOR COMMITTEE ON RULES TO FILE RESOLUTION WITH RESPECT TO CONCURRENT RESOLUTION ON THE BUDGET, FISCAL 1989

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a resolution with respect to the Budget Act for fiscal 1989.

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

There was no objection.

## PERMISSION FOR COMMITTEE ON THE BUDGET TO FILE REPORT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until midnight tonight to file a report.

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

There was no objection.

## CONGRATULATIONS TO THE CONGRESS ON OVERRIDE OF VETO OF CIVIL RIGHTS RESTORATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 60 minutes.

Ms. OAKAR. Mr. Speaker, I would like to just briefly use our special orders which we had intended to do actually before the vote on the Civil Rights Restoration Act to simply congratulate the courageous Members who decided to vote to override the veto. It was a very courageous vote, because most Members of Congress were inundated with phone calls, and many of the people calling were not aware that the information they had was totally erroneous. So I think it is very, very key that we put a number of things at this time in the record to clear the record to refute the so-called Moral Majority's papers related to the Civil Rights Act which were totally fictitious.

I simply want to say how delighted I am with the Members who decided to hold the line and vote for the civil rights of our elderly, our handicapped, our women and certainly those of varieties of people. So this is a very historic occasion.

This is the most important civil rights legislation passed in the last decade, so we are very, very delighted. It is a victory for those who do not want to step backward. It is a victory for those who want to move forward and open up the doors of our institutions, our educational facilities, that we have Federal funds so that all Americans can be treated equitably and fairly and that is the spirit of the Restoration Act, and as a Member of the legislative body which is separate but equal to the judicial branch, this is one time that I am very, very proud that we were able to close a loophole created by the Reagan Supreme Court.

We are delighted with the turnout and with the vote, and I will now at this time, once again, thank my colleagues for the override and yield back the balance of my time.

## ERISA AND RICO: THE NEED TO PROTECT WELFARE AND WELFARE FUNDS

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

Mr. CONYERS. Mr. Speaker, in 1974, Congress enacted the Employment Retirement and Security Act [ERISA], (29 U.S.C. § 101 et seq.) to protect the savings that millions of working Americans were placing in pension and related welfare funds. Currently, 64.5 million Americans have invested—either themselves or through their employers—$1.4 trillion in pension and welfare benefit plans. Unfortunately, ERISA alone is not able effectively to protect the plans from fraud and misuse and much of this hard earned money is at substantial risk. In fact, the reporting system ERISA set up is not achieving its objectives; the investigative agencies that have primary jurisdiction to enforce the act are overworked; and the independent auditors required by the act are too often not fulfilling their duties. As such, a national tragedy is in the making.

Mr. Speaker, ERISA imposes rigid restrictions on amounts that can be contributed to and benefits that can be paid from qualified plans. The law also sets minimum standards for employee's participation and minimum vesting standards. In addition, ERISA imposes a minimum funding requirement—requiring employer contributions to include the normal costs of the plan as well as amounts sufficient to amortize past service costs and experience losses. To advance the funding requirement, the employer must set up a "funding standard account," which shows whether or not the employer has satisfied the minimum funding requirement for the year or if the employer has a deficiency and, thus, problems. If the account shows a deficiency, the employer will be hit with a 5-percent excise tax on the amount of the deficit. This tax is imposed for each plan year in which the deficiency has not been corrected. The employer will also be hit with a 100-percent excise tax on the deficiency if he fails to correct it within 90 days after the Internal Revenue Service mails a notice of deficiency with respect to the 5-percent tax.

Every plan Administrator must submit an annual registration statement with the Secretary of the Treasury called a Summary Plan and Description. This report includes the name and address of the Administrator and clearly sets at certain participants and their rights to deferred vested benefits. The Secretary of the Treasury is then required to submit this to the Secretary of Health, Education and Welfare.

Each benefit plan also must submit to the Secretary of the Treasury an actuarial report for the first plan year and every third plan year thereafter. This report assesses the plan's ability to pay pensions as they become due in the future.

The plan administrator must publish an annual report within 210 days after

the end of the plan's calendar year. This report is called a form 5500 report, and it includes information on the financial status of the plan and the investment of plan assets.

The administrator must also have the fund audited by an independent public accountant [IPA], who renders an opinion on the financial statements of the plan.

These four requirements—the plan description, the form 5500 report, the IPA audit, and the actuarial report—are supposed to aid various Federal agencies and beneficiaries to monitor the various plans. In fact, pension and welfare funds are the least regulated assets in the country today, and more than $10 billion in funds may be at risk! (See, "The Least Regulated Money in the Country Today" Forbes Magazine (June, 1986).)

II

The Pension and Welfare Benefits Administration [PWBA] administers and enforces ERISA. Unfortunately, PWBA does not have the resources necessary to enforce ERISA fully. (See generally "Corporate Crime Reporter" vol. 1, No. 28, Monday (Nov. 2, 1987).) In fact, the PWBA has only 490 employees to cover the 5.4 million benefit plans covered by ERISA. Of these 490, only 200 are investigators. These 200 people can only investigate 1,700 of the 5.4 million plans each year. With an investigatory staff of only 200, the PWBA does not even come close to having an enforcement presence comparable to other similar Federal agencies, including, for example, the Federal Deposit Insurance Corporation, which watches over banks. To increase PWBA's efficiency to the degree required to equal that of other agencies, investigatory staffs would have to be increased to 2,600. Yet plans account for an excess of $1 trillion in assets; they hold 21 percent of outstanding United States issued foreign bonds; and they hold 15 percent of the U.S. Government securities. The data available before the crash of last month on Wall Street indicates that as direct holdings of stock fell $400 billion between 1978-85, institutional investor's holdings rose by $221 billion. Pension funds accounted for $150 billion of that rise. (See generally, "Pension Funds in Capital Markets," H.R. H361-62, Subcommittee of Telecommunications, Consumer Protection and Finance; Committee of Energy and Commerce, 99th Cong., 1st sess., (1986).)

Not only must 200 people attempt the enormous task of enforcing ERISA, but they must do so largely without the aid of the reports that plans are required by law to complete. Each plan must submit form 5500, the IPA report, and the actuarial report to the IRS. In turn, the IRS gives the reports to the PWBA. But by the time the PWBA gets this information the information is usually at least 2 years old. Indeed, sometimes the reports are filed late, and sometimes the reports are not filed at all. Yet delinquent filers are not fined, and no provisions exist that provides for obtaining missing files.

Even if the PWBA has the IPA report, many times the report does not reflect ERISA violations that have occurred inspite of the American Institute of Certified Public Accountants [AICPA] guide entitled "Audits of Employee Benefit Plans" and the reporting requirements set out in ERISA. In fact, the IPA's all too often, do not perform the necessary testing. Many reports fail to contain one or more of the disclosures required the AICPA guidelines and the statute. Often times, IPA's interpret important events as insignificant, or a disclosure requirement as repetitive. Many times, too, important events are obscured within a report.

The IPA's role is crucial. It is often the only source the PWBA has of accurately interpreting financial statements. Few members of PWBA have the background necessary to complete an audit themselves—not to mention their lack of personnel and time. The IPA assumes a public responsibility to the plan's participants. Nevertheless, today's auditing standards allows an auditor to assume management integrity unless his examination reveals evidence to the contrary. Thus, his duty to look for fraud is limited. The results can be disastrous, especially when you recognize that the majority of financial fraud practices involve top management. Further, a company is free to—and often does—change auditors if the company disagrees with the IPA's accounting policies. (See generally "Report of the National Commission on Fraudulent Financial Reporting" (April 1987). This effectively shifts the duty to report illegal acts to the plan administrator. Ironically, the plan administrator is usually the one who violates the law and the last person who will notify the authorities in order to protect plan participants.

The PWBA, moreover, has no recourse against an IPA who has performed a substandard audit. ERISA section 104(A)(3) gives the remedies available in such a case:

The PWBA must give the plan administrator 45 days to correct the report.

After 45 days, the PWBA can engage another IPA to perform the audit at the plan's expense, or bring a court action to enforce the provisions.

The IPA's, however, cannot be fined or suspended by the PWBA. The PWBA may report the auditor to appropriate authorities in the profession, but may take no action on its own.

Pension and welfare plans are paying millions of dollars to IPA accountants to complete audit reports that fail to serve as a check on financial malfeasance and that are hopelessly out of date by the time the PWBA receives them. The PWBA, too, is woefully understaffed, and the IPA reports on which it relies too often to be of use in detecting fraud.

We must take steps now to ensure, not only that those who perpetrate fraud will be caught, but that getting caught will hurt. The amount of fraud that exists in pension and welfare plans is astounding. The PWBA itself resolved $51.2 million of monetary violations in 1985. By 1986, the amount had risen to $88.9 million. And this is only the amount that PWBA has discovered. Judging from the mere 1,700 plans the PWBA investigates in any 1 year, this is only the tip of an enormous iceberg. Meanwhile, the amount of money invested in plan assets by an unknowing and trusting working public keeps growing.

III

This data on the inadequacy of existing law and practice to protect the pension and welfare plans of the Nation must be placed in the context of so-called RICO reform efforts. In 1970, Congress enacted the Organized Crime Control Act, title IX of which is known as RICO—18 U.S.C. § 1961 et cetera. Congress was concerned about fraud when it enacted RICO, and it provided for a treble damage claim for relief for those injuries by a systematic patterns of criminal fraud committed by, through, or against an enterprise—a statutory term that includes pension and welfare funds. Nevertheless, movements are afoot in Congress to disembowel RICO. Bills have been introduced by my good friends—Senator HOWARD METZENBAUM and Congressman RICK BOUCHER in the Senate S. 1523, and House, H.R. 2983. The Metzenbaum and Boucher bills would, unthinkingly, weaken RICO and pull out its teeth, particularly as the statute protects welfare and pension funds. Broadly, their bills propose to exclude securities fraud from RICO coverage, reduce damages from treble to actual, cut down the period within which a victim must sue or lose the right to sue, raise the standard of the burden of proof that the victim has to meet to recover, make the victim meet extraordinary pleading rules, and make the damage reduction changes apply retroactively to pending litigation.

The Subcommittee on Criminal Laws, which I am privileged to chair, is planning to hold detailed hearings to examine the wisdom of these proposals. It will also consider the provisions of H.R. 3240, introduced by myself and my colleague, the gentleman from California, Mr. DON EDWARDS. H.R. 3240 is a bill that would also reform RICO, but it would both strengthen it and guard against its

abuse. (See 133 Cong. Rec. E3351 (daily ed. Aug. 7, 1987).) I intend to give special treatment to the impact that these proposals might have on the security of all pension and welfare funds of American citizens. Nothing that I have heard yet leads me to believe that it would be other than folly to weaken the legal protections so necessary to safeguard the funds from fraud and misuse. We must not let the Metzenbaum or Boucher approaches of weakening the law serve as the bases for RICO reform. I, for one, pledge my strength to prevent this tragedy from happening. The hard-earned savings of our people are too important not to be safeguarded.

□ 1815

## UPDATE ON SITUATION IN HONDURAS

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 10 minutes.

Mr. MCEWEN. Mr. Speaker, this past weekend I had the opportunity to join with seven of my colleagues in a quick visit to Honduras where we ate and slept with the 82d Airborne Division that had been deployed there as a result of the President's actions on Wednesday night.

I take this opportunity to take just a few moments to discuss the actions of the President and the importance that I attach to them.

As you recall, Mr. Speaker, on February 3 the House of Representatives voted to deny any further assistance to the democratic resistance operating against the Marxist regime in Nicaragua.

Shortly after that decision by the Congress to no longer assist the democratic forces in the region, the Sandinistas began to forward deploy their very limited petroleum stocks and other necessary material to the border along Honduras in anticipation of an incursion or invasion into their democratic neighbor to the north.

Under the act as it expired on March 1, the United States could no longer participate in assisting the democratic resistance and the Marxist regime in Nicaragua took advantage of that to then deploy their troops to the border.

Last Wednesday, the Sandinista forces crossed over the border, forded the river and crossed into Honduras where they attempted to engage the democratic resistance, the Contras, that were located in the Honduras region.

At that point, in recognition of the fact that the Sandinistas are financed very heavily by the Soviet Union and in recognition of the fact that they had been given rapid deployment of some $150 million in material from the Soviet Union in the previous 60 days, in recognition of the fact that this was a coordinated attack bringing in all aspects of the military inside Nicaragua, it was sending a message throughout Central America that an ally of the Soviet Union would be heavily financed, heavily supported and given the opportunity to attack its neighbors.

The only question that remained for the world and for Central America in particular was where would the United States stand and what would the United States do when an ally and friend and fellow democracy were under attack?

As you know, much request was made of the Congress by the President and his personal staff, the White House staff on Wednesday. We also know that Mr. D'Escoto, the Foreign Minister for the Managua regime, used his efforts to engage in a disinformation campaign to claim that there was no incursion and that any crossings were inadvertent. He failed, of course, to clear that with Daniel Ortega, the President of Nicaragua because Mr. Ortega boasted he had 6,000 Sandinista troops involved in this operation.

On Wednesday evening the President decided to deploy 3,200 American troops on a training exercise. This action sent tremors throughout the invading armies. They immediately foundered in place. The next day the Honduran Government gave a 24-hour ultimatum to Nicaragua to withdraw their troops. And when they failed to do so, they engaged in two air strikes against them with the result that the Sandinista troops immediately began to withdraw. They fell into disarray and began to return across the border back into Nicaragua.

Very simply the point of my conclusion is, Mr. Speaker, that the President's swift action sent a clear and unmistakable message not only to our ally in Honduras but to Democrats in the region, around the world and particularly those next to us in the Americas, that we are a faithful, reliable ally that when we choose to stand with a democrat, we are there in times of stress and in times of success.

In Costa Rica where the democracy is under attack, in El Salvador where the democracy is under attack, in Panama where the situation is very, very untenable at the present time, it was a vitally important message that the President sent. I am delighted to report tonight that the peace process can now proceed, that the destruction of the democratic resistance was not successful and that now we can begin to get about the serious business of achieving peace in the region because America stood with the democracies.

Mr. Speaker, I yield to the chairman of the delegation, the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman and support what he said here this afternoon.

I want to thank him for going on this trip with seven other Members, one of whom, Mr. HUNTER of California, is here now. I thought it was successful.

The gentleman pointed out that it brought the presence of American forces and it boosted the Honduran Army as well as their Government, as well as our allies in that part of the world.

I want to touch on this: The American forces that went down to Honduras are some of the finest that I have ever seen.

As the gentleman mentioned, these young men and women from the 82d Airborne, two battalions and two battalions from the 7th Infantry of the 27th Regiment, 2d and 3d battalions; some of the finest young men, soldiers that I have ever seen.

They did their jobs. And I would hope now that the gentleman in the well and the President as Commander in Chief would bring those Americans home. I think they have done their job. They worked hard. It is tough-tough down there, not in any danger of getting involved with the Sandinistas, but it is a hot, tough climate. They worked 20 to 24 hours a day. I would hope that the President would bring them back home.

Mr. MCEWEN. I thank the gentleman for his statement. I have made no secret of my very deep admiration which I hold for the chairman of the Committee on Veterans' Affairs and his leadership in this Congress and I thank him for leading this delegation at a most propitious moment in the course of Central American democracy.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Ohio for putting this special order on, and also thank Mr. MONTGOMERY, our chairman, who went down at the spur of the moment, without a lot of time to prepare and to arrange scheduled. We went down because he, like the gentleman from Ohio and the other members of the delegation were concerned about American forces and their well-being.

You know, I think an important message should come out of this: When Ronald Reagan sent the 82d Airborne and elements from the 7th Division down to Honduras, Sandinistas were killing Contras, attacking them in their base camp in Honduras. Honduras was reluctant to take on and

to stand up to a very superior, in numbers, Sandinista force. They looked to the United States to stand behind them. They wanted to see that we as their friends stood with them.

So these people came down because the Sandinistas were killing Contras, and because we were there the Hondurans made an air strike against the Sandinista bases and did not kill personnel to our knowledge. And because of that the Sandinistas disengaged from the Contras, moved back across the border to their own country, to Nicaragua.

The point is that by taking decisive action the President of the United States saved lives, he did not expend lives. No lives have been lost in this exercise in Honduras.

To our knowledge, no lives were lost in the air strike on the Sandinista bases. Yet we know that many lives were being lost in the Contra forces and in the Sandinista forces because of the very treacherous attack by the Sandinistas at a time when they said they were ready to follow the Arias Peace Plan before the United States arrived.

So by arriving in Honduras and giving that political will to the Hondurans to stand up to their very tough neighbors, the Communist Sandinistas, the President of the United States brought about a cessation of hostilities and saved lives, Nicaraguan lives, Honduran lives. I think that is a point that we should look at when we inspect our future policy with regard to Central America.

Very clearly, if we do not help the freedom fighters, if we do not help people who are struggling for freedom there and who are opposing the Communist Sandinistas who are hosting the Soviet Union in several bases in Nicaragua, we may one day see our young men and women fighting in Central America.

The way to prevent that is to take some curative action, some preventative action right now, and that is to help the people who are fighting for their own freedom and at the same time fighting for the security of the Americas, of this hemisphere.

I was impressed that although that is Central America, they are Hondurans, and we are North Americans, we are all Americans living in the same hemisphere and share the same interest in security.

I want to thank the gentleman for his articulate presentation as well as his articulate interchange/exchange with the President of the United States this morning. I thought he laid out the exercise in a very clear and convincing way and the facts and the result have been proven that he is right, that what we did was correct.

Mr. McEWEN. I thank the gentleman very much. I would conclude with just two quick observations, as the gentleman just articulated.

When an ally is under attack, whether it be in Israel, whether it be in Western Europe or wherever, in Central America, the United States as the leader of the free world has three responses: No. 1, we can close our eyes, hold our ears and say, "We don't care, we really don't care about freedom and democracy. If a nation falls behind or under the hammer and sickle then so be it." That is response No. 1.

Response No. 2 is that we can send aid to those fighting for their own independence, freedom and democracy. That is what America has done throughout its proud 200-year history.

Response No. 3 is we can send troops to do it ourselves. And that is one that we have chosen only five or six times throughout our history to engage in.

When the Congress of the United States denied the President option number two to continue to assist the democratic resistance, last week with an invasion into an ally and friend in Honduras he was left with only option one, do absolutely nothing or option No. 3, to use American troops.

To those of us that prefer the nonuse of troops, it is absolutely essential that we immediately reestablish assistance to the democratic resistance in Central America so that they can carry their cause forward themselves, which is their desire to do.

I would point out that when we funded the democratic resistance it brought the Sandinistas to the table, it opened up La Prensa, it caused a freeing of many of the political prisoners, it established the religious leader, Obando y. Bravo, their cardinal, as a mediator in the negotations.

But once the House of Representatives, the Congress of the United States voted to deny aid to the democratic resistance, immediately we saw the collapse of any opening toward democracy we saw war, we saw the incursion into its neighbors and we saw the beginning of hostilities.

So for those of us who want peace, for those of us who want a cessation of hostilities, for those of us who believe in the peace process, we understand that it is essential for us to support our allies and friends and send the message to the world, specifically that region which is this: If you become an ally of the Soviet Union, you can rest assured that they will give all that you request in military and personal and humanitarian aid to fund their allies. The question is what do you get when you side with democracy, freedom and the United States? The Congress of the United States has sent a very ambiguous response in recent years. Fortunately, the President of the United States has shored up our reputation by saying, "If you are attacked we will stand with you."

Now the question before the Congress for the next 10 to 14 days is can the President's actions stand alone? Will we stand with him for democracy, for peace and for freedom or will this House once again say to our adversaries in the world, "If you wish to insert your doctrine and your oppression against our allies, we will not lift a finger against you."

That is the dilemma that is facing America today and I wanted to take this opportunity to show that when the President acts for what is right that democracy wins.

□ 1730

## THE SATELLITE DISH OWNERS' RIGHT TO TELEVISION PROGRAM ACCESS

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

Mr. JOHNSON of South Dakota. Mr. Speaker, Members of the House are coming together once again to express bipartisan, unified support on an issue where consideration by Congress is long overdue. In recent years, the rural satellite dish owner has been unfairly denied the right to receive satellite signals that should be available to everyone at a reasonable and fair cost. In my own State of South Dakota, people in rural areas have invested thousands of dollars in satellite dishes so that they can enjoy the same programming that those in urban areas do. The problem is that on top of this investment, dish owners are forced to purchase not one, but many times three or four, separate descramblers to be able to view the programming of their choice.

My constituents are not looking for a free ride. What they are asking for is to get these services at a reasonable, competitive price—they certainly have the right to have access to programming which a vast majority of this country already has or will have at fair and reasonable rates. We need a distribution system that does not discriminate in prices or conditions.

That is why I am a cosponsor of H.R. 1885, the Satellite Television Fair Marketing Act. This legislation is designed to ensure competition in the marketplace by requiring that those scrambling satellite services intended for private viewing must make those services available to home satellite dish owners. The bill further provides the Federal Communications Commission with the authority to establish uniform standards for encryption.

It is critical that this bill be moved as soon as possible in an effort to bring fairness and equity to millions of rural Americans who have chosen to invest in satellite dishes. I would urge my colleagues to support this legislation, and I would urge Members on the Energy and Commerce Committee to move this bill to the floor as soon as possible.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MADIGAN (at the request of Mr. MICHEL) from 12:30 p.m. today on account of illness.

Mr. GRAY of Illinois (at the request of Mr. FOLEY) for today and the balance of the week on account of illness.

## 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. MCMILLAN of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. MORRISON of Washington, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. CRANE, for 60 minutes, on March 29.

Mr. MCEWEN, for 10 minutes, today.

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

Mr. WEISS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ANTHONY, for 5 minutes, today.

Ms. OAKAR, for 60 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

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

Mr. CONYERS, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. JOHNSON, of South Dakota, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on March 24.

## EXTENSION OF REMARKS

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

Mr. DYMALLY of California and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,783.

(The following Members (at the request of Mr. MCMILLIAN of North Carolina) and to include extraneous material:)

Mr. RINALDO.

Mr. GOODLING.

Mr. MCDADE.

Mr. DUNCAN.

Mr. CRANE.

Mr. PORTER in two instances.

Mr. DORNAN of California in two instances.

Mr. VUCANOVICH.

Mr. LUJAN in two instances.

Mr. HANSEN.

Mr. SHAW.

Mr. KONNYU.

Mr. HYDE.

Mr. HANSEN.

Mr. WELDON.

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

Mr. WYDEN.

Mr. CLAY in two instances.

Mr. TALLON.

Mr. LANTOS in two instances.

Mr. TRAXLER.

Mr. SHARP.

Mr. YATRON.

Mr. DIXON.

Mr. SYNAR.

Mr. TORRICELLI.

Mr. FLORIO.

Mr. FORD of Michigan.

Mr. FAZIO.

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

Mr. OBEY.

Mr. MATSUI.

Mr. HOWARD.

Mr. DYMALLY.

Mr. KOSTMAYER.

Mr. LEHMAN of Florida.

Mr. CROCKETT.

Mr. LANTOS.

Mr. LEHMAN of California.

Mr. UDALL.

Mr. APPLEGATE.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 952. An act to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; to the Committee on the Judiciary.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 23, 1988, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3191. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to increase the rates of basic pay, basic allowance for quarters, and basic allowance for subsistence for members of the Uniformed Services; to the Committee on Armed Services.

3192. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-148, "New Streets or Alleys Amendment Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3193. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-149, "District of Columbia Taxicab Commission Fund Amendment Act of 1988," and report, purusant to D.C. section 1-233(c)(1); to the Committee on the District of Columbia.

3194. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-150, "District of Columbia Vehicle Cover Requirement Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3195. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-151, "District of Columbia Taxicab Commission Establishment Act of 1985 Amendment Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3196. A letter from the Chairman, Securities and Exchange Commission, transmitting the 16th annual report of the Securities Investor Protection Corporation for the year 1986, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Energy and Commerce.

3197. A letter from the Secretary of State, transmitting notification of the Determination by the Secretary that the furnishing of assistance to Ecuador, which is more than 6 months in default on loans made under the FAA of 1961, as amended, is in the national interest; copies of the Determination and the Justification enclosed, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

3198. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3199. A letter from the National Treasurer, Pearl Harbor Survivors Association, transmitting copies of the Association's financial statements for the year ended September 30, 1987, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

3200. A letter from the Secretary, The Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 1987, pursuant to 36 U.S.C. 1101(22), 1103; to the Committee on the Judiciary.

3201. A letter from the Comptroller General, General Accounting Office, transmitting a report on the review of the Federal Milk Marketing Order Program and its impact on dairy surpluses, as well as regional issues (GAO/RCED-88-9; March 1988); jointly, to the Committees on Government Operations and Agriculture.

3202. A letter from the Secretary of Transportation, transmitting the Department's 1986 annual report on the administration of the Pipeline Safety Act of 1979 for the period January 1, 1986, through December 31, 1986, pursuant to 49 U.S.C. App. 1683(a); jointly, to the Committees on Energy and Commerce, and Public Works and Transportation.

3203. A letter from the Comptroller General of the United States, transmitting a special report entitled: "Controlling Drug Abuse: A Status Report; jointly, to the Committees on Government Operations, Education and Labor, Foreign Affairs, Energy and Commerce, and the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. Howard: Committee on Public Works and Transportation. H.R. 2266. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; with an amendment (Rept. 100-445, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GRAY of Pennsylvania: Committee on the Budget. House Concurrent Resolution 268. A resolution setting forth the congressional budget for the United States Government for the fiscal years 1989, 1990, and 1991 (Rept. 100-523. Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 410. A resolution providing for the consideration of House Concurrent Resolution 268, a concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1989, 1990, and 1991 (Rept. 100-524. Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWDY of Mississippi (for himself, Mr. SMITH of New Jersey, Mrs. PATTERSON, Mr. WYLIE, Mr. JONTZ, Mr. RIDGE, Mr. EVANS, Mr. DORNAN of California, Ms. KAPTUR, Mr. KENNEDY, Mr. MONTGOMERY, Mr. SOLOMON, Mr. HAMMERSCHMIDT, Mr. JOHNSON of South Dakota, Mr. SLATTERY, and Mr. KILDEE):

H.R. 4213. A bill to amend title 38, United States Code, with respect to the Montgomery GI bill; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BIAGGI, Mr. BOEHLERT, Mr. DIOGUARDI, Mr. DOWNEY of New York, Mr. FISH, Mr. FLAKE, Mr. GARCIA, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LAFALCE, Mr. LENT, Mr. MANTON, Mr. MCGRATH, Mr. MCHUGH, Mr. MOLINARI, Mr. NOWAK, Mr. OWENS of New York, Mr. SCHEUER, Mr. SCHUMER, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. STRATTON, Mr. TOWNS, and Mr. WEISS):

H.R. 4214. A bill to rename the State and local narcotics control assistance provisions of the Anti-Drug Abuse Act of 1986 in memory of New York City police officer Edward Byrne, who was slain on February 26, 1988, while guarding the home of a witness in a criminal case involving narcotics; to the Committee on the Judiciary.

By Mr. ANTHONY:

H.R. 4215. A bill to amend the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools by extending the deadlines for local educational agencies to submit asbestos management plans to State Governors and to begin implementation of those plans; to the Committee on Energy and Commerce.

By Mr. APPLEGATE (for himself, Mr. MCEWEN, Mr. MONTGOMERY, and Mr. SOLOMON):

H.R. 4216. A bill to amend title 38, United States Code, to increase the rates of compensation and dependency and indemnity compensation [DIC] payable to veterans with service-connected disabilities and their survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOULTER (for himself and Mr. COMBEST):

H.R. 4217. A bill to authorize the Secretary of the Interior to construct, operate, test, and maintain the Lake Meredith Salinity control Project, New Mexico and Texas; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of California (for himself, Mr. WALKER, Mr. VOLKMER, Mr. TORRICELLI, Mr. PERKINS, and Mr. BATEMAN):

H.R. 4218. A bill to require the National Aeronautics and Space Administration to investigate and promote the development of human settlements in space, and for other purposes; to the Committee on Science, Space and Technology.

By Mr. CRANE:

H.R. 4219. A bill to amend the Internal Revenue Code of 1986 to encourage the extended family unit by increasing the amount of the personal exemption for children and for older dependents who reside with the taxpayer, and for other purposes; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 4220. A bill to require analyses and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, to provide for deficit neutrality of new spending legislation, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MATSUI (for himself and Mr. VANDER JAGT):

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 4222. A bill to amend the Immigration and Nationality Act to extend for 6 months the application period under the legalization program; to the Committee on the Judiciary.

By Mr. MICHEL (for himself and Mr. HYDE):

H.R. 4223. A bill to protect the civil rights of Americans 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; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. MORRISON of Washington (for himself, Mr. SWIFT, and Mr. CHANDLER):

H.R. 4224. A bill to require the Secretary of Energy to develop a plan for demonstrating the technical feasibility of burning weapons grade nuclear materials that have been removed from dismantled nuclear weapons in nuclear reactors of the Department of Energy and to report to Congress on that plan, and to require the President to consider inviting the Soviet Union to participate in the demonstration; jointly, to the Committee on Armed Services and Science, Space and Technology.

By Mr. QUILLEN:

H.R. 4225. A bill relating to the treatment of certain furskins under the Endangered Species Act of 1973; to the Committee on Merchant and Fisheries.

By Mr. SHARP (for himself and Mrs. LLYOD):

H.R. 4226. A bill to promote the development and commercialization of renewable energy and energy conservation; jointly, to the Committees on Energy and Commerce and Science, Space and Technology.

By Mr. STANGELAND:

H.R. 4227. A bill to provide a grant to study how to minimize electric voltage differences in livestock holding and feeding areas; to the Committee on Agriculture.

By Mr. WYDEN (for himself and Mr. WAXMAN):

H.R. 4228. A bill to amend the Public Health Service Act to establish a grant program to provide for the education of the public with respect to acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

By Mr. RODINO:

H. Res. 408. Resolution providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on the Judiciary in the second session of the One Hundreth Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BIAGGI, Mr. BOEHLERT, Mr. DIOGUARDI, Mr. DOWNEY of New York, Mr. FISH, Mr. FLAKE, Mr. GARCIA, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LAFALCE, Mr. LENT, Mr. MANTON, Mr. MCGRATH, Mr. MCHUGH, Mr. MOLINARI, Mr. NOWAK, Mr. OWENS of New York, Mr. SCHEUER, Mr. SCHUMER, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. STRATTON, Mr. TOWNS, and Mr. WEISS):

H. Res. 409. Resolution expressing condolences to the family, friends, and colleagues of Officer Edward Byrne of the New York City Police Department for his tragic and untimely death; expressing support of, and appreciation to, law enforcement personnel in the United States; calling on the Congress to appropriate the maximum amount authorized to fund the law enforcement grant program established by the State and Local Law Enforcement Assistance Act of 1986; and calling on the Congress, the President, and the people of the United States to support the bill to rename such Act as the Edward Byrne Memorial State and Local Law Enforcement Assistance Act; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

286. By the SPEAKER: Memorial of the Nineteenth Legislature of Guam, relative to the designation of the point at Orote Penin-

sula as Udall Point, to the Committee on Interior and Insular Affairs.

287. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to attorney's fees; to the Committee on the Judiciary.

288. Also, memorial for the General Assembly of the Commonwealth of Virginia, relative to commercial zone motor carrier operations; to the Committee on Public Works and Transporation.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS:

H. Con. Res. 269. Concurrent resolution commending the men and women of the Loyal Order of Moose who together have given 100 years of civic, charitable, and benevolent service to their fellow citizens in the finest spirit of American voluntarism; to the Committee on Post Office and Civil Service.

## ADDITIONAL SPONSORS

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

H.R. 190: Mr. HALL of Ohio and Mr. BLAZ.

H.R. 245: Mr. BRYANT and Mr. HANSEN.

H.R. 592: Mr. MAZZOLI, Mr. LEWIS of California, Mr. SPRATT, Mr. GRANDY, Mr. HOLLOWAY, and Mr. PURSELL.

H.R. 719. Mr. MOLLOHAN.

H.R. 722: Mr. BATES.

H.R. 807: Mr. BEILENSON.

H.R. 1201: Mrs. BOXER and Ms. OAKAR.

H.R. 1244: Mr. PANETTA.

H.R. 1417: Mr. CLINGER, Mr. PENNY, Mr. BONKER, Mr. TORRICELLI, and Mr. CONYERS.

H.R. 1433: Mr. MOODY.

H.R. 1583: Mr. ROTH, Mr. DONALD E. LUKENS, Mr. DEFAZIO, Mr. BERMAN, Mr. MINETA, and Mr. SCHULZE.

H.R. 1620: Mr. ROBERT F. SMITH.

H.R. 1638: Mr. TORRICELLI, Mr. RODINO, and Mr. BOEHLERT.

H.R. 1663: Mr. BURTON of Indiana, Mr. MORRISON of Washington, Mr. GRANDY, Mr. BEREUTER, and Mr. EMERSON.

H.R. 1957: Mr. ENGLISH, Mr. GOODLING, Mr. NELSON of Florida, Mr. SHARP, and Mr. MCCLOSKEY.

H.R. 2229: Mr. VOLKMER, Mr. HARRIS, Mr. FISH, and Mr. SOLOMON.

H.R. 2260: Mr. CLEMENT.

H.R. 2567: Mr. HAWKINS, Mr. FAUNTROY, Mr. STARK, Mr. OBERSTAR, and Mr. BUSTAMANTE.

H.R. 2750: Mr. MINETA, Mr. DEFAZIO, Mr. HOCHBRUECKNER, Mr. FUSTER, Mr. CLEMENT, Mr. TORRES, and Mr. HOWARD.

H.R. 2854: Mr. SOLARZ, Mr. FAUNTROY, Mr. MRAZEK, Mr. HAWKINS, and Mr. HERTEL.

H.R. 3009: Mr. CROCKETT.

H.R. 3144: Mr. SHAW, Mr. BARTLETT, Mr. DELAY, and Mr. SMITH of Texas.

H.R. 3324: Mr. CRAIG, Mr. ARMEY, Mr. EDWARDS of Oklahoma, Mr. DEFAZIO, Mr. COLEMAN of Missouri, and Mr. STUMP.

H.R. 3455: Mr. MARKEY.

H.R. 3485: Mr. STAGGERS and Mrs. PATTERSON.

H.R. 3552: Mr. EDWARDS of Oklahoma and Mr. SMITH of New Hampshire.

H.R. 3602: Mr. WILSON.

H.R. 3619: Mr. BUECHNER and Mr. SMITH of New Jersey.

H.R. 3628: Mr. DEWINE, Mr. STOKES, Mr. SABO, Mr. ATKINS, Mr. LUNGREN, Mr. SLATTERY, Mr. VENTO, Mr. COURTER, Mrs. MARTIN of Illinois, Mr. HILER, Mr. LEVIN of Michigan, Mr. SAXTON, Mr. MCGRATH, Mr. KILDEE, Mr. RIDGE, Mrs. ROUKEMA, Mr. MONTGOMERY, Mr. AKAKA, Mr. HOCHBRUECKNER, and Mr. LAFALCE.

H.R. 3726: Mr. FISH and Mr. CROCKETT.

H.R. 3806: Mr. FISH, Mr. MAVROULES, Mr. SHUMWAY, Mr. BUSTAMANTE, Mr. TORRES, Mr. MARTINEZ, Mr. ROYBAL, Mr. BLAZ, Mr. ORTIZ, Mr. ROE, Mr. MFUME, and Mr. RANGEL.

H.R. 3807: Mr. GRANT.

H.R. 3822: Mr. MINETA.

H.R. 3892: Mr. ECKART.

H.R. 3893: Mr. MCMILLAN of North Carolina, Mrs. BENTLEY, and Mr. PRICE of North Carolina.

H.R. 3907: Mr. WOLPE, Mr. ALEXANDER, Mr. STAGGERS, Mr. PANETTA, Mr. MCMILLAN of North Carolina, Mr. NEAL, Mr. BUNNING, Mr. LEWIS of Georgia, Mr. KOSTMAYER, Mr. KOLBE, Mr. MORRISON of Washington, and Mr. EDWARDS of Oklahoma.

H.R. 3914: Mr. FOGLIETTA, Mr. BUSTAMANTE, Mr. MANTON, and Mr. LELAND.

H.R. 3955: Mr. EVANS, Mr. WOLF, and Mrs. VUCANOVICH.

H.R. 3969: Mr. FORD of Michigan.

H.R. 4002: Mr. BEREUTER, Mr. LEWIS of Georgia, Mr. PURSELL, and Mr. WOLF.

H.R. 4011: Mr. RAVENEL, Mr. STALLINGS, Mr. NIELSON of Utah, Mr. MCGRATH, Mr. DEFAZIO, Mr. RICHARDSON, Mr. EVANS, and Mr. OLIN.

H.R. 4012: Mr. ST GERMAIN, Ms. OAKAR, Mr. HORTON, Mr. MORRISON of Connecticut, Mr. OWENS of New York, Mr. HUBBARD, Mr. SCHUMER, Mr. ACKERMAN, and Mr. FAUNTROY.

H.R. 4015: Mr. DORGAN of North Dakota, Mr. DAUB, Mr. DORNAN of California, Mr. MARLENEE, Mr. ROE, Mr. LAGOMARSINO, Mr. HILER, Mr. SCHAEFER, Mr. DONALD E. LUKENS, Mr. DENNY SMITH, Mr. BOEHLERT, Mr. ROWLAND of Connecticut, Mr. HORTON, Mr. ENGLISH, Mr. TRAXLER, and Mr. ROTH.

H.R. 4066: Mr. BRYANT, Mr. ATKINS, Mr. MCGRATH, Mr. MRAZEK, Mr. LEWIS of Georgia, Mr. KEMP, Mr. SHUMWAY, Mr. DEFAZIO, Mr. DOWNEY of New York, Mr. FAZIO, Mr. EVANS, and Mr. DAVIS of Illinois.

H.R. 4067: Mr. WHITTAKER, Mrs. BENTLEY, and Mr. FAWELL.

H.R. 4074: Mrs. VUCANOVICH.

H.R. 4093: Mr. DEFAZIO.

H.R. 4111: Mr. VENTO, Mr. ROE, Mr. GONZALEZ, Mr. EDWARDS of California, Mr. BOEHLERT, and Mr. HORTON.

H.R. 4155: Mr. BUSTAMANTE, Mr. LANCASTER, Mr. DAVIS of Illinois, and Mr. HERTEL.

H.R. 4203: Mr. OXLEY, Mr. LAGOMARSINO, Mr. RITTER, Mr. EMERSON, Mr. DREIER of California, Mr. HUNTER, Mr. STANGELAND, Mr. DONALD E. LUKENS, Mr. SMITH of Texas, Mr. DAUB, Mr. BALLENGER, Mr. SKEEN, Mr. SWINDALL, Mr. YOUNG of Florida, Mr. HILER, and Mr. SHUMWAY.

H.J. Res. 145: Mr. WOLF, Mr. WYDEN, Mr. TAUKE, Mr. LAGOMARSINO, and Mr. COLEMAN of Missouri.

H.J. Res. 330: Mr. TOWNS, Mr. CARDIN, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, and Mr. GARCIA.

H.J. Res. 388: Mr. BORSKI, Mr. CALLAHAN, Mr. DICKINSON, Mr. DYMALLY, Mr. DYSON, Mr. HOWARD, Mr. KASTENMEIER, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. MOLLOHAN, Mrs. MORELLA, and Ms. SLAUGHTER of New York.

H.J. Res. 391: Mr. WHEAT, Mrs. MORELLA, and Mr. PANETTA.

H.J. Res. 420: Mr. RANGEL, Mr. INHOFE, Mr. SYNAR, Mr. LANCASTER, Mr. MORRISON of Connecticut, and Mr. HOWARD.

H.J. Res. 429: Mr. ROE, Mr. HENRY, Mr. CHENEY, Mr. FLORIO, Mr. GALLO, Mr. MCHUGH, Mr. SCHUETTE, Mr. KOSTMAYER, Mr. KASICH, Mr. ROWLAND of Connecticut, Mr. GUNDERSON, Mr. DIOGUARDI, Mr. PARRIS, Mr. ROSTENKOWSKI, and Mr. QUILLEN.

H.J. Res. 432: Ms. OAKAR, Mr. ORTIZ, Mr. PEPPER, Mr. SABO, Mr. DENNY SMITH, Mr. LEHMAN of California, Mr. ROBERTS, Mr. HUNTER, Mr. WHITTEN, Mr. RITTER, Mr. MOODY, Mr. CAMPBELL, Mr. TAYLOR, Mr. VALENTINE, Mr. BUSTAMANTE, Mr. GARCIA, Mr. MCEWEN, Mr. MAVROULES, Mr. CHAPMAN, Mr. CLARKE, Mr. INHOFE, Mr. VENTO, Mr. FISH, Mr. SAWYER, Mr. SOLOMON, Mr. PARRIS, Mr. FAUNTROY, Mr. BRYANT, Mr. CONTE, Mr. LEACH of Iowa, Mr. FRANK, Mr. SPRATT, Mr. ECKART, Mr. CHENEY, Mr. LUNGREN, Mr. SKAGGS, Mr. BURTON of Indiana, Mr. SWINDALL, Mr. CHANDLER, Mr. RUSSO, Mr. HANSEN, Mr. HOYER, Mr. FLORIO, Mr. HOUGHTON, Mr. HASTERT, Mr. MARKEY, Mr. MOLLOHAN, Mr. ATKINS, Mr. IRELAND, Mr. HYDE, and Mr. STAGGERS.

H.J. Res. 459: Mr. DERRICK, Mr. WOLPE, Mr. RUSSO, Mr. MACKAY, Mr. OBERSTAR, Mr. DENNY SMITH, Mr. LEATH of Texas, Mr. SUNDQUIST, Mr. BATES, Mr. ROSE, Mrs. BYRON, Mr. CARPER, Mr. MANTON, and Mr. NELSON of Florida.

H.J. Res. 460: Mr. BATEMAN, Mrs. BENTLEY, Mr. COBLE, Mr. EVANS, Mr. FASCELL, Mr. KASICH, and Mr. THOMAS A. LUKEN.

H.J. Res. 467: Mrs. BOXER, Mr. MATSUI, Mrs. LLOYD, Mr. OWENS of New York, Mr. HOWARD, Mr. GRANT, Mr. EMERSON, Mr. WOLF, Mr. KOLTER, Mr. KANJORSKI, Mr. WILSON, Mr. KOSTMAYER, Mr. RANGEL, and Mr. FAUNTROY.

H.J. Res. 488: Mr. HOYER, Mr. DYSON, Mr. SMITH of New Jersey, Mr. GRAY of Illinois, Mr. MANTON, Mr. HARRIS, Mr. HENRY, Mr. OWENS of New York, Mr. BRYANT, Mr. KOLTER, Mrs. PATTERSON, Mr. ROWLAND of Connecticut; Mr. WOLF, Mrs. BYRON, Mr. FUSTER, Mrs. JOHNSON of Connecticut, Mr. GEJDENSON, Mr. HORTON, Mr. MAZZOLI, Mr. LIPINSKI, Mr. FASCELL, Mr. YOUNG, of Florida, Mr. BENNETT, Mr. ROBINSON, Mr. ROE, Mr. MATSUI, Mr. VOLKMER, Mr. LAGOMARSINO,

H.J. Res. 489: Mr. LEVINE of California, Mr. DORNAN of California, Mr. GRANDY, Mr. FAWELL, Mr. SKELTON, Mr. OWENS of New York, Mr. COURTER, Mr. DEFAZIO, Mr. SOLOMON, Mr. FROST, Mr. ANDERSON, Mr. ROWLAND of Connecticut, Mr. LANCASTER, Mr. UPTON, and Mr. SUNIA.

H.J. Res. 507: Mr. BERMAN and Mr. STARK.

H. Con. Res. 241: Mr. ATKINS and Mr. ECKART.

H. Con. Res. 252: Mrs. VUCANOVICH.

H. Con. Res. 257: Mr. OWENS of New York, Mr. TORRES, Mr. HOCHBRUECKNER, Mr. TAUZIN, Mr. MCGRATH, Mr. BROWN of California, Mr. FAUNTROY, Mr. BERMAN, Mr. COURTER, Mr. SMITH of Florida, Mr. LEWIS of Georgia, Mr. SCHEUER, and Mr. RICHARDSON.

H. Con. Res. 260: Mr. LOWRY of Washington, Mr. BEVILL, Mr. FORD of Tennessee, Mr. ARMEY, Mr. SCHUETTE, Mr. SOLARZ, Mr. CHANDLER, and Mr. BERMAN.

H. Con. Res. 262: Mr. MANTON, Mr. SABO, Mr. GAYDOS, Miss SCHNEIDER, Mr. JOHNSON of South Dakota, Mr. GRANT, Mr. BOSCO, Mr. HASTERT, Mr. AKAKA, Mr. PERKINS, Mr. GRAY of Pennsylvania, Mr. GRAY of Illinois, Mr. ACKERMAN, Mr. CARDIN, Mr. BILBRAY, Mr. RIDGE, Mr. WELDON, Mr. MURPHY, Mr.

CLEMENT, Mr. JONTZ, Mr. OBERSTAR, Mr. TRAFICANT, Mr. KANJORSKI, Mr. OWENS of New York, Mr. BRUCE, Ms. KAPTUR, Mr. FISH, Mr. TORRICELLI, Mr. FRANK, Mr. KOSTMAYER, Mr. WEISS, Mr. GEJDENSON, Mr. YOUNG of Alaska, Mr. BONKER, Mr. VISCLOSKY, Ms. SLAUGHTER of New York, and Mr. MCMILLEN of Maryland.

H. Res. 271: Mr. GEKAS, and Mr. DYMALLY.

H. Res. 400: Mr. APPLEGATE, Mr. BOSCO, Mr. CLINGER, Mr. COELHO, Mr. DE LUGO, Mr. GRAY of Illinois, Mr. HALL of Ohio, Mr. HEFNER, Mr. LANTOS, Mr. LIGHTFOOT, Mr. MINETA, Mr. ROE, Mr. SHAW, Mr. STANGELAND, Mr. TRAFICANT, Mr. WOLPE, and Mr. YATRON.

H. Res. 404: Mr. HUBBARD and Mr. HILER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 3905: Mr. DORNAN of California.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. CON. RES. 268 (amendment in the nature of a substitute)

By Mr. DANNEMEYER:

—Strike everything after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1989 is hereby established and the appropriate budgetary levels for fiscal years 1990 and 1991 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1988, October 1, 1989, and October 1, 1990:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1989 : $721,000,000,000.
Fiscal year 1990 : $788,600,000,000.
Fiscal year 1991 : $850,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1989 : $0.
Fiscal year 1990 : $0.
Fiscal year 1991 : $0.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1989 : $964,409,000,000.
Fiscal year 1990 : $992,894,000,000.
Fiscal year 1991 : $1,050,815,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1989: $882,239,000,000.
Fiscal year 1990: $909,308,000,000.
Fiscal year 1991: $941,455,000,000.

(4)(A) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1989: $161,239,000,000.
Fiscal year 1990: $120,708,000,000.
Fiscal year 1991: $90,655,000,000.

(B) For purposes of the maximum deficit amount mandated by the Balanced Budget and Emergency Deficit Control Act of 1985 and section 301(i) of the Congressional Budget Act of 1974 only, the appropriate levels of total new budget authority, budget outlays, Federal revenues, and deficits, including receipts and disbursements of the Federal Old-Age and Survivors Trust Fund and the Federal Disability Trust Fund, are as follows:

New budget authority:
Fiscal year 1989: $1,238,877,000,000.
Fiscal year 1990: $1,297,070,000,000.
Fiscal year 1991: $1,384,633,000,000.
Outlays:
Fiscal year 1989: $1,110,707,000,000.
Fiscal year 1990: $1,155,218,000,000.
Fiscal year 1991: $1,205,465,000,000.
Revenues:
Fiscal year 1989: $908,000,000,000.
Fiscal year 1990: $1,071,800,000,000.
Fiscal year 1991: $1,157,600,000,000.
Deficit:
Fiscal year 1989: $130,707,000,000.
Fiscal year 1990: $83,418,000,000.
Fiscal year 1991: $47,865,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1989: $2,823,400,000,000.
Fiscal year 1990: $3,063,150,000,000.
Fiscal year 1991: $3,288,350,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1988, October 1, 1989, and October 1, 1990, are as follows:

Fiscal year 1989:
(A) New direct loan obligations, $28,300,000,000.
(B) New primary loan guarantee commitments, $113,450,000,000.
(C) New secondary loan guarantee commitments, $83,600,000,000.
Fiscal year 1990:
(A) New direct loan obligations, $27,000,000,000.
(B) New primary loan guarantee commitments, $123,050,000,000.
(C) New secondary loan guarantee commitments, $84,500,000,000.
Fiscal year 1991:
(A) New direct loan obligations, $25,900,000,000.
(B) New primary loan guarantee commitments, $129,150,000,000.
(C) New secondary loan guarantee commitments, $85,400,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1989 through 1991 for each major functional category are:

(1) National Defense (050):
Fiscal year 1989:
(A) New budget authority, $307,508,000,000.
(B) Outlays, $295,376,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $320,408,000,000.
(B) Outlays, $306,253,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $333,399,000,000.
(B) Outlays, $319,565,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1989:
(A) New budget authority, $17,029,000,000.
(B) Outlays, $16,579,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $17,858,000,000.
(B) Outlays, $16,421,000,000.
(C) New direct loan obligations, $6,000,000,000.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary plan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $18,506,000,000.
(B) Outlays, $16,490,000,000.
(C) New direct loan obligations, $6,100,000,000.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):
Fiscal year 1989:
(A) New budget authority, $11,189,000,000.
(B) Outlays, $11,518,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $11,657,000,000.
(B) Outlays, $11,806,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $12,124,000,000.
(B) Outlays, $12,074,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1989:
(A) New budget authority, $5,607,000,000.
(B) Outlays, $4,797,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $1,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $6,093,000,000.
(B) Outlays, $4,802,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $1,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $5,911,000,000.
(B) Outlays, $4,393,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $1,400,000,000.
(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1989:
(A) New budget authority, $16,218,000,000.
(B) Outlays, $16,274,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $16,945,000,000.
(B) Outlays, $17,113,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $17,632,000,000.
(B) Outlays, $17,528,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1989:
(A) New budget authority, $26,557,000,000.
(B) Outlays, $22,551,000,000.
(C) New direct loan obligations, $16,000,000,000.
(D) New primary loan guarantee commitments, $7,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $25,416,000,000.
(B) Outlays, $22,068,000,000.
(C) New direct loan obligations, $15,000,000,000.
(D) New primary loan guarantee commitments, $7,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $22,466,000,000.
(B) Outlays, $20,183,000,000.
(C) New direct loan obligations, $14,000,000,000.
(D) New primary loan guarantee commitments, $7,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1989:
(A) New budget authority, $13,767,000,000.
(B) Outlays, $9,387,000,000.
(C) New direct loan obligations, $2,500,000,000.
(D) New primary loan guarantee commitments, $65,700,000,000.
(E) New secondary loan guarantee commitments, $83,600,000,000.
Fiscal year 1990:
(A) New budget authority, $14,795,000,000.
(B) Outlays, $7,697,000,000.
(C) New direct loan obligations, $2,500,000,000.
(D) New primary loan guarantee commitments, $67,600,000,000.
(E) New secondary loan guarantee commitments, $84,500,000,000.
Fiscal year 1991:
(A) New budget authority, $9,875,000,000.
(B) Outlays, $4,299,000,000.
(C) New direct loan obligations, $2,500,000,000.
(D) New primary loan guarantee commitments, $70,000,000,000.
(E) New secondary loan guarantee commitments, $85,400,000,000.
(8) Transportation (400):
Fiscal year 1989:
(A) New budget authority, $28,574,000,000.
(B) Outlays, $27,988,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $29,073,000,000.
(B) Outlays, $28,785,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $29,785,000,000.
(B) Outlays, $29,820,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1989:
(A) New budget authority, $7,796,000,000.
(B) Outlays, $6,656,000,000.
(C) New direct loan obligations, $80,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990
(A) New budget authority, $7,571,000,000.
(B) Outlays, $7,137,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $7,787,000,000.
(B) Outlays, $6,919,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1989:
(A) New budget authority, $36,819,000,000.
(B) Outlays, $35,858,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $38,144,000,000.
(B) Outlays, $37,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $39,046,000,000.
(B) Outlays, $38,155,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $11,000,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1989:
(A) New budget authority, $50,331,000,000.
(B) Outlays, $49,389,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $55,120,000,000.
(B) Outlays, $54,899,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $60,728,000,000.
(B) Outlays, $59,965,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1989:
(A) New budget authority, $104,362,000,000.
(B) Outlays, $87,001,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $114,529,000,000.
(B) Outlays, $98,180,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $126,240,000,000.
(B) Outlays, $109,660,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1989:
(A) New budget authority, $178,056,000,000.
(B) Outlays, $139,022,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $184,523,000,000.
(B) Outlays, $147,122,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $218,827,000,000.
(B) Outlays, $155,172,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1989:
(A) New budget authority, $5,316,000,000.
(B) Outlays, $5,316,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $5,374,000,000.
(B) Outlays, $5,374,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991
(A) New budget authority, $4,287,000,000.
(B) Outlays, $4,287,000,000.
(C) New direct loan obligations, $0.
(D) New Primary loan Guarantee Commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1989:
(A) New budget authority, $29,130,000,000.
(B) Outlays, $28,603,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New Primary loan Guarantee Commitments, $20,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $31,355,000,000.
(B) Outlays, $30,289,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New Primary loan Guarantee Commitments, $26,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $31,975,000,000.
(B) Outlays, $31,035,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New Primary loan Guarantee Commitments, $29,000,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1989:
(A) New budget authority, $8,690,000,000.
(B) Outlays, $8,506,000,000.
(C) New direct loan obligations, $0.
(D) New Primary loan Guarantee Commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $8,938,000,000.
(B) Outlays, $8,877,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $10,096,000,000.
(B) Outlays, $10,028,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1989:
(A) New budget authority, $10,073,000,000.
(B) Outlays, $9,809,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $10,541,000,000.
(B) Outlays, $10,680,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $10,989,000,000.
(B) Outlays, $10,739,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1989:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1989:
(A) New budget authority, $145,278,000,000.
(B) Outlays, $145,278,000,000.
(C) New direct loan obligations, $0.
(D) New secondary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $133,998,000,000.
(B) Outlays, $133,998,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $132,463,000,000.
(B) Outlays, $132,463,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(2) Allowances (920):
Fiscal year 1989:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1989:
(A) New budget authority, −$37,891,000,000.
(B) Outlays, −$37,891,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, −$39,443,000,000.
(B) Outlays, −$39,443,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, −$41,319,000,000.
(B) Outlays, −$41,319,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

GOLD BONDS

SEC. 2. (a) The Congress shall consider legislation authorizing the issuance of Treasury obligations redeemable in gold, that—
(1) are known as Eagle bonds;
(2) have an annual investment yield not exceeding 1.75%;
(3) have an initial maturity of forty years, and may not be issued for less than twenty-five years;
(4) have principal and interest redeemable at maturity in gold;
(5) are intended to replace high-interest, short-term debt.
(b) The issuance of gold bonds is intended to achieve—
(1) a permanent reduction in the rate of interest on the public debt;
(2) a permanent reduction of the rate of interest on the private debt;
(3) a significant reduction of the Federal budget deficit;
(4) the elimination of the U.S. trade deficit.

TAX AMNESTY

SEC. 3. (a) The Congress shall consider legislation establishing a Federal tax amnesty program, that—
(1) authorizes a one-time amnesty from criminal and civil tax penalties for taxpayers who notify the Internal Revenue Service of previous underpayments of Federal tax and pay such underpayments in full;
(2) shall be in effect for a three month period beginning July 1, 1988;
(3) applies to all payments relating to tax years ending on or before December 31, 1986.
(b) Revenues collected pursuant to this program shall be used solely for the purpose of reducing the Federal deficit.

# EXTENSIONS OF REMARKS

## THE SO-CALLED JEWISH PROBLEM IN THE U.S.S.R.

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. PORTER. Mr. Speaker, 60 years ago millions of Jews were murdered. And, for too long, the world was left unaware because no one came forward to reveal the atrocities being committed. Today, hundreds of thousands of Jews and other innocent citizens suffer in the Soviet Union. Many people are imprisoned, held in exile, or institutionalized, solely because of their religious beliefs or desire to leave their country. Many Soviet citizens suffer from serious illnesses and are being denied passage to the West for treatment.

Pam Cohen, President of the Union of Councils for Soviet Jews, recently sent me the translation of an open letter about the so-called Jewish problem in the Soviet Union. This letter was written by seven non-Jewish intellectuals, some of them associated with dissident human rights movements in the U.S.S.R., and sent to Mr. Yakovlev, Secretary of the Central Committee of the C.P.S.U., and four Soviet newspapers. This document emphasizes not the human and civil aspects of the Jewish problem in the U.S.S.R., but rather the danger threatening the mere existence of the Jewish community by the growing anti-semitism in that country.

Mr. Speaker, I am inserting this letter in the CONGRESSIONAL RECORD, as a statement of concern and a demonstration of a painful lesson history has taught us, and urge my colleagues to read it carefully. We must not remain silent during times of trouble.

UNION OF COUNCILS FOR SOVIET JEWS,
*Washington, DC.*

(The following letter was written in the fall of 1987 and transmitted to Dr. Lev Utevsky in Israel by former Prisoner-of-Conscience, Dr. Roald Zelichonok. It was translated by the Soviet Jewry Education and Information Center, Jerusalem, and edited by Dr. Lev Utevsky.

To: Secretary of the Central Committee of the CPSU, Yakovlev.

Newspapers: Verchernaya Moskva, Moskovsky Komosomoletz, Dokumenty i Fakty, Moskovskiye Novosti.

AN OPEN LETTER ABOUT THE SO-CALLED "JEWISH PROBLEM"

For a long time we have been deeply concerned with the growth of the aggressive nationalistic and anti-semitic mood in modern Russian society. The persons who are promoting this mood appear to be the best prepared social force, ideologically and organizationally, in the present epoch of change. Attempts to resist them strictly according to official internationalism seems to be hopeless.

Therefore, the discussion in our press about the activity of the "Pamyat Society," which has been in existence since May 1987, is remarkable for the strange paralysis and avoidance of the Jewish question. There is an impression that "someone" or "something" is not permitting the discussion on a level which could help people work out their own clear attitude on the problem which can be based on complete understanding. It is evident that to achieve such a clear attitude, it is necessary to arrive at a true presentation of the situation.

The problem cannot be formulated clearly before there is an end to the assertion that the Jewish question does not exist in the USSR and until there is an end to the defense of manifestations of social anti-Semitism as being atypical.

But "Pamyat" is not the only issue: It must be understood that the political situation in our country is unstable.

This is not the place to discuss the prospects of the development of the present situation; these prospects may be as unclear to higher authorities as they are to us.

For our letter, the following is important:

In the existing instability, aggressive Russian nationalism—the manifestations of which are not limited to "Pamyat"—aspires to become a real political force and suggests its own national-socialist version of "perestroika." In such a situation, Soviet Jews have reason to be apprehensive.

It is important to note also, that even the part of our society which strives for democratic change has no clear moral position on the national question.

From *Vechernaya Moskva*, September 7, 1987 and September 8, 1987, we learned that Ispolkom Mossoveta (Moscow municipality) forbade the meeting against anti-Semitism. [Ed. note: Planned to be held in Moscow on September 13, 1987.] Reading the text we felt shame. The appeal of the "Initiative Group" which was published in *Vechernaya Moskva* was a bitter reproach to us because we, non-Jews, were not the initiators of this struggle against anti-Semitism. But we were silent and our silence creates a shameful situation for us when we're forced to take the lead in the struggle against social anti-Semitism. And what is written about this in the newspapers?

As far as we know, there were six publications in Moscow and the central newspapers about the forbidden meeting.

Let us take for example the lengthy, anonymous article in *Izvestia* from September 18, 1987, "For Whom Does Our 'Perestroida' Give No Rest?" Every person who has no preconception, can see the contrast between the extremely delicate process of separating the positive from the negative in "Pamyat" (on one hand, "the pure aspiration of people to preserve the memory of their past" and on the other hand, "the Great Power of Chauvinism") and the direct insults against the members of the "Initiative Group" who are simply labeled "provocators" and are denied the possibility of having any "pure aspirations."

Moreover, the anonymous author of the article in *Izvestia* ominously hinted that the members of the "Initiative Group" are paid agents of Western intelligence. When it comes to this problem, our newspapers cannot take a step without using threats.

Thus, Orarefiev and Strokov in *Vechernaya Moskva* threaten the Jew with charges under Article 74 of the Criminal Code of the RSFSR: "Breach of national and racial equality."

The anonymous author, who perhaps forgot that the letter of the "Initiative Group" was published in *Vechernaya Moskva*, wrote that in this letter, the activity of some leaders of "Pamyat" are identified as the official opinion of the authorities. There is nothing of the kind in this letter, in fact just the opposite is true—the "Initiative Group" was looking for a dialogue with the authorities. This inane statement is an invention of the author of the *Izvestia*, the same as his statement about state anti-Semitism, though in the last case he perhaps knows better. He declared the official position in the following way: "We are internationalists—our attitude toward both anti-Semitism and Zionism is equally negative." But the same attitude toward anti-Semitism and Zionism is achieved by juggling the text and as a result, the good word "internationalism" is compromised.

Anti-Semitism is a hatred towards Jews who are considered to be the source and tool of all kinds of evil. This hatred is molded in various forms and takes various mythical and ideological covers. It applies in many pseudo-rational arguments. We know the Hellenistic myth about the "stinky Jews—man haters." For centuries the myth about the Jews as murderers of God and ministers of the devil was also illuminated in Christianity. Inside Christianity, nearly all the ideas and slogans of religious and secular anti-Semitism were formed piece by piece. "Jewish usury," condemned by the Catholic Church, became "World Jewish plutocracy" and later "domination by Zionist capital."

The German national-Socialists, whose anti-Semitism was based on biological concepts of the nation, considered the Jews as creators of both capitalism and bolshevism.

Zionism is the movement of the Jewish people to their own state. Sometimes this movement may be intertwined with Messianic hope. After the State of Israel was created, this movement became a movement for the emigration of as many Jews as possible to this State, for the revival and development of national culture with Israel as a center of this process.

In most competent Western encyclopedias, Zionism is defined just about this way, but Resolution 3373, adopted by the United Nations on December 10, 1976, by voices of the countries of our block and of Arab countries define Zionism as a "form of racism and racial discrimination." Incidentially, according to Article 10 of the Charter of the United Nations, such resolutions may be considered only as recommendation, and are not obligatory.

It has to be emphasized that in the real situation of our country, such a definition of Zionism and the formula "against" anti-Semitism is only an ideological cover for anti-Semitism. This formula cannot have any other meaning. This formula was cre-

ated just to make anti-Semitism legal in the frame of Communist ideology, i.e. without breaching internationalistic taboos.

Anti-Zionism became a pseudonym for officially approved anti-Semitism for the first time at the end of the 40's, the time of the great fight against "homeless cosmopolites" who were declared "agents of American imperialism."

Then the Jewish people, as a whole, took on the official image of the enemy, a target for hatred by all people, and under the threat of deportation. We see in this case, one of the classic variations of the anti-Semitic myth: The Jews as the tools and bearers of alien influence—in this case a Western one.

This version has been used up to the present by both official ideology and by Russian nationalism. Andrei Cherkizov, in the paper *Sovietskaya Kultura* on March 31, 1987, asked, "Why and what are the reasons for emphasizing the national structure of the Bolshevik Party?" Of course, he knows the answer.[1]

Up to the present day, the Jews feel the consequences of the fight against cosmopolitanism. One of them, well known and impossible to prove, is the discrimination of Jews when they apply for a job or to be admitted to Universities.

Jewish culture was not given a possibility of recovering after the pogroms at the end of the 1940's and beginning of the 50's. Now the strategy of official anti-Semitism has changed: only those Jews who are self-willingly mindful of their Jewishness, who strive for revival of national culture and especially those who struggle for their right to emigrate to Israel are delcared Zionists, traitors and agents of secret services; all other Jews appear to be hostages.

The most piercing evidence of the wretched and horrible state to which we have driven the Jewish people in our country are the letters of "Honest Soviet Citizens of Jewish Extraction."

Our press never misses an opportunity to publish such letters. *Vechernaya Moskva* openly reminded "the persons of Jewish extraction" about their hostage status when describing the "provocators from the "Initiative Group."

"It is impossible not to mention, let us put it straight, that this fuss puts many thousands of Soviet Jews, true citizens of the Soviet Union, in a bad light."

The reading of such letters makes an oppressive and horrible impression.

"The traitors, you will not succeed in dishonoring us . . .; renegades, compromising with their treason all the Jews of the U.S.S.R. . . ."

All this is the voice of a hounded people who know with their skin and perhaps even with their genetic code, what the collective guilt is: it is the voice of a people who only wish that we would forget about their Jewishness.

1. Some Soviet anti-Semites emphasize the number of Jews who were involved in counter revolutionary parties.

Ninety years ago Theodor Herzl, the founder of Zionism, wrote: "If they would only leave us alone! But I think they will not leave us alone."

This prophecy of Herzl, as much as all the problems mentioned in our letter, make special sense in the light of the Holocaust of European Jewry.

We have to remember that it was Russia who gave the world "The Protocols of the Elders of Zion" which were used to stir up hatred toward the Jews in Germany in the twenties and have been used since the 50's for the same purpose in Arab countries.

The memory of the Holocaust makes us write: The definition of Zionism as a kind of racism and an indentification of Zionism with Fascism, used by Soviet literature is derisive abuse of the memory of the victims of genocide. It is no mere chance that almost nothing was published in our country from the vast literature on the theory and practice of Hitler's "Final Solution of the Jewish Problem."

Heinrich Bohl wrote that it was better to be a dead Jew than a living German.

For us, Soviet citizens of non-Jewish extraction, the alternative is fortunately not so sharp, but our silence may lead even now to our becoming assistants to a potential pogrom.

Signed: Sergey Liozov, philologist; Sergey Tishenko, physicist; Elena Vardigulova, philologist; Vladimir Pribylovsky, historian; Kyrill Popov, chemist; Margarita Petrosian, lawyer; Sergey Pestov, librarian; Andrey Shilkov, historian; Nina Lsovsky, biochemist.

## PROGRESSIVES IN PUBLICATION

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. FLORIO. Mr. Speaker, for many years, the Greek community throughout the Nation has demonstrated its support for cultural and academic excellence. Through programs and scholarships, the American-Hellenic Educational Progressive Association has galvanized the Greek-American community, bringing an appreciation of the Greek heritage and the United States an appreciation of the contributions of that Greek community.

Every year, the Ahepans come together to recognize the best among them. In 1987, the AHEPA Voice of the Fifth District was proudly selected as the premier publication from among the many other publications that foster the spirit and the excellence of the AHEPA family.

Not afraid of pursuing controversial issues in a frank and open manner, the newspaper of the fifth district, which is published in Trenton, NJ, has shown that it has the determination to put together a newspaper that stimulates and educates the Greek community.

Additionally, in recognition of the honors that the AHEPA Voice has brought to the fifth district, Editor Frank Gramas is being honored doubly by receiving the Homeric Award of the fifth district.

For 5 years, he has supervised and edited each edition of the newspaper with diligence and an attentive eye to the detail that has kept the community up to date and informed of everything that affects and interests them.

Recently, the AHEPA Voice recognized its own achievements and those of its editor, Frank Gramas, in the articles that follow:

[From the AHEPA Voice of the Fifth District, December 1987]

THE AHEPA VOICE IS NO. 1.

The Publication Awards Committee of the Order of AHEPA, at its annual meeting in New Orleans in August, selected District 5's, the AHEPA Voice, as the best 1987 district publication in the domain. Evaluation for the award was based on the quality of the publication, journalistic proficiency, quality of layout, and design and quality of information.

The selection of the AHEPA Voice should come as no surprise. The Voice is read widely by the District 5 membership, and has been rendered a serious publication by other districts and chapters.

In regard to "quality of the publication", the Voice is an inviting news medium from its overall appearance. Adequate in size, but not bulky, it can be placed anywhere.

"Journalistic proficiency" has been maintained throughout the issues, in that the editorial staff strives to ensure that only relevant issues are incorporated. Also, in order to assure relevancy, articles relating to the domain as a whole have been particularly emphasized.

In evaluating "quality of layout", the Voice has been carefully supervised by its chief editor who has thorough knowledge, and who relies on professional expertise.

Finally, "design and quality of information" take priority in the planning of each issue. Great care and deep pride by the editor make certain that the contents are current and relevant to the District and to the AHEPA Family at large.

It would be remiss, if not mentioned, that the AHEPA Voice has not neglected the duty of journalism to include issues of controversy. The Voice editorials have often provided constructive criticism on several of the major issues which confront District 5 and the Order. These editorials have intended to induce thinking and dialogue necessary for a "progressive" (the "P" in AHEPA) organization.

Regardless of its high quality, in order for the Voice to continue its path of excellence, it needs the cooperative offerings of its public. It is to the best interests of the membership for chapters, and for individual members, to submit articles relevant and timely to the mission of AHEPA. It is only through such committed efforts that the Order can flourish in appreciation to our founding forefathers and in dedication to our next generation.

PBG FRANK GRAMAS RECEIVES HOMERIC AWARD

(By Dr. Dean Lomis)

Brother Frank D. Gramas, Editor of the District 5 publication, the AHEPA Voice, has won the Homeric Award for his editorial leadership to the award-winning publication. The AHEPA Voice won First Place in the publication awards at the August AHEPA Annual Convention in New Orleans.

Brother Gramas is an experienced Ahepan, both in matters about the Order and in its journalistic activities. A veteran Ahepan, he began his membership with the Sons of Pericles for six years, including service in the Sons District Lodge.

Brother Frank joined the AHEPA in 1949. An active member throughout the years, he was elected District Governor in 1963. He became Editor of the AHEPA Voice in 1982. During his five years at the editorial helm, the AHEPA Voice has been an instrument of journalistic excellence. In the course of these years, the AHEPA Voice has won several awards as an outstanding fraternal publication. However, it has been through Brother Frank's personal dedication and diligence that the journalistic excellence of

the publication has been maintained for an extended period of time.

The Homeric Award is the highest District Award that can be bestowed upon a Brother Ahepan. Furthermore, it is the third highest award presented by the Order after the Socratic and Periclean.

District 5 is fortunate to have Brother Frank in its ranks and, with membership support, his leadership and dedication will continue to provide excellence in the media of communication to the benefit of the District and the Order.

## "TRIPLE WHAMMY"

## HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to share some highlights of an outstanding address which was recently given by our distinguished colleague, the Honorable WALTER FAUNTROY, at Howard University's charter day convocation. In the following article from the Washington Post, March 9, 1988, "Triple Whammy," William Raspberry shares Representative FAUNTROY's insightful comments about the real nature of the economic turmoil plaguing our society.

"TRIPLE WHAMMY"

(By William Raspberry)

If you think that you, Jesse Jackson and Richard Gephardt are the only ones worried about America's declining place in the world economy, you should have been at Howard University's charter day convocation the other day. There, in a speech as effective as any I have heard in years, Del. Walter E. Fauntroy (D-D.C.) spoke to the blind greed, misguided policies and misplaced priorities that have put the U.S. economy in jeopardy.

It begins, he said, with three faulty theses: "That the poor have too much, the rich have too little and our problems abroad lend themselves to military solutions."

"Because we believe the poor have too much," he said, "we cut, in the first years of this decade, $280 billion from programs that met the needs of the old, the young, the sick and the poor. Since the rich have too little, we conducted a raid on the federal Treasury in the form of a tax-relief policy that gave away $750 billion ($55 billion of it invested in foreign productivity). And then we increased defense spending by $123 billion, on the ground that our problems abroad lend themselves to military solutions."

And what has been the result? A generation of undertrained Americans, ill-equipped to fill the high-tech jobs that are increasingly important to the U.S. economy; an accelerating flight of American jobs to cheaper labor markets abroad, a disastrous balance of trade, and a budget deficit the interest on which drains the Treasury of some $116 billion a year.

At one point, Fauntroy, mimicking besotted capitalists at a three-martini lunch, evoked the spectacle of Japanese and West Germans, forbidden by U.S. policy to "engage in the most inflationary kind of spending a nation can undertake—military spending," seeking permission to make alternate investments. "If we can't spend on defense, can we just make some little motorcycles and give them funny names? Can we make some radios and televisions? Can we make some cars?"

Fauntroy said America has placed itself under a triple whammy.

"First, the very jobs in labor-intensive smokestack industries that were the means of upward mobility for America's poor have fled the country for cheaper labor markets abroad.

"Second, the programs that were designed to retool our young people in the capital-intensive, information-based, service-oriented skills of the future have been cut. Sixty percent of those studying for PhDs in America are from Asia and Europe, and we're cutting Basic Education Opportunity Grants and Guaranteed Student Loans. Unless we change this policy, we'll have the baddest defense in the world—and nothing to defend.

"Third, the money that fled the country for cheaper labor markets abroad, plus the money that others are now making on our enormous debt, is now coming back to our country. And it is buying America."

He ticked off some foreign purchases of American assets: the Exxon Building on Times Square, the Mobil Oil Tower in Dallas, the NBC Plaza and the ABC headquarters in Los Angeles, and the Dunes Hotel in Las Vegas, all bought by Japanese interest; General Tire, A&P and Celanese, now owned by West Germans; General Electric's TV and electronics production, now in the hands of the French.

Fauntroy's target is not foreign devils but American shortsightedness. He blames neither the Third World countries that will be doing America's smokestack work in the future nor the industrialized nations that would be insane not to exploit the breaks this country is handing them (while providing military security for their trade routes.)

"If we don't get something for U.S. businesses to invest in, they will continue to invest in the $130 billion [illegal narcotics] industry that is destroying our young. If we don't abandon our faulty theses, we'll all be living on a vast plantation called America, owned by foreign investors, and high as a kite on cocaine."

## IN HONOR OF AMBASSADOR EDWARD CLARK

## HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. PICKLE. Mr. Speaker, on March 2, Texas Independence Day, a group of central Texas residents honored Ambassador Edward Clark for his more than 60 years of public service to our great State and our Nation. For years his was a voice not only of independence but of leadership and commitment to the very highest principles of good government.

Many of my colleagues will recall that Ambassador Clark was appointed by President Lyndon B. Johnson as Ambassador to Australia, where he served with great distinction from 1964 to 1967. His was a immeasurably outstanding record of achivement, and even today the nation of Australia remembers Ambassador Clark—"the Yellow Rose of Texas Ambassador"—with great affection and appreciation. He has given this same high level of service to his State as Secretary of State and to his alma mater, Southwestern University.

A group of trustees from Southwestern joined with other citizens of Austin and central Texas in honoring him with a special banquet to recognize his outstanding work. As a matter of personal associaton, I want to say that Ambassador Clark has meant as much to hundreds of citizens in Austin and Georgetown as any person who has lived in our our midst during the last 75 years.

There is no way to measure his worth or the esteem in which the people of Texas hold him. I am personally proud to call him my friend and to constantly remind my associates of his great worth to our lives and times.

Mr. Speaker, I am attaching a few excerps from the remarks of some of the speakers who made this evening so memorable:

"(Edward Clark) is a dear and cherished old friend, and I've had the pleasure of watching—sometimes with astonishment—all that he is able to accomplish in a myriad of areas. He gives of himself with utmost generosity, and brings truth to the cliche, "if you want a job done well, give it to a busy person.

"Through the years it was Lyndon's privilege and mine to know Ed Clark, and we appreciated him not only as a dedicated public servant, but also as one of our family's 'heroes.' None of us will ever forget the caring part he has played in our lives."—Mrs. Lady Bird Johnson.

"A few years ago, an old friend named Henry who was in Ed Clark's University of Texas Law School class phoned Ed on a Sunday morning. He was aware that Ed had achieved considerably more material success than had he . . . and Ed's friend sought the secret.

"'Ed,' he began, 'how have you accomplished so much more than I have? After all, we are the same age. We both hailed from good families and solid homes. Ed, based upon our law school grades, I am just as smart as you; in fact, I recall graduating with grades slightly better than yours. And, Ed, I know I am just as good looking. What is the difference? What happened?'

"Ed slowly and gently responded. 'Henry, how did you reach me on a Sunday morning?' His friend somewhat impatiently responded that he had Ed's home number, called it, and Ed's wife had told him Ed was at the office and gave him Ed's office phone number.

"'Well, Henry, you have taken a lot of trouble to phone me . . . indicating you must be serious. So, I'll answer your question. First, the comparisons you made are accurate . . . you may be smarter and better looking. But there is one difference.'

"'What's that, Ed? Tell me!'

"'Where are you calling me from, Henry?'

"'Ed, I'm calling you from my home. It's Sunday morning!'

"'Yes, Henry, and you reached me working on business in my office. That, Henry, is the difference.'"

BEN F. LOVE,
*Chairman and CEO,*
*Texas Commerce Bancshares.*

Mr. Speaker, our State loves Edward Ann Clark. I especially treasure their friendship. They are the rarest couple in central Texas.

## FORBES' INSURANCE EXECUTIVE OF THE YEAR

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DUNCAN. Mr. Speaker, my friend, John B. Amos, has been named the Insurance Executive of the Year by Forbes magazine. This recognition was based on the innovative initiative John has displayed by leading American Family Life Insurance Company in a peak-to-peak progression of successful, effective enterprise throughout the United States and overseas corporations. Currently his company insures over 15 percent of the entire Japanese population, making it the most successful American company doing business in Japan. I want to express my congratulations to John for this accomplishment and submit the following January 11, 1988 Forbes article for your review.

PATIENT INSURER

In the lexicon of remarkable innovations, consider the achievement of John Amos. The 63-year-old founder and chief executive of Columbus, Ga.-based American Family Corp. took a product that was controversial in the U.S.—cancer insurance—redesigned it and in 1974 shipped it off to Japan, a country with one of the biggest, most well-entrenched insurance industries anywhere. American Family has now emerged as one of the 20 largest insurers in Japan, covering one of every six families. Last year 66% of the company's revenues and 70% of aftertax earnings came from Japan.

Amos' strategy is simple: "Stick to niche marketing and you're not big enough to scare anyone. Then you've got to be patient as Job and figure out how to do things the Japanese way." Back in the seventies he came up with an idea guaranteed to win favor with the Japanese Ministry of Finance: Use retired Japanese workers to sell his product to their former colleagues. "Their retirement benefits weren't good enough to last them forever, so American Family became a little like their social security," he recalls. American Family now employs about 10,500 mostly retired Japanese workers.

Tragically, Amos himself is currently grappling with lung cancer. But he remains involved in company affairs and has devoted himself in recent weeks to preparing American Family's listing on the Tokyo Stock Exchange. The firm's 25.5% return on equity last year led the major U.S. life insurers, thanks to favorable currency translations and Amos' decision in late 1986 to sell most of his Japanese stockholdings.

## IN HONOR OF TED D. KIMBROUGH, CALIFORNIA SUPERINTENDENT OF THE YEAR

### HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DYMALLY. Mr. Speaker, today, it is with great pride that I call your attention to an extraordinary constitutent of mine in the 31st district. Recently, Superintendent Ted Kimbrough of the Compton Unified School District was named "California Superintendent of the Year" by the American Association of School Administrators, who will hold a reception in his honor tomorrow evening in the city of Compton.

Mr. Speaker, I would like to share with you and my colleagues who Superintendent Kimbrough is and what he represents for the people in our community. First, I would like to say that seldom have I seen such an extraordinary and distinguished record of academic and community service by one individual. Superintendent Kimbrough's career spans over 32 years of active involvement as an educator, administrator, director, lecturer, and publisher. At the same time, he has devoted much time and effort as an active participant in numerous community organizations.

Throughout his 26 years at the Los Angeles Unified School District, Ted Kimbrough has taught a wide range of subjects such as U.S. history, government, drafting, general metal, woodworking, and crafts. Later, he served as dean of Jacob Riis High School and acting vice president before becoming principal at the Watts Skill Center.

In addition, Superintendent Kimbrough has provided leadership skills in his capacity as an administrative coordinator for legislative and governmental relations. He has also served as an education liaison for the city and county of Los Angeles.

Superintendent Kimbrough's personal commitment to public service encompasses a wide variety of leadership positions held, such as president of the Association of Black School Superintendents, a consultant on minorities and vocational education, chairman to the Coalition for Adequate School Housing, Governor's appointee to the State Board of Vocational Nurse and Psychiatric Technician Examiners, panelist on State Superintendent Riles' task force on governance of vocational education, and finally, a participant in the development of California's 5-year plan for vocational education.

Aside from his professional contributions, he serves as a member to numerous councils and organizations related to education and minority issues. I would like to bring your attention to Superintendent Kimbrough's list of memberships which include the Minority Engineering Advisory and Development Council and the Graduate School of Education Advisory Council at California State University at Long Beach, cochairperson to the Compton Minority Health Association, the Board of Directors for the Compton Education Fund, and member of task force on crime in the city of Compton.

We are greatly impressed with Superintendent Kimbrough, who has demonstrated to us his enormous capacity for hard work and education in his professional as well as public service career. As the Representative of the 31st district I am proud to join with the Compton Union Council PTA, the American Association of School Administrators and the city of Compton in saluting Superintendent Ted Kimbrough for his display of great fortitude and dedication in carrying out the goals of our community.

In closing, I would just like to say that we are very proud of you today, Superintendent Kimbrough, in having been selected as "California's Superintendent of the Year." Indeed, you deserve this honor and in accepting it we are grateful for your solid commitment to our children and their future.

## SOUTH AFRICAN CHURCHES SPEAK OUT FOR HUMAN RIGHTS

### HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. SYNAR. Mr. Speaker, on February 24 the South African Government announced sweeping new emergency regulations that effectively banned political activity by 17 leading antiapartheid groups, including the United Democratic Front [UDF], and severely restricted the country's largest labor movement, the Congress of South African Trade Unions [COSATU].

The following week, the Government introduced legislation that would prohibit the use of donations from abroad by any individual or group "for political aim or objective." The measure would severely curtail the activities of the multidenominational South African Council of Churches.

On February 29 several prominent religious leaders—including Nobel Peace Prize laureate Anglican Archbishop Desmond Tutu, Roman Catholic Archbishop Stephen Naidoo, and the Reverend Allan Boesak, president of the Worldwide Alliance of Reformed Churches—were briefly detained after attempting to march to Parliament with a petition protesting the new Government restrictions.

The churches continue to speak out loud and clear against the violation of human rights. With the effective banning of COSATU and the UDF, the churches have become even more prominent in the people's struggle for freedom and democracy in South Africa.

Last week the South African Catholic Bishops' Conference issued a pastoral letter calling on the government "to lift all those restrictions—on anti-apartheid groups—to return to the rule of law, and to abolish apartheid and its evils."

Mr. Speaker, I would bring the text of this excellent document to the attention of my colleagues and request that it be submitted, in full, in the RECORD.

The text of the pastoral letter follows:

JOINT LETTER ON STATE ACTIONS

Dear People of God, as Bishops of the Catholic Church in South Africa, we want to convey to you our profound dismay at several state actions in this country in recent days.

These actions have heightened levels of fear and tension, and the degree of oppression, experienced by many of our fellow citizens. As pastors of a Church which represents approximately ten percent of the population, it is our duty to state unequivocally the Church's position when basic human rights are violated.

GENERAL POSITION OF THE CHURCH

The Church must point this out and plead for redress. The Church must do this no matter which government or political

system is in power. For example, the Catholic Church in Zimbabwe spoke clearly both to the Smith regime and to the present Mugabe government on the violation of human rights.

This duty of the Church must in no way be construed as meddling in politics, because the Church is not supporting any political party, but safeguarding basic human rights and ideals. By its very calling as an institution founded by Christ, the Church has a divine duty to involve itself in human affairs.

May we remind you that just four months ago, in his address to the Catholic Bishops of Southern Africa in Rome in November 1987, Pope John Paul II was both explicit and supportive when he declared the Church's position in political matters. He said:

"During these past years you have borne witness to hope in many ways, thus showing your people the relevance of Christ's paschal mystery for their lives. Year in, year out, you have stood with your people in their needs. At the same time you have withstood much unjust criticism in transmitting to them the uplifting message of the gospel. In statements that have spanned decades, you have insisted on justice and the need for the true commandment of love, and have invited your people to prayer and to universal fraternal solidarity. In particular you have raised your voices on human rights, the fundamental equality of all persons, the defence of the oppressed, and the concrete demands of justice throughout your region."

PRESENT RESTRICTIONS

In the light of declaration of support from the Pope, the Church views the restrictions on 17 organizations and on several individuals with indignation.

Organizations have the right to work for the common good, to develop democracy, to help those in need, to support the families of detainees and to dissent from political decisions which crush legitimate alternatives allowed in civilised countries.

We thus protest, in the strongest possible terms, the restrictions that have now been added to the very repressive measures which already shackle our society.

We call on the state to lift all these restrictions, to return to the rule of law, and to abolish apartheid and its evils. It should now be clear to all who value human dignity that apartheid destroys human dignity, cruelly divides communities, and that for these reasons it has been judged immoral and inhuman by the international community. We also call on the state to give to every citizen of this country their God-given rights so that they may develop as true children of God.

We make this call in the spirit of the universal teaching of the Church to oppose injustice wherever it exists.

THE PROMOTION OF ORDERLY INTERNAL POLITICS BILL

Several organizations in this country depend on overseas assistance for their development. Many of these organizatons help the victims of apartheid. They also work to repair the damage apartheid has done to South Africa, and to reconstruct our shattered society on a more equitable basis. They reach the needy and underprivileged through education and through the formation of vital infrastructures appropriate to proper human development.

If the proposed legislation now before Parliament become law, it would mean in effect that the government could decide arbitrarily which good works should be done in this country and which should not.

We therefore condemn the proposed legislation, since it could give the government totalitarian powers, and urge all those who value democracy and liberty to oppose it.

NEW NATION

Freedom of the press is basic to any civilised society. This freedom already has been severely restricted in South Africa. New Nation is now threatened with a restriction that would silence it for three months.

New Nation is a secular weekly newspaper owned by the South African Catholic Bishops' Conference. It enjoys editorial freedom and independence. It is an organ known for its vigorous debate on crucial issues. It is a voice which champions the rights of those without rights. It carries news and views which other newspapers tend not to publish in the present climate of punitive restrictions.

Even this freedom has been curbed by the state. This is a crushing blow to the very limited right to dissent that barely survives in this country.

We deplore this action, and while we may not necessarily agree with opinions published in New Nation, we uphold fully the right to editorial freedom and the right to dissent which that newspaper embodies.

CONCLUSION

We have expressed ourselves forcefully in this letter because we believe that the Church's position in the present repressive situation should be clear and unequivocal. While on the one hand we condemn the violation of human rights in South Africa, we want to stress with equal emphasis that the granting of those precious human rights would enable our society to be transformed in such a way that there could be justice, peace, and enough for everyone.

Human dignity is at the centre of the transformation we all desire. Pope Paul VI proclaimed himself very firmly on this issue when he was in Africa 18 years ago. he stated:

"We deplore the fact that there persist social situations based upon racial discrimination and often willed and sustained by systems of thought: such situations constitute a manifest and inadmissible affront to the fundamental rights of the human person."

We appeal to the government today to turn away from the disastrous road which it has chosen for our people. We echo the distress of Pope Paul VI when we say: "The cause is urgent and the hour is late."

Our Holy Father Pope John Paul tells us very clearly that the events of history have confirmed Pope Paul's judgement. At the same time he pleads that violence should not be accepted as the solution to violence. Rather violence must give way to reason, mutual trust, sincere negotiations, and fraternal love.

In the present context of apartheid, a call to conversion becomes ever more relevant and necessary for our people. The only adequate solution to the problem is the conversion of hearts.

May our Lady assumed into heaven, the patroness of our country, intercede for us and obtain for us the gift of a just peace.

Yours sincerely in Christ our Lord,

Reginald J. Orsmond, Bishop of Johannesburg, Acting President, South African Catholic Bishops' Council; Denis E. Hurley, O.M.I., Archbishop of Durban; Peter Butelezi, O.M.I., Archbishop of Bloemfontein; George Daniel, Archbishop of Pretoria; Stephen Naidoo, C.S.S.R., Archbishop of Cape Town; Hans Brenninkmeijer, O.P., Bishop of Kroonstad; Michael O'Shea, O.S.M., Prefect Apostolic of Ingwavuma; and Zithulele Muemue, Auxiliary Bishop of Johannesburg.

This pastoral letter was issued by the information press office on behalf of the archbishops and bishops of the South African Bishops' Council who signed the statement, and was kindly supplied by Robert T. Hennemeyer, Ambassador (ret.), foreign affairs adviser, U.S. Catholic Conference, Washington, DC.

## ANTIDISCRIMINATION PROVISIONS OF IMMIGRATION LAW ARE BEING ENFORCED

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. FRANK. Mr. Speaker, when we passed the immigration law in 1986, one important provision which many of us worked hard to include in the bill dealt with the potential of discrimination that could arise because of the employment sanctions section of the bill. In that provision, we explicitly provided protection for those residents of the United States who are not yet citizens but intend to become citizens, against employment discrimination based on the fact that they had not yet become citizens.

One concern that had been raised by people who were intended to be protected with this act dealt with the timing of their filing a declaration of an intent to become a citizen, and whether or not a failure to have filed that at a certain period would bar a victim from bringing a charge of discrimination. I was pleased to be informed by the Office of Special Counsel who enforces this law that the matter has been clarified in a way that is fully favorable to the rights of those who may have suffered discrimination. I ask that the press release explaining this be printed here, because I think it is essential that the widest possible circulation be given to this ruling so that the intended beneficiaries of this antidiscrimination provision can take full advantage of it.

I was also pleased to learn that the Department has begun enforcing this law in a very specific way, specifically by reaching a settlement with Pan American World Airways on behalf of a resident alien who was refused consideration for employment as a flight attendant. Under a settlement reached by the Office of Special Counsel with Pan American, the victim of this discrimination will receive back pay and other expenses, Pan American will discontinue some of its application policies and it will be distributing a statement about the antidiscrimination provisions of the new law. I do not know a great deal about the specifics of this case and I do not intend by this statement to comment as to whether or not I think exactly the right settlement was reached. What I do think important, however, is to publicize the fact that we have begun to get enforcement of this law which protects the right

of people in this country to be judged solely on their merits in terms of employment and not on other factors. I ask that the press release from the Department of Justice describing this early successful invocation of the anti-discrimination provision by an intended victim also be printed here.

DEPARTMENT OF JUSTICE SETTLES DISCRIMINATION CASE WITH PAN AMERICAN WORLD AIRWAYS

The Department of Justice today announced that it has reached settlement with Pan American World Airways, Inc., over a charge of employment discrimination filed by a permanent resident alien after she was refused consideration for employment as a flight attendant.

The settement requires the airline to provide back pay and other expenses to the victim, discontinue certain application policies and distribute to employees a statement about the anti-discrimination provisions of the new immigration law.

The settement resolves a charge filed November 3, 1987, with the Office of Special Counsel for Immigration Related Unfair Employment Practices.

Lawrence J. Siskind, Special Counsel for Immigration Related Unfair Employment Practices, said he hoped the settlement would serve as "a model for the airline industry." He commended Pan American for demonstrating "an admirable sense of corporate responsibility and public-spiritedness" in entering into the settlement.

As part of the agreement, neither the victim's name nor the back pay amount was released.

According to the Justice Department's investigation, Pan American's hiring policy discriminated against certain classes of aliens who are authorized to work in the United States and who intend to become citizens. The airline's policy required applicants to be U.S. citizens or aliens with "green cards."

Under the Immigration Reform and Control Act of 1986, employers are prohibited from discriminating against citizens, nationals, and "intending citizens" in hiring, discharging, or referring or recruiting for a fee on the basis of their citizenship status. The Act defines "intending citizens" as permanent residents, temporary residents admitted under the new legalization program, refugees, and asylees who evidence an intention to become U.S. citizens.

The Immigration and Naturalization Service issues Alien Registration Receipt Cards, I-551, commonly known as "green cards," to certain categories of permanent residents. Temporary residents, refugees, and asylees, as well as certain other categories of permanent residents, do not receive green cards, although they are eligible to work in the United States.

The charging party qualified as an intending citizen but Pan American refused to consider her for employment because she could not produce a green card.

The settlement requires Pan American to pay the charging party back pay and to reimburse her for her application fee. It also requires Pan American to distribute a statement describing the antidiscrimination provisions of the Immigration Reform and Control Act of 1986 to all its U.S. personnel offices. In addition, it requires Pan American to discontinue its policy of using green cards as the sole criterion for judging an alien applicant's right to work in the United States.

The settlement allows Pan American to continue to consider an applicant's alien status for any position that requires travel on its international routes. This provision was included because immigration law imposes certain restrictions on the rights of aliens to travel freely abroad.

"This settlement is a good example of how government and the private sector can and should work together when confronting a new law," Siskind said. "Rather than adopting an adversarial posture, Pan American chose to cooperate with this office, to bring its hiring policies into compliance with federal law, and to enlist in the campaign to educate the public about the new law. We hope that the Pan American settlement becomes a model for the airline industry, as well as for other industries that may be following similar practices."

The Office of Special Counsel for Immigration Related Unfair Employment Practices was established by Congress under the Immigration Reform and Control Act of 1986 to enforce the law's prohibition against employment discrimination based on national origin and citizenship status.

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DEPARTMENT OF JUSTICE HELPS QUALIFIED ALIENS

The Justice Department announced today that qualified aliens intending to become U.S. citizens will be allowed to bring charges of employment discrimination under the Immigration Reform and Control Act of 1986 if they have completed a Declaration of Intending Citizen from any time before filing the charge.

Lawrence J. Siskind, Special Counsel for Immigration Related Unfair Employment Practices, said that to qualify for protection it is not necessary to have filed the form with is office before the alleged instance of discrimination occurs.

Under the Immigration Reform and Control Act, discrimination on the basis of citizenship status in hiring, firing, and recruitment or referral for a fee is prohibited. The prohibition protects citizens, nationals, and a new category of aliens called "intending citizens." The act defines "intending citizens" as permanent residents, temporary residents under the legalization program, refugees, and asylees, who show their "intention to become a citizen of the United States through completing a declaration of intention."

There has been confusion over the timing of the filing requirement. The preamble to Justice Department regulations published last October stated that the declaration had to be completed prior to the occurrence of the discriminatory act in order for the alien to qualify for protection. But the instructions on the back of the INS Form I-772, a form specially prepared for this requirement, state only that its filing is a prerequisite "to assert a claim," not to qualify for protection.

Siskind's announcement was also disseminated by letter to about a thousand private organizations and public agencies concerned with immigration and civil rights law.

He noted in his letter that measures had been taken to alleviate early problems with availability of the declaration of intention form.

"The form is now available at all INS district offices and legalization offices," he said. "The INS distributes I-772s to aliens who are issued employment authorization, who are adjusted to permanent residence status, who file petitions for naturalization, who are admitted as refugees, or who are granted asylum."

In addition, Siskind said, the Office of Special Counsel has distributed the form to organizations authorized by INS to distribute INS materials (known as Qualified Designated Entities) and to hundreds of interested private organizations and public agencies. The form is also available by direct request to the Office of Special Counsel.

The Special Counsel's Office was created under the Immigration Reform and Control Act of 1986 to investigate and prosecute charges of employment discrimination based on national origin and citizenships status. While anyone authorized to work in the United States may bring national origin claims, Congress restricted those who may bring citizenship status claims to citizens, nationals, and intending citizens.

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INS FORM I-772—DECLARATION OF INTENDING CITIZEN

DEAR ———: The filing of the INS Form I-772 Declaration of Intending Citizen has caused some concern among those who deal with the Office of Special Counsel for Immigration Related Unfair Employment Practices. Questions have been raised about the timing of the filing of the I-772 and its availability. The purpose of this letter is to address those concerns and to dispel any confusion that may have arisen.

Under § 102 of the Immigration Reform and Control Act of 1986 (IRCA), protection from citizenship status discrimination is afforded to citizens, nationals, and intending citizens. Among other definitional requirements, an intending citizen is an alien who "evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen." 8 U.S.C. 1324b(1)(A)(B). When IRCA was passed, the only form in existence suited to that requirement was INS Form N-315. That Form, however, had fallen into disuse and could be executed only by permanent residents. IRCA permits temporary residents under the new legalization program, refugees, and asylees, as well as permanent residents, to qualify for intending citizen status. A new form was needed. The Immigration and Naturalization Service created the I-772 to meet that need.

Confusion has arisen over the timing of the filing of the I-772. Neither the statute nor the regulations specifically address the question of when the Declaration of Intention must be filed. The preamble to the regulations states that the declaration must be completed prior to the occurrence of the alleged discrimination. 52 Fed. Reg. p. 37407. The instructions to the I-772 itself, however, state that filing the I-772 is a prerequisite only "to assert a claim," not to qualify for protection.

To dispel any confusion on this question, I am taking this opportunity to announce that the Justice Department views the declaration of intention filing requirement as satisfied as long as the declaration is completed and filed before the charge of discrimination is filed with the Office of Special Councel. It is not necessary to complete and file the declaration before the occurrence of the alleged discrimination.

The Justice Department considers this treatment of the filing requirement a reasonble interpretation of the statute.

This letter will also serve as a reminder that the original I-772 must be filed with the Immigration and Naturalization Service. A copy of the fully completed I-772, showing that the form has been received and filed by an INS officer, should accompany

any citizenship status discrimination charges filed with this Office by or on behalf of intending citizens. For permanent residents, filing a Form N-315 with any court exercising naturalization jurisdiction remains an alternative. The same timing requirements for filing apply.

Concern has also arisen about the availability of the Form I-772. Fortunately, the Immigration and Naturalization Service and the Office of Special Counsel have already taken measures to remedy the problem. The Form is now available at all INS district offices and legalization offices. The INS distributes I-772s to aliens who are issued employment authorization, who are adjusted to permanent residence status, who file petitions for naturalization, who are admitted as refugees, or who are granted asylum. In addition, the Office of Special Counsel has distributed the Form to all Qualified Designated Entities, and to hundreds of interested private organizations and public agencies. The Form is also available by direct request to the Office of Special Counsel. The Form may be photocopied in case any office, organization, or agency finds its supply running low.

Wide distribution of the Form I-772, coupled with today's clarification of the timing of the filing requirement, should eliminate problems that intending citizens may have faced in the past in asserting claims. The Justice Department remains committed to ensuring that intending citizens receive the full protection against employment discrimination afforded by law.

Sincerely,

LAWRENCE J. SISKIND,
*Special Counsel.*

## CONCERNS ABOUT THE PALAU COMPACT

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. UDALL. Mr. Speaker, in recent months, more and more attention is being focused on the western Pacific Islands of Palau. The United States is responsible for the governing of these islands under a 1947 agreement with the United Nations Security Council.

The 99th Congress approved a Compact of Free Association with Palau in concept, but withheld its implementation because Palau had not constitutionally approved the compact. Late last year, the President of the United States again asked that the compact be implemented, contending that Palau had now constitutionally approved it. There are, however, serious questions about whether or not this contention is correct.

In addition, serious allegations of potential criminal wrongdoing, including those relating to drug trafficking and corruption in high places in Palau and a lack of fiscal accountability, have come to our attention.

In light of all this, as chairman of the committee which has had jurisdiction over Palau since 1947, I believe that I need to share with my colleagues at this juncture some of my concerns with immediate approval of the compact implementing legislation.

These concerns are expressed generally in two letters my colleague RON DE LUGO, chairman of the Insular and International Affairs Subcommittee, and I recently sent to President Lazarus Salaii of Palau, and to Chairman DANTE FASCELL of the Foreign Affairs Committee, whose committee has received a joint referral of the legislation along with this committee to implement the Compact of Free Association.

The Committee on Interior and Insular Affairs will propose measures to deal with the problems outlined in the enclosed letters. Once these problems are addressed, we will do everything we can to bring the compact to the House to authorize full implementation.

These problems—and our views on how to address them are outlined in letters that I ask be printed in the RECORD at this point.

U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, March 17, 1988.*

Hon. LAZARUS E. SALII,
*President of Palau, Koror, Palau.*

DEAR PRESIDENT SALII: In response to your requests that Congress immediately pass legislation to authorize implementation of the Compact of Free Association, we want to outline for you and the other leaders and people of Palau what we believe must be done before the Committee on Interior and Insular Affairs can approve such a bill.

At the outset, we want to stress that what we are most concerned about in this regard are the needs and aspirations of the people of Palau, not only from a short-term but also from a long-term perspective. In our view, the interests of the people of Palau in this matter are equal in importance to the interests of the United States related to Palau.

We also want to preface what we say about Compact legislation by reiterating our pledge to do everything that we can to provide the government of Palau with enough financial assistance to pay its employees, operate its power and water system, and meet its other essential obligations until the trusteeship is terminated. We have requested the full cooperation of the Department of the Interior and other appropriate committees of Congress to see that the United States lives up to this responsibility.

As you know, the Department of the Interior disagrees with your govenment's calculation that it will need more assistance to be able to continue to function without drastic cutbacks in spending this fiscal year. We have not accepted the Department's calculation and we have requested that they work with officials of your government to accurately determine the need.

Departmental officials have told us that the extent of the need should be more clear to them in a week or so. At that time, we will move as quickly as possible to have provided whatever assistance may be necessary.

There can be no justification this fiscal year for letting the people of Palau suffer through a budget shortfall as serious as that experienced last year. What happened last year must not happen again.

This effort on our part should not be misunderstood as indicating that we do not want the Compact to be implemented as soon as possible. We do want it implemented, and we will support implementation just as soon as the problems outlined below are satisfactorily addressed.

THE CONSTITUTIONALITY PROBLEM

One of these problems is the continuing uncertainty about whether Palau has constitutionally approved the Compact.

Last year, a number of Palauans who were challenging the constitutionality of Palau's efforts to approve the Compact withdrew their lawsuit in an atmosphere of intimidation and violence. Many of these people told us afterwards that they wanted to reinstate the suit when it was safe to do so. Several Palauans have now told us of their plans to file such a test of the constitutionality of Palau's approval of the Compact within the next few weeks.

We were pleased to learn of your recent statements indicating a willingness to have this issue go to court and a belief that it can be safely litigated. If a question as fundamental to Palau's future as this could not be freely resolved through the Palauan judicial system now, we would all have to seriously doubt whether the rights of the people of Palau would be secure after the trusteeship is terminated. We are sure that you will agree that it is essential in a democracy that the judicial system be strong and independent enough to rule on even unpopular, sensitive, and controversial cases.

We also know that you recognize that the question of whether Palau has constitutionally approved the Compact is one that must be answered before the Compact can be implemented. As the legislative history of this matter makes clear, it was precisely because of a similar question that the Congress did not authorize the Compact to be implemented in Public Law 99-658 but only approved it in concept in that law.

Both you and the President of the United States contend now—as you did in 1986—that Palau has constitutionally approved the Compact. We accord the position that you and the President of the United States have taken on this matter great weight. However, with all due respect to both of you, there is a legitimate question of whether this position is correct.

Some of the reasons for our reservations on this matter follow.

Officials of both your administration and that of the President of the United States persuasively argued in 1986 that Palau's constitution could not be amended before November 1988. The contention that the Compact has now been approved by Palau requires acceptance of the idea that Palau's constitution was amended last August and a repudiation of the position taken by officials of your administration and that of the President of the United States in 1986.

The Supreme Court of Palau ruled in 1986 that the Compact had not been constitutionally approved by Palau even though both you and the President of the United States had asserted then—as you both are asserting again—that it had been constitutionally approved.

The Supreme Court of Palau, which is the only body that can rule definitively on this issue, has not been able to rule on the current question of the constitutionality of Palau's approval as it was able to do when a similar question arose in 1986, even though there are Palauans who wish to test the constitutionality in court.

The American Law Division in the Library of Congress has concluded that the constitutionality of amending Palau's constitution prior to November 1988 is in doubt.

Because violence against those challenging the constitutionality of Palau's approval prevented the matter from being resolved last fall, conditions must be made safe for them to test the approval in court if they still wish to do so, as they have told us they do. Your "pledge to provide round-the-clock protection . . . to any litigant or . . . counsel" in such a court action on this matter is most helpful in this connection.

This issue would surely have been settled by now if there had not been interference with the earlier lawsuit. If it had been settled through the earlier suit, the United States and Palau would, in all likelihood, be well along the way toward addressing the other problems that we will discuss in this letter and either implementing the Compact or resolving the constitutionality problem.

At this point, the best way to answer the question of the constitutionality of Palau's approval still appears to be through a test in the courts of Palau. If conditions permit a lawsuit to be safely pursued now and those who have indicated that they want to challenge the approval decide, of their own free will, that they no longer want to do so, or if their legal challenge fails, the only remaining impediments to the Compact's implementation will be those which relate to the serious problems of fiscal accountability and law enforcement which were outlined in our letter of March 2 to Chairman Dante B. Fascell of the House Committee on Foreign Affairs, a copy of which is enclosed.

These are problems which cannot be ignored. They are also, however, problems which do not need to delay implementation of the Compact if it is found to have been constitutionally approved and assuming we can work out ways to address them.

LAW ENFORCEMENT AND FISCAL ACCOUNTABILITY PROBLEMS

Our current investigation of problems related to fiscal accountability and law enforcement in Palau should be completed soon. After it is, we will propose measures to address these problems to you and the other leaders of Palau as well as appropriate officials of the Executive Branch of the United States.

Some of these measures would provide Palau with financial or other assistance that it needs to address these problems that the United States has not yet provided or committed to provide. Others would make possible necessary means of ensuring fiscal accountability in the use of Compact funds and proper enforcement of laws.

Law Enforcement measures should include an appropriate process for the investigation and prosecution, where warranted, of substantial allegations of wrongdoing during the trusteeship period. Such a process would help ensure that these problems are properly addressed during either the trusteeship or free association.

We appreciate the cooperation provided earlier for our oversight efforts and we request the government of Palau's continued assistance in this regard. Such cooperation will help the Committee to complete its oversight investigation as soon as possible. It will also enable the Committee to work out the problems the investigation identifies with officials of the government of Palau and the Executive Branch of the United States at the earliest possible time.

In this connection, we want to inform you that the Committee's Special Consultant on these matters, Thomas S. Dunmire, is scheduled to return to Palau in a few days to continue oversight work regarding Palau's approval of the Compact and the right of individuals to test it in court, as well as the other problems related to law enforcement and fiscal accountability cited in our letter to Chairman Fascell. Mr. Dunmire may be joined by other investigatory or support personnel from this Committee, the General Accounting Office, or agencies of the Executive Branch of the United States.

We would also appreciate the opportunity to meet with you and other leaders and people of Palau in the near future in connection with our current oversight effort. Our plan at this point is to take a congressional delegation to Palau in mid-April.

We will formalize our plans and discuss them with you further once we are able to obtain a firm commitment of aircraft and other support from the Department of Defense. As you know, we had planned to make this trip earlier but have twice had to delay it because the Department of Defense informed us that it could not provide the support necessary for the trip at the time that it was needed.

President Salii, Members of the Committee on Interior and Insular Affairs have developed a deep respect for the people of Palau and genuine concern for their well-being during the past four decades that the Committee has had jurisdiction over matters affecting Palau. We believe that the United States has moral as well as legal obligations regarding them. It is because we do care about the people of Palau that we are taking the approach we have outlined in this letter to Compact implementation legislation.

There is no question that the first of our obligations is to help the people of Palau to become fully self-governing as soon as possible. This obligation carries with it a responsibility, though, to see to it that full self-government is attained in a way that meets the needs and aspirations of the people of Palau now and in the future to the greatest extent possible.

In closing, we want to assure you that we do support free association between the United States and Palau replacing trusteeship administration as soon as possible. We take the position because the Compact is supported by the majority of the people of Palau and is fair to the interests of both Palau and the United States.

We look forward to continue working with you and others who represent the people of Palau to bring about this new relationship in a manner that will enable the people of Palau to reach the full extent of their potential for prosperity and dignity as a community.

Sincerely,

MORRIS K. UDALL,
*Chairman.*

RON DE LUGO,
*Chairman, Subcommittee on Insular and International Affairs.*

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U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, March 2, 1988.*

Hon. DANTE B. FASCELL,
*Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In follow-up to our recent meeting with Chairman Solarz of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, we believe it necessary to briefly reiterate some of our concerns about passing legislation at this time to authorize implementation of the Compact of Free Association with Palau, although we conceptually support the idea of such a bill passing as soon as it is appropriate to do so.

This is a matter of great importance considering that the Compact legislation would, among other things, replace current U.S. responsibility for the governing of Palau; commit the U.S. to provide Palau with at least $428 million; deal with sensitive military rights; provide program aid as well as tax and trade benefits; grant Palauans free entry to the United States directly; and dramatically affect the lives of all Palauans for many decades to come.

There are two principal sources of our concerns. One has to do with legitimate questions of whether the Compact has been constitutionally approved by Palau and the other has to do with serious allegations of potential criminal wrongdoing.

With respect to the constitutionality issue, we continue to believe—as the Congress decided in conceptually approving the terms of the Compact in 1986—that implementation cannot occur until it is clear that the Compact has been constitutionally approved by Palau. This may well not be the case at the present time.

The effort by Palau to secure approval of the Compact which was relied upon in asking Congress to authorize implementation in 1986 was later found to be unconstitutional. There are once again very legitimate questions about the constitutionality of the effort by Palau to secure approval which is being relied upon in the current request for implementation authorization.

If the plaintiffs who wished to challenge the approval in court earlier had been permitted to do so without the violence which occurred and without having been subjected to threats of further violence, this issue would surely have been settled by now. If it were settled, the United States and the Palauan governments could be well on their way to implementing the Compact or addressing the constitutionality problem if it still needed to be addressed and otherwise responding to the financial needs of Palau which are creating pressures regarding Compact implementation. We could also be further along in addressing other problems in Palau which we will outline in this letter.

A number of Palauans have informed us that they now have definitive plans to reinstate the legal challenge to the Compact's approval this month, if it can be made safe for them to do so. Let us hope that whatever is necessary to protect the right of these plaintiffs to pursue a legal challenge to the Compact's approval in safety will be done, as the President of Palau has pledged it will be.

We cannot support implementation of the Compact if this is not the case, given United States responsibilities for the governing of Palau under its trusteeship agreement with the United Nations Security Council. Consequently, we are monitoring this situation closely.

We want you to understand that it is not our intent to delay the implementation of the Compact any longer than is necessary. Prior to the time when the Compact can be implemented, however, we should all do whatever we can to provide Palau with enough funds to operate its government and avoid another period of turmoil because of a shortage of funding for government worker salaries, electric power service, and other needs.

We have asked the Department of the Interior to increase the level of funding for Palau in Fiscal Year 1988 to assure that Palau has the funds needed to properly operate its government until the Compact can be implemented. The United States should not be in the position of intentionally or unintentionally reducing funding so as to pressure either Palau or the Congress to implement the Compact prematurely.

In addition to the fundamental question of whether the Compact has been constitutionally approved, there are equally serious matters involving allegations of possible criminal wrongdoing which we simply cannot fail to address, although these matters may not require a delay in implementing the Compact if satisfactory remedial measures can be worked out. Most of these allegations fall into one of the four categories which follow.

*Heroin trafficking*: The Drug Enforcement Administration has reported that some 400 of Palua's 15,000 people are heroin users (a rate 12 times the U.S. national average) and that the islands are being used to transship heroin from Southeast Asia to the U.S. Several senior Palauan government officials have been identified to us as being connected to this drug trade.

*High-level Corruption*: Senior Palauan officials have reportedly acknowledged taking six figure payments from the contractor which installed the islands' new power plant. It is alleged that the $32 million price for the plant may have been substantially inflated. An informed source has told us that payments were also allegedly made to Palauan officials in connection with another multi-million dollar capital improvement project.

*Violence, intimidation and violation of rights*: Palauans—including members of the legislature—questioning the islands' latest effort to approve the Compact were subjected to violence and intimidation which left one man dead and which a Palauan judge has stated may have been responsible for the withdrawal of a suit challenging the constitutionality of the Compact's approval. Some Palauan officials favoring Compact approval have been implicated in the violence and intimidation.

*Other allegations*: Other serious allegations being investigated include: misappropriation of federal and local funds; the distribution of counterfeit U.S. currency; and use of unauthorized Palauan "passports" by Palauan officials.

A preliminary investigation of these allegations is being conducted by staff of this Committee with the assistance of the General Accounting Office. This preliminary investigation of these matters should be completed prior to a Committee oversight trip to Palau which we are planning to take during the Easter District Work Period.

During our planned trip, we intend to discuss the measures which will need to be taken in light of the matters being investigated with Palauan and Administration officials. It is also our intent to take whatever actions are necessary regarding the Palau situation reasonably soon after our return.

Based upon the information that we have already obtained regarding the payments to officials from the contractor for the power plant, we have already requested that the Secretary of the Interior exercise his full authority for the governing of Palau to see to it that the transaction is independently investigated and any violations of law related to it are prosecuted, if warranted. We would hope that procedures can be worked out with the Department of the Interior and other appropriate federal and insular agencies to ensure that any investigations and prosecutions which are initiated regarding this or any other matter can continue beyond the trusteeship period.

Both supporters and critics of the proposed Compact within Palau share some of our concerns related to the matters identified in the points above. An example of this is a recent letter (a copy of which is enclosed) to the Assistant Inspector General of the Department of the Interior from the President of Palau's Senate, a Compact supporter. In it, he recommended audits on a number of matters, including allegations of bribery with respect to the power plant transaction, potential illegal use of unauthorized Palauan "passports", and the disposition of vessels supposedly owned by the government of Palau.

In conclusion, we want to assure you that we look forward to working with you, Chairman Solarz, and other Members of the Committee on Foreign Affairs on Compact implementation legislation. This will occur when the constitutionality of Palau's approval has been made clear by the Palauan judicial system (or if those who wish to challenge the approval decide of their own free will that it is safe to do so but that they no longer wish to) *and* when we have worked out means of addressing the other concerns which we have outlined in this letter. Again, we hope that all of these matters will become clear enough to justify legislative action reasonably soon after our planned trip to Palau in April.

Sincerely,

MORRIS K. UDALL,
*Chairman.*
RON DE LUGO,
*Chairman, Subcommittee on Insular and International Affairs.*

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SECOND OLBIIL ERA KELULAU,
REPUBLIC OF PALAU,
*Koror, February 17, 1988.*

HAROLD BLOOM,
*Ass't Inspector General for Audits, Office of the Inspector General, U.S. Department of the Interior, Washington, DC.*

DEAR MR. BLOOM: I am writing in response to your request for audit suggestions for Fiscal Year 1989. The following are matters which I feel merit your attention:

1. *IPSECO matter.* In 1983, the Palau government entered into an agreement for the construction of an electrical power plant with the British firm International Power System, Ltd. (IPSECO). As part of the financial arrangements for this deal, an escrow account was established into which was directly paid by IPSECO the sum of $900,000, representing the prepayment of taxes. This was in violation of constitutional and statutory provisions requiring that all government revenues be paid into the National Treasury.

At the time of Palau's alleged default on the loan for this project, the guarantors of the financing, a British syndicate headed by the firm of Morgan Grenfell, were somehow able to obtain the funds in the escrow account. A study of the facts surrounding the establishment of this account and the process by which the money was paid out would assist in our understanding of the IPSECO affairs, currently the subject of a United States lawsuit and which, if an unfavorable decision is rendered, could be a financial disaster for Palau.

2. *IPSECO power plant.* A comprehensive audit of all financial arrangements for this project would be desirable, particularly because recent revelations from British bankruptcy auditors reviewing the records of IPSECO indicate that certain Palau government officials accepted payments from IPSECO at the time that the agreement to construct the power plant was being considered. These local officials admit the receipt of the payments, but deny any illegality. It is critical to clear up the details of this matter, as the related rumors and recriminations threaten to further delay the implementation of the Compact of Free Association and cloud the integrity of key individuals in our government.

In light of the recent revelations of bribery, we have requested certain members of the United States Congress to consider sending an assessor to Palau to inspect the power plant and to determine its actual cost, for which the Republic of Palau may be liable, if that be the case. We do not deny that the power plant has been constructed and the people of Palau are benefitting therefrom. We believe, though, that the cost of the project was artificially inflated above its actual true cost, and Palau should be liable, if the case may be, for only the actual cost, not for the inflated cost which we feel was used to corrupt our officials. In this matter, we ask that the Inspector General assist in making a reality our request for an assessor to come to Palau and determine the actual cost of the project.

3. *Passport finding.* A private Palauan citizen and an American attorney retained by the President of Palau were recently found by custom officials in Guam to be carrying what have variously been described as blank Republic of Palau passports or diplomatic identification documents. In the course of subsequent events, it has been revealed that our government has had 10,000 Republic of Palau passports printed, and that part or all of this number are stored in a bank vault here.

Although I have profound questions as to why Palau is even having passports printed at this time and why private citizens and foreigners are transporting these, my more immediate concern is the source of funds for the printing. No appropriation for this purpose has yet been made, and thus any expenditure for this purpose would appear to be illegal. I suspect that our government frequently expends funds outside of the scope of specific appropriations, but this may be a particularly egregious case that should be looked into.

4. *Sale of confiscated vessel.* In 1983, the government of Palau seized the *M/V Aesarea*, a chartered Taiwanese cruise ship, for various violations of customs and other laws. Following a favorable court judgment in this matter (Civil Action No. 2-085), the Palau government proceeded with the sale of the vessel. In Civil Appeal No. 16-85, the judgment of the trial court was overturned, which may expose the Republic to legal liability for the fair market value of the vessel at the time of the seizure, claimed by the owners to be $4 million.

The handling of this matter in general appears to have been poor, and the proceeds received from the sale of the vessel have never, to my knowledge, been accounted for. It is in this aspect that I request your audit.

5. *M/V Micronesian Princess.* When the Trust Territory government began its decentralization, the Republic of Palau received the *M/V Micronesian Princess* as its share of the vessels owned by the TTPI government. Subsequent to that, the vessel underwent repairs in Kaoshiung, Taiwan, after which it was chartered by some Chinese nationals. Since then, we have not had reports of the whereabouts of this vessel and whether or not it has been sold.

The above-cited matters represent substantial amounts of money which, if recovered, could help alleviate the financial problems we face and perhaps avoid another fur-

loughing of government employees as our President has forecasted. Therefore, I wish to thank you for giving us the opportunity to suggest matters to include in the audits, and further respectfully ask that you seriously consider including them in your audit.

Sincerely yours,

JOSHUA KOSHIBA,
*Senate President.*

## THE SPACE SETTLEMENT ACT OF 1988

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. BROWN of California. Mr. Speaker, 30 years ago, Congress passed the National Aeronautics and Space Act [Space Act] which created America's space agency. America has come far in the past three decades as a space-faring Nation and can be proud of its many space accomplishments over the years. Today, I challenge my colleagues and the Nation to prepare for a new phase in the space adventure. I am proposing legislation that will help foster the understanding that space is not only an arena for exploration and science, but also as an extension of our home, planet Earth.

My bill, the Space Settlement Act of 1988, expands on the Space Act of 1958 by amending it to include the following declaration:

The Congress declares that the extension of human life beyond Earth's atmosphere for the purposes of advancing science, exploration, and development will enhance the general welfare on Earth and that such extension will eventually lead to the establishment of space settlements for the greater fulfillment of those purposes.

The measure would require NASA to obtain, produce, and provide information relating to all issues important for the development and establishment of space settlements. These activities would be performed in close cooperation with other agencies, the private sector, academia, and the international community.

The legislation also calls for NASA to prepare a report every 2 years for Congress and the White House on various issues relating to the establishment of space settlements, including technology needs, techniques for remote resource utilization, site options, architecture options, economic models for financing, mechanisms for international cooperation, and sociological issues.

Mr. Speaker, we now have the capability to traverse the heavens in the pursuit of science and commerce. A half century ago, space travel was the dream of only a few visionaries. During the last three decades, the space program has come to symbolize the best that America can achieve. The accomplishments of the Apollo Moon Program remain unchallenged by other nations. The United States is unmatched in astronomy, astrophysics, and planetary science. We have also paved the way for the international communications satellite industry.

There is no arguing, however, that the *Challenger* accident, and the public scrutiny which followed, have taken a heavy toll on the civilian space program. Despite impassioned pleas to restore the space program to its original stature, budgetary realities have overwhelmed NASA's attempts to carry on as a viable R&D agency, and budget fights in Congress threaten America's leadership in space. Even now, the Budget Committee and the Appropriations Committee are discussing draconian cuts in NASA's funding request for fiscal year 1989. In one budget cycle, we are about to give up on the future of America, letting it fall into the hands of other nations that understand the ultimate value of the space frontier. If we do not take action within the next few years to significantly improve funding for NASA, all that will be left of NASA will be a directionless program, a bureaucratic shell.

During this bleak hour in the history of NASA, I am proposing legislation which I hope will help revitalize the spirit of the space adventure. I am introducing legislation to set as a long-range objective for the Nation the establishment of self-sufficient human settlements on the space frontier. This legislation is not only appropriate, but I think my colleagues will agree, it is also a responsible action which will help direct the space program for the next century.

In fighting the near-term battle for the very survival of NASA, the topic of space settlements may seem almost inconsequential. I would strongly argue, however, that it is the lack of long-range planning that has significantly contributed to the current crisis in the NASA budget. We cannot adequately rationalize a healthy space budget without a clear understanding of the ultimate implications of current space projects.

Congress recognized this shortcoming several years ago, creating the National Commission on Space in 1984. The President then assembled an impressive 15-member commission headed by former NASA Administrator, Dr. Thomas O. Paine. In early 1986, the Commission released a visionary report on the next 50 years in space, titled "Pioneering the Space Frontier." The report boldly declared that America should take the lead in building "institutions and systems that make accessible vast new resources and support human settlements beyond Earth orbit, from the highland of the Moon to the plains of Mars." Throughout the report, emphasis on space settlements as an element of the future space program is evident. The report states, "There will be a need for long-term human settlements in orbit and, at some point, on the surface of the Moon and Mars." The Commission correctly observes, however, that space settlements in themselves are not the goal; however, they are a means toward achieving the broader goal of opening the solar system for science, exploration, and development.

Rather than responding directly to the Paine Commission's recommendations, NASA formed its own in-house study group headed by Dr. Sally K. Ride. The Ride report also contained bold recommendations for the future of the space program. The report describes four specific directions for the space program to take over the next 20 years: "Mission to Planet Earth," Unmanned Exploration of the Solar System," "Outpost on the Moon," and "Humans to Mars." While the Ride report presents these specific options for space goals, it also makes reference to the eventuality of establishing space settlements: "Exploring, prospecting, and settling have always been part of our heritage, and will assuredly be part of our future." In another part of the report, settling Mars is described as "the ultimate goal" of human activity on Mars. However, I strongly agree with the Ride report that settling any part of the solar system should not be the next goal for NASA, but should only come after a broad program of planetary sciences, conducted with manned and unmanned vehicles.

In addition, the long-awaited national space policy issued by the White House in January articulates for the first time that a goal of the U.S. space program is to expand human presence and activity beyond Earth orbit. With this policy, the administration has opened the door for lunar bases and manned exploration of Mars. I do not think we can discuss Moon and Mars missions as national goals in and of themselves, however, without discussing the ultimate implications of those activities.

In the process of planning and executing missions to other planets, we will improve our ability to conduct scientific research, exploration, and commercial development in space. Logically, we will continue to improve our capability to work in space, whether in low Earth orbit or on Mars. These increased capabilities will certainly include an ever-growing human presence in space. As the number of people working in space increases, efforts will be made to provide them with comfortable habitats. In addition, simple economics will force space outposts to higher degrees of autonomy and self-sufficiency. At first, the space population could mine the lunar soil for oxygen for fuel and life support and use the raw materials for radiation shielding. Later, space researchers and workers could grow their own food in space. These activities would be consistent with current research at NASA and at other research organizations, which I will discuss later.

To follow this logic out over the long term, the ideal manned facility will provide all the needs of the space population independently of supply lines from Earth, and be sufficiently large to provide comfort for all inhabitants. This facility would than be called a space settlement.

If we can achieve this level of self-sufficiency in space operations, scientific research, exploration, and commercial activities will increase exponentially, while Government and private investment in space could actually decrease. Space settlements will be a safe and comfortable setting for scientists and engineers to conduct research or commercial activities. They would also provide a way station for crews exploring and prospecting more remote parts of the solar system. And in the broad sense, space settlements represent humanity's social evolution beyond the Earth.

What I have briefly described here, Mr. Speaker, is not a manuscript for a science fiction novel, but a rational sequence of events that most members in the space community understand as reasonable—and which many feel is inevitable. If we can agree that space settlements are a part of our future, I see no reason not to fully articulate that vision so that all Americans can understand for themselves

where our space program is leading us. In fact, I would have difficulty supporting manned activities beyond Earth orbit were I not certain that settlements would follow.

The Honorable Don Fuqua, former chairman of the Science, Space, and Technology Committee, and now president, Aerospace Industries Association, included the following recommendation in his chairman's report of December 1986:

Congress must face the reality then that our national well-being requires that we move into space with a methodical program of exploration and colonization, and that this must be a major priority for the best use of Federal funds.

Mr. Speaker, we are all aware that other nations are not waiting for the United States to lead the world into space. For example, the Soviet space program is far in advance of ours in many respects. The Soviets have had the permanently manned "Mir" space station in order since 1986—the United States space station will be lucky to be deployed by the mid-1990's. The Soviets have unveiled their Energia heavy-lift vehicle which dwarfs the capacity of the most ambitious of the launch vehicles that exist only on paper in the United States. One of the main reasons the Soviet Union has such an impressive space program is that it has a national vision of what the development of space means to the future of the country and the world. The Soviets, for example, have often expressed their determination to send men to Mars—in the Soviet Union, there is no discussion of whether to go, only when. One of the most revered figures in the history of the Soviet space program, Konstantin Tsiolkovski, wrote in 1903:

Mankind will not remain on Earth forever, but in its quest for light and space will at first timidly penetrate beyond the atmosphere, and later will conquer for itself all the space near the Sun.

The words of this early thinker permeate the Soviet philosophy toward space. The long-term vision keeps the Soviet space program on a steady, nationally supported course. Our Nation would certainly benefit from this kind of broad understanding and vision.

If the Soviets have "old" vision to keep them motivated, the Japanese are generating some "new" vision of space. Having bested Western nations to become the strongest economy in the world, the Japanese have now set their goals in space. Already Japan has distinguished itself in space science; has a viable launch capability; and is a partner nation in the international space station project. Also on Japan's drawing board, however, are heavy lift launch capability, development of a space plane, and lunar bases. One Japanese company is aggressively conducting feasibility studies for lunar bases. Literature for the Shimizu Corp. contains the following passage: "Involvement in the development and construction of space stations and lunar bases is one of Shimizu Corp.'s highest priorities." Shimizu literature also indicates Japan's long-term objectives of space factories, Mars base, and even space colonies. Human expansion into space is clearly part of the Japanese national plan. And we know from experience that when the Japanese put their efforts toward an objective, they are very likely to succeed.

Other nations, especially the countries of Europe, are also moving along aggressively in space. The development of space will happen. This Nation must decide whether or not it wants to be a player in that development.

Mr. Speaker, without question we have a long way to go before we can even consider initiating the construction of space settlements. Indeed, it may take several generations of Americans before our technology and society are mature enough to undertake such a challenging project. My legislation makes no assumptions regarding where a settlement should be established, what it should look like, or when one should be built. The Space Settlement Act simply begins the process of examining the issues and technologies associated with space settlement. In this way, once we arrive at the point that space settlements become desirable, we will have a comprehensive body of work to draw on. Legitimate research is currently under way inside and outside of NASA to provide preliminary data which can be applied to space settlement development.

I want to stress that most of NASA's programs form the necessary prerequisites to any consideration of a space settlement project. Life science, for example, is clearly a critical area of research for any long duration manned activity in space. Unfortunately, this field has been a low priority of the space agency in the past. In the forward of a 1987 National Academy of Science [NAS] report, "A Strategy for Space Biology and Medical Science," Chairman of the NAS Space Science Board Dr. Thomas M. Donohue clearly points out:

* * * if this country is committed to a future of humans in space, particularly for long periods of time, it is essential that the vast number of uncertainties about the effects of microgravity of humans and other living organisms be recognized and vigorously addressed. Not to do so would be imprudent at best—quite possibly, irresponsible.

The NAS report describes key areas of space life science which are ripe for research.

In its fiscal year 1989 budget request, NASA is asking for a new start, called Pathfinder, which would authorize a broad set of space missions and strengthen the technology base of the United States' civil space program. Pathfinder will develop the emerging, innovative technologies that will enable both new and enhanced missions, including an intensive study of the Earth, a return to the Moon, and piloted missions to Mars. The program is organized around four major goals: First, exploration; second, operations; third, humans in space; and fourth, transfers vehicles. These categories include research in areas such as optical communications, automated rendezvous and docking, cryogenic fluid depot, closed-loop life support systems, and high-energy aerobraking.

The Pathfinder project must be allowed to start at the full funding level requested by the administration. Other NASA programs explicitly tied to the development of space settlement include space transportation, the space station, and planetary exploration. Therefore, meeting the requirements of the Space Settlement Act is consistent with the activities within the Agency. I would hope that NASA will view this legislation as a way to articulate broad vision on the future of the space program.

In the process of pursuing the objective of space settlements, however, we must not compromise space science and applications programs. Manner activity in space should never be justified on the basis of mere human acrobatics, but should be a means toward fulfilling the broad goal of science, exploration, and development. I would object to any effort to construct space settlements if such an effort preempted comprehensive programs in astronomy, planetary sciene, and Earth and environmental observations. I want to make it clear that this legislation is not meant to justify the manner space program to the detriment of space and Earth sciences. Indeed, it is for the greater enhancement of these research areas that I propose this challenge.

Significant research in technologies necessary for space settlements is also being conducted outside of NASA, and therefore is not often brought to the attention of Congress. For example, the Space Studies Institute [SSI] of Princeton, NJ, has been conducting privately funded research on a variety of space manufacturing technologies. Dr. Gerard K. O'Neill, president of SSI, is the most recognized expert on space settlement concepts. His book, "The High Frontier: Human Colonization of Space," published in 1977, triggered broad public interest in space colonization. In recent years, Dr. O'Neill has focused his energies in developing the technologies to make accessible the resources of the solar system for commercial and social development. Some of the research conducted at SSI includes linear accelerators to propel raw materials off the lunar surface into orbit for processing; techniques for chemical and physical processing of lunar material; and design work on space habitats and colonies. SSI is founded on the expectation that the resources of the solar system can be used to create a third industrial revolution based in space, fostering vigorous new economic activity.

Another spectacular research effort underway, which will provide vital data on self-sustaining habitats in space, is the privately funded Biosphere II project in Arizona. In January 1990, eight research scientists are scheduled to enter the airlock of Biosphere II and spend the next 2 years inside, completely cut off from the external environment. This amazing facility will be a testing ground for future space settlements, and will also provide greater understanding about the Earth's environment. Biosphere II will be populated with plants and animals, in what is hoped to be a balanced ecosystem that will sustain life over long periods. The large greenhouse-like building will contain a rain forest, agricultural land, a desert, and even an ocean. The results from this experiment could change forever our image of space habitats as cramped inhospitable modules.

The Federal Government's lack of vision has not dampened the motivation of researchers who are convinced that humanity can live for extended periods in space in a self-sufficient and comfortable environment. My legis-

lation attempts to bring this understanding to a broader cross-section of Congress and the general public.

Before concluding my remarks, I want to discuss another element of the Space Settlement Act of 1988, which is not based in the hard sciences. Although I believe the pursuit of science, exploration, and development is justification enough for eventually establishing space settlements, we cannot deny the place that space settlements will take in the context of human evolution. Viewed from a sociological perspective, the extension of human life into the solar system is part of the logical progression of human development. Science and history show us that humanity is fundamentally a migratory species. It is clear that we are at a point in our history where we both are at the limits of terrestrial geography and have the capability to gain access to the solar system. Expressed in these terms, there seems to be no question that the next step in the human adventure will take us into the solar system—not only as a few explorers, but as whole communities of people.

Mr. Speaker, I would hope that some of my colleagues will understand what I have said today, and appreciate the legislative action I am offering. The space age is only in its infancy. Without some idea of what it will grow into, we risk continued frustration and fragmentation in our space efforts. Space settlements can be a symbol to inspire generations of Americans to reach for the seemingly unattainable, and by reaching, achieve the impossible. I hope that my colleagues can begin to see space as the extended home of humanity—a place for the continued development of our species. I welcome all Members who share my vision of America's future in space to join me as cosponsors of the Space Settlement Act of 1988.

## AMERICANS FAVOR NATIONAL HEALTH INSURANCE BUT MAY NOT BE WILLING TO PAY FOR IT

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. PORTER. Mr. Speaker, a survey was recently published by Health Management Quarterly that I believe is worth calling to the attention of all Members of Congress.

I want to thank Health Management Quarterly, a publication of the Baxter Foundation, for providing this insightful information and commend them for this excellent contribution to advancing the health policy debate in this country.

The results of the survey show that the American people want to provide quality health care to all, but are unwilling to finance it. Congress should take notice of this survey as we consider catastrophic and long-term-care proposals that rely on increased Medicare premiums and tax hikes for their financing.

I urge all Members to read the following summary of this important survey.

[From the Health Management Quarterly, March 7, 1988]

AMERICANS FAVOR NATIONAL HEALTH INSURANCE, BUT MAY NOT BE WILLING TO PAY FOR IT

DEERFIELD, IL.—Two out of three Americans say they would favor national health insurance, but they seem unwilling to pay much for it.

Americans also think health care has gotten better over the past five years because of new technology and growing knowledge among doctors and hospital staffs. People are less happy, however, with today's medical fees.

Those are among the findings of a new nationwide survey commissioned by Health Management Quarterly and reported in the First Quarter 1988 issue of the magazine, to be released March 11. The poll examined public opinions about the health-care system and its performance in recent years.

The survey asked people to base their answers not on values or hearsay but on their own experiences or those of their families. Major findings included:

NATIONAL HEALTH INSURANCE

Sixty-eight percent favor "a national health insurance program funded by tax dollars, where everyone is guaranteed as much health care as he or she needs."

WILLINGNESS TO PAY

Only 19 percent say they would be willing to pay more than $50 a year in higher taxes or increased insurance premiums to cover the cost of health care for those who cannot afford it. Twenty-nine percent say they would pay nothing, and 18 percent say they would be willing to pay only $25 a year or less.

QUALITY OF CARE

Fifty-six percent think the quality of care is better now than it was five years ago. Twenty-three percent think it's the same and 11 percent say it's worse. The highest perceptions of quality came from those who had recently undergone hospital care.

QUALITY UNDER NATIONAL HEALTH INSURANCE

Twenty-four percent think quality would improve under a national health insurance program, and 33 percent think it would stay the same. Thirty-four percent believe it would get worse.

TECHNOLOGY

Eighty percent agree that "health care is better because better technology and equipment is used to diagnose and treat patients than was used five years ago." (Sixty percent agree strongly.)

PROVIDER COMPETENCE

While 67 percent say they're more likely to question a doctor's orders or seek a second opinion, 62 percent say that doctors and hospital staff members "know more about what they're doing than they did five years ago."

MEDICAL FEES

Fifty-nine percent say the fees charged for medical care are less "reasonable" than they were five years ago.

LONG-TERM CARE

Sixty-six percent say they're aware that current government programs do not cover costs for long-term health care. A smaller number, 54 percent, are at least somewhat confident that they could pay for such care—implying that they may not realize that care in a nursing home can cost $20,000 to $30,000 a year.

Americans have "mixed emotions" toward health care, according to Gene Pokorny, president of Cambridge Reports Inc., the Massachusetts opinion-research firm that conducted the survey. Previous studies have found large majorities in favor of high-quality health care for all Americans. This survey differed in asking what they'd actually be willing to pay for such coverage.

"Saying you favor equality in health care and footing the bill are two different things," according to Philip Justin Smith, editor of HMO. "That disparity is of specific note in an election year when none of the presidential candidates has staked out a complete policy on health care."

"Most want assurance that care will be available to everyone, but few seem willing to pay additional taxes for it," said James H. Sammons, M.D., executive vice president of the American Medical Association, in response to the survey. "Care must be available to all who need it, and the best way to assure its financing is through a combination of public and private programs."

"As government payments for care to the elderly and poor lag far behind the cost of delivering the services, everyone's access to quality health care hangs in the balance," said Carol M. McCarthy, Ph.D., president of the American Hospital Association, also responding to the survey findings. "It is time for the American public to speak out in support of a national health policy for adequately financing government health programs."

Health Management Quarterly is a publication of The Baxter Foundation, the charitable arm of Baxter Healthcare Corporation. Baxter develops, manufactures and markets worldwide a diversified line of health-care products, systems and services.

The survey consisted of telephone interviews in November 1987 with 1,508 people selected to represent the U.S. population 18 years of age and older. The statistical margin of error is plus/minus 2.5 percentage points in 19 out of 20 cases.

## SACRIFICES AND SURVIVAL

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. FLORIO. Mr. Speaker, on May 17, 1987, the U.S.S. *Stark* was the victim of a misguided missile in the Persian Gulf where it was on maneuvers patrolling the gulf and ensuring the freedom of access to the Persian Gulf sea lanes. Thirty-seven sailors died in that attack on the *Stark*. Many more were injured and the consequences of destruction echoed beyond the confines of the gulf.

For the families of the sailors in the gulf, the tragedy and the potential that exists every day for tragedy in the gulf is not so distant as the miles between the shores of the United States and the gulf would indicate.

Indeed, for every sailor who suffered in that attack on the *Stark*, there is a family and group of friends who suffered as well.

In the First District of New Jersey, the family of Navy 1st Lt. Vincent G. DiAntonio, Jr., is one of those families whose lives were affected by the attack on the *Stark*.

Injured in the attack on the U.S.S. *Stark*, Lieutenant DiAntonio was one of those lucky

enough to survive. Thirty-seven of his crewmates were not that fortunate.

But in the hours after the Exocet missile had penetrated and devastated the *Stark*, Lieutenant DiAntonio did not let his injuries impede his service or his dedication to his fellow soldiers.

Despite his injuries, he ably assisted his crewmates. For 16 uninterrupted hours, Lieutenant DiAntonio led the survivors of the *Stark* in efforts to protect his crewmates. At the helm, in the course of saving the ship, he saved lives.

Although sailors and soldiers are routinely expected to face the extraordinary in their daily service, Lieutenant DiAntonio and the others aboard the *Stark* testify to the fact that their service is anything but the ordinary. Within 16 hours, the sailors of the *Stark* had sacrificed more of themselves and were willing to sacrifice more.

Lieutenant DiAntonio did not let his injuries stop him from fulfilling his commitment to his crewmates and to his country. In the tradition of all servicemen and women, Lieutenant DiAntonio was a witness to tragedy and a testament to courage.

Less than 1 week before the first anniversary of the attack on the *Stark*, Lieutenant DiAntonio will be discharged from the Navy, having fulfilled his time commitment to the Navy.

But in the time since he joined the Navy, he has given more than his fair share as a citizen to the service and to the service of his Nation. As a sailor, he has done his duty and he has done it well.

The community has already recognized the efforts that Lieutenant DiAntonio has rendered for his Nation. Just as his family, his friends, and as importantly, his crewmates aboard the *Stark* have witnessed, Lieutenant DiAntonio follows a tradition of commitment.

I commend Lieutenant DiAntonio for his service. Along with the community, his friends, and family, as the following article demonstrates, Lieutenant DiAntonio has earned these commendations:

[From the Camden Courier-Post, Feb. 29, 1988]

NAVY HONORS BARRINGTON SAILOR

(By Rose Venditti McIver)

Navy 1st Lt. Vincent G. DiAntonio Jr. of Barrington has been awarded the Navy Achievement Medal for "Heroic achievement" aboard the USS Stark after it was bombed last May in the Persian Gulf.

DiAntonio, who has won other Naval citations during his three-year stint, was serving as supply corps officer aboard the Stark when it was bombed by two Iraqi air-to-surface missiles. Thirty-seven sailors were killed. Others were wounded—including DiAntonio, who suffered a leg injury.

Despite his wound, DiAntonio was lauded for working 16 "grueling" hours after the attack. He assembled crews to fight the fire and assess the ship's damage "without regard to (his own) personal injury."

The citation, which was signed by then Navy Secretary James Webb, also praised the sailor for working with medical personnel to care for and evacuate wounded sailors.

"Lieutenant DiAntonio's superior performance, perseverance and steadfast dedication to duty reflected credit upon himself and were in keeping with the highest tradition of the United States Naval Service," according to the citation.

"We're very proud of him," his father, Vincent G. DiAntonio Sr. said. "We couldn't be more proud."

Vince Sr. said his son is at Ingalls Shipyard in Pascagoula, Miss., where he and other crew members are repairing the Stark. The repair may be completed by late summer, he said.

The junior DiAntonio is scheduled to be discharged on May 12—five days short of the one-year anniversary of the Stark bombing.

"He won't be going back out there again," Vince Sr. said. "I have to say I'm happy about that."

Vince Jr. hopes to get an accounting job for a local firm when he's discharged this spring, his father said. Vince Jr. has a bachelor's degree in accounting from Villanova University.

## SWEAT MEETS GLITZ AT THE LOS ANGELES MARATHON

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. CLAY. Mr. Speaker, recently, I had the pleasure of viewing a spectacular sports event, the Los Angeles marathon. It is a race worth seeing and I believe it is well serving the Los Angeles community.

I am happy to take this opportunity to share the following article from Business Week, "Sweat Meets Glitz at the Los Angeles Marathon" about the founder of this event, Mr. William A. Burke.

SWEAT MEETS GLITZ AT THE LOS ANGELES MARATHON

(By Patrick E. Cole)

William A. Burke is the perpetual telephone dealmaker. Cruising the Los Angeles freeways a few days ago in his Mercedes—equipped with two phone lines—Burke sewed up a deal for African television rights for the city's marathon on March 6. A few weeks earlier, while fishing off Australia in his 40-foot boat, Burke used his ship-to-shore phone to wrap up a promotional deal for the footrace, which he founded three years ago. "People think I have a phone growing out of my ear," Burke confesses.

No matter, for those phone calls have paid off grandly. An upstart compared with the much older New York and Boston marathons, the L.A. event has proved itself amazingly quick off the mark, thanks to Burke's savvy marketing. By lining up such corporate backers as Seven-Up, John Hancock, Mercedes-Benz, and Pan Am, he has made it the nation's most heavily sponsored long-distance race.

The 17,000 runners expected this year will make it second only to New York in number of participants. Its $4.5 million budget is already the biggest. Burke even wooed an army of 15,000 volunteers to help organize the race. And while only New York gets national TV coverage now, Burke aims for that in a year or two—when he thinks the West Coast race will lead the marathon pack.

Burke's success has stunned other marathon promoters—and opened some eyes to the possibilities of corporate sponsorship. Bicycle races and even music festivals have started hustling for sponsors, Burke-style, says Lesa Ukman, editor of Special Events Report, an industry newsletter that tracks corporate sponsorship. "I'm jealous," admits Fred Lebow, president of the New York Road Runners Club Inc, owner of the New York marathon. Lebow concedes that he lacks Burke's flair as a salesman. "I'm going to the race to steal whatever ideas I can from Burke," he says.

To his evident success, Burke insists there are no great secrets—except a penchant for thinking up sponsorship tie-ins and then selling hard. Thus the L. A. race has an official vitamin supplier and an official messenger service.

Burke, 48, learned his promotional skills as commissioner of tennis for the 1984 Los Angeles Olympics, a heavily commercialized event that produced a $214 million profit. The goal of keeping alive the city's Olympics euphoria gave Burke the idea for a marathon. Burke, who is wealthy, claims he runs the event just for the fun of it—for now. He owns 52 percent of Los Angeles Marathon Inc., which this year should break even. Once it starts generating a profit, Burke could start cashing in. That profit potential makes the L. A. race unusual: Both the New York Road Runners and the Boston Athletic Club, which runs the grandfather of all U.S. 26-mile races, are not-for-profit entities.

Burke's career is that tired-but-true story: Small-town boy makes good. Born in Zanesville, Ohio, he attended college on a tennis scholarship. He got a doctorate in education from the University of Massachusetts—where he became friends with classmate Bill Cosby. Later, Burke started a wine company and formed a gold mining outfit with friends in West Africa. He sold that to a small, independent oil company. Then, Burke says, he made millions buying and selling California commercial real estate.

Aside from corporate sponsors, Burke has used Hollywood's glitz to build his marathon. Along the route, 10 "entertainment centers," sponsored by Eastman Kodak Co., will offer music and dancing to amuse the crowd. Burke has persuaded 10 celebrities to run in the race, including Corbin Bernsen from "L. A. Law" and Jack Scalia of "Dallas." And he's throwing a "Pre-Race Carbo-Load Dinner" for 4,000 guests at a huge 20th Century-Fox studio sound stage. Burke's personal show-biz ties have helped. His neighbors include actor Karl Malden and composer Burt Bacharach. He also numbers among his friends Muhammed Ali and actress Cicely Tyson.

NOTHING SHABBY

To those who would criticize his methods as overly commercial, Burke has a simple answer. "If an event is not economically viable," he says, "it will not endure." Some also complain that Burke's marathon lacks the world-class runners of other races. Burke refuses to lure top marathoners with cash bonuses—also known as "appearance money"—as rival races do. Moreover, many top runners are sitting out this year's L. A. race to save their strength for Olympic marathon trials in May. But there's nothing shabby about the prizes awaiting the winners of Burke's race: $25,000 and a Mercedes to male and female winners. A world-record time would reap a $100,000 bonus.

Ever the promoter, Burke is cooking up more events for Los Angeles, including gala Fourth of July and New Year's Eve celebrations. And he's planning a star-studded centennial celebration for nearby Orange County. With such extravaganzas in the

works, Burke may have to add more phone lines in his car.

## THE RETIREMENT OF DR. JOHN Q. TAYLOR KING

### HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. PICKLE. Mr. Speaker, the career of Dr. John Q. Taylor King is truly one of outstanding perseverance, dedication, and accomplishment. The city of Austin, the State of Texas, and educators throughout our country will lose a strong voice for advancement of higher education when he steps down as chancellor and president of Huston-Tillotson College later this year.

Although born in Memphis, TN, John King was raised in Austin, TX, where he graduated from Anderson High School. He continued his education at Fish University in Nashville, TN, where he earned a bachelor of arts degree. He returned to Central Texas and earned a bachelor of science degree from Huston-Tillotson College. He continued his postgraduate studies, earning a master of science degree from DePaul University in Chicago and a Ph.D. from the University of Texas at Austin. He holds a Phi Betta Kappa key.

Dr. King entered World War II as a private, rising through the ranks to serve as a captain in the Pacific, and retired from the U.S. Army as a major general in 1983. Since the conclusion of the Second World War, he served in Alaska, Japan, Korea, Okinawa, Germany, Hawaii, and many other Army and Air Force installations.

His passion for education continued in the service, and he completed courses at several senior service schools, including the Command and General Staff College, the Air War College, the Industrial College of the Armed Forces, the logistics executive development course, and the SROC at the Army War College. He has received numerous military awards and decorations, and former Texas Gov. Mark White promoted him to the rank of lieutenant general in the Texas State Guard.

Dr. King joined the staff of Huston-Tillotson College in 1947, and held the post of professor of mathematics for several years. He served as dean of the college for 5 years, and was appointed president in 1965 and chancellor in 1987.

In recognition of his outstanding contributions to the field of higher education, he has received an honorary doctor of laws degree from both Southwestern University and St. Edwards University, as well as honorary doctor of human letters degrees from both Austin College, in Sherman, TX, and Fisk University.

I could fill much of this RECORD with Dr. King's civic activities, contributions to his community, and the awards he has received in recognition of these efforts. He is a life member of Alpha Phi Alpha Fraternity, a member of Sigma Pi Phi, Phi Delta Kappa, several professional and honor societies, and is a 33d degree Mason and a Shriner.

Dr. King has been honored with alumni awards from Huston-Tillotson College and Fisk University, the Carl Bredt Award from the University of Texas College of Education, the Brotherhood Award from the National Conference of Christians and Jews, the Roy Wilkins Meritorious Award from the NAACP, and the Martin Luther King, Jr., Humanitarian Award. He is reknown as a writer, a civic leader, and one of the most highly respected citizens of our community and our State.

But these accomplishments and awards do not fully illuminate this man's worth. Dr. King's life serves as unrefutable proof that a person's possibilities are limited only by his desire to reach for the stars and his dedication to achieve his dreams. By his own example, he has extolled young people, black and white alike, well-to-do and poor alike, to have the courage to dream and the heart and the will to make their dreams come true. For many, he has made their dreams possible by giving them the most powerful tool they possess—the power of a good education. If a mind is truly a terrible thing to waste, Dr. John King has shown us all that a mind is also a miraculaous resource to develop.

It has been my good fortune and great pleasure to have known and worked with Dr. John Q. Taylor King, and I want to offer him my personal thanks and congratulations. I wish him a long and happy retirement with his wife, Marcet, his three sons and his daughter, and his nine grandchildren. We are richer for his dedication and his service.

## ILIFF R. McMAHAN'S RETIREMENT

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DUNCAN. Mr. Speaker, I would like to call to your attention the March 25, 1988, retirement of Iliff R. McMahan, a public servant I have known since we were students at the University of Tennessee. I am happy to say he has been one of the most helpful, dedicated civil servants it has been my privilege to know. As a public servant, Mr. McMahan served the Federal Government more than 33 years. He also served as an enlisted man in the U.S. Navy in the Pacific during World War II; Regional Information Officer in Nashville, TN, with the U.S. Department of Labor; Associate Director of the WIN Program on the White House staff of President Gerald Ford; and, Associate Director of the Division of Information and Executive Assistant to the Chairman of the National Labor Relations Board.

Iliff's working life has been devoted to serving the public and this he has done well. In addition to his Federal service, he has been a one-room schoolteacher, and served his home county as the duly elected circuit court clerk for almost 10 years. He now leaves the Federal Government with an outstanding record.

Also, in between his public service, he has been an editor and publisher of three weekly newspapers and worked as an apprentice machinist with ALCOA.

An always cheerful, upbeat person, I will miss my good friend's optimistic outlook and disposition. And I am sure there are others in the Washington area that will miss him and his attitude toward life. He is that type of man.

It is my understanding he will return to his native Tennessee and resume his newspaper career as a columnist on his hometown paper, The Newport Plain Talk, 1 of 10 excellent newspapers owned by the Sun Publishing Co. He is one of the best when it comes to finding unusual human interest stories. Further, Iliff is one of the most interesting and entertaining writers it has been my privilege to know.

I am of the opinion that I express the sentiments of all who know Iliff, when I wish him a long and happy retirement.

He has earned it.

## THE PANHANDLE/SOUTH PLAINS WATER QUALITY IMPROVEMENT ACT OF 1988

### HON. BEAU BOULTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. BOULTER. Mr. Speaker, today I am introducing the Panhandle/South Plains Water Quality Improvement Act of 1988.

This bill will put into place the recommendations contained in the report of the Department of the Interior, Bureau of Reclamation, issued in June 1985 for dealing with increasing levels of salinity in surface water at Lake Meredith, which is located in the Panhandle of Texas.

My bill will allow the Bureau of Reclamation to enter into engineering, construction, and operational agreements with the Canadian River Municipal Water Authority for the control of saltwater inflow into the Canadian River. This inflow is mainly caused by a shallow brine aquifer, located near Logan, NM, which "pumps" water almost as salty as seawater, into the Canadian River many miles upstream of the Lake Meredith Dam at Sanford, TX.

Mr. Speaker, since the midsixties Lake Meredith has been a vital source of water for nearly one-half million west Texans. The Canadian River Municipal Water Authority is funded by and serves the water needs of the citizens of Amarillo, Borger, Brownfield, Lamesa, Levelland, Lubbock, O'Donnell, Pampa, Plainview, Slaton, and Tahoka, TX. Since the first filling of Lake Meredith, however, high salinity levels have affected water quality.

The cost of control of this problem has been estimated at about $6.4 million. I consider it a significant indication of the seriousness with which the citizens of west Texas view this problem that they are willing to pay nearly 70 percent of the costs of the project.

I urge my colleagues to support this bill which is of vital importance to the great people of west Texas.

Below is the text of the Panhandle/South Plains Water Quality Improvement Act of 1988:

A bill to authorize the Secretary of the Interior to construct, operate, test, and maintain the Lake Meredith Salinity Control Project, New Mexico and Texas.

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

SECTION 1. AUTHORIZATION TO CONSTRUCT, OPERATE, TEST, AND MAINTAIN.

The Secretary of the Interior to construct, operate, test, and maintain the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the June 1985 Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water to the Canadian River downstream of Ute Reservior, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipeline, pumping plant, brine disposal facilities, and other appurtenant facilities.

SEC. 2. CONSTRUCTION CONTRACT WITH THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY.

(a) AUTHORITY TO CONTRACT.—The Secretary is authorized to enter into a contract with the Canadian River Municipal Water Authority of Texas for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the Canadian River Municipal Water Authority. Operations and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Canadian River Municipal Water Authority.

(b) CONSTRUCTION CONTINGENT ON CONTRACT.—Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary with the Canadian River Municipal Water Authority of Texas and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 3. PROJECT COSTS.

(a) CANADIAN RIVER MUNICIPAL WATER AUTHORITY SHARE.—All costs of construction of project facilities (estimated at an amount not to exceed $6,400,000) shall be advanced by the Canadian River Municipal Water Authority as the non-Federal contribution toward implementation of this Act. Pursuant to the terms of the contract authorized by section 2, these funds shall be advanced on a schedule mutually acceptable to the Canadian River Municipal Water Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) FEDERAL SHARE.—All project costs for verification, design preparation, and construction management (estimated at an amount not to exceed $2,000,000) shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement to assist in improving a Federally-constructed water supply project, subject to appropriation of funds.

SEC. 4. CONSTRUCTION AND CONTROL.

(a) PRECONSTRUCTION.—The Secretary shall upon entering into a mutually acceptable agreement with the Canadian River Municipal Water Authority proceed with preconstruction planning, preparation of designs and specifications, acquiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) TERMINATION OF CONSTRUCTION.—At any time following the first advance of funds by the Canadian River Municipal Water Authority the Canadian River Municipal Water Authority may request that the Secretary terminate activities then in progress, and such request shall be binding upon the Secretary.

(c) TRANSFER OF CONTROL.—Upon completion of construction and testing of the project, or upon termination of activities at the request of the Canadian River Municipal Water Authority, the Secretary shall transfer the care, operation, and maintenance of the project works to the Canadian River Municipal Water Authority or to a bona fide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Canadian Municipal Water Authority or the bona fide entity the rights to any contract in force, convey to the Canadian River Municipal Water Authority or the bona fide entity any real estate, easements, or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds.

SEC. 5. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

## CHILD SURVIVAL PROGRAM

### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. YATRON. Mr. Speaker, last week the U.S. Agency for International Development released its third report to Congress on the Child Survival Program.

As chairman of the House Subcommittee on Human Rights and International Organizations, which authorizes appropriations for the child survival fund, I believe the activities detailed in USAID's report demonstrate an unparalleled commitment on the part of the United States to save the lives of children. At a time when critics are suggesting that the period of achieving a bipartisan foreign policy has long since past, it is heartening to see a genuinely bipartisan effort to promote child survival.

Under the leadership of the USAID's Administrator, Alan Woods, and his capable and committed staff, the Child Survival Program continues to engender wide support from both sides of the aisle. The report details the outstanding cooperation between USAID, private voluntary organizations, and international organizations such as UNICEF, in combating the diseases which claim the lives of 14 to 15 million children every year.

USAID is a partner in a worldwide strategy to reduce infant mortality rates to 75 per 1,000 births by the end of the century. The task is enormous but achievable. The major enemies to children are measles, whooping cough, diphtheria, tetanus, and polio. Further, diarrhea, which causes dehydration, claims approximately 3 to 4 million children's lives yearly.

USAID health care interventions designed to attack these lethal diseases include oral rehydration therapy, immunization, nutrition, and child spacing. While methods are part of an overall international strategy and should therefore be readily available, the community of nations must do much more. Establishing health care systems and the technical assistance to deliver medical supplies in targeted areas of the world require strong support and cooperation on the part of host governments. Countries such as Morocco, Egypt, and El Salvador, just to mention a few examples, have been recipients of USAID child survival programs and have demonstrated a strong governmental commitment toward achieving our common goals.

Mr. Speaker, USAID's report is too extensive to insert for the record but I would call on all our colleagues to obtain a copy and read it carefully. The report demonstrates that while our efforts are succeeding, approximately 40,000 children a day continue to die from preventable diseases. This sobering reality indicates that an even greater resource commitment by the United States may be necessary if the child survival revolution is to be won.

## AIDS PUBLIC EDUCATION ACT

### HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. WYDEN. Mr. Speaker, every day 38 people die of acquired immune deficiency syndrome [AIDS], while countless others unknowingly acquire the virus. To date, close to 50,000 AIDS cases have been reported to the Centers for Disease Control, and the Public Health Service estimates that more than 250,000 other people could be infected with the virus.

AIDS has overwhelmed the health care community, disrupted our cities' social service networks, and instilled fear throughout the Nation. Despite the attention AIDS has gotten in the last 2 years, our ability to fight the disease remains limited. There is no vaccine and no cure.

What we do know, however, is that educated individuals are responsible individuals. In areas where large-scale public education campaigns have been mounted, the spread of AIDS is slowing. Currently, education and precautions against high-risk behavior are our only weapons against this deadly disease.

Mr. Speaker, today I'm introducing the AIDS Public Education Act to require the Department of Health and Human Services to institute a large-scale public education effort through our Nation's workplaces and schools. The bill authorizes grants to agencies with experience in health education for seminars on AIDS and how it is transmitted. It requires grant recipients to collect and disseminate information on AIDS prevention and transmission, the medical resources necessary to treat AIDS, financial assistance for the treatment available, and the legal rights that exist with respect to AIDS infection.

Mr. Speaker, this bill will get the word out about AIDS through the environments individuals are most familiar with. As the Surgeon General, C. Everett Koop, pointed out on Oc-

tober 13, 1987, the workplace is one of the most effective settings in which to begin AIDS education programs. Most large businesses have personnel offices or benefit managers skilled at educating workers about medical and health policies and workplace hazards.

Unfortunately, few employers have instituted AIDS education programs or developed internal policies to help deal with employees with AIDS. A recent survey by TeleSearch Inc., found that only 29 out of 100 large firms had policies for dealing with employees with AIDS.

Those firms that have instituted company policies, however, have had tremendous success reducing workers' fear of AIDS. In a small New York accounting firm, an employee began showing symptoms of AIDS. After the boss brought in an expert to talk to other workers about the disease and their fears, the coworkers of the person with AIDS dropped their demands that the sick man be fired and helped share his workload during his illness. In this case, and in many others like it, everyone benefited from basic information about AIDS—employees, employers, and the infected individual.

Mr. Speaker, it's time the Congress took action to provide accurate information to all Americans about AIDS and the risk it poses to each individual. My legislation authorizes $75 million for workplace education. Of course, much more will be necessary to adequately inform all Americans of the threat of AIDS. Only with accurate information about their risks can individuals take necessary and appropriate preventive measures to insure against the spread of this deadly disease.

I urge my colleagues to join me and the distinguished chairman of the Health and Environment Subcommittee, Mr. WAXMAN, in sponsoring the AIDS Public Education Act.

## CONCERN OVER DIVIDED SPOUSE CASE

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. SHAW. Mr. Speaker, on several occasions I have expressed my concern over a divided spouse case which has been under consideration by the Soviet Union for 8 years. The couple in question is Dr. Galina Vileshina, who resides in my district in Fort Lauderdale, FL, and her husband, Pyatras Pakenas, who resides in Vilnius, Lithuania.

Dr. Vileshina emigrated from Lithuania in 1980 with assurances that her husband would follow in 6 months. That was 8 long years ago. Since then, Mr. Pakenas has been denied an exit visa 18 times.

Mr. Pakenas' situation has become quite desperate. He is in need of heart surgery, and his health is deteriorating at an alarming rate. Dr. Vileshina fears for her husband's life. In addition, Dr. Vileshina's own health has begun to fail due to the constant stress over this matter. Her desire to be reunited with Mr. Pakenas dominates her very existence.

Pyatras faithfully writes to Galina at least once every day, and recently Galina translated some of those letters for the Fort Lauderdale News/Sun Sentinel. Today I would like to begin to share some of those letters with my colleagues and demonstrate their importance, and in coming days I will share others from important days in their lives. This husband and wife's only goal is to spend the rest of their lives peacefully together. Here are the first two excerpts:

[Galina's birthday]

*May 11, 1987.*

My love, my dear, I have today a bottle of Pepsi Cola, and I drink for you, for your health, for your happiness . . .

Don't cry if you don't have something in your life. It has to be like this. Everybody in his life has something not enough. It's very bad if somebody has everything and this person doesn't want anything more. This shows that this person has finished his life. But in your life, everything will be in the future . . .

Nobody will tell me not to kiss you in another day.

[The first letter after Galina's only visit.]

*November 8, 1987.*

Again, I sit down for my letters. What can we do? The time of our conversation gone, and we have to begin our conversation by letters.

My sunshine, you became sunshine in direct and indirect means. The whole time you were here, the sun was shining. Yesterday, when you left, it began to snow . . . Your visit changed everything in my life. Now it's very difficult to understand what it's worth.

All day yesterday, it was very difficult. I couldn't find a place to sit down, what to do, where to go.

I came back to the hotel. I ate. I couldn't eat. Then, I watched TV, and I couldn't do this, too. And I left the hotel and I went to the station because I couldn't stay in this room where I was with you together.

It was so lonely, that I couldn't find a place to survive. I went to the station, and then I went to the streets. It was very cold.

## THE ABC'S OF CHILD CARE

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. TORRICELLI. Mr. Speaker, our society today faces a fundamental need to grow up into the 20th century and into the responsibilities of the 20th century's labor force. For every mother who chooses to join the labor force, the need for a place to take care of the children grows by at least one family.

Indeed, fully half of the mothers who now have jobs also have children under the age of 6. Two years ago, that meant that over 10 million children were left without the supervision and care of their parents. In fewer than 10 years, the number of children at home whose parents will be at work will have increased to an estimated 15 million.

Fifteen million children under the age of 6 will live in homes where their parents—sometimes single mothers—will be out of the house bringing home the daily wage.

The question remains, "who will take care of those children? And who will ensure that the best care is provided?"

All across the Nation, the need is there, particularly in the cities, where more mothers have joined the labor force.

For those parents, the choice between employment and taking care of their children should not be a choice that they are forced to make. There really is no choice since parents must bring home the bacon and someone should be there to feed the bacon to the children.

In the most recent hearings that have been held on the question of day care for the young, the scope of the situation and the nature of the dilemma have been examined. And to deal with the need for adequate day care, Congressman DALE KILDEE has introduced legislation addressing this need. The ABC bill that he has introduced sets out to do two things, that is to provide child care through Federal funding of day-care centers and to ensure that the day care that is offered at those day-care centers is up to par.

While there are over 10 million children today with a need for day care, the room for those children just is not there. The current capacity of the Nation's day-care centers has enough space for only one-tenth of the children who need that day care.

The Act for Better Child Care Services would help create additional centers to meet the demand for child care facilities. Through funding, the Federal Government can ensure that the children who need day care can have access to programs that will not just babysit them but will help them and foster their development.

The need for child care is not going to go away. In bottom-line terms, the funds from the Act for Better Child Care Services is an investment ensuring that working mothers and parents have the opportunity to go to work knowing full well that their children are being taken care of in the best possible hands.

Recently, Congressman JAMES J. FLORIO has been examining the need for day care, particularly in New Jersey. His editorial on the need for day care in the Nation and on what the Federal Government's role in meeting that need should be follows:

[From the Record, Mar. 2, 1988]

NATION MUST HELP WORKING PARENTS

(By James J. Florio)

Back in the simple, sanguine days of the Fifties, America developed a view of the family in which Dad went out to work and Mom stayed home to raise the kids. For the most part, the picture was true: In 1950, 18 percent of married women with children under 18 were in the labor force. Today, that version of the American family is largely confined to black-and-white reruns of "Leave It to Beaver."

Today, some 64 percent of married women with children under 18 are working. Some women are working because they want to. Others have to. Either way, the women in the workplace has become a reality in our society. Yet it has taken us too long to catch onto that reality.

The United States is far behind other Western nations when it comes to providing quality child care for working parents. While some 9 million mothers of children under 6 are working, fewer than 800,000 day-care slots are available.

To many people, day care conjures up an image of a roomful of infants. And while that often is the case, children of all ages are in need. Throughout the nation, "latchkey" kids come home from school to spend several hours in an empty house while their parents are at work.

Some youngsters can handle it, but others waste their time watching soap operas or take to the streets and shopping malls. Meanwhile their parents performance on the job is affected by their concern about their kids. What a waste of potential for children and adults.

There is evidence that the situation is changing. People who are concerned about children have made their voices heard, and they have forged the issue into the political agenda.

Dr. T. Berry Brazelton, the noted pediatrician, is touring the country to raise consciousness on child care. In New Jersey, the state Child Care Advisory Council, headed by Ciro Scalera, recently has completed a comprehensive plan that assesses future needs.

In Congress, legislation is gathering momentum amid signs that the administration finally is backing down from its stand against federal action to promote child care. A bill known as the Act for Better Child Care, of which I am a cosponsor, has a good chance of passage in this election year.

The legislation would set the federal government, to the task of improving, promoting, and expanding day-care and after-school programs. Through the development of model programs, it would give states the foundation for helping parents who work. And it would set basic health and safety standards for childcare centers.

What can you say about an issue that unites organized labor and the chamber of commerce? I say it's about time.

But federal participation is only part of the answer. This is going to take a far-reaching partnership that must include businesses, labor, schools, religious groups, communities, and parents. It will require creative thinking such as that displayed recently in Maryland, where local officials agreed to plans for a major office complex when the developer promised to provide day care for workers there.

Making quality child care available and affordable also means training and encouraging people to become part of what should be a burgeoning new profession.

Testifying almost two years ago before a hearing of the New Jersey Child Care Advisory Council, Bettie Witherspoon, a day-care center director, said, "It is difficult, but not impossible, to instill a series of professionalism in your staff when you know in your heart that parking-lot attendants earn more money then they do."

We must give providers of child care the standards, respect, and compensation that they deserve.

It isn't hard to come up with reasons why affordable child care is a necessity, whether for low-income families whose day-care costs keep them from rising above the poverty line or seemingly well-to-do parents for whom the basics of previous generations are now luxuries.

Our nation will be better able to compete in the global economy, if our workers can concentrate on their jobs, knowing that their kids are all right. Skilled female workers will be able to fill key jobs, because they won't be caught in the Catch-22 of work or family. Youngsters will be better prepared for their future, if their days are filled with solid, developmental educational activities.

But this is more than an issue. It's a challenge. As we head toward the 21st century, the way we care for our children will determine what kind of a society we're going to have.

## PERSONAL EXPLANATION

### HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. MOODY. Mr. Speaker, during the week of March 7, 1988, I was unavoidably absent for three votes.

Had I been able to record my vote, I would have voted "aye" on rollcall No. 26, to approve the Journal; "aye" on rollcall No. 27, to approve the Journal; and "aye" on rollcall No. 28, passage of House Resolution 399 calling for the resignation of General Noriega of Panama.

## OUR LATIN NEIGHBORS CONTINUE TO CALL FOR PEACE

### HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. CROCKETT. Mr. Speaker, while the Reagan administration invents new scenarios to convince the Congress of the need for more assistance for war in Nicaragua, our friends and allies in Latin America continue to call for peace.

Following the February 26 meeting of the Contadora Group and the Group of Support, the Foreign Ministers issued a communique supporting the "contributions made by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to the peace process," by signing the Guatemala accords. The communique also stressed "the need to put a stop to the assistance given to irregular forces operating in the region." Moreover, the Foreign Ministers reiterated their pledge to continue their role as mediator "in the continuation of negotiations pertaining to issues pending in the agreement on security matters."

Mr. Speaker, we would stop trying to develop new formulas to pass more assistance for the Contras, and instead focus our energies on supporting the peace process in Central America. The Presidents of the Contadora and Support Group nations, in their communique following the Group of Eight Meeting in Acapulco, stated that "peace and stability in Central America are priorities for our governments." The Reagan administration and this Congress must also make peace in Central America—not renewed aid to the Contras—the priority.

The full text of the communique follows:

COMMUNIQUE ISSUED BY THE MINISTERS OF THE CONTADORA GROUP AND THE GROUP OF SUPPORT, IN CARTAGENA DE INDIAS, COLOMBIA, ON FEBRUARY 26, 1988

At their meeting in the city of Cartagena de Indias, Colombia, on February 26, 1988, the Ministers of Foreign Relations of the Contadora Group and the Group of Support evaluated the situation in Central America as well as the outlook for the region's peace process. At the closing of their meeting, the Ministers issued the following communiqué:

1. We emphasize, once again, the great value of the contributions made by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua to the peace process, by signing the document establishing the procedure for achieving a solid and lasting peace in Central America. Depending on the maintenance and the strengthening of this political will is Central America's potential for achieving democracy, peace, development, and self-determination, as well as removing the obstacles that are still hindering the true solution to the region's controversies.

2. This solution takes on special relevance with regard to the urgent need for progress in terms of the security of the Central American isthmus, since the region is still suffering from armed confrontations, an arms race, destabilizing actions and violations of international law.

3. Recent developments indicate that there is a growing conviction of the absolute need to put a stop to the assistance given to irregular forces operating in the region. We hope that this trend will gain in support, and that all commitments contained in the Guatemala Procedure be fulfilled in a unilateral, unconditional and immediate manner, both with regard to the consolidation of pluralistic democracies in the region, and concerning security. Such is the desire expressed by the Central American presidents themselves.

4. In order to achieve such objectives, and in answer to the call made in San Salvador by the Central American Governments for a meeting of the Security Commission this coming March, the Contadora Group reaffirms its willingness to participate (in its role of mediator and with the endorsement of the Group of Support) in the continuation of negotiations pertaining to the issues pending in the Agreement on security matters, according to point seven of the Guatemala Procedure:

(a) Commitments with regard to armament and troops.

(b) Commitments concerning military maneuvers.

(c) Issues regarding procedure and operation of the by-laws or statutes of the Commission for Control and Verification in Matters of Security.

(d) Steps for the disarmament of the irregular forces that wish to benefit from the amnesty laws.

5. The success of said negotiations, as well as the entire peace process, requires not only the political will of the Central American governments, but also strict compliance, where applicable, with the Guatemala Procedure by the countries with ties and interests in the region.

6. The progress of the peace process demands the maintenance of an impartial and objective procedure for verification of compliance with the commitments made; and for this purpose it is essential to have an adequate framework of national and international mechanisms.

This verification is particularly important in regard to security issues and issues concerning political commitments leading to the creation of conditions for the consolidation of democracy in the region.

The report of the International Follow-up and Verification Commission has presented a clear and impartial description of regional conditions. The commitments remaining un-

observed require an immediate need to agree on new specific ways to carry out the verification process.

7. Economic and social deficiencies are a threat to the stability of political institutions in Central America, and a hindrance to achieving independent and sovereign development. There is an urgent need to expand economic cooperation with the region, and to contribute in solidarity with the reconstruction of the Central American countries' economies. Consequently, the Contadora Group and Group of Support call for the participation of the international community in an international emergency program of cooperation with the Central American countries, according to the terms of the Acapulco Commitment.

8. We reaffirm the legitimate demand that the juridical order be fully respected as the essential basis for peaceful coexistence in the region. Also, we are convinced that the peaceful solution of the Central American conflicts is a legitimate aspiration of the Latin American countries, as stated by our presidents in the Acapulco Commitment.

"Peace and stability in Central America are priorities for our governments. At risk are not only the consolidation of democracy and development following the Central American countries' own self-determination, but also the national interests of our countries."

Consequently, we, the Contadora Group and Group of Support, are expressing today our firm determination to continue seeking regional peace, in an active manner and following a jointly accepted criterium.

## TRIBUTE TO UNIVERSITY OF SCRANTON BASKETBALL TEAM

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. McDADE. Mr. Speaker, I rise to pay tribute to the University of Scranton men's basketball team, which made it to the finals of the NCAA Division III Final Four Tournament before losing to Ohio Wesleyan.

Rarely is a coach bold enough to predict outstanding accomplishments for his team before the season begins. But that is just what University of Scranton coach Bob Bessoir did last November, when he stated that the royals would make the Final Four. The team compiled an impressive 23–2 won/loss record during the regular season and won 6 games in the NCAA tournament before encountering Ohio Wesleyan.

The men's basketball team from the University of Scranton did much more than provide enthusiastic athletic entertainment for the community this year. During the 1988 season this group of athletes displayed tremendous pride, class, and sportsmanship throughout. I speak for the entire community when I say thank you for representing the University of Scranton and the entire region this season.

This group of young men dedicated the season to the late Rev. John Fitzpatrick. The qualities of togetherness and friendly competition exhibited by this team would have made Reverand Fitzpatrick very proud.

A special note of praise goes to University of Scranton coach Bob Bessoir and his assistants, Bob Walsh, Canio Cianci, and Bob McGoff, as well as athletic trainer John Robertson. They have been inspirational in their methodic and caring work with the team this year.

Congratulations to the athletes, coaches and staff of the University of Scranton's 1988 men's basketball team.

## SUPPORT OF DEMOCRACY IN PANAMA

### HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. BRENNAN. Mr. Speaker, I rise today in support of democracy in Panama. Confusion reigns in that country today, and it is imperative that the United States do all it can to work for a free and democratic Panama.

Panama's crisis centers on one person—General Manuel Noriega. The evidence against Noriega shows that he has been involved in selling narcotics, running guns, laundering money, selling visas, committing election fraud, and in the murder of Doctor Hugo Spadafora.

His leadership of the Panamanian defense forces, and position as Panama's ruthless, nonelected head of state, has resulted in the violence we see today. And, I must add, this violence is responsible for a major threat to the security of the Panama Canal—a waterway important to the world's security.

The Panamanian people, longtime friends of the United States, believers in free enterprise and democracy, want only what freedom-loving people around the world want:

Elections without fraud resulting in a democratically elected government;

Respect by the government for the rule of law;

Respect by the government for human rights; and

Freedom of speech and expression.

With America's assistance, Panama's tomorrow can be brighter.

By forming a vital link between the America's Atlantic and Pacific fleets, the Panama Canal gives our Navy the chance to respond quickly to any threat to the world's freedom.

Indeed, the canal carried many of the supplies needed by U.S. Forces in Korea and Vietnam. During the Cuban missile crisis, a contingent of marines traveled through the canal to be on the ready. More recently, in 1983, the U.S.S. *New Jersey* went through the canal to join a multinational flotilla off the coast of Lebanon.

In 1985, more than 17 million tons of United States grain went from Atlantic and gulf ports through the canal to markets in the Far East. For many manufacturers in the eastern half of the United States, the Panama Canal is the most economical route to ship products to Asia. And for western producers, the same holds true for shipping their products to Europe.

The security of the Panama Canal is essential to the economic and military security of the free world. General Noriega's continued position as Panama's leader endangers the Panama Canal.

Congress and the administration are united in speaking out for the ouster of General Noriega.

America has placed funds for Panama in an escrow account.

I, along with my colleagues on the Panama Canal Subcommittee, pressed the United States administration to continue the pressure for reform.

We must move in the direction of helping Panamanians to develop the ideals of freedom and democracy shared by America and all free peoples of the world. Working with the OAS and the countries of Central and South America, we can do just this.

A prosperous people living in a society which guarantees its freedom and human rights is the world's greatest guarantor of security and peace.

Let us work together for democracy in Panama.

## PENNSYLVANIA'S OUTSTANDING VOTERS

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. GOODLING. Mr. Speaker, I am pleased to bring to your attention, and to that of my colleagues, four citizens from the 19th District of Pennsylvania who were inducted into the Voter Hall of Fame. There are now a total of 31 inductees in the Pennsylvania Hall of Fame from my district.

Membership is open to all registered Pennsylvania voters who have voted consecutively in every November election for which they were eligible for at least 50 years. The candidates must also encourage the registration of new voters.

Lyndon B. Johnson once said:

This right to vote is the basic right without which all others are meaningless. It gives people—people as individuals—control over their own destinies.

I am especially proud of the four citizens from my district who have shown through the years that the right to vote is a most powerful instrument in participating in our Government's legislative process.

Congratulations to Frank H. Menaker and Romaine S. Menaker, of Spring Grove, George A. Anderson, Jr., of York, and Mary Perry Null, of York, for their outstanding record of citizenship.

## TRIBUTE TO LODWRICK M. COOK, CHAIRMAN OF ARCO

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. LANTOS. Mr. Speaker, those of us who serve here in the Congress of the United States frequently deal with business leaders—men and women of varying abilities and varying commitment.

Today, Mr. Speaker, I would like to pay tribute to one of the truly outstanding leaders of the American and international business community—Lodwrick M. Cook, chairman of the board of directors and chief executive officer of ARCO.

Although he has been chief executive officer of ARCO only since January 1, 1986, he has been a leader of the ARCO corporate team since he became vice president in 1970. The task he assumed as CEO was a particuarly difficult one—he had to complete a major restructing of the corporation at a time when the oil industry was under severe economic pressures. An indication of just how well Lod Cook has succeeded as CEO of ARCO is in this week's edition of Forbes magazine. ARCO, says Forbes, "may well be the best-managed U.S. company in the game."

Lod Cook's leadership, interests, and accomplishments go well beyond the corporate boardroom, however. He has an interest in education, youth, and minority programs. He serves as chairman or board member of the National Junior Achievement, the Aspen Institute, and the Los Angeles Music Center, to name only a few.

Under his leadership, the ARCO Foundation has pursued a number of important and beneficial cultural projects of interest to all Americans. I would like to call the attention of my colleagues to one of the most recent of his valuable contributions to our Nation's culture.

In the Rotunda of the Cannon House Office Building is a display of paintings by contemporary American artist Alice Lok Cahana, "From Ashes to the Rainbow: A Tribute to Raoul Wallenberg." The exhibit, which my wife Annette and I are sponsoring together with Lod Cook, has been made possible through the generosity of the ARCO Foundation.

At the age of 15, Alice Cahana was brutally uprooted from her birthplace in Sarvar, Hungary, and began a year and a half of terror in Nazi concentration and labor camps. Alice and her father, who was saved through the efforts of Swedish diplomat and humanitarian Raoul Wallenberg, are the only members of her family to survive. This exhibit is her personal testimony of that experience.

The ARCO Foundation, under the leadership of Lod Cook, provided a grant to Skirball Museum of Hebrew Union College in Los Angeles to organize this exhibit and arrange for it to tavel to Washington, as well five other cities in the United States.

Furthermore, Mr. Speaker, I am delighted to report that I have been able to arrange for Lod Cook and the ARCO Foundation to donate the panels on which the art is being displayed to the House of Representatives. These striking panels were custom-built for the Rotunda and will be a wonderful addition to that space. As my colleagues know, having appropriate means to display art in the Cannon Rotunda has been a continuing problem. Now—thanks to Lod Cook and the ARCO Foundation—it will be possible to display other oustanding art here on Capitol Hill.

Mr. Speaker, it is a great pleasure for me to call to the attention of my colleagues the accomplishments and the outstanding civic commitment of Lod Cook. I invite my colleagues to join me in paying tribute to him.

## MAINE WEST HIGH GIRLS WIN CHAMPIONSHIP

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. HYDE. Mr. Speaker, recently, the students and supporters of Maine West High School in Des Plaines, IL, had cause for celebration when their girls' basketball team, one of the Nation's highest ranked teams, won the Illinois State championship.

Throughout this season the Warriors met and defeated their opposition by large margins and entered the championship tournament with an undefeated record. In a semifinal game against Chicago's Marshall High School, a team also undefeated in regular season play, the Warriors won the game at the final buzzer with a difficult baseline shot—an unforgettable moment for all who were present. The Warriors continued on in the championship tournament to defeat York High School for the State Class AA title.

Coached by Derril Kipp, the team competed often in games in which all members participated in play, a somewhat unusual practice that permitted victory to be shared by the entire group. They are a talented group of people who finished where they deserved—first.

The team included among its members Moira H. Kennelly, Kerin W. Joerg, Mary E. Spielman, Susanne M. Hardiman, Stephanie E. Pinske, Nancy M. Kennelly, Kristin M. Lund, Anastasia Georganas, Diana M. Raupp, Margarette Georgoulis, Heather D. Ertel, Cristy L. Nelson, and Kristine L. Bonney.

I want to also extend my heartfelt congratulations to Coach Kipp, Athletic Director Dave Winter, Principal James Coburn, and Dr. James Elliott, superintendent of district 207.

Des Plaines has reason for celebration.

## INTRODUCTION OF COMPENSATION COST-OF-LIVING ADJUSTMENT BILL FOR VETERANS' COMPENSATION AND DIC

### HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. APPLEGATE. Mr. Speaker, I am today introducing legislation to effect a statutory 4.5 percent cost-of-living adjustment in veterans' service-connected disability compensation and survivors' dependency and indemnity compensation benefits. This percentage is consistent with the Congressional Budget Office baseline for fiscal year 1989 and with the recommendation of the Committee on Veterans' Affairs submitted to the Budget Committee on March 10 of this year. The effective date for this increase would be December 1, 1988. Last December, we increased these benefits by 4.2 percent in line with the increase provided for Social Security benefits and nonservice-connected VA pension.

The bill also contains an amendment to title 38, United States Code, that would conform marriage requirements for all potential DIC recipients. This provision was passed by the House last year as part of H.R. 2945, but it does not appear that it will be accepted by the other body.

The bill would also extend and expand the eligibility for participation in the temporary program of vocational rehabilitation for certain veterans in receipt of nonservice-connected disability pension. The temporary program is set to expire on January 31, 1989. This bill would extend the duration of the program period until January 31, 1992. This is a good program and one which ultimately will pay for itself by helping veterans get off the VA's pension rolls and resume productive lives.

Finally, the bill contains a provision to extend the authority of the Administrator of Veterans' Affairs to operate the VA regional office in the Republic of the Philippines. Under current law this authority is set to expire on September 30, 1988. This bill would provide authority for the operation of the regional office unitl September 30, 1991.

## NATIONAL AGRICULTURE WEEK

### HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. SHUMWAY. Mr. Speaker, March 20 through 26 has been designated as "National Agriculture Week" and, as one Member with the privilege of representing a highly agricultural district, I am pleased to take this opportunity to pay tribute to the Nation's farming community.

Agriculture's contributions to America's economy are significant, through both production and the creation of jobs. Additionally, we are blessed with both quantity and quality of harvests, enabling us to feed and clothe the people of the world.

California's 14th District produces a rich and diverse variety of speciality crops, including asparagus, almonds, cherries, peaches, apricots and walnuts, just to name a few. It is the most rural district in the State, and it recognizes the value of its farming community.

I am honored to have this opportunity to recognize American agriculture, and I strongly urge my colleagues to join with me in encouraging appropriate tribute during this special week.

## UNIVERSAL AID FOR CHILDREN HONORS LEE KLEIN WITH 1988 KATHRYN LEHMAN WEINER ADVOCATE OF CHILDREN AWARD

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. LEHMAN of Florida. Mr. Speaker, I would like to congratulate Lee Klein of North Miami Beach, FL, on being selected as the recipient of the Kathryn Lehman Weiner Advocate of Children Award for 1988.

Founded in memory of my late daughter Kathryn Lehman Weiner, who devoted her life to educating and improving the well-being of children, this will be the 10th annual award to be given in Kathy's memory. Universal Aid for Children, Inc., a licensed non-profit adoption agency in my congressional district, founded and directed by Lorri Kellogg, will present the award at its annual luncheon on March 26, 1988.

Selected from many other fine nominees, Lee Klein is a very special person, and I am most pleased that she will be honored this year. Lee is a founding member of the Deed Club which has created our Nation's only totally free, comprehensive medical care clinic for children with cancer. The Deed Club Children's Cancer Clinic opened in 1965 at the University of Miami's Jackson Medical Center. Lee Klein's love and concern for these children kept her at the clinic long hours but brought here beyond the clinic into the homes of the young patients' families. Her support for a full family-oriented program involved here in finding solutions for the awesome psychological and financial devastation caused by this number one killer disease of children. She set out and succeeded to do the impossible—to develop a total care program for cancer-stricken children at no cost whatsoever to the families regardless of race, religion, socioeconomic status or nationality.

Over 350, youngsters, newborns to 19 years of age, from Dade, Broward, Monroe, Collier counties as well as the Caribbean and South and Central America are receiving long-term, multidisciplinary medical treatement at the Deed Club Children's Cancer Clinic. Lee Klein insists that no child coming to the Deed Clinic will ever be denied the life-giving treatment he or she deserves.

Lee's leadership, creative genius, financial wizardry, and administrative expertise has over the years catalyzed the formation of a totally free ancillary network of programs to compliment the total care medical program at the clinic. These programs include the Deed Club Love and Wishes Program, Family Calendar of Events, Family Friend, The Deed Club Lodging (at Ronald McDonald House), the Deed's Camp F.I.R.E., the first summer oncology camp in South Florida, as well as a research and education program in pediatric oncology at the University of Miami School of Medicine.

Universal Aid for Children, Inc., whose program not only places adoptable children in loving homes but has an active medical care and relief program for children in need, has made an excellent choice in Lee Klein. She has been the guiding light in making it possible for the community to have the Nation's only totally free, family-oriented total care program for children with cancer supported entirely by volunteers and private funds. For this profound contribution and the limitless love she has given to so many in need, and for all her accomplishments, I am honored to applaud Lee Klein as the recipient of the 1988 Kathryn Lehman Weiner Advocate of Children Award.

On previous occasions, Lee has been the recipient of numerous other awards, including the University of Miami School of Medicine Helping Hands Award, Humanitarian of the Year, 1987; Dade County Outstanding Citizen of the Year, 1987; University of Miami School of Medicine Helping Hands Award Woman of the Year, 1986; Miami Herald Spirit of Excellence Finalist, 1985; Greater Miami Chapter Woman's American ORT, Outstanding Woman of the Year, 1981; National Jefferson Award for Outstanding Service to the Community, 1980; Zonta Club of Greater Miami 1, International Year of the Child, Outstanding Service Benefiting Children, 1979, and Women in Communication, Community Headlines Award, 1974.

To Universal Aid for Children, Inc., its executive director, Lorri Kellogg, to its dedicated employees and board of directors, I also wish to congratulate you on the very fine job you are doing. Your dedication to our children, and to our future, is commendable.

## TRIBUTE TO DONALD L. WATSON

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Donald L. Watson, current deputy and former interim director of the California Department of Transportation who was recently named "Black Engineer of the Year" by the deans of America's black colleges.

Mr. Watson received the President's Award for his outstanding contributions in science, engineering, and technology. Over 150 individuals were nominated from all over the country, yet, Mr. Watson's impressive civil engineering background and his superb work as director of the 16,000-person California Department of Transportation was recognized by the selection committee as worthy of this prestigious award. As I am familiar with Mr. Watson's dedication and commitment to his job, I know that a finer man or individual could not have been chosen.

I would also like to take this opportunity to commend Mr. Watson for his work as head of Caltrans, and thank him for his assistance on road and highway projects in the Fourth Congressional District of California.

I know that my colleagues join with me in offering sincere congratulations to Donald L. Watson for being named "Black Engineer of the Year," and wish him the best of luck in the future.

## THE RENEWABLE ENERGY AND ENERGY CONSERVATION COMMERCIALIZATION AND DEVELOPMENT ACT

### HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. SHARP. Mr. Speaker, today I rise on behalf of myself and my good friend and colleague the Honorable MARILYN LLOYD to introduce the Renewable Energy and Energy Conservation Commercialization and Development Act.

The purposes of this legislation are to reaffirm the importance of renewable energy and energy conservation in our national energy policy; to orient DOE's renewable energy research more toward achieving commercial applications; to provide stable authorization levels for the renewable energy and energy conservation research and development programs over the next 3 years; and to expand commercial markets for renewable energy products both here and abroad.

THE IMPORTANCE OF RENEWABLE ENERGY

Renewable energy has multiple benefits for our economy. The most obvious benefits are environmental. While renewable energy technologies do have some environmental impacts, by and large they are not as severe as those of more conventional technologies. This becomes increasingly important as we learn more each year about the dangers of the "greenhouse effect" caused by carbon dioxide buildup and the severe institutional difficulties with storing radioactive waste.

Renewable energy technologies also offer us diversity and therefore security. The more different types of energy we rely on, the less chance that any one of them will be interrupted or curtailed. Diversification is a sort of insurance policy against interruption. Renewables also contributes to energy security more directly to the extent that they displace imported energy supplies.

Finally, renewables help with the trade deficit. Not only do they displace imported energy, but perhaps more importantly, they provide a growing international opportunity for exports. This last point is worth expanding upon.

The international market for wind turbines today is roughly $200 million per year and is expected to rise to $1 billion per year by 1994 and $3 to $6 billion by the year 2000. But, in the last 7 years the share of the U.S. wind machine market captured by foreign imports has gone from zero to 70 percent.

The international market for photovoltaics is currently $500 million and is expected to increase to $5.4 billion by the year 2010.

Not all this benefit is in the future either. These technologies are contributing right now. Wind generated 1.7 billion kilowatt-hours in California in 1987, roughly enough electricity for the residential customers in a city the size of San Francisco. Geothermal contributes roughly 1,600 megawatts of capacity in California. Photovoltaics are currently cost effective in remote applications such as buoys, communication towers and oil and gas wells and pipelines. Between 5 and 10 percent of all homes in the United States rely primarily on wood for home heating.

FEDERAL FUNDING FOR RENEWABLE ENERGY

Funding for renewable energy has been steadily declining since the beginning of the 1980's. For example, DOE renewable energy R&D funding dropped from $647 million in 1980 to $103 million in 1987 and $97 in 1988. This comes at a time when international markets are expanding and other countries are increasing their spending in these areas.

In 1988, for the first time, the United States Government will spend less on research for photovoltaics, $35 million, than either Japan, $43 million, or West Germany $61 million. The same is true in wind research where the

United States will spend $8.5 million while West Germany and the tiny Netherlands will spend $10.2 and $9.7 million, respectively.

While the deficit compels us to limit spending in all areas, cuts of the size we have seen in renewable energy are not the way to maintain our technological leadership and international competitiveness.

THE IMPORTANCE OF ENERGY CONSERVATION

Efficiency has already saved the United States tremendous amounts of energy. Between 1973 and 1985 the GNP grew 33 percent while energy use has stayed steady at 73 quads. If the economy had continued to grow at that same level of energy use per GNP, we would have used an additional 25 quads. That 25 quads is more energy than the total new supplies from all other forms of energy since 1973. It also represents an estimated $150 billion savings per year.

Compared to historical trends, our savings in oil and gas alone equal roughly half of OPEC's current capacity. This reduction in demand was a major factor in reducing OPEC's grip on the market.

There is much additional efficiency left to exploit in the economy. Various studies estimate there are between 5 and 18 million barrels of oil equivalent per day of efficiency improvements available in our economy. Many of these savings are available at fractions of the cost of new supply.

Many exciting efficiency technologies are available to us such as heat mirror glass, electronic ballasts for fluorescent lights, cars in the 30 to 50 miles per gallon range, and refrigerators, air conditioners and furnaces that use far less energy while offering the same comfort and convenience.

Just as renewable energy can help with the trade deficit, so can energy efficiency. Obviously, greater efficiency can reduce imports. In addition, lower energy costs mean lower production costs and hence more competitive U.S. products.

There is also a burgeoning world market for efficient products including appliances, efficient motors and motor controls, automobiles and computerized energy management systems. Federal research and development can help us enhance our competitive edge in these growing markets.

Conservation R&D spending has undergone the same kind of cutbacks that have occurred in renewable energy. Funding dropped from $344 million in 1980 to $162 in 1987 and $156 million in 1988.

WHAT THIS BILL DOES

This bill requires DOE to set technical performance goals, with consultation from industry, for the year 1995 for its photovoltaics, solar thermal, wind, biofuels, solar building, ocean energy systems and geothermal research programs.

It also requires DOE to propose three renewable energy joint venture demonstration projects for the year 1990. The Federal Government shall contribute 50 percent of the cost and industry will have to contribute 50 percent.

These provisions are in response to industry criticism that the Renewable Energy R&D Program is too oriented toward long-term research and not oriented enough toward nearer term research that firms can use to develop commercial products. A delicate balance needs to be struck between doing basic research which private firms would not undertake but may never have commercial application and development work that can lead to direct commercial applications.

The bill authorizes higher, 3-year funding levels for the Renewable Energy and Energy Conservation Research and Development Programs.

The 3-year authorization levels have two purposes. One is to redress the imbalance which has occurred in absolute funding levels through cuts in recent years. Hence, the small increases in budget authority. Second, by providing authorizations for 3 years we hope to provide some stability for the researchers and firms depending on them. Such stability should lead toward better planning and efficiency for these programs.

The bill authorizes higher, 3-year funding levels for the Committee on Renewable Energy, Commerce and Trade [CORECT]. CORECT is an interagency task force that coordinates the Government's effort to encourage markets for renewable energy products.

The bill requires DOE to provide a strategic plan that shows how its research and development plans help achieve the policy goals in the national energy policy plan [NEPP]. The intent is to more closely tie the allocation of DOE resources in research to the goals specified in the NEPP. We should have some idea of the relative ranking of how much energy is potentially going to be produced or saved per dollar spent.

CONCLUSION

Renewable energy and energy conservation are too important to give up on now. We need to build on the progress we have already made through more emphasis on commercial application and by stabilizing funding for these programs. We welcome our colleagues' support and cosponsorship.

## OUR PROMISE TO BIKINI

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DE LUGO. Mr. Speaker, the Compact of Free Association Act of 1985 established a new political relationship between the United States and the Marshall Islands, which have been a part of the Trust Territory of the Pacific Islands.

In reporting the legislation, the Committee on Interior and Insular Affairs felt that it was imperative that it provide for United States trusteeship obligations to be fulfilled as the islands entered a new political status.

One of the most important aspects of completing trusteeship business in the Marshall Islands that remained was to restore beautiful Bikini Atoll for its original inhabitants. As Members will recall, Bikini had been despoiled by testing of atomic weapons and the people of Bikini have spent some 40 years waiting to be returned to their homeland.

The executive branch settled a lawsuit in 1985 with the people of Bikini Atoll with a promise to clean up Bikini. The Compact Act put this promise into law with a pledge that the full faith and credit of the United States was committed to restoring Bikini to "habitability."

With this background, I would like to share with my colleagues an editorial regarding some recent actions of the executive branch that run contrary to the history of this subject. I therefore insert into the CONGRESSIONAL RECORD at this point an editorial from the March 11, 1988, issue of the Marshall Islands Journal. I agree wholeheartedly with the facts and sentiments expressed in the editorial.

The editorial follows:

[From the Marshall Islands Journal, Mar. 11, 1988]

AN UNLIKELY STORY

MBC Television aired National Geographic's special feature on the Bikinians, "Nuclear Exiles," last week. The program expressed with striking clarity the roadblock the Reagan administration is throwing up against the proposed nuclear cleanup. Though the U.S. signed an agreement in 1985 to underwrite a nuclear cleanup and rehabilitation at Bikini, U.S. officials appear to be suffering from a serious case of amnesia. The film interviews the leading U.S. official on Micronesia, Jim Berg of the State Department, telling the world that the cleanup is entirely the Bikinians' affair, and if they want to the people can certainly use their Compact compensation money to pay for it. What rubbish. Besides its moral obligation, the U.S. has a legal commitment documented in black and white to restore Bikini to its former inhabitants. Compact compensation money is entirely separate from the U.S. commitment to clean up Bikini. Why the Director of the Office of Freely Associated State Affairs spends his time issuing this type of disinformation is beyond us. The State Department's time could be more constructively spent debating and analyzing cleanup options now under consideration by other U.S. agencies and the U.S. Congress.

## OAKLAND PRIVATE INDUSTRY COUNCIL

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DELLUMS. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the fine work of the Oakland Private Industry Council. Particularly, I would like to describe activity that Oakland PIC has undertaken to focus attention in the community on the outstanding contributions of older workers.

The second week in March has been proclaimed "Employ the Older Worker Week" by Gov. George Deukmejian. The purpose is to acknowledge the worth of the mature worker and is a means of publicly recognizing the expanding role the older worker plays in the labor force. Several national and statewide demographic trends indicate that there is a potential labor and skills shortage on the horizon—a shortage that can be filled by the older worker:

America is growing older: In 1980, one of every five Americans—over 46 million—was 55 or older.

The older population will continue to grow as the birth rate declines and as the "baby boomers" age. By the year 2000, people 65 and older will represent 13.1 percent of the Nation's population; in 2030 it could reach 21 percent.

According to a recent AARP survey, 36 percent of all retirees would rather be working. Additionally, 75 percent of those 65 or older who still work would prefer to continue working, even if they could afford to retire.

More companies are bringing new jobs to California than to any other State: therefore, new jobs are being created at an ever increasing rate.

Older workers are increasingly staying in or reentering the labor market, but many experience difficulty due to poor education, outdated skills, limited work experience, health restrictions, and age-bias.

The Oakland Private Industry Council has responded to the challenges faced by the older job-seeker by implementing PIC Experience, a JTPA employment and training program for low-income Oakland residents aged 55 or older. Over a period of 15 months, PIC Experience has assisted approximately 200 seniors strengthen their employability skills, learn to market themselves, and most importantly, learn to believe in themselves.

PIC Experience is playing a role in changing employers' attitudes toward hiring older people. Employers are now realizing that older workers are dedicated, loyal, and committed employees with productivity rates equal to younger employees in most jobs.

In celebration of Employ the Older Worker Week, the Oakland PIC is sponsoring a contest designed to find Oakland's oldest worker and a worker over 65 who is making an especially unique or noteworthy contribution. A total of 16 winners will be honored at a luncheon paid for by contributions of three PIC board members. The luncheon event, scheduled for March 31, will be attended by 100 community leaders and other older worker advocates. Extensive media coverage will serve to raise the community's awareness of the continuing contribution the mature offers, as well as publicize the service of the Private Industry Council.

Once again, Mr. Speaker, I congratulate Oakland PIC for this fine effort and am pleased to share with my colleagues the news of their continued fine work.

## PRIEST HELPS FOCUS:HOPE LIVE ITS NAME

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. CONYERS. Mr. Speaker, this past week, a Detroit News columnist paid tribute to Father William Cunningham, a Catholic priest whose achievements on behalf of the city's poor, uneducated, and unemployed have been legion there since 1968.

Father Cunningham was recently named an Outstanding Michiganian by the newspaper's weekend magazine staff, and columnist Pete Waldmeir tells us a bit about why that honor has been so appropriately designated. I am pleased to share it with my colleagues, particularly those from urban areas, who will most assuredly benefit from Father Cunningham's message of "Hope":

[From the Detroit News, Mar. 9, 1988]

PRIEST HELP FOCUS:HOPE LIVE ITS NAME

(By Pete Waldmeir)

The Rev. Bill Cunningham canned several workers at the 25-acre Focus:HOPE industrial complex on Oakman Boulevard a few weeks ago.

It sounds out of character for the Catholic priest, who each week busts his beads to see to it that thousands of Detroit's less fortunate are fed, clothed, employed and educated. But he says it might be the best thing that ever happened to them.

And if it's not, it may be the best thing that's happened to the more then 400 others who still have their jobs because they know that he's serious about them knuckling down to help him help them help themselves.

"We have something really strong going here," says Fr. Cunningham, who founded Focus:HOPE in the wake of the 1968 Detroit riots and who had almost single-handedly built it into a multimillion-dollar industrial-educational complex and a clearinghouse for various charitable groups.

"Our works has to survive and to survive, it has to have cooperation from everybody. What we're trying to do is make getting and holding a job a goal in itself; something that people want to strive to achieve, to be proud of.

"So we set some standards and we establish some rewards. In order to make our companies profitable—and keep operating and benefitting everyone involved—we ask the workers who can't read, for instance, to attend free classes and make an attempt to learn. It makes sense. The better they can read, the farther they can advance.

"We conduct the classes, make them convenient and dozens attend. But if they don't attend—and don't learn to read on their own somewhere else—then we have no choice but to let them go. Believe me, it's not easy. But it's the fair way, because the others see what's going on and realize we don't play favorites."

There are many advantages to working at the companies in the Focus: HOPE industry mall, which occupies most of the north side of Oakman between Rosa Parks Boulevard and Linwood, buildings that once belonged to General Motors and Vickers. Among them is the opportunity for workers' kids to attend Focus: HOPE's Center for Children, a bright, inviting educational center, which opened in September and will be the beneficiary of a $150-a-ticket "Hocus: Focus" magic party from 7 to 10 p.m. Friday.

The party, to be catered by 21 Detroit-area restaurants ranging from Opus One and Van Dyke Place to Little Caesars and Mrs. Morgan's Boarding House, hopefully will raise enough to get the center rolling at full tilt before summer.

The center provides care for infants as young as 6 months old, preschool training through 6 years, after-school "latch key" for kids from 6 to 12. It is designed for the offspring of Mall employees. But Fr. Cunningham has some interesting theories about how enrollment should be handled.

"We're going to try to recruit about 20 percent of the children from outside the Focus: HOPE workforce," he explained.

"One of the values we try to instill in workers in the mall industries is that they are not only helping themselves but that because they are being productive, their children can have a chance at a better life, too. So if, say, a young mother who has an infant and is working at her first job with us knows that her child is in the same class with the kids of people who have achieved something in life, she'll work hard to stay employed with us—if for no other reason than to give her child that added chance.

"Does that make sense? I guess we'll find out, won't we?"

Fr. Cunningham's goal: 240 toddlers and preschoolers, including 90 infants. "They tell me that's a lot of kids," he said smiling. "But what would I know about kids, right?"

## THE 50TH ANNIVERSARY OF JONATHAN DAYTON HIGH SCHOOL

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. RINALDO. Mr. Speaker, I wish to offer my congratulations to the student body, faculty, and administration of Union County Regional High School District No. 1 Board Members of Jonathan Dayton Regional High School in Springfield, NJ, which celebrates its 50th anniversary on March 30. Thousands of its graduates have gone on to successful careers in college, the business world, the professions, and in community service.

It remains a school of enormous opportunity and up-to-date curriculum for new generations of Americans in Union County, NJ.

Union County Regional High School District, one of the first regional high school districts in New Jersey, prides itself on being a quality comprehensive high school district. It provides college preparatory programs, business education, vocational education, and a large adult school program. In addition, it has been approved as a local area vocational district by the NJ State Department of Education. It also serves as a receiving district for special education students from numerous counties. Both handicapped and adult students find it a ready place for learning. It is truly a comprehensive and compassionate school district.

Jonathan Dayton first opened its doors in September 1937, to 849 students from the communities of Berkeley Heights—then known as New Providence Township, Clark, Garwood, Kenilworth, Mountainside and Springfield.

The school building on Mountain Avenue, with its distinctive clock tower, was named for Jonathan Dayton, a distinguished New Jersey patriot and statesman who, at the age of 27, had the distinction of being the youngest delegate to the Constitutional Convention of 1787.

The construction of the new school, and the new regional high school district, was expedited by a shortage of secondary education facilities in Union County. Prior to 1937, the six communities which now form the regional district had to send their high school students to neighboring towns to continue their education. By the mid-1930's, finding a school in which to place their students became an annual

problem. Eventually, only three school districts could accommodate a limited number of students from the regional communities.

After a careful 2-year study, and on the advice of the State Department of Education, the six communities and their respective boards of education considered the formation of a precedent-setting regional high school district. The Union County Superintendent of Schools at the time, Dr. Arthur L. Johnson, appointed a temporary board of education, consisting of two representatives from each of the constituent school districts. Meetings were then held in each of the communities, with members of this temporary board promoting the idea of a regional district and studying the problems and concerns of each of the local school districts.

On October 1, 1935, President Franklin D. Roosevelt approved the loan and grant which would partially fund the school project. The construction of the school, which cost $533,635, was one of 71 school projects carried out in New Jersey by the Public Works Administration during the difficult period of the 1930's. It is even more remarkable that this project got off the ground when one considers that a temporary board of education, with virtually no corporate standing, was the overseer of the initial proposal and plans for the Jonathan Dayton Regional High School.

When completed, the Jonathan Dayton Regional High School had a student capacity of 1,032. Warren W. Halsey, the school's first principal, was in charge of a 37-member faculty and a curriculum which featured strong vocational and business training as well as a comprehensive academic program. In the 50 years since then, Jonathan Dayton has been expanded twice—in 1953 and 1972—and three more high schools have been constructed to serve the students of the Union County Regional High School District 1—Arthur L. Johnson, 1956, Governor Livingston, 1960, and David Brearley, 1966.

The families in Union County Regional School District 1 have been well served these last several years by Superintendent Dr. Donald Merachnik, who has worked closely with the regional board of education. I salute the school board members, headed by Mrs. Natalie Waldt of Springfield, president of the board, and its vice president, David M. Hart of Mountainside, as well as the assistant superintendent of schools, Charles Bauman, and the school's business administrator, Harold R. Burdge, Jr. They are an outstanding team committed to quality education and to preparing today's students for the challenges of the next century.

## IN MEMORY OF A VIETNAM VETERAN

### HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. HOWARD. Mr. Speaker, as we debate the assignment of 3,200 of our troops to Central America, I think it is appropriate that we make note of another conflict 20 years ago, the Vietnam War, to which American men and women were also sent, ostensibly to maintain the peace.

On March 22, 1968, Pfc. Thomas Ptak of Highlands, NJ, was killed at Hue, Vietnam. Like many of our soldiers in Honduras today, he was the member of an airborne division, stationed at Fort Bragg, NC.

Last Saturday on the grounds of the Highlands, NJ, Grammar School where there is a stone monument to Pfc. Ptak, the family and friends of this hero conducted a memorial service. Veterans of Foreign Wars Post 6902 sponsored the service in honor of Pfc. Ptak and in that way are paying tribute to all men and women who died in the Vietnam War.

Pfc. Ptak was the second oldest of 11 children. Four others in the family have served in the military and of these, three are still in the service. Surely the Ptak family has contributed a great deal toward the defense of this country.

We must remember that in any conflict to which we send our troops, we risk exacting a great price such as that paid by the Ptak family. Let us hope that our troops in Honduras do not see any action and that their stay there will be cut short by the success of the Central American peace process.

## CHILD CARE VERSUS A TRUE FAMILY CARE PACKAGE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. CRANE. Mr. Speaker, child care legislation and what the Federal Government's responsibility in this area should be, is becoming one of the hottest topics before Congress. The issue centers around the Federal Government's role in assisting the recorded number of mothers entering the work force that results in the obvious need for someone to care for their children.

To date, both legislation and hearings to date have focused on this issue. The majority of these proposals have not addressed the real issue; how do we provide the best child care? Throwing billions of dollars at the problem, toward grants that expands or create child care centers, and drafting minimum Federal health and safety standards for day-care centers, is not the answer.

Telling parents that they can use their child care tax money for day care centers, as long as those centers meet with Federal standards or are not church affiliated, is not the solution either. What we must not do is drag legislation through Congress or the courts. That, without a doubt, will heighten the controversy on the separation of church and state. Organizations that oppose spending tax dollars on church child care will insist that doing so violates the first amendment's ban on State "establishment" of religion. They will challenge in courts any law allowing funds to go to church-based centers.

Our children are too important to allow the Federal Government to enact legislation that instead of addressing the child care issue, centers on the first amendment and constitutional separation of church and state. Roughly one-third of the current day care children go to centers run or sponsored by churches, or to facilities leased by churches. Enactment of irresponsibily worded legislation would no doubt swamp the courts with first amendment cases. I certainly hope that Congress' intention is to address what is best for our children, not how the first amendment should be applied.

Many skeptics of one piece of legislation, H.R. 3660, the Act for Better Childcare Services [ABC], or the Dodd-Kildee bill state that it promotes a trickle-down day-care policy. Most of the $2.5 billion would go to Federal and State bureaucracies and to State-subsidized institutions. There is no guarantee that any of the money would go to parents with small children. They are the very ones it is supposed to be helping. Unfortunately, history shows that this type of approach leads to great escalations of costs without any improvements in service.

Further, if it is not bad enough that the funds would be wasted by Government bureaucracies, H.R. 3660 would assist only a tiny fraction of young children. Most children under the age of 5 do not receive paid day care. In addition, 80 percent of day care providers are unlicensed and unregulated and therefore ineligible for funding under the legislation. According to the "Choice For Families With Children," a coalition of pro-family groups, less than one young child in 10 would receive assistance under the ABC bill.

The coalition further states that among children under age 5; 54 percent have mothers who are not employed, 22 percent are cared for by a relative while the mother works, 13 percent are cared for by a nonrelative in an informal setting while the mother works, and only 11 percent attend professional group care centers of the sort directly subsidized in the ABC plan.

One reason for the shortages of day care in the United States is the result of excessive Government regulations. Another is the threat of astronomically costly law suits that may be brought against day care centers. If we enact legislation that demands stricter Federal regulations, it is likely to actually reduce, rather than expand the supply of day-care available to American parents. Congress must be aware of this before it enacts additional regulatory measures. Furthermore, Government regulation of day care promotes large scale professional organizations and discourages competition from smaller neighborhood facilities. In addition, there is no evidence that large, regulated day care centers are safer than nonlicensed neighborhood providers of day care. One must not forget that most of the incidents of sexual abuse that have been reported by the press occurred in large, professional day care centers. Home care by the mother, care by relatives, and care in small neighborhood day care facilities is best for the physical and mental health of children.

If legislation is not carefully drafted, Congress will make a mockery out of our current child care system. Do people really want Congress telling parents what they think is in the best interest for their children? Whatever happened to the parents' right to decide what

they believe to be in the best interest of their own children?

It is essential that the central issue not be lost in the debate on the merits of the various proposals extant. What is missing in those measures is provision of aid directly to the family. But most importantly, preserving the family's right to choose what they believe is best.

I am introducing legislation today to address the pressing need for child care. But it also addresses another important need that is being overlooked. The need to take care of handicapped family members and also our aging family members. My bill, the Family Care Package of 1988, will give a tax deduction to the family and allow them to have more take home pay, after taxes. A parent will be able to use this extra money to choose what is the best child care for that family. In addition, it encourages care of our parents, and other dependent family members often forgotten in today's nuclear family environment.

My legislation would address pre-school age dependents by allowing a parent to receive a tax deduction of $5,000 from birth to age 6, and a $4,000 deduction for children between the ages of 6 and 18. Furthermore it would allow a taxpayer to receive a $5,000-tax deduction in the case of any qualified dependent who is physically or mentally incapable of caring for himself. Finally, it would allow a $5,000 deduction for any dependent who has reached the age of 55. All of these deductions would also be indexed yearly for inflation.

The taxpayers who provides more than 50 percent of financial support to a dependent over 55 qualifies for this deduction. The dependent's earned income will be only those distributions stemming from direct compensation such as wages, salaries, and other forms of direct compensation. Not included as earned income are pension income, retirement benefits, interest income from retirement accounts and other such proceeds.

Current law provides for a deduction for any dependent child of $1,900. The current dependent care credit ranges from 20 percent for upper income individuals to 30 percent for lower income individuals, of care cost. This credit is provided for a percentage of up to $2,400 for one child or $4,800 for two or more children. A 30-percent credit would only return $720 for the lowest adjusted gross income level and $1,440 for more than one child. My legislation would increase the deduction for children and at the same time abolish the highly ineffective existing child care credit.

The need for this increase in tax deductions is twofold. First, the value of the dollar when the dependent deduction was added to the Tax Code has failed to be adjusted for the rate of inflation over the years. The proposed deduction would allow the family to regain some equity from this indexing. Second, the family has suffered financially because of the lack of indexation.

The reason the United States is facing this current child care problem is not because of the lack of day care programs, but because of the erosion of family income. That is caused by a tax code that is increasingly biased against dependent children. Rearing children is something which is socially necessary and desirable, and so our Tax Code should be trying to encourage that. But it is not. The heavy tax burden shouldered by young families is exacerbated by inflation. Consequently that inflation has steadily undermined the value of the income exemption for children. My legislation would take one giant step in the direction of restoring the relative value of the exemption for young children to the level which existed in the 1950's. With the higher exemption, families would be free to use the added income for any purpose they chose, including choosing the day care system of preference.

Over the years, the American three-tier family has disintegrated into today's nuclear family. America has benefited materially and culturally from the three-tier family concept. My legislation will encourage reformation of that time honored and valued concept. The deduction that I propose guarantees parental choice. They could choose a professional day care center, a church affiliated center, or care provided by grandma, or even a mom or dad. A tax deduction for other individuals who are dependents would encourage families to take care of their older parents, as well as other handicapped family members instead of institutionalizing them. All too often today, families are finding it economically unfeasible to take care of their older parents and relatives. We, the Members of Congress, must stop penalizing the great American family and its proud heritage. We must take the time to allow the family to be reunited.

## CLARIFYING THE TAX TREATMENT OF NONELECTIVE DEFERRED COMPENSATION AND CERTAIN OTHER BASIC EMPLOYEE BENEFITS

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. MATSUI. Mr. Speaker, I am today introducing along with Congressman GUY VANDER JAGT H.R. 4221, the section 457 clarification of 1988. This legislation is intended to update and perfect H.R. 3312, the section 457 clarification of 1987, that Congressman VANDER JAGT and I introduced along with 22 other members of the Ways and Means Committee. Both H.R. 4221, and H.R. 3312 are intended to clarify that section 457 does not apply to nonelective deferred compensation or certain basic employee benefits.

H.R. 3312 was included in its exact form in tax legislation passed by the House of Representatives last fall. It subsequently was deleted from the Revenue Act of 1987 as a consequence of the decision made by the budget summit conferees to delay consideration of all tax legislation, except revenue raising legislation, until this year.

The legislation that I am introducing today with Congressman VANDER JAGT is intended to perfect the statutory language which was originally included in H.R. 3312. The legislation we are introducing would indicate that section 457 does not apply to nonelective deferred compensation. In addition, it would specifically indicate that certain basic employee benefits also are not subject to section 457. Included within the scope of the basic employee benefits would be bona fide vacation pay, sick pay, compensatory time, severance time, employer inducements for employment termination, force reduction, payments in lieu of tenure, disability, death benefit, paid sabbatical leave plans, and other similar plans, programs or arrangements. This legislation is needed to insure that these employee benefits will not be treated as taxable to employees until actually paid to them. Following my statement is a detailed explanation of the legislation that both I and Congressman VANDER JAGT hope the Congress will be able to enact as expeditiously as possible.

EXPLANATION OF PROVISION

The bill exempts nonelective deferred compensation and basic employee benefits from the scope of section 457. Thus, nonelective deferred compensation and basic employee benefits are disregarded in determining whether a plan is an eligible deferred compensation plan. Such benefits also are not subject to the rule which includes such benefits in income when they are not subject to a substantial risk of forfeiture if such benefits are not provided under an eligible deferred compensation plan. Instead, nonelective deferred compensation is taxed when received (or, if applicable, earlier under the general principles of constructive receipt) and basic employee benefits are taxed under the rules of the appropriate Code section governing the taxation of a particular type of benefit.

For purposes of section 457, "basic employee benefits" are defined as compensation provided under bona fide vacation pay, sick pay, compensatory time, severance pay, employer inducements for employment termination, force reduction, payments in lieu of tenure (also known as faculty buy-out programs), disability, death benefit (including spousal benefit), paid sabbatical leave plans, and other similar plans, programs or arrangements. Cost of living or "gender neutral" adjustment payments are also to be treated as basic employee benefits. A plan, program or arrangement shall be treated as "bona fide" if, for example, the basic employee benefits are provided pursuant to state or local law, rule, regulation or procedure, or are provided under a collective bargaining agreement entered into between a governmental unit or other tax-exempt employer and employee representatives.

The Secretary is to provide a definition of nonelective deferred compensation. For purposes of this definition, the conferees intend that the Secretary create a "safe harbor" definition that makes it clear that any nonqualified deferred compensation plan or arrangement that meets the following criteria be treated as nonelective:

1. Benefits are provided pursuant to the terms of a written plan or agreement either (a) approved by the employer's board of directors or other governing body (or by a committee of such board or body), (b) authorized by state or local statute, ordinance or regulation, or (c) provided under the terms of a collective bargaining agreement (or other similar agreement generally governing the terms of employees' employment with employer);

2. The individual (or individuals) receiving benefits under the plan or arrangement does not (or do not) vote (except in the case of benefits provided pursuant to collective

bargained agreements) in connection with the decision of the board of directors or other governing body (or by a committee of such board or body) approving such plan or agreement;

3. The written plan or agreement does not grant the individual (individuals) accruing benefits under the plan or arrangement an option to receive increased current compensation in lieu of plan participation or benefits; and

4. Either—

(a) The compensation of individuals accruing benefits under the plan or arrangement is not reduced as the result of the establishment or maintenance of the plan arrangement, or

(b) The plan applies to 100 percent of the employees above a compensation level or officer status specified by the employer that do not change frequently over time.

If deferred compensation is provided pursuant to the terms of an individual employment contract entered into by an executive or a managerial employee with his or her employer (as opposed to a written plan or arrangement under which more than one employee participates), the criteria described in paragraph 3 and 4 above will be deemed to be satisfied if deferred compensation provided under the contract is subject to substantial performance conditions (e.g., the performance of a minimum of three years of service before benefits will be vested). The three year service requirement also will be deemed to be satisfied if the employee in question is being provided with deferred compensation income under a contract entered into within the three year period preceding his or her termination of service which is in recognition of a period of substantial service to his or her employer.

The conferees also recognize that some tax-exempt organizations face salary limitations (either formal or informal) in compensating able administrative and management personnel on a competitive basis. If such salary limitations exist, and the employee cannot be paid a current base salary in excess of a given amount, but can be paid additional amounts of deferred compensation, then the criteria described in paragraphs 3 and 4 above will be deemed to be satisfied with respect to such deferred compensation.

## IN RECOGNITION OF THREE TUOLUMNE COUNTY ELEMENTARY SCHOOLS

### HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. LEHMAN of California. Mr. Speaker, I rise today to honor and commend three outstanding elementary schools located in Tuolumne County, CA, part of the 18th Congressional District.

Tenaya Elementary, Sonora Elementary, and Summerville Elementary were recently recognized as superior primary education institutions by California State School Superintendent Bill Honig. The schools were selected as winners of the California Elementary School Recognition Program.

These three elementary schools serve small rural communities which are located in the Sierra Nevada Mountains. They, as do all similar rural educational institutions, face many challenges and obstacles in their efforts to provide quality education. Through combined efforts, however, on the part of the teachers, administrators, students, parents, and legislators, these schools have met the challenges of providing quality education and deserve this special recognition. This special statewide recognition has gone to only a small handful of the thousands of elementary schools in California.

For the Nation to prepare for the future and meet the challenges which lie ahead, all children and young adults must receive quality education. Teachers must be trained and adequately compensated for their efforts. Parents must be involved and supportive of these efforts, and administrators and policymakers must work to provide the necessary resources. It is only through a combination of these ingredients that programs will be developed to meet the many and diverse needs of the Nation's students.

Tenaya, Sonora, and Summerville Elementary Schools have taken these key ingredients and have provided to the children of the Tuolumne County region the type of education which is vital for all of America's children. Let these schools stand as examples and inspirations as we seek to give all children in this country the chance to be the best they can be, for themselves and for the future of this great Nation.

I wish to congratulate and extend to these three elementary schools, the praise they deserve.

## DESERTED BY THE PRESS

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. OBEY. Mr. Speaker, as most Members of this body are aware, one of our colleagues, Mr. GEPHARDT of Missouri, has been the subject of a great deal of national press attention in recent months. In addition to many good things that have been said about him, his surprise victory in the Iowa Democratic caucuses and his advocacy of a tougher trade policy have stimulated a good deal of criticism by his opponents and members of the press who disagree with his position on trade. I think most of us in this Chamber, whether we support the GEPHARDT candidacy or not, share a sense of dismay and concern over how far off base much of that recent criticism has been. It is hard to find a Member whose intellect and integrity is more broadly respected by the people who work with him day in and day out.

Last week, one brave member of the national press corps also directed attention at how badly his colleagues had treated the GEPHARDT campaign. Columnist Mark Shields argued in the Washington Post that:

> The pervasive intellectual elitism of what was once called the "Working Press" has created insensitivity to the values and experience of everyday Americans.

And, therefore, to the importance of what GEPHARDT has been saying on trade, according to Shields:

> After GEPHARDT won the Iowa caucuses, he was savaged in the papers and on the networks. Economic nationalism was mostly forgotten and the target became the Missourian's alleged cornfield conversion to populism.

There is one point which Shields did not make concerning this affair which I think is very important. The real victim of this mistreatment has not been DICK GEPHARDT. The real victim has been the national dialog that we should have been having on trade. Many serious scholars with no particular involvement in Presidential nominating politics believe that the current world wide imbalance in trade has placed the United States and the world on the brink of economic disaster. How public policy can be used to prevent that disaster should be a central topic of national debate. Instead of that dialog, we have had an argument over how Mr. GEPHARDT should be labeled and what were his true motives in putting forward such proposals. That kind of coverage shortchanges not only those who think GEPHARDT is right and deserves to be heard but also those who think his followers are wrong and should be persuaded to view the problem differently. Neither side has had their day in court.

I would like to insert the Shields' column in the RECORD at this point and express my hope that others in his profession will begin to see the need for an open and full discussion of this topic free of labels or challenges to the character or motives of those who may choose to participate:

DESERTED BY THE PRESS: GEPHARDT DESERVES BETTER

In his sudden emergence as a presidential challenger, Albert Gore Jr. of Tennessee hit the jackpot using somebody else's nickel—a message of economic populism that had been fashioned by Rep. Richard Gephardt of Missouri. As long as Gore concentrated on his defense and foreign policy differences with the other Democratic candidates, he remained stuck at the back of the pack. The Tennessean's move upward began only when his TV spots presented him as the champion of the struggling "us" against the powerful "them."

That the beneficiary was Gore rather than Gephardt is mostly attributable to the pervasive intellectual elitism of what was once called the Working Press.

That is right, elitism. Too many in the press are no longer ink-stained wretches, but instead theologians of an internationalist economic dogma in which the assertion of national interests (always branded "protectionism") is a mortal sin. In his campaign, Gephardt has articulated two powerful themes, populism and economic nationalism, which are distinctly different from each other.

After eight years of an administration ethic, borrowed from George Bernard Shaw, that "lack of money is the root of all evil," a populist reaction was probably inevitable. But Gephardt's economic nationalism is rooted in the values and experience of everyday Americans.

First, the exclusionary acts of our trading partners offend our fundamental American commitment to fair play. Next, when the first TV news of almost any day reports the latest battering of the dollar in Hong Kong, Tokyo or London, our national pride is wounded: we wonder why our leadership, without resistance, has yielded control over our economic destiny to an assortment of

lesser nations that seem to have a clearer sense of their national interest. And, although Gephardt has mostly failed to address this element of our character, our native American optimism tells us that, yes, we can do something to reassert control of our national economic destiny.

Gephardt boldly grabbed the opening that Ronald Reagan left him. Reagan's uncanny instinct for expressing the popular will failed him on the political issue of trade because of his blind devotion to the doctrine of free trade. Diplomatically, Reagan's policy has been mostly one of aggressive nationalism. On trade, Reagan turned uncharacteristically internationalist and passive. While American factory workers and farmers do not view more and more foreign ownership of the United States as the route to national recovery and autonomy, the economic and governmental elites, according to a recent survey for Smick-Medley Associates, are unconcerned. The press, on this one, sips sherry with the elite.

After Gephardt won the Iowa caucuses, he was savaged in the papers and on the networks. Economic nationalism was mostly forgotten and the target became the Missourian's alleged cornfield conversion to populism. How could the consummate congressional operator, the question was raised several thousand times, really be a populist outsider? In order to be a genuine populist, apparently you can only be ineffectual. It is true that his switches on both abortion and tuition tax credits encouraged his critics to raise doubts about his philosophical fickleness. So the press criticism of the Iowa winner focused not on the content of his message but on the character of the messenger himself.

For effectively raising the trade issue, Gephardt was accused of "pandering."

According to the published tabulations of media watchdog John Merriam, Gephardt has received far and away the most negative TV coverage of any Democratic candidate. Only Pat Robertson has gotten worse coverage. Deprived of free media to deliver his distinctive message to voters in some 20 states, Gephardt lacked the funds to buy enough commercial time to compete with Gore and Gov. Michael Dukakis of Massachusetts. Then the Missourian had to watch the lavishly financed Dukakis attack him in TV spots that charged Gephardt with taking unclean political action committee contributions. The irony went unnoticed in the press: Gephardt had apparently not taken enough PAC money to be able to make a rebuttal. He could not point out that it was the Bradley-Gephardt fair tax bill that led to the elimination of $90 billion worth of loopholes for the rich and the powerful.

But the press has mostly not seen the Gephardt story this way. On the issue of economic nationalism, the press has chosen overwhelmingly to join the ranks of the privileged and to desert the people. Dick Gephardt and working Americans deserve better.

## GRAZING ON AMERICAN RANGELANDS

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. HANSEN. Mr. Speaker, we all well know the problems that occur when public policies are guided by misinformation. It is difficult to turn around the tide of emotionalism that can accompany such accounts. I believe this has occurred to a certain extent in the case of America's rangelands and the perceived effects of grazing on these ranges.

In a paper written by Thadis W. Box and John C. Malechek, professors of range management at Utah State University, they demonstrate that on the whole, America's rangelands are in the best condition they've been in since the 1930's and on the average they are improving. This is a different picture than is painted by many extreme environmentalists.

It is vital that we, as elected officials and the public at large, take the time to learn the facts. Public policy that governs rangeland must be guided by clear objectives based on accurate information. I am submitting an abstract from this paper which, I believe, is a good starting point for all of us:

GRAZING ON AMERICAN RANGELANDS

(By Thadis W. Box and John C. Malechek)

Grazing is a natural process on all plant communities. The American rangelands evolved under heavy pressure by bison, elk, and other large grazing animals. Livestock replaced the native animals soon after settlement, and the settlers from more humid areas overestimated the capacity of the semi-arid western range. Overstocking, combined with drought in the last half of the 19th century, caused most western ranges to deterioriate badly within three decades after settlement.

Most ranges continued in poor condition until the late 1930's when modern range management techniques developed. Western ranges have improved substantially since World War II and are now in the best condition they have been in this century.

The effect of grazing on plants is related to the forage preference of the animal, the animal's behavior, the resistance of the plant, the timing of grazing, and climatic events. The process is complex and not well understood, but research information and experience is expanding at a rapid rate. Two research areas show particular promise for increasing production: stress physiology of plants and animal behavior in grazing. Recent physiological research has helped redefine the response of bunchgrasses and shrubs to grazing. Studies in the early learning of grazing animals indicates that animals can be conditioned to graze the ranges more uniformly and enter feedlots more receptive to concentrate feeding.

More is known about managing rangelands than is currently applied. With proper extension of research results, most range goals can be met with today's knowledge. More information is needed in the basic biology of plants and behavior of the grazing animal if ranchers are to become competitive with other industries.

Public policies guiding rangeland use are poorly developed and are not likely to improve unless the public is better informed about the needs of society and the effects of grazing.

[NOTE.—The complete text of this paper may be found in the Proceedings of the Western Section of the Animal Science Society of America, pages 107-115.]

## ALPHA EPSILON SIGMA OF MINNEAPOLIS COMMUNITY COLLEGE AWARDED FIRST ANNUAL DISABLED AWARENESS PROJECT AWARD

### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DEFAZIO. Mr. Speaker, I rise today to pay tribute to the first annual Disabled Awareness Project Award winners, the Alpha Epsilon Sigma chapter of the Phi Theta Kappa. This award is given to the chapter of the Phi Theta Kappa that promotes the National Disabled Awareness Project in an exemplary fashion.

Throughout the year Alpha Epsilon Sigma has involved its members in projects that have enhanced the quality of life for the disabled members of their community. The members volunteered their time for reading and note taking, read text books onto tapes, and sponsored outdoor activities for the Minneapolis Community College physically disabled students.

Mr. Speaker, we should be proud of these young men and women. They have volunteered their time and talents to promote handicap awareness in both their community and on their college campus.

## MOTHER TERESA AND THE MIRACLE OF LIFE

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DORNAN of California. Mr. Speaker, former California Gov. Jerry Brown and I have often found ourselves at odds over fundamental family values. While we continue to disagree on certain issues, thanks to the grace of God, and the compassion of Mother Teresa of Calcutta and her Sisters of Charity, abortion is no longer an issue that separates us.

It is a sign of hope that Governor Brown, an Irish Catholic politician from my home State of California, has seen the light—the right to life light—after a 3-week visit with Mother Teresa. I am heartened that he has broken his links to the chains of death forged within the liberal elements of his Democratic Party. I urge my colleagues to read about Governor Brown's profound conversion on the key life issue and ponder its meaning for their own fragile careers. "What doth it profit a man to gain the whole world and * * *."

[From the Arlington Catholic Herald, Feb. 18, 1988]

EX-GOVERNOR JERRY BROWN CHANGES VIEW ON ABORTION

(By Sr. Mary Ann Walsh)

WASHINGTON (NC)—Former California Gov. Edmund G. "Jerry" Brown Jr. sees "the killing of the unborn as crazy" after a three-week stay with Mother Teresa in Calcutta, India.

Brown spoke in a telephone interview Feb. 10, the day after he returned from Mother

Teresa's Home for Dying Destitutes, where he worked with the Missionaries of Charity Jan. 13-Feb. 9.

Now a lawyer in Los Angeles, Brown said he did not support efforts to ban abortion while governor, but he said working with the nuns "gave me a different perspective on the whole question of abortion."

It does not make sense to support abortion, he said, after spending time "comforting and protecting the lives of the suffering with not as high a quality of life as a three-month fetus that is healthy and has potential."

That "this country and Europe see the need to kill so many unborn does not seem to be justified," said Brown, who sought the Democratic presidential nomination in 1976 and 1980.

"It's just that we've organized society to be anti-life," added Brown, who said he plans to re-enter politics, but not immediately.

In Calcutta, Brown, a former Jesuit seminarian, began his day with morning Mass with the nuns and then, with other volunteers from several nations, worked with the sick.

He said he "helped bathe patients, serve food, take care of whatever needs there were—cut hair, shave, hand out medicine."

He saw many get well at the home, where many are treated for tuberculosis, but also saw about a dozen people die. The nuns' "respect" for the dead impressed him, he said.

A man was brought in from the streets with "a gaping wound in his shoulder," he said. "The socket was exposed. Two to three nuns "changed the wound every day," but the man still did not get well.

When he died, they wrapped his body in a white cloth, placed a rosary on him, covered him with flowers and left him there for a few hours. "It was like he was in state," Brown said.

The nuns showed "more respect for someone just off the streets than some people with substantial means get in developed countries," Brown added. "It would be great to take the attitude that created that environment and spread it around the world."

Brown said Mother Teresa's belief that one sees Christ in the poorest of the poor showed clearly at the hospital.

The day he left, he said, he was "holding a man—some are very feeble, they can't stand up." A passerby commented, "You're holding the body of Christ, and just walked on," Brown said.

"Anywhere else that would seem artificial," he added, but not with Mother Teresa.

Brown attended Mother Teresa's evening lectures to her sisters, following adoration of the Blessed Sacrament. He described the setting as "400 Missionaries of Charity kneeling on a cement floor with the (automobile) horns of Calcutta as background" while the Nobel laureate nun spoke.

She taught that "Christ is in your hand" in "what you do for me (the poor), what you do with me, and what you do to me," he said.

The words were simple, but in Calcutta from Mother Teresa they had "more immediacy," Brown said.

Her nuns give a pure message of Christianity, Brown said.

It is "very clear when people are devoting their lives to taking care of the poor, sharing similar conditions, doing it with good humor, joy, laughter and compassion," he said. "That's as pure a message of Christianity as I can imagine."

Seeing people die made Brown "realize there's a lot of suffering in the world." He cited a need for developed countries to help underdeveloped nations, especially with medical supplies.

"Tuberculosis, malnutrition, dysentery," the diseases he saw, he said, are "all preventable."

Countries such as the United States, Soviet Union and Japan "should talk more about reducing human suffering," Brown said.

## FATHER FRENCH MARKS 50 YEARS IN THE PRIESTHOOD

### HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to share with my colleagues in the House a wonderful event which will be celebrated in the very near future in my district. On April 10, the clergy and parishioners of St. Thomas the Apostle Church in Old Bridge, NJ, will honor Father Walter French on the occasion of his 50th anniversary in the priesthood.

Father French's story—a story of a lifetime of service and faith—should serve as an inspiration to us all. The eighth of nine children, he went to live with an older brother following the death of his mother when he was 10 years old. He answered the call to the priesthood, graduating from the Seminary of Our Lady of Angels at Niagara University.

On April 2, 1938, he was ordained in Trenton and served at various parishes in New Jersey for 10 years. In 1948, he was appointed pastor of St. Thomas the Apostle Church in Old Bridge, which was a small, rural parish in those days.

The growth which occurred in the Old Bridge area, and in St. Thomas, during the 1950's was unprecedented. Father French met the challenge and in October 1960, a new church, school, and hall were opened. The population growth continued and additional classroom space was added in 1966. The small rural parish finally reached maturity, relieving the constant press for additional space.

On January 2, 1973, Father French retired as pastor and was appointed pastor emeritus. He continues to reside at St. Thomas, ministering to those who seek his guidance, available to serve the parish he, more than any other person, built.

Mr. Speaker, I know that you and my colleagues in the House of Representatives will join me in offering to Father Walter French the most sincere best wishes of the U.S. Congress on this joyful occasion. His commitment to his church—to the service of its people—and his lifetime of dedication to God have made a major contribution to the quality of life of thousands of his parishioners. For this, we offer our congratulations and best wishes for the future.

## HONDA NORTH AMERICA CEO ADDRESS CONGRESSIONAL AUTOMOTIVE CAUCUS

### HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. TRAXLER. Mr. Speaker, recently Members of the congressional automotive caucus had the pleasure of hearing from Mr. Tetsuo Chino, chairman of the board for Honda North America.

Mr. Chino wanted to let us know of recent developments at Honda's facilities in Ohio, as well as the recently started program of exporting vehicles from the United States to Japan—a most pleasant action.

I am sure that our colleagues would be most interested in Mr. Chino's comments, and I ask that they be inserted in the RECORD at this point.

The statement follows:

MR. CHINO'S REMARKS: THE CONGRESSIONAL AUTO CAUCUS MARCH 10, 1988

Good afternoon, ladies and gentlemen. It is a privilege for me to be invited to the luncheon today. I am delighted to have an opportunity to update you on Honda's growing commitment to the United States.

As you may know, earlier this week, the first lot of Honda accord coupes, a model that is only built at our plant in Ohio, was loaded onto a ship in Portland, Oregon—bound for sale in Japan. This time we ship 540 units. Though this year it will be 4,000.

Building cars in the United States and selling them in the world's market places is a significant part of the overall strategy for Honda.

Let me explain briefly our strategy we recently announced.

It consists of five elements, namely:

The expansion of Honda's research and development activities to design and engineer Honda products here in the United States.

The expansion of Honda's production engineering activities to develop and manufacture unique production equipment in the United States.

The expansion of parts and raw materials sourcing in the United States to increase domestic content from its current level of 60 percent to 75 percent in 1991.

The continued expansion of manufacturing facilities in the United States to meet worldwide customer demand; and,

Of course, the export of our American-made cars and motorcycles to Japan and other countries.

Through these steps, not only we create thousands of additional jobs both directly and in spin-off in related industries but our capabilities of research and development and production engineering in the United States are vital to worldwide competition and eventually to the growth of industry.

Now, I would like to talk about our production and export operations in the United States.

In 1979, we began producing Honda motorcycles at our Marysville, Ohio plant. The Honda Gold Wing Motorcycles were added soon afterwards.

The Gold Wings are our top-of-the-line motorcycles originally designed to be marketed in the United States, and are now exclusively made in the United States. Actual-

ly, the Gold Wings have been exported to 15 countries.

In 1982, we began producing Honda Accords in a new adjacent auto plant in Marysville. In 1985, we began engine production—first for motorcycles, and then for cars.

Last year, we produced 324,000 Honda automobiles in the United States, and this year it will be 360,000 units, which is the current maximum capacity of the plant.

As part of our strategy I talked about earlier, we are building a second auto plant in Ohio. Ground breaking will be later this month. The total production of both plants will be 510,000 units in 1991. The engine will be increased to the same number.

Our exports of automobiles from the United States then will be 70,000 units. Honda will be major American exporter.

Thus, all through our operations in the United States, beginning with research and development, production engineering, increasing domestic content, and going on to export, Honda will be an integrated and self-reliant American automobile company, which will have invested $1.7 billion in the United States by 1991.

I would like to stress one point—that is, Honda would not have been able to make those investments and operations in the United States without the opportunity to compete freely here. By being able to compete, we were able to win strong customer acceptance of our products. And once we achieved a certain level of sales, we were able to construct manufacturing plants here.

I sincerely hope free trade will be maintained on both sides of the Pacific to our mutual benefit.

Now, I am more than happy to add that the first shipment to Japan this time is being carried by an American-flag ship, named "Green Bay," of the Central Gulf Lines. We chartered this ship to transport Honda automobiles between the two countries, the United States and Japan.

I hope you will agree with me, when I say that the Honda Accord coupe being exported to Japan is more than a symbol of cooperation. It is the effort by many American people of various sectors, as well as that of opening Honda's new ERA across the Pacific.

In closing, let me reassure you, ladies and gentleman, that Honda's commitment to the United States has become and will continue to be stronger through team-work by people of the United States and Japan.

Thank you for your kind attention.

## CONGRESSIONAL TRIBUTE TO LOS ANGELES ATTORNEY, JOHNNIE L. COCHRAN

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DIXON. Mr. Speaker, it is with great pride and admiration that I rise to recognize the accomplishments of a distinguished member of the Los Angeles legal community and close friend, Johnnie L. Cochran, Jr., Esq. On March 31, 1988, the University of California at Los Angeles Black Alumni Association [UBAA] will honor Johnnie by presenting him with their second annual UBAA Distinguished Achievement Award. Mr. Speaker, that award is richly deserved.

Johnnie was born in Shreveport, LA, and he has resided in California since 1943. He received his undergraduate degree in business administration from UCLA, the eminent university honoring him with the award. He completed his juris doctor degree and graduate legal studies at Loyola Marymount University and the University of Southern California, two distinguished institutions of higher education that are located in my congressional district.

As a deputy city attorney for the city of Los Angeles, Johnnie served in the criminal division from January 1963 until April 1965. In 1966, he founded the law firm of Cochran, Atkins, & Evans, and developed a thriving practice handling a substantial volume of both civil and criminal cases. He earned a reputation as an outstanding trial lawyer, a reputation which resulted in the Los Angeles Criminal Courts Bar Association naming him Criminal Trial Lawyer of the Year in 1977.

From 1978 through 1980, Johnnie served as the assistant district attorney for Los Angeles County, with general administrative responsibility for the 60 attorneys in the office. In 1981, he returned to private practice, specializing in personal injury litigation, entertainment law, public financing, and criminal defense under the firm name, Johnnie L. Cochran, Jr., Inc.

Johnnie has taken time from his active legal career to display a solid commitment to community service. He has spoken throughout the country on various aspects of the criminal justice system and has served as an adjunct law professor at UCLA School of Law, where he taught a course in trial tactics and technique. He also taught a similar course at Loyola University's School of Law. He is an active member of the Second Baptist Church, where he serves as legal counsel. He has served on the board of directors of such diverse organizations as the Criminal Courts Bar Association, the Langston Bar Association, LA Urban League, the Oscar Joel Bryant Foundation, the UCLA Foundation and the 28th Street Y.M.C.A. He also serves on the Mayor's Task Force for Africa, and the Los Angeles Black/Jewish Coalition.

Johnnie's expertise in his field and his contributions to LA's legal community have not gone unrecognized. In 1981, Mayor Tom Bradley appointed him to the Los Angeles' Board of Airport Commissioners. In 1982, he was nominated for LA County District Attorney, and he became one of the four finalists for the position. In 1983, the John M. Langston Bar Association awarded him the Honorable Loren Miller Award as trial lawyer of the year. In 1984, he received the Equal Justice in Law Award from the Legal Defense Fund of the NAACP, and was elected to the board of the American Civil Liberties Union [ACLU] Foundation of Southern California. During the Democratic National Convention in June of that year, he was also appointed special counsel to the chairman of the rules committee. In 1986, Johnnie was appointed special counsel to the committee on standards of official conduct.

Mr. Speaker, Johnnie Cochran is an exemplary citizen who has made outstanding legal contributions to the Los Angeles community. I am pleased to have this opportunity to call attention to his many accomplishments, and proud to inform my colleagues in the House of Representatives of the well-deserved honor being bestowed upon him by the UCLA Black Alumni Association. Please join me in congratulating Johnnie on his achievements and wish him, his wife Dr. Sylvia Dale Cochran, and children Melodie, Tiffany, and Jonathan much happiness and continued success in their future.

## INTERVIEW WITH PRESIDENT MOBUTU

### HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1988*

Mr. DYMALLY. Mr. Speaker, I hereby submit for review an interview with President Mobutu of Zaire, conducted by Dr. Jeffrey M. Elliot and myself, in January of this year, in Kinsasha, Zaire. The article appeared in the March 7, 1988 issue of Africa News.

[From Africa News, Mar. 7, 1988]

I HAVE A CLEAR CONSCIENCE

(By Jeffrey M. Elliot and Mervyn M. Dymally)

(Sitting astride Africa's mid-section and bordering nine other countries, Zaire has an importance that is both strategic and symbolic. Its size—roughly equal to the United States east of the Mississippi River—its rich natural resources and its firmly pro-Western policies have ensured continuous financial and political backing from western Europe and North America.

(But enthusiasm for that support has recently been tempered by questions about the nature of Zaire's government. The conservative Washington, D.C.-based Heritage Foundation says Zaire "is one of America's most consistent allies in Africa" but calls President Mobutu Sese Seko a "corrupt Third World strongman."

(Mounting criticism of continuing U.S. aid to Zaire recently prompted Representative Mervyn Dymally (D-CA.), who currently chairs the Congressional Black Caucus, and Dr. Jeffrey M. Elliot, a writer and political scientist from North Carolina Central University who advises Dymally on foreign affairs, to visit Zaire, where they spent ten days traveling with Mobutu. For the third installment in our series on Zaire, we present the following excerpts from their conversations.)

Jeffrey M. Elliot: According to Amnesty International, your government has, over the past two decades, either ordered, approved, or condoned myriad human rights violations, including detention without charge or trial, imprisonment of political opponents, torture and ill treatment of prisoners, extrajudicial executions, and illegal surveillance and extortion. How can you justify such flagrant abuses?

Mobutu Sese Seko: First, let me say, I appreciate your candor. I can say, however, without equivocation, that I have a clear conscience. Most political outsiders view human rights in the context of a multiparty system. They demand that I institute such a system, which I refuse to do. Africa's history and traditions will not permit a two-party system. Nowhere in this continent have there been two chiefs in one village: a majority chief and an opposition chief. Dating back to ancestral times, there has

been only one chief. In the United States and Europe, it is commonly accepted that enlightenment emanates from the clash of ideas. In Africa, we follow an ancestral policy in which, when a problem arises, we rally around the leader and work out a solution. Zaire is a shining example of this policy in action. For this reason, we have become the most stable country in Africa.

In Zaire, freedom of expression, which is guaranteed by the Constitution, is respected. during my tenure as president, I have struggled hard to restore peace, unity and security. My efforts are based on a firm belief in human rights. To demonstrate my commitment, and to quash the baseless charges against my country, I established a high-level department on human rights, which reports directly to me. You will not find a similar department anywhere in Africa. Moreover, I urged Amnesty International to return to Zaire. Their delegation spent eight days here this past November. They conducted a thorough investigation, during which time they spoke to everyone they requested to see. In the end, they left satisfied. Later, the Association of African Lawyers which, like Amnesty International, is deeply concerned with human rights issues, and whose current chairman is a Senegalese, requested my permission to establish a branch in Zaire. I immediately approved the request.

Let me ask you a question: How many of Africa's 50 independent states have a multiparty system? Of these 50, how many can boast a better record than ours? Zimbabwe, for example, experimented with a multiparty system, but was forced to abandon it and return to a one-party system. Ask Zimbabwe's socialist president, Robert Mugabe, why it failed. His answer should prove instructive.

When I took power in 1965, I inherited the Belgian system—a system that was totally corrupt. At the time, the Belgians had established Catholicism as the official state religion, relegating Protestantism, Kibanguism, and Islam to second-class status. That act was a direct assault on religious freedom. Although I am a devout Catholic, I abolished religious inequality and placed all religious denominations on an equal footing. I did so in order to serve freedom and justice.

Mervyn M. Dymally: But Amnesty International maintains that hundreds of political prisoners have been arrested, detained or imprisoned, often without ever being charged or tried. Do you dispute these accusations? If so, why do you think they persist?

Mobutu: I wonder if a head of state should swear, but if anyone can cite the name of a single political prisoner, supported by hard fact, who is presently in any Zairian prison, I will immediately resign. As far as Amnesty International is concerned, I indicated that they were in Zaire last November at the invitation of the special department that oversees human rights and civil liberties. They left satisfied, and so am I. Without overstating the case, I am convinced that Amnesty International's attitude towards Zaire has changed markedly as a result of their investigation.

Elliot: You opponents contend that the government does not respect the fundamental rights of workers. There is no freedom of association with respect to independent trade unions; collective bargaining agreements are not guaranteed; working conditions are abysmal; purchasing power has plummeted; and unemployment is at a record high. How can your government be described as anything but antiworker? Don't these facts speak for themselves?

Mobutu: They would if they were true, but they're not. In fact, they bear no resemblance to the truth. The truth is, my government recognizes fundamental worker rights, a fact acknowledged by our membership and participation in the International Labor Organization. The National Union of Zairian Workers (UNTZA), a federation of several earlier independent and Christian trade unions, is active on the international scene, affiliated with international labor organizations, and enjoys close relations with your AFL-CIO. Collective bargaining agreements—approximately 600—are guaranteed. While working conditions may fall short of Western standards, they are much better in the organized sector represented by UNTZA than in the informal sector. No labor leaders are presently in detention, and several former leaders who have disagreed with union policies are now free and pursuing their personal interests.

Dymally: Despite several presidential amnesties to Zairian political exiles, reports persist that many of your critics have been subjected to detention and/or arrest. Are you prepared to welcome home all of your political opponents, both those in the United States and abroad, with the promise that they will not be harassed or imprisoned?

Mobutu: Absolutely. In fact, tens of thousands of Zairians who fled the country during or after the rebellions of the 1960s and the Shaba events of 1977 and 1978 have already returned to their homeland. They know they are welcome—that Zaire belongs to them, not to President Mobutu. If you meet any of them in the United States or Europe, assure them that they have my word; that they may return home without fear. Those who are most qualified will certainly find jobs. That is a national priority, not simply mine.

CORRUPTION

Elliot: According to top officials of the International Monetary Funds (IMF), Zaire is plagued by "uncontrollable corruption" and the "illegal outflow of wealth from the country." The IMF charges that money for improving farms, roads and agricultural projects has been diverted into personal use by government officials. In one speech, you yourself called bribery "the Zairian illness." If this is true, why hasn't your government punished the guilty parties and adopted strong measures to prevent future corruption?

Mobutu: Your last quotation is inaccurate. I never stated that bribery is "the Zairian illness." I once condemned corrpution, but I never described it as my country's illness. To be accurate, I stated—while expressing New Year's wishes to my officers—"We keep hearing about corrpution, without knowing who is corrupt and who is corrupting."

At the time, I was specifically referring to you—the American and Europeans—who taught us the art of corrupting. When you come to Zaire to sell your products, you tell our officials, "It costs $800. But for you, I'll set aside $200 per piece. That would amount to one million dollars—all yours." That is corruption, and you introduced it. You are therefore unfit to educate us on public morals, since you have yet to address the same ethical concerns in you respective societies.

Corruption is not a Zairian problem; it is a world problem. Take the Lockheed case, for example, which involved high-ranking government officials in the United States, Germany, and Japan—and ultimately the President. No, the sole purpose of these rumors is to spoil the good name of Zaire. If our critics were honest, they would point the finger at those nations which are most guilty of corruption. We all know which are the most corrupt nations in Africa. Unfortunately, for diplomatic reason, I can't cite them.

Dymally: Your critics argue, with strong conviction, that Zaire's security forces have, over the past two decades, engaged in wanton corruption. Doesn't this reflect a failure of leadership?

Mobutu: Although some abuses and lack of discipline among low level security personnel may occur from time to time, major efforts have been made since 1985 to improve security force conduct. For example, regular police roadblocks have virtually disappeared. While incidents of extortion are reported on occasion, the practice is not condoned by the government and the perpetrators are increasingly brought to justice. Practices introduced during the colonial period, when security forces under Belgian control employed harsh measures, are presenty being corrected.

Dymally: Your critics contend that you are fabulously wealthy, with an estimated personal fortune of $5 billion, which includes 11 palaces in Zaire and numberous villas in various European countries. How did you accumulate such enormous wealth? Isn't your lifestyle incongruous with the abject poverty that plagues Zaire?

Mobutu: Although this question has been raised—and answered—many times, I will respond to your inquiry with total frankness. My conscience is clear. I challenge the existence of these alleged international financial experts—who frequently choose to hide under the cloak of anonymity in order to spread false propaganda against me. Who are these financial experts? These reports emanate from the press. Why do they persist? Frankly speaking, some reporters have been manipulated by questionable interests. Who are these interests? In truth, I have been singled out for attack because I am a nationalist. Moreover, I am intransigent on the subject of nationalism. In 1967, for example, I nationalized the Union Miniere, today known as Gecamines, making it the exclusive property of the Zairian people. Ironically, from that date on I became the object of scorn and derision, as I was widely considered to have pilfered Gecamines' profits in order to enrich myself, even though its finances are closely monitored by company auditors. Yet, its balance sheet bears no budget titles suggesting my involvement in its financial operations. Let me repeat: Gecamines is the exclusive property of the Zairian people.

When I assumed power, my budget was called a "dotation"—a special presidential fund. However, unlike other presidential funds, mine is known and is subject to parliamentary approval. Every year I submit a budget proposal which must be approved by Parliament. At times, it has voted to disapprove various presidential requests. This year, without my requesting a raise, Zaire's elected representatives voted to increase the presidential fund, after assessing the uses to which it was put. Thus, my budget is officially known by the Parliament and the people.

In the past, when I went to Europe, I stayed in sundry hotels. However, my European friends repeatedly advised me, "Mr. President, your security is not assured when

you reside in such hotels. We strongly urge you to purchase several homes, as your security is of the utmost importance. You should own your own homes, where you can guarantee your security. Look at such and such head of state. He has proper security. By the way, if Zaire can afford to spend so much on your security when you travel abroad, then buying homes should not prove exhorbitant." The very friends who gave me this advice are the same ones who disseminated the false rumors about the myriad castles and villas I am supposed to have. These are typical of the kinds of intrigues and conspiracies to which I have been subjected.

Clearly, I would be lying if I said I do not have a bank account in Europe. I do. I would also be lying if I said I do not have considerable money in my account; I do. Yes, I have a fair amount of money. However, I would estimate it to total less than $50 million. What is that after 22 years as head of state of such a big country?

As for my alleged fortune, do you recall the remark which a Belgian once made to one of his country's top-ranking officials? The man who made the remark has been my subordinate for over 20 years, first in the army, and now at the Presidency. He was asked a similar question about my finances, to which he replied: "From the way things are going, I am afraid for this man. He has a large family, with many children. If he dies, he will do so in misery. He has spent his money building chapels, temples, cathedrals, schools and clinics. Patients who could not be treated at home were flown to Europe or the United States. That is how he has spent his money."

Besides, of Africa's 50 independent countries, can you name one leader—just one—who can boast of having spent as much of his own money to benefit so many people? No, I have a clear conscience. I am an honest man. I have not pocketed one dollar of the people's money.

Finally, my so-called fortune has proven extremely beneficial to many African causes. An American journalist should be sent to Mozambique, so that that country's president, Joaquim Chissano, could tell him how helpful I have been to that nation's freedom fighters. The former president, Samora Machel, was likewise aware of my assistance. Thanks to my alleged fortune, I sent trucks, jeeps and officers to train Mozambique's army in Tanzania, while arms and ammunition were sent day and night via our pilots. On Mozambique's independence day, 3,000 Mozambique soldiers marched into that country through Tanzania, all of whom were clad in helmets, boots and uniforms supplied by Zaire.

The same alleged fortune has proved extremely helpful to the security of my neighbors and other African states. It enabled me to train five battalions of paratroopers—two for Burundi, one for Rwanda, one for Togo and one for Benin. It also enabled me to train 250 Mauritanian commando-paratroopers, as well as to help Chad score a crushing victory over Qaddafi. We trained five battalions in Zaire, and a sixth is presently being trained. All of this has been done without publicity, very much unlike France, the United States, Great Britain, Japan or Canada, who would typically follow up such good deeds with self-serving press releases.

Moreover, when Mauritania, Senegal, Mali, Cape Verde and Guinea were hit by a drought, for two years running I sent them checks drawn on the Bank of Zaire to help them to ease the crisis. This was done quietly and without fanfare. Similarly, when Sekou Toure's Guinea was hit by an earthquake, I sent a check for one million dollars to help them as a sister nation. They were the ones who made it public. Last year, when yet another African country, Cameroon, suffered a gas explosion, I sent them $200,000, as well as doctors and 20 soldiers who delivered tents and medicines worth over $200,000.

That is how I have used my alleged fortune—to strengthen the security of African countries and to lessen the plight of disaster victims. We have not done this because Zaire is rich; we are no richer than any other African nation. No, we want to teach our fellow African citizens the noble art of sharing.

During 22 years as head of state, I have never disclosed such inside information to anyone, for my mother taught me never to brag about my deeds of kindness to others. Because your question was so searching, I decided to be forthright and to open my mind to you, not for the pride of it, but in order to lay out the facts.

Elliot: Still, after over 20 years of your rule, the evidence reveals little improvement in the quality of life for the average Zairian. Indeed, the ordinary Zairian earns one-tenth of what he or she earned in 1965 before your government took power. It has been reported that half of the children die before the age of three, and one-third of those who survive past the age of three will die of malnutrition. Are you fighting a losing battle? Can the present situation be reversed? Is there reason for optimism?

Mobutu: The statistics and criticisms you cite, which have been published by *The Washington Post*, come from the Belgian press. They stem from the kind of dishonesty and unfairness that you would expect to find, given our checkered historical relationship.

There is, however, a major difference between the People's Republic of Zaire, my fatherland, and many other African countries. Let's go back to 1960 to 1965, a period I know quite well. At the time, Zaire was in complete ruins, following the most destructive civil war ever fought in Africa. Schools, churches, ports, roads and ferries stood in ruin. When I took power in 1965, my priority was to launch a massive reconstruction effort, whereas other African nations, such as the Ivory Coast, Gabon and Morocco began by building on what the colonial powers had left behind. This is an important difference, both from a social and economic standpoint. I rebuilt schools, bridges and hospitals throughout the country. I also repaired damaged tracks and replaced both broken engines and railroad cars. The projects culminated in the construction of the Inga Dam and the conveyance of hydroelectric power, which spans a distance of over 2,000 kilometers, from Inga to Shaba. In addition, I opened a much-needed maritime company, the Zairian Maritime Company, as well as Air Zaire. Reconstruction took a long time.

Meanwhile, I still had to deal with the problem of terrorism. For nearly a year, I left the capital and assumed residence in Shaba province in order to conduct the war. These obstacles should be considered when assessing my record. The rehabilitation program, coupled with the war against terrorism, cost Zaire billions of dollars and plunged my nation into debt—one that now totals $5.1 billion.

My friend, when you criticize me, please do not cite the foreign press, for these articles originate from Belgium. I can produce copies of all of them from my home library. There is not a grain of truth in any of them, for their sole purpose is to spoil the good name of Zaire. I hold nothing against the Belgians, or Belgium, for that matter. I simply cannot harness my nationalistic pride. It is only natural for me, as an unabashed nationalist, to resist any attempt by another country smaller than mine to interfere in our internal affairs, even if by a historical misfortune they once colonized us. I will never live to see that happen again. I place the interests of my country first; everything else comes after. I might sound like an unprogressive leader, but before criticizing Zaire, compare it with other African countries. In my view, we have made enormous progress.

Elliot: Granted that you have made considerable economic progress, most experts insist that the economy of Zaire remains fundamentally weak and vulnerable. Indeed, many observers contend that the Zairian people are deeply resentful of their economic plight—the "pauperization of the masses," as one analyst put it—but that they have been frightened into silence. Specifically, what measures have you initiated to improve the economic plight of the average Zairian?

Mobutu: As you know, Zaire, like many other sub-Saharan African countries, has experienced slower economic growth and deteriorating terms of trade since it won its independence in 1960. However, we are among those few nations fortunate enough to have benefited from a prolonged period of civil stability and peace, which has provided our people with relative physical security for the past 20 years.

Since 1982, I have initiated several major economic reforms which have increased business confidence in Zaire's future and have had a positive impact on the overall standard of living. Owing to the elimination of exchange and price controls, parallel markets have virtually disappeared and profits now accrue to legitimate marketers and small farmers, thus encouraging more regular supplies to markets. As a result, the supply of both foreign and domestic goods in Zaire's markets has noticeably increased, eliminating the periodic shortages that used to occur.

Moreover, improved fiscal controls since 1983 insure that key industries like mining now receive the foreign exchange and local currency they need to operate and to maintain their productive capacity, thus providing continued employment to Zaire's industrial workforce. In addition, improved fiscal and monetary policies have reduced rates of inflation and currency depreciation, and have encouraged a modest resumption of business investment. Although there have been setbacks in the external environment, the reform program has survived and conserved its momentum, leading to realistic hopes of progress and real growth in the medium term.

HEALTH CARE

Dymally: Many experts argue that your government has done little to improve health care in the country. For example, isn't it true that your government has not built one new hospital since 1965? They point out that in 1965, Zaire had at least two hospitals in every city. Today, less than 50% of these hospitals are functioning at 80%. Of the five hospitals in Kinshasa, only two are accessible to the general public. Why does your government tolerate such a

situation? Isn't this reason enough for action?

Mobutu: First, I must take strong exception to the statistics you've cited. They're simply not accurate. I suspect you obtained them from The Washington Post, which, as I stated earlier, simply parrots whatever the Belgian press reports. These sources are completely unreliable.

Let's talk facts. At independence, Zaire had one of the most extensive infrastructures in Africa, with more than 400 hospitals. The current need is not to build new hospitals but to make the existing ones more functional. A few hospitals have been constructed, such as the one at Goma. With the help of foreign assistance, construction is nearing completion on a new hospital in Kinshasa.

During the pre-independence era, there were always two "hospitals" in each administrative zone—one for the Europeans and one for the Africans. This "double standard" was abolished and the expatriate clinics have been closed and/or converted into other service establishments, such as health centers. Today, there are several public hospitals in Kinshasa, including Mama Yemo, Kinoise, Kintambo, University Clinic, Ngaliema and Kimbanseke. My goal is to create 22 urban health zones and hospital centers, which will make health care more universally available.

As for the doctor-to-patient ratio, according to international sources, the ratio of patient-to-nurse-to-doctor has improved greatly since 1960. The population-to-physician ratio improved from 79,620 to one in 1960 to 14,780 to one in 1980. The population-to-nurse ratio improved during the same period from 3,510 to one to 1,920 to one. These figures compare favorably to those of other sub-Saharan countries. This past year, Zaire graduated about 1,700 nurses; in 1988, the number is expected to increase to 2,400. Those are the facts.

Dymally: Like many other African nations, Zaire faces a serious AIDS epidemic. It has been reported that one out of seven women is infected with the disease. What steps, if any, have you taken to meet this crisis?

Mobutu: Once again, your statistics are inaccurate. In fact, the AIDS virus is estimated to be present in approximately 6% to 8% of the urban population. Still, there is ample reason for concern. Although we have a lower incidence of AIDS than many of our neighbors, we have nevertheless vigorously addressed the AIDS problem. In this regard, we have initiated an aggressive information campaign aimed at educating the general population about the dangers of the disease. In a country of marginal literacy, this program has been innovative and creative in its approach, and has included: 500,000 leaflets warning of the dangers of the disease and the best ways to avoid it have been distributed; two episodes of the nation's most popular television show have addressed the AIDS problem, and several documentaries have been broadcast; a song about the dangers of AIDS by a widely popular singer has been recorded; newspaper and radio accounts of AIDS and question-and-answer columns and programs have been produced; churches and other organizations have been used to spread the word at services and special meetings; and 100,000 copies of a comic book has been published, which tells the story of a businessman who ignored warnings about promiscuity and caught the disease, passing it on to his family and friends.

In addition to these preventive measures, Zaire is presently collaborating with the international medical community, including the Pasteur Institute of Paris and the United States Centers for Disease Control, in an effort to find a cure for the disease.

Only recently, a team of Zairian and Egyptian doctors announced promising findings with a new drug known as MM1. During a six-month study of 39 AIDS patients, 12 of the 19 members of the test group survived and showed definite signs of improvement in their immunological responses, while all 20 of the control group died. A new study is presently underway, involving a larger group of patients, in order to verify the initial results to determine if MM1 is indeed a cure for this deadly disease.

Elliot: Many analysts charge that Zaire's socioeconomic infrastructure has broken down due to neglect by the nation's leaders. Your once extensive road network is now covered with bush. Eighty-three percent of the people live without electricity and telephones, many in mud huts. Do you dispute these statistics? If not, why haven't you attempted to correct the situation?

Mobutu: Despite the assumptions implicit in your question, the road system in Zaire has shown some improvement in recent years. Before 1960, the rural road network was maintained by forced labor under the Belgian colonial administration. During the civil disturbances from 1960 to 1965, bridges were blown up and roads mined, closing thousands of kilometers to vehicular traffic. At the same time, trucks became bigger and heavier and contributed to the rapid deterioration of fragile dirt roads, particularly during the rainy seasons. Starting in 1972, however, I created a National Roads Office that has been increasingly effective in improving road maintenance. Despite funding problems, this department has reopened some of the roads that were closed during the 12 years following new independence and is presently maintaining 30,000 to 40,000 kilometers a year.

DEBT AND FOREIGN POLICY

Elliot: In order to resolve the debt crisis stemming from the $5.1 billion you said Zaire now owes, you signed an unprecedented agreement with the International Monetary Fund, which your critics contend will produce deepening poverty and misery among the Zairian people. Why did you agree to such stringent IMF demands? How long can Zaire hold out without the danger of civil disorders—or worse?

Mobutu: First, I deserve credit for having limited Zaire's foreign debt to $5.1 billion, irrespective of our nation's wealth. Not long ago, I asked an eminent professor of international economics to evaluate the percentage and likely impact of this debt as compared to Zaire's known wealth. He concluded that it represented less than 2.5% of our national wealth. Clearly, $5.1 billion is modest when measured against the staggering debts of other African countries—for example, $8 billion, $12 billion, $19 billion, $26 billion, $40 billion. In addition, these nations owe their foreign debts to private international banks, while only 5% of Zaire's foreign debt is due private international banks. The remaining 95% results from financial assistance and government loans granted by the friendly countries, including the United States, France, Great Britain, Belgium, Canada and Japan. Thus, no one could claim that Zaire would be endangering the international banking system if it failed to repay its debts. For instance, we owed $40 million to Canada, but they chose to cancel it.

Let me discuss our agreements with the International Monetary Fund. These agreements were signed at the end of 1982. Up until 1986, Zaire had fully complied with the terms of the agreement with her international partners, including the World Bank and the IMF. In October, 1986, the Central Committee of our national party (the Popular Movement of the Revolution), met to evaluate the austerity measures imposed by our partners. It found that those measures had been extremely costly to Zaire.

The assessment showed that Zaire had, for four years (1983 to 1986), disbursed $1.9 billion toward the payment of our credits. Meanwhile, over the same period, we had received only one billion dollars in foreign assistance. In other words, Zaire had become a net exporter of $900 million of hard currency, as compared to what we had received. This upset many Central Committee members, who subsequently ordered my government to discontinue the austerity program.

We are prepared to fulfill our commitments as best we can, but this must not involve austerity measures intended to make the Zairian people suffer. The Central Committee also placed a 2% limit on any payments from export earnings. That is, if we receive one billion dollars in export earnings, we should pay back no more than $200 million.

Dymally: Many African leaders, yourself included, have been extremely critical of American foreign policy, particularly as it concerns Africa. In your view, is the Reagan policy doomed to failure? If so, why?

Mobutu: First, it is not my place to dictate United States foreign policy in Africa. However, present policy does not enhance the image of a great power like the United States. For example, recent statistics on American aid to Africa reveal that Egypt receives over one billion dollars, followed by Morocco and Tunisia, which receive hundreds of millions of dollars. Yet, famine and misery have exacted a heavy toll on several African countries south of the Sahara. How do you explain this disparity? How can you justify the billions of dollars given to North Africa, while many of the neediest countries receive next to nothing?

I don't mean to criticize your government's policy; I am merely pointing out certain facts. Unfortunately, the situation is not likely to improve, what with President Reagan's recent announcement that American aid to the Third World would be cut by 20%. The International Monetary Fund has, as you know, created a special fund estimated to total $11.5 billion over the next three years. This fund was intended to help ease the crisis in the developing world, especially Africa. The major participants in this partnership include the World Bank, the International Monetary Fund, France, Great Britain and Japan. The United States refused to participate. What explanation can you give for its refusal?

Elliot: As you know, Rep. Ronald V. Dellums (D-CA), has introduced legislation to withdraw military aid and put controls on economic aid to Zaire by the United States. How do you respond?

Mobutu: Does Zaire, in fact, receive military aid from the United States? In my view, such legislation only complicates our present relationship. You know all too well that American military aid is, for the most part, negligible. Two years ago, it amounted to the equivalent of 21 jeeps and assorted

spare parts for our aircraft. If that is the extent of your aid, how would we suffer if it were curtailed?

Since independence, Zaire has been a dependable ally of the United States. However, we are paying dearly for our friendship. Indeed, time after time, the United States has invented myriad excuses for denying us aid—human rights violations, South Africa, corruption, etc. These charges are completely unfounded.

In all sincerity, I believe that those African countries which are inclined toward a Marxist-Leninist ideology, with close ties to the Soviet Union and its Eastern Bloc allies, are treated far better than is Zaire, which has opted for close ties with the West. For us, it has been a virtual sea of troubles. I expressed this same view to Vice President Bush, when he visited Zaire. In reality, Zaire receives little if any aid from the United States. How are we repaid? With ingratitude and criticism. Bush himself acknowledged that America's strongest critics are always rewarded, while their faithful friends are always poorly treated.

Let me cite a case in point—namely, the August, 1975 OAU summit, which was held in Kampala under the auspices of Ugandan President Idi Amin. President Jaafar Numeiry of Sudan introduced a virulent motion aimed at the Western powers. Although I am not paid by these nations to defend their interests at the OAU, I strongly opposed Numeiry's motion, not wanting the OAU to be regarded as ideologically anti-West or at the disposition of the East. President Numeiry again took the floor and lambasted me, stating, "He [Mobutu] can't speak up. He is a servant of the United States, a puppet of the West." This caused an uproar. The motion was then put to the floor for a vote. Almost everyone else followed my lead, and the motion was defeated. Two years later, President Numeiry chased out the Russians and his Eastern allies from Sudan and opened his doors to the United States. Since then, Sudan has been a yearly candidate for $100 million in American economic assistance.

In answering your question, I am making a great effort to choose my words carefully, for when I recall that trying accident, I am tempted to break all ties with your country. Numeiry insulted me, condemned you, and then reversed his stand, only to be rewarded with $100 million each year for additional aircraft, cannons, etc., while Zaire hasn't received a cartridge. At the same time, the United States has been fulminating a variety of problems in Zaire under the pretext of human rights violations, political corruption, South Africa and the like. If I have, against all odds, decided to remain a faithful friend to the United States, it is because in politics one must be courageous. Political courage cannot be defined as doting after a great power in the anticipation of future aid; what matters most to be are friendship and faith. That is the true meaning of courage.

Elliot: Isn't it true that Zaire has, at the urging of the CIA, allowed the Kamina Base to be used to provide covert American aid to Jonas Savimbi's rebels in Angola and that you have provided direct assistance to Savimbi?

Mobutu: No. You know very well the geography of Africa. If you examine a map of Africa, you will discover that Angola stretches 2,600 kilometers along our southern frontier. This boundary line is controlled by the legitimate ruling government of Angola. Everyone knows that for aid to reach this land-locked country, it must pass through South Africa or some other country, but not Zaire. Any aid that we might provide would inevitably fail to reach Savimbi, who is well off to the south—indeed, less than 20 kilometers from Angola's southern border with South Africa.

Not long ago, I officially requested that the chairman of the Organization of African Unity (OAU) appoint several military experts to improve the surveillance system at Kamina Base. They would be paid by OAU member states—although Zaire would be prepared to shoulder all of the expenses—and would be charged with the responsibility to examine the contents of every aircraft that lands or takes off. Although this approach would run contrary to current military practice, it would go a long way toward monitoring any possible violations.

Dymally: The Organization of African Unity has, for many years, supported a boycott against Israel. Yet, Zaire was the first African country to renew diplomatic relations with Israel that were severed during the 1973 Middle East War. At the same time, you have openly criticized Israel before members of Congress and castigated Israel for its Palestinian policy. How do you explain this seeming contradiction?

Mobutu: No contradiction exists. I view Israel as a friend, but this does not imply that I am slavishly obliged to endorse her policies. Even within Israel, where the government has hitherto enjoyed the complete backing of the people, voices of disapprobation regarding her West Bank policy can be heard. Thus, we are friends with Israel, but we have voiced strong opposition to those actions that we deem unjustifiable. Therefore, no contradiction exists. The United States supports Israel 100%. Yet, you recently criticized her West Bank policy, but are still friends. We view our relationship much the same way.

Elliot: In recent years, you have expressed strong opposition to Libyan President Muammar Qaddafi and his efforts to expand his sphere of influence. How serious is the Libyan threat in the region?

Mobutu: First, my goal is not to oust Qaddafi as head of state. Rather, I oppose many of his policies aimed at his sister countries in Africa, including Zaire. His occupation of Chad, for example, is in direct violation of one of the major clauses of the OAU Charter, which prohibits the occupation of one African country by another. The Charter recommends that all disputes be settled through peaceful negotiations.

Obviously, Qaddafi has resorted to military occupation for the simple reason that Libya is far more powerful than Chad. While Zaire is also less powerful, it still condemns Libya, both verbally in international forums and through its unconditional support for an independent Chad. Our position is consistent with the OAU Charter, which calls for non-interference in the internal affairs of other countries.

In this regard, I decided to brave Qaddafi's threats by intervening in Chad. This may be called the "right of interference," since Zaire does not share a common boundary with Chad. We are merely close friends. I do not expect praise for my position; it is a question of justice. Unfortunately, I have become a target, and wherever I travel in Europe I am heavily guarded. We are aware of, and are closely monitoring, Zairian Libyan-trained terrorists seeking to destabilize our country. Regardless of the personal consequences, I will not haul down my flag or retreat from Chad. Recently, we dispatched 3,000 paratroopers to Chad. Since that time, we have lost 22 of our best young men.

Dymally: Many critics have argued that consistency is not your most prominent trait. You speak of the need for African "authenticity" and for Africans to cast aside the bonds of "neocolonialism," yet Zaire is one of white-ruled South Africa's top African trading partners. How do you square this apparent inconsistency?

Mobutu: Your question makes me laugh. But, please don't think that I am laughing at you. You are an American, a citizen of the United States. You are fully aware that your country enjoys diplomatic ties with South Africa, as evidenced by the existence in Washington and in Pretoria of your respective embassies. My situation is quite different. We are drawn together by one simple fact: the transportation of our minerals through the Southern Road to our land-locked country. That is the extent of our relations. By the way, are Western journalists unaware that all European countries have embassies in South Africa—that they engage in economic trade and military cooperation?

Don't forget, Zaire is hemmed in, and is required to use the Southern Road, which transports 25% to 30% of our minerals. The national port simply cannot accommodate more than 40% of our imports or exports. The remaining 60% is transported by the Southern Road or the Tanzanian Road. Therefore, our relationship with South Africa is, strictly speaking, a matter of survival. Moreover, it is not a gift from the South African government; we are billed for using their railway.

Obviously, my policy has drawn sharp criticism. However, consider those other African nations that cannot survive without South Africa; nothing is said about them. Zaire is the only scapegoat. That is my response.

Elliot: As far as South Africa is concerned, do you support President Reagan's policy of "constructive engagement"? Do you favor stronger sanctions or direct military intervention in South Africa?

Mobutu: Let's not go too far afield. If only the actions recommended by the United Nations were implemented to the letter, and with the full backing of the Western powers, we would not be where we are today. Clearly, the great powers are playing games in South Africa.

Dymally: According to your critics, you bear direct responsibility for the death of former Prime Minister Patrice Lumumba, who was arrested by your troops and flown to Katanga, where, it is believed, he was killed by Congolese or Katangese troops. Indeed, some observers maintain that you were part of a CIA plot to assassinate Lumumba. What role, if any, did you play in the collapse of the Lumumba government and the subsequent assassination of Lumumba himself?

Mobutu: As a black leader in your country, you are obviously sensitive to the plight of Africa and its peoples. However, your interest in Zaire's internal affairs is consistent with your nation's treatment of African countries as a whole. It seems to me that you are here in search of a scapegoat, as reflected by your probing questions concerning human rights, Savimbi, South Africa and now Lumumba. In some ways, I feel that I am on trial. In any event, let me respond.

First, I was not a high-ranking government official in 1961; I was in charge of the armed forces, not the Head of State. I don't wish to criticize my predecessor, President Kasavubu, but it was he who ordered Lumumba's arrest and his subsequent transfer to Lubumbashi in Shaba province, where he died.

When Lumumba was assassinated, I was in Kinshasa, carrying out my duties as chief of staff of the army. I was as surprised as anyone when the news of his death was reported. Since I wasn't there at the time, I don't know exactly what occurred. Neither do I know President Kasavubu's motives for transferring him to Shaba province. I don't know who assassinated Lumumba, and thus can't be of much help. To repeat: I wasn't the head of state; I was a soldier. I did not initiate policy; I merely executed orders from above. Besides, Lumumba's transfer was not within my jurisdiction. Nonetheless, I was, and remain, implicated in Lumumba's assassination because I was a member of the ruling government.

Let me try to shed some light on the actual sequence of events. In January, 1961, the period in which Lumumba was transferred and later murdered, the troops that were stationed in Shaba province, then known as Katanga province, were not under my command. This absolves me of the charge that "It was you, the army officers, who gave the orders." I had no control over the troops in Shabva, but was under orders from the government to suppress the secession. Thus, I held no position of power, either politically in Kinshasa or militarily in Katanga, to be held accountable for anything.

Why did I begin my answer with such a prologue? It appears that some people in your country would like to tie economic and military assistance to African countries to events such as this. Liberia is a case in point. As head of state, I shouldn't criticize another nation. However, you force me to give you an example. If you calculate American aid to Liberia, dating back to when Samuel Doe took power up until 1987, you would find that it is double that of Zaire's. Why don't you question Doe on his prececessor's assassination? Liberia receives far more aid, but is not asked such questions; we receive virtually no aid, and can't live in peace. How can you compare Zaire's president, who did not murder his predecessor but merely removed him from power, to someone who brutally murdered his predecessor? [Note: Mobutu refers here to his overthrow of President Joseph Kasavubu in 1965.]

Until his death, for example, President Kasavubu enjoyed all of the privileges due an ex-president: a full salary, car, etc. When he died, he was given full military honors at his funeral. Thus, how can you compare these two cases?

Today, you can still see the small home President Kasavubu left in Kinshasa, and in which his widow and family resided. In my view, it wasn't dignified for the wife of an ex-president, so I decided to erect a more spacious home for her and her family. All of Kasavubu's children, who survived him, studied in Europe at my expense. His eldest son, a veterinary surgeon, is presently working closely with me; his daughter is a member of the Central Committee; and his wife is earning a salary equivalent to a full cabinet minister. Where else can you find a similar situation in Africa? It would be instructive if you could meet and talk to Mrs. Kasavubu, so that you could learn the facts first-hand.

As for Lumumba, his son, a virulent critic of my government, and one who fomented rebellion in Europe, is slated to return to Zaire within a fortnight. Go to Cairo, where Mrs. Lumumba has taken up temporary residence, and ask her whether she has received help from President Mobutu, what favors I've done her. I would like you to act as an intermediary in securing her return home, either through the intervention of a journalist or a friend. I am prepared to finance the mission.

The widow of Liberia's former president, William Tolbert, is presently residing in New York. Ask her if I have been helpful to her and her son, a law student in New York, whenever I visit there. Ask her son whether I have provided him with financial assistance? Ask him how many times he has visited Zaire? Ask him how President Mobutu received him? These are facts that shouldn't be overlooked, although, of course. I don't mean to blow my own trumpet.

Elliot: Your opponents insist that you are extremely egotistical. Indeed, a Zairian presidential hymn includes the words: "Today, we are going to admire the Guide Mobutu. If you see him, admire him. If everyone sees him, let them admire him. The country is called Zaire." Why have you so attempted to personalize Zairian politics? Aren't there dangers in establishing a government based on the cult of personality?

Mobutu: Believe it or not, there is no "cult of personality" in Zaire. It exists only in the minds of our critics. Zaire is not France, Great Britain, Denmark of the United States. Zaire is Africa in miniature. The customs and traditions you have witnessed over the past week do not even represent a quarter of what is tribal, authentic Africa. Since becoming head of state, I have supported a policy of cultural revival, in the hope that Zairians will rediscover themselves and their heritage.

Ambassador [Nguz a] Karl-i-Bond, for example, comes from a tribe in Shaba province, which has dedicated a song to its paramount chief. The song is called "Ndjalelo", which means "Hail to the Chief." In that tribe, the chief appeared only once a year, and when he did the event was celebrated for days on end, sometimes up to a week.

I am unable, however, to disappear for a year; I must be visible every day. The paramount chiefs of that province decided to dedicate the song to me, stating, "He is more popular and more successful than was any emperor in our history." That is how I came to be honored with the song "Ndjalelo," which is now sung not only when I visit Shaba province, but whenever I salute the army.

This reverence has never been imposed on the people. It emanates from deep within them, and it is a demonstration of their personal loyalty. Yet, this treatment is far short of what our African traditions require of the people. Therefore, when the Zairian people pay tribute to me as their chief, they are simply following their authentic, indigenous traditions.

Dymally: Finally, at age 57, you have survived it all: coup attempts, invasions by Katanganese rebels, defections by your highest officials. To what do you attribute your longevity—your survival? What explains your remarkable durability?

Mobutu: The answer is quite simple. My support over the past 22 years has come from the Zairian people—their loyalty and their love. Beyond that I can't say more. That relationship, viewed on a somewhat formal level, is one of complete loyalty. Although I am the boss, when I meet the troops, they regard me more or less as a comrade, particularly the paratroopers. As you know, I was a paratrooper myself. Among the military pilots, I am considered to be one of theirs. Since the army issues from the people, it is a reflection of their faith and confidence. My political survival is that simple.

I cannot judge myself, only the people can. For a country as large as Zaire, the leader must know his job, and must be accepted by the people. I know I am doing my job—that I am responding to the people's needs. Thus, I shouldn't brag about it. The people are the ultimate judge.

I've never had any illusions about the people's loyalty and faith, for there are clear signs and these signs do not mislead.

You might have heard rumors, for example, about my so-called illness and alleged death, which surfaced recently when I was out of the country. When I returned to Zaire and the people discovered that these rumors were baseless, I was accorded an unprecedented welcome by the Kinshasa population.

According to the media, of that city's 3 million inhabitants, 2.5 million men, women and children flooded the streets to give me a triumphant welcome. Neither me, nor a visiting statesman, had ever before received such a welcome. That is a clear sign—an unmistakable sign—of the people's affection. I will not belabor the point.

I have an idea. Let's drive to the university in my car, without a bodyguard, and without notice. I'll just bring my hat. Don't leave me for a second, so you won't think it was pre-planned. Let's try this experiment. It will reveal, most clearly, how I am viewed by the people.