SENATE—*Wednesday, May 10, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be offered by Dr. Richard C. Halverson, the Senate Chaplain.

PRAYER

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

Let us pray:

Now faith is the substance of things hoped for, the evidence of things not seen.—Hebrews 11:1.

Almighty God, Creator, Sustainer and Consummator of history, thank Thee for the mighty giants of biblical record whose exploits by faith generated monumental progress in human history. Enoch, Noah, Abraham, Isaac, Moses, Gideon, Sampson, David, and unnumbered others who, in faith laid the foundation of Western civilization.

In light of the political wisdom of our Founding Fathers who conceived the unprecedented system by which we function here today, help us to experience their faith, fountainhead of their vision, by which we govern in this technological age. Deliver us from the secular spirit which denies deity and the genesis of human progress. Save us, Father God, from human pride which trusts only itself and follows a godless way.

In His name who is Lord of Heaven and Earth we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

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

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

SCHEDULE

Mr. MITCHELL. Mr. President, under the existing order, following the time of the two leaders this afternoon, there will be a period for morning business not to extend beyond 2 p.m. with Senators permitted to speak therein for up to 5 minutes each.

I now ask unanimous consent that the period for morning business extend until 2:30 p.m.

The PRESIDENT pro tempore. Without objection, that is the order.

Mr. MITCHELL. Mr. President, at 2:30 the Senate will then proceed to Senate Joint Resolution 100, a resolution disapproving the Presidential certification with respect to the Bahamas.

Under a unanimous-consent agreement, time on this privileged resolution has been reduced to 2 hours from the statutory time limit of 10 hours. If all time is used, therefore, a rollcall vote will occur on the disapproval resolution at around 4:30 p.m. today. Senators should be on notice therefore that a rollcall vote will occur around 4:30 today.

Mr. President, I reserve the remainder of my leader time, and I yield to the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the majority leader reserves his remaining time.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

RESERVATION OF LEADER TIME

Mr. DOLE. Mr. President, I reserve my time.

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

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business to extend until the hour of 2:30 p.m. today with Senators being permitted to speak for not to exceed 5 minutes each therein.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

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

The Senator from Ohio is recognized for not to exceed 5 minutes.

INDEPENDENCE DAY IN ISRAEL

Mr. METZENBAUM. Mr. President, today, May 10, 1989, is Independence Day in Israel. Israelis are celebrating 41 years of statehood, and I join the millions of Jews and non-Jews around the world who are celebrating with them.

No matter what perspective you take, 41 years is a drop in the bucket when it comes to the course of history. Yet, Israel has lived through a greater number of mortal threats than have many other nations over centuries.

Israel has also contributed more to the intellectual, economic, and cultural welfare of mankind during its short 41 years than many, if not most other, longer lived nations.

Mr. President, I would hazard a guess that Israelis are thinking very hard about history today. As they celebrate independence, I am certain that they are also thinking about the cost of their sovereignty.

Israelis have paid a heavy price for self-determination over the years. For those of my colleagues who have never visited Israel over the Independence Day holiday, I want to describe a truly unique phenomenon.

Israel's Independence Day is preceded immediately by Memorial Day, and the transformation from sorrow to celebration is remarkable. Virtually every Israeli has lost a close relative and perhaps a close friend to war or terrorism. An underlying, if unspoken, fact is that more lives will probably be lost before Israel's borders are respected, and Israeli citizens are free from fear. The pain of Memorial Day in Israel is felt on a very personal level, and the Sun sets on a country immersed in mourning.

Yet, when the following day breaks—Independence Day—Israel has risen above the grief to begin its annual celebration of freedom.

Mr. President, Israelis are also paying an emotional price for their independence. Every day, we hear critics proclaim the demise of Israeli democracy. From what we read in the papers, one might think that Israel has become a police state gone wild. The uprising in the West Bank and Gaza Strip has strained Israeli democracy, to be sure. It has tested Israel's commitment to human rights, and some say it is even beginning to tear the very fabric of Israeli society.

Mr. President, what this means to me is that democracy is alive and well in Israel as 41 years of independence

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

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are celebrated. Israel is not a country of only one mind. Israel has divergent points of view, and these can be expressed freely. I reject the suggestions that Israel is off on the road to repression. Repressive nations do not feel anguish about their policies; repressive nations do not openly debate government decisions and permit vocal public protests; and repressive nations do not indict and convict their own soldiers for abuses of power.

Mr. President, repressive nations just do not care.

Israel, on the other hand, is anguished over the situation in the occupied territories; many Israelis—including uniformed members of the armed forces—are engaging in loud, heated debate over Government policies; and Israel is taking to task those who abuse their powers in the name of national security.

Mr. President, Israelis do care. They have heart. They have a sense of human rights and decency, and they suffer along with the rest of the world when they see the problems and the conditions that affect West Bank and Gaza residents. Israelis read newspapers, they watch television: they have strong feelings like the rest of us after viewing confrontations between Israeli soldiers and the rock throwers. This fact, that those who are bent on dissension and violence in the territories still receive Israelis' sympathy, is another example of how deeply in Israel runs the current of democracy and human rights.

A democracy in Israel's precarious position must make very tough decisions about law and order. This is a fact that seems to be swept under the rug, along with coverage of the many public demonstrations and protests taking place on a regular basis in Israel. What we see in Israel is a vibrant democracy that is attempting to uphold normally high standards of human rights during a crisis of national security.

Mr. President, a remarkable fact about Israel at 41 is that it has survived as a democracy, through a virtually uninterrupted series of external threats. In the course history we have seen nation after nation fall under the influence of saviors when threats to life and limb arise. "So-called saviors," I might say. Israelis have had the strength of character, and the faith in political pluralism to reject and totalitarian alternative despite enormous pressure from enemies around the world.

Each Israeli Independence Day is a tribute to the character of Israel's people. Israelis have survived many crises in their short history, and they will survive many more in years to come.

Mr. President, it is an honor to wish a very determined nation a very happy birthday at age 41.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from North Dakota is recognized for not to exceed 5 minutes under the order.

Mr. CONRAD. Thank you, Mr. President.

(The remarks of Mr. CONRAD pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The senior Senator from Nevada [Mr. REID] is recognized for not to exceed 5 minutes.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COMMENDING THOSE WHO WERE OF ASSISTANCE FOLLOWING THE PEPCON EXPLOSION

Mr. REID. Mr. President, the PEPCON explosion in May 1988 was a tragedy and disaster that tested the will and resources of people all across Nevada.

Three explosions at the Henderson plant killed 2 workers and injured more than 350 others. The blasts left a ring of destruction 8 miles wide, knocking cars off roads, shattering windows and shaking buildings 10 miles away in downtown Las Vegas. A toxic cloud covering 5 square miles drifted over the Las Vegas Valley.

This disaster created outright havoc in many quarters. The roads into and out of Henderson were jammed for more than 4 hours. School children were quickly evacuated. More than 160 firefighters from departments all over the valley were called upon to help. Over 60 law enforcement officers directed traffic. Doctors and nurses worked through the day and night to care for the injured.

The PEPCON explosion helped bring out the best in the people of Nevada. We responded quickly. We cooperated. We worked together to get through the crisis.

Crises are like that. Nevada was lucky to have so many individuals who did their best, literally under fire, to save lives and keep the public informed of the crisis.

The Society of Professional Journalists—Sigma Delta Chi—recently chose KRRI-FM 105.5, in Boulder City, NV, to receive its national award for Best Radio Spot News Reporting in 1988. KRRI-FM received this award because of their news coverage of the tragic PEPCON explosion.

When tragedy struck, KRRI abandoned its rock'n'roll format for more than 4 hours. Its entire staff, including receptionists, sales personnel and station owners reported the story. The station became a center for community action and response.

KRRI's public service is now an object of respect well beyond Nevada and the West. Everyone who cares about public safety and civic responsibility can be proud of their accomplishment and national acclaim. The rest of the country can now acknowledge KRRI-FM for what we in Nevada have long valued and appreciated—a job well done.

On behalf of the people of Nevada, I commend them and all the other news organizations and citizens who did so much during that time of crisis. Keep up the good work.

Mr. PRESSLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PRESSLER] is recognized for not to exceed 5 minutes.

(The remarks of Mr. PRESSLER pertaining to the introduction of legislation is located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRESSLER. Mr. President, I yield back the remainder of my time and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Colorado is recognized for 5 minutes.

FAREWELL AND GOOD LUCK TO SCOTT BUNTON

Mr. WIRTH. Mr. President, I wish this afternoon, to say farewell and good luck to Scott Bunton, who served in two senior staff roles in my offices over the past 2 years.

Scott is joining the MCI Communications Corp., as senior policy adviser for corporate government affairs.

Scott, as many of my colleagues and veteran Senate staffers can attest, was a professional Senate staff member with few equals on Capitol Hill. During his tenure, Scott developed an exceptional knowledge of the rules and protocol, and demonstrated an un-

yielding commitment to the traditions and procedures of this great body.

A Texan by birth, Scott is a gentleman in every aspect of the word. He is both an orator and a wordsmith; his work shows a fine appreciation for both the spoken and written word. A conciliator by instinct who prefers to seek bipartisan harmony, Scott is also a good Democrat upon whom other good Democrats can rely.

Before joining my staff in May 1987, Scott Bunton served then-Majority Leader ROBERT C. BYRD as staff director of the Democratic Policy Committee. He brought with him from that experience strong diplomatic skills, a broad and deep knowledge of an impressive range of major legislative issues, and the high regard of Senators and senior staff from both sides of the aisle.

Scott joined my staff as legislative director, but after only a few months I asked him to take on the lead role of administrative assistant. His counsel on Senate matters, both political and policy-oriented, was consistently excellent. His policy strength—defense and national security issues—served me well in my work as a member of the Senate Armed Services Committee and during a recent tour of the North Atlantic Treaty Organization military bases. Scott is also well-versed in constitutional issues, and played a key role in drafting and shepherding the Campaign Finance Reform Act (S. 2) in the 100th Congress.

My staff and I will miss Scott's good humor, professionalism, wealth of knowledge and commitment, but we also wish him the best of luck in his new endeavor. The Senate is losing an extremely able statesman, but I suspect he will always be a friend of this institution regardless of where his career takes him. I wish to give Scott my heartfelt thanks for his service.

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

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Will the Senator withhold?

The PRESIDENT pro tempore. The request is granted. The Senator from West Virginia is recognized for not to exceed 5 minutes.

Mr. ROCKEFELLER. I thank the distinguished Chair. This is the first time the junior Senator from West Virginia has been recognized by his senior colleague to speak on the floor of the U.S. Senate. It is a moment I will long remember.

UNITED STATES-JAPAN TRADE REPORT

Mr. ROCKEFELLER. Mr. President, I would like to draw my colleagues' attention to a recent report on United States-Japan trade problems that was submitted to the United States Trade Representative by the Advisory Committee for Trade Policy and Negotiations, the ACTPN. This report has raised a number of very important issues and includes insightful recommendations that anyone interested in our trade and competitiveness problems should consider seriously.

The ACTPN was first established in the early 1970's to advise the President on the Tokyo Round of multilateral trade negotiations. The 1988 Trade Act provided for an expansion in the ACTPN's role to advise the President on all elements of American trade policy. In 1987, the ACTPN decided that a thorough study of our trade policy with Japan was needed, and it established a task force on Japan under the leadership of James Houghton, chairman of Corning Glass Works.

This report, entitled "Analysis of the US-Japan Trade Problem," provides a realistic and pragmatic analysis of the current economic and trade problems facing our two countries. It offers a broad set of macroeconomic recommendations to both the United States and Japan—we have to reduce our budget deficit; Japan must continue to stimulate domestic demand and implement fully the structural reform recommendations of the Maekawa Commission; and there must be improvement in the level of bilateral consultations on macroeconomic issues. These are all necessary measures, and I endorse them fully.

It is at the microeconomic level where the ACTPN report breaks new ground. It recommends that the United States:

Establish which sectors should receive priority in United States trade negotiations with Japan; determine how a successful outcome would be defined; negotiate to achieve that outcome, with particular use of the Super 301 provisions of the 1988 Omnibus Trade Act; monitor Japan's implementation of the agreements reached in these negotiations; and take decisive action should Japan not fully implement those agreements.

I think that all of us would prefer to negotiate open markets and then watch American companies either sink or swim, depending on whether or not they are truly competitive when confronted by a level playing field. But, over the past decade, we have found that such an approach just does not work in Japan. In our negotiations with most countries, breaking down visible barriers generally results in more exports. In Japan, however, the visible barriers represent only one level of obstacle, with many barriers still remaining. These include the distribution system, the "keiretsu" system of industrial groupings, totally inadequate enforcement of antitrust laws, and a patent system that Japanese industry can use to get our high technology on the cheap and to stymie American high-technology competition.

I am glad to see that the members of the ACTPN have come to share the belief held by many of us in the Congress that the traditional rules and procedures of trade negotiating and trade policy just do not work in Japan and that extraordinary measures are required. Although I do not necessarily endorse every single recommendation in the ACTPN report, I heartily welcome this fundamental shift in approach. It represents a breakthrough in questioning the assumptions on which our bilateral trade policy with Japan has been based. I hope those in the executive branch responsible for the formulation and implementation of our trade policy with Japan will heed the direction the ACTPN is trying to set.

Buttressing the ACTPN report is an issues paper recently released by ECAT, the Emergency Committee for American Trade, which is chaired by Allen Jacobson who is chairman and chief executive officer of 3M Corp. ECAT recommends that "the United States seek an agreement with Japan to ascertain and implement effective means to increase United States exports in order to reduce the United States-Japan bilateral trade deficit to an approximate target level—perhaps by one-half—over the course of the next 5 years."

Mr. President, we are in a crisis situation in our trading relationship with Japan, and that calls for imaginative and extraordinary measures. I hope that these two reports from the American business community will help us understand the need for such action.

Mr. GRASSLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] is recognized for not to exceed 5 minutes.

REMEMBERING THE VICTIMS OF THE U.S.S. "IOWA"

Mr. GRASSLEY. Mr. President, in times of national tragedy, Americans seem to draw closer together as we share the common pain that comes from a sense of loss. One such event occurred on April 19 when an explosion in a gun turret No. 2 aboard the U.S.S. *Iowa* took the lives of 47 brave sailors.

Last week, I introduced Senate Joint Resolution 112 designating May 29, 1989, as the national day of remembrance for the victims of the U.S.S. *Iowa*. I urged last week, and I urge again, my colleagues to join me in sponsoring this resolution. It is my hope that both the House and Senate will act promptly so that we might honor these sailors and express our

sympathy to the loved ones they left behind.

We are certainly not alone in the search for a way to express our sorrow. So I would like to have printed in the RECORD a tribute that appeared in the New York Times on April 27. It was written by Edward Patterson. It is entitled "Forty-Seven American Sailors-Sons."

It seems that we all grasp for a way to express not only our grief and sympathy in a situation such as this, but also our thanks for and admiration and pride in these people. I found Mr. Patterson's tribute especially poignant, and I hope that we in Congress can soon join in honoring these brave men by passing Senate Joint Resolution 112.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

FORTY-SEVEN AMERICAN SAILOR-SONS

She, among all the rest, had about her the consummate grace and style that won the coveted prize for surpassing beauty in America's lovely pageant of naval ships, each one named for the state she represented. Her sleek lines and adroitly architectured superstructure came together like a perfectly coordinated surfer riding the wind-swept white peaks of cresting waves then plunging, perfectly balanced, like a downhill skier into the valley of the sapphire blue and churning sea.

They called her Iowa. Of all the others in competition with her, her landlocked name alone somehow conjured up the soft-grey mystical image of sea gulls cavorting just a tarpon's leap above the surface of the sea or invoked the eerie sound of shredded wind sliced into long strips of mournful wailing, ripped to pieces, stampeding on its speeding course through a ship's cold, steel wire rigging.

With her crew at general quarters and her guns in turret two manned and ready, the fateful order to commence firing ricocheted off the steel bulkheads. Her rifles, elevated from inside her turret, with long fingers from a hand grasping for something out of reach. In a blinding flash, the lethal gun powder that propels her projectiles exploded, leaving forty-seven brave sailors dead yet obedient to orders and faithful to the perilous duty assigned them.

The injured beauty slowed to an agonizing limp. There was nothing young and vibrant and full of hope about her any more. It was as if her long, sleek lines and pleasing superstructure once, like a navigator's handsome extended telescope, was now stuffed back within itself, stunted, shabby, miserable. She seemed to take all the blame and bear all the grief.

Her ensign flies at half mast. She dreads each mile of tortured water on the way back along her personal Calvary passing through the woeful gates into her home port. But her ancient glory is not a passing thing, subject to the whimsy of some fickle spirit. God rests the anxious, worthy heart and refits it stronger than it ever was before.

So, now, do not think you have lost your sons. Their wounded ship is not one great coffin buried in the trackless, nameless cemetery of the sea. A favorable breeze from a watchful heaven yet cradles them, the children of God. Then, other sailors' sturdy, caring hands carry them to some sacred ground, a safe harbor, near home, a dwelling where each American is a family member. Their intermingling tears of pride and sorrow keep evergreen the mounds of emerald grass that covers your sons and preserves, eternally, the fresh memory of their patriotic sacrifice.

Twin truths adorn this otherwise melancholy action permanently branded on the consciousness of those who lived to see or will live to learn about the catastrophe aboard this famous American battleship. The noble name of Iowa will everlastingly be found in a state of sadness and becoming gratitude. Then, too, the same God who listens to our perplexing questions seems clearly to answer, "Who keeps the peace saves the lives and wins the war that is never fought."

Forty-seven United States sailor-sons have seen to it that it was not really them at all, but only death itself that died in vain.

DEBT RELIEF FOR FARMERS

Mr. GRASSLEY. Mr. President, today, I would like to raise an issue that is becoming a growing problem for our Nation's farmers who are attempting to pull themselves out of the recent farm economy crisis.

The problem revolves around an amendment of the 1988 Tax Technical Corrections Act that could detrimentally affect farmers' debt restructurings, including restructurings that were accomplished before the Technical Corrections Act became effective.

In the 1988 Tax Reform Act, I along with others, worked very hard in the Finance Committee to provide tax relief to farmers who needed to restructure a farm debt to continue farming, but wanted to avoid the catastrophic consequences of bankruptcy. Congress provided this relief in 1986—or so we thought—by not taxing gain on forgiven qualified farm indebtedness under Internal Revenue Code section 108(g). Before this 1986 modification, the Tax Code discriminated against farmers compared to other businesses, who could reduce the basis of their depreciable assets to avoid a tax liability. Because farmland is a nondepreciable asset, farmers were unable to take advantage of this option.

Unfortunately, a technical amendment slipped through last year that could allow the recognition of income if a farm restructuring ultimately exceeds a farmer's tax attributes and basis. Many agricultural restructurings do create a paper gain beyond a farmer's basis and tax attributes that would, in fact, create a disastrous tax liability. Therefore, a great deal of confusion and apprehension has surfaced in the business of restructured farm loans.

Mr. President, as a former member of the Finance Committee who was involved in initiating assistance under section 108(g), it is my belief that Congress did not intend to give debt relief to distressed farmers and then turn around and gouge them with a huge tax bill. True debt relief includes real tax relief. It just makes no sense to help farmers write down their debt in order to keep farming, and then slap them with a tax bill that will put them out of business as well as help disrupt the farm credit market.

Mr. President, under the leadership of Senators DOLE and KASSEBAUM, a number of us have brought this problem to the attention of Treasury Secretary Brady, and have asked the Secretary for assistance in resolving this growing problem.

It is my hope, Mr. President, that the onerous 1988 technical correction will be, at the very least, applied only prospectively. I hope to work with others in securing a recorrection of section 108(g) that will provide real debt relief to distressed American farmers.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MONUMENTAL DECISION FOR VIETNAM VETERANS

Mr. DASCHLE. Mr. President, the veterans in this country owe the Vietnam veterans of America a real debt of gratitude. For the last 5 years that organization in particular has helped lead the way in arguing that the Federal Government has set a double standard with regard to the way we treat veterans exposed to agent orange. Agent orange victims have been put in a separate class, set apart from all other veterans in the way we determine eligibility for disability compensation.

For the most part, that organization's arguments have fallen on deaf ears. The courts, the administration, and even to a certain extent the Congress, have not been willing to listen.

Last week a Federal judge in California provided us with a landmark decision in a case initiated by VVA. That judge ruled for the first time that the VVA, the American Legion, the VFW, the DAV, and many Members of Congress were right, that indeed Vietnam veterans who were disabled as a result of their exposure to agent orange are being held to an unfair standard. Furthermore, he ruled that, indeed, within the unfair standard itself we are not giving the veterans the benefit of the doubt that the law in question—Public Law 98-542—guarantees them.

The significance of this decision could be monumental. Certainly it is going to require the Department of Veterans' Affairs to write new, far more generous, regulations, and, without question, it is going to require that the Department reopen each and every one of the over 30,000 agent orange-related claims filed by disabled veterans. Maybe now those veterans will get the fair and careful attention they deserved all along.

The only problem with that good news is that we have had to wait 5 years for it to come about, and that is wrong. Those disabled veterans have never asked for anything more than their due, anything more than what any other disabled veteran has asked the Government to provide them. In the cases of other presumptive disabilities, and there are now 54, we have given the benefit of the doubt to veterans. Now we are asking, once again that the Veterans' Administration realize the consequences of this decision in California and, recognizing those consequences, establish presumptive disability compensation for at least non-Hodgkin's lymphoma and soft-tissue sarcoma and open its eyes to information on the many other diseases that may also be associated with agent orange exposure.

The past administration tried—and succeeded in making this simple issue of fairness a more complicated one. There have been delays and there have been denials; there have been scientific and legal technicalities, such as the VA regulations in question—all used to thwart the agent orange victim's right to compensation. But somehow the judge was able to sift through all of this. He spoke with clarity and got the argument back to the real issue—that veterans disabled by agent orange have been cheated.

So now the question is, where do we go from here? Certainly with non-Hodgkin's lymphoma and soft-tissue sarcoma, there can be no question that the VA would be making a tragic mistake—and I indicated this to the Secretary just this morning—if they appeal this decision. They will be making a tragic mistake if, once again, they obfuscate this issue and go back to all the technicalities they have relied upon for 8 years to create a tragic and neglectful policy.

So I am hopeful that this landmark decision will require new, landmark decisionmaking within the Department of Veterans' Affairs. A new policy is long overdue.

It is raining outside, but I will bet if you were to go to the Vietnam veterans memorial right now, there would be people there. As I was walking over to the floor, I was reminded once again of my first visit to that memorial. In this city it is difficult to find a memorial that is unlike all the others. But there is one. It is the Vietnam veterans memorial. Every other memorial is white. That one is black. If you go to the memorial on any given day, you are inevitably struck by the number of people who kneel at that memorial, who place flowers, notes, flags, and gifts there, who put their fingers in the letters of the names inscribed in that black marble. I have not forgotten my first visit there. I have not forgotten it because of what was said to me as I and the Vietnam veterans with me turned away from it.

I saw mothers and wives, sisters and brothers look with awe at that monument. When I turned away, I might have missed its meaning were it not for the admonition I got from the veterans who were with me that day. They said, "Tom, the meaning of this memorial isn't what you've just seen because it is not what you carve in marble that ultimately is going to have an effect on me, it is what you write in law."

There is nothing more meaningful to me as I consider this court ruling and the legislation we wrote in 1984 as an answer to that admonition. It is not what we carved in marble in that black memorial. It is what we write in law that means something to the thousands of veterans and their survivors, who deserve justice and acknowledgment. Now is the time to speak clearly and forcefully about the need to ensure that victims of agent orange finally get a fair chance.

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. COATS. 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 Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DAVID B. PERINI ON COMPETITIVENESS IN THE U.S. CONSTRUCTION INDUSTRY

Mr. KERRY. Mr. President, U.S. economic competitiveness has been a topic often discussed in recent years. Increasingly, as we in the Senate and throughout Government address an issue, we examine its impact on U.S. economic competitiveness. And although I firmly believe that we in government must do everything we can to address the demands of an increasingly global, technological, and competitive marketplace, it is U.S. business leaders who are on the front lines of this struggle.

One such leader in my State of Massachusetts is a man who has taken concrete action to meet the challenge of global competition head on. David Perini is chairman and president of Perini Corp., a highly successful construction concern which, although based in Framingham, MA, operates throughout the United States and overseas.

Recently, in remarks to the Construction Innovation Forum, Mr. Perini suggested some ways in which the U.S. construction industry might meet the demands of foreign competition and aggressively pursue a larger share of the global marketplace. These ideas are applicable not only to the construction industry but to industry nationwide. Mr. Perini also addresses the role of government in facilitating increased research and development and fostering greater economic growth.

Mr. President, I ask unanimous consent that the text of David Perini's remarks to the Construction Innovation Forum be placed in the RECORD for the benefit of all Senators.

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

REMARKS OF DAVID B. PERINI

Thank you.

Ladies and gentlemen—I share your excitement as we inaugurate tonight the awards program of the Construction Innovation Forum; I share your pride in bringing the concept to this stage; and I share your confidence in its success. I believe all of the diverse elements of the construction industry will join together in embracing and supporting it.

There is a story told about the laboratory technician who was engaged in breeding innovations. He crossed a tiger and a parakeet. "What did you get?" he was asked. "Well, we don't really know," he said, "but when it sings, you'd better listen!"

A few years ago, the Business Roundtable created the Construction Industry Cost Effectiveness Project. At that time, we knew that construction users, our clients, who pay the bills, were telling us we'd better listen. By and large, I think we did—we took to heart the criticisms and suggestions contained in those thorough studies of construction operations and we learned from them. Regrettably, it appears we needed the push that those studies gave us. It just seems to be the nature of our great industry, the largest provider of services to the nation and so often called a "fragmented" industry, that we need a focus for our activities.

It isn't that we have not had or don't have innovation now. My father used to call it "ingenuity." He urged us to "observe, time and analyze" our every activity, "use ingenuity" to improve them, and to record the results daily in our diaries. Many companies can look back and cite examples of innovation. In the 1920's we brought the first gas-driven power shovel to New England; a few years later, we were setting records on the Boston to Worcester Turnpike with newly developed side-discharge concrete paving machines; we have resourceful mechanics who have frequently come up with creative

modifications for equipment to save time and money. We pioneered the use of critical path scheduling in Canada in the mid '50's. A few years ago we developed with the University of Alberta, a high powered laser for welding pipe in the field. It has always been the essence (and the fascination) of this business that every project has its particular problems. Many of these are solved through the original thinking of our people, or borrowed from what we may know of our competitors.

What, then, has been the difficulty? Partly it's cost constraints—insufficient margins, etc. However, in a sense this can be a cop out. And all too frequently we fail to capture and communicate our own innovations, even among our own projects or divisions.

We have been pursuing innovation in an unorganized way, in "fits and starts." We're like the two fellows who were hunting in the wilderness of Alaska. They shot an enormous moose. How to get it out of the bush? They decided, over the violent objections of their pilot, to lash the moose to the plane and fly it back to civilization. The plane roared down the crude runway and, predictably, crashed into the trees. Moments of silence, then a voice came from the wreckage: "How did we do?" His friend replied: "We got about fifty yards farther than we did last year!"

We can no longer afford to register losses, or "no gain" or just a few yards now and then in our efforts to innovate and cut costs. We need more spectacular plays and some touchdowns. It's fortuitous that the Construction Innovation Forum is providing us with a goal line to summon our best efforts.

There is a lot of peer pressure in our industry. When one company hears of another being honored and rewarded, the competitive element will prevail and this Awards Program should flourish in the years to come.

On a smaller scale, we are finding this to be true with our own company's nominations for an Annual Extraordinary Achievement Award, with trophies and cash bonuses offered the winners. We give these awards for major enhancement of our skills, technology, markets or industry reputation.

In a kind of long-range tandem with the CIF Awards Program, we know that we must do something as an industry about R&D. According to the 1988 study of the Committee on the International Construction Industry, other countries are devoting much more in resources and effort than the United States into construction R&D.

The most active nation, to no one's surprise, surely is Japan, where a Ministry of Construction has been established and is held responsible for setting national policy and encouraging private firms to pursue R&D. More than 20 of the largest firms in Japan invest one percent of sales in R&D and get a tax deduction for it. Each firm has its own elaborate Research Center. During the past few years, many billions of dollars worth of construction contracts have been won in the U.S. by the Japanese. Their dogged determination, thoroughness and long-range view of the future are well recognized in construction as well as in other industries. It is said that on one occasion an American businessman who was calling upon a Japanese businessman asked if the Japanese company did long range planning. "Of course," was the response. "Over 3-5 years?" "No, over 100 years."

As a group, U.S. contractors appear to be carrying out very little R&D. That which exists has usually been directed towards particular problems on particular projects. Once the problems are solved, they are too often forgotten.

On the other hand, industrial America, particularly the Hi-Tech industry, has for many years utilized such techniques as R&D partnerships to pool resources to develop new or improved products, processes, and techniques.

The advantages for the construction industry to utilize R&D partnerships are obvious. The dollars and brainpower of several companies could be pooled and directed toward the development of some new construction technique or application. The expenses would be tax deductible, and under certain circumstances the partnership could qualify for research tax credits if the research is undertaken to discover information which is technical in nature, and results from a process of experimentation.

This is a limiting aspect however. Our government could enhance our competitiveness by allowing for tax credits for productivity enhancement techniques both in systems and equipment and not just for lab research. Presently Japanese contractors receive a tax credit for research and development, including new and improved production techniques, equal to 20% of the current years costs. This specifically does not require basic lab research.

Our Government might also help to stimulate innovation by loosening existing tax regulations to allow Private Foundations to fund university research to benefit directly and, for a period of time, exclusively, the donor companies. Presently the results of such research must be available to the public. Permitting a period of exclusive use would appeal to the enlightened self interest of companies in the industry and in the long run enhance our cost effectiveness and competitiveness.

After years of talking about it, Perini has finally put together its own R&D Department. We've appointed a very senior experienced construction executive to head this up. Very briefly, its mission is to develop better construction methods, procedures or systems to increase productivity, reduce costs and thereby increase profitability.

Working with a Committee made up of top management representatives from our internal users, i.e. our construction operating units, this department will:

Inventory successful methods now used by Perini, and research specific areas of interest for use across the company.

Monitor industry research: methodologies used by peer companies and subcontractors, U.S. and foreign; and where appropriate, commission research by academic institutions.

Maintain a research library and catalog system, and disseminate new techniques to our construction divisions through periodic bulletins.

This is not a lab operation—no scientists walking around in white coats. This is just common sense. In an industry which brims over with innovative-creative people, we need to capture and disseminate for our own use our own innovations-to study what other industry innovators are doing and build on them. To reward our own people for their ideas and innovations and thereby stimulate fresh thinking and new approaches which will make us more productive and efficient.

We're expecting a lot from this initiative, and we hope it will produce some worthy nominations for Construction Innovation Forum Awards.

As I mentioned in the beginning, I'm so enthusiastic about your new undertaking because I believe it will combat inertia, inspire more R&D efforts on a wide-ranging basis and result in much improved performance in our industry; it will serve to advertise some of our best achievements and bring us all closer together in the pride we have in our industry. Thank you.

CATASTROPHIC HEALTH CARE

Mr. PRESSLER. Mr. President, on behalf of several thousand South Dakota senior citizens who have contacted me, I am pleased to go on record in support of a reduction in the Medicare surtax that finances the Catastrophic Health Care Program. The tax is both excessive and a financial hardship to seniors who have saved for their retirement years.

It is my understanding that the current surtax will produce at least $4.9 billion more than is needed to cover the cost of benefits and provide a reasonable reserve fund. Retaining substantial excess revenue is an injustice to older citizens who have worked hard all their lives to save for their retirement years.

I have written to the President and Treasury Secretary Nicholas Brady requesting that the surtax be reduced. Further, I applaud the decision of our distinguished colleague, Senator BENTSEN, who has announced that hearings on the catastrophic program will occur in the near future.

We must not only reduce the supplemental premium but also reexamine the entire method used to calculate the surtax. It is imperative that this program be evaluated in light of what our senior citizens are telling us. I stand committed to reducing the premium and further analysis of the method used to finance the program.

NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

Mr. HATCH. Mr. President, last week, in our Nation's Capital, over 950 young people from 44 States gathered to participate in the National Bicentennial Competition on the Constitution and Bill of Rights. I am proud to announce that a team from Hillcrest High School, in Midvale, UT, represented my State. These young scholars have worked hard to reach the national finals by winning the district and the State competitions, and I would like to wish them the best as they compete for the national title.

The members of the Utah team are: Amber Bigler, Randall Butterfield, Ryan Call, Kyle Curtis, Beth Coleman, Graden Jackson, Michelle Krelo, Angela Litster, Nathan McCleery, Paul Newman, Jennifer Nielson, Brock Pease, Melanie Selcho, Melanie Serassio, and Allen Thornell.

Along with the students, their teacher, Sharon L. Kerns, deserves much of the credit for the success of the team to date. Mark Garfield, the district coordinator, and Dr. Rulon Garfield, the State coordinator, have also worked hard to help their team reach the finals.

The National Bicentennial Competition on the Constitution and Bill of Rights is an extensive educational program developed to educate young people about the Constitution and Bill of Rights. With the support of Congress, the active involvement of Representatives and Senators, and the efforts of thousands of civil and education leaders, 1,022,320 students have studied the curriculum; 14,381 teachers are teaching the course; 420 congressional districts and the five territories have fully functioning programs; 92 U.S. Senators are supporting the program in their States; and 393 U.S. Representatives are participating in their districts.

The program provides students with a specially designed 6-week course of study designed to provide upper elementary, middle, and high school students with a fundamental understanding of the Constitution and Bill of Rights and the principles and values they embody. Students complete the instructional portion of the program with a test designed to measure their constitutional literacy and receive a certificate of achievement signed by their U.S. Representative.

Once again, I congratulate the fine students from the beautiful State of Utah on their achievement. I hope they not only study the Constitution but work throughout their lives to defend it.

Thank you. I yield the floor.

TRIBUTE TO EVELLE YOUNGER

Mr. WILSON. Mr. President, the recent passing of Evelle Younger closes a great chapter in California politics, of which Californians are rightly proud, for Evelle Younger was a man of deep conviction and lofty achievement who leaves a great legacy to the people of my State.

Having known Evelle personally and professionally for the past 25 years, I am deeply saddened at his passing. He was a conscientious and dedicated man who gave far more to California than he took. He championed many causes, and we will miss him.

Evelle Younger's contributions to California are too numerous to catalog. He was a great man who served our State selflessly and devotedly.

His career distinguished him as a tough prosecutor. As district attorney of Los Angeles, he oversaw prosecution of Charles Manson and Robert Kennedy's assassin, Sirhan Sirhan.

His work as a district attorney and as attorney general set standards of hard work, ethics and dedication that many have been hard pressed to follow. He strove to make the State, cities, and neighborhoods places where families could feel safe; where children could be free of the specter of crime and fear.

His career is an example of how one man can make a difference. He made a difference for countless families, businesses, and law enforcement agencies.

Evelle was a pioneer of consumer and environmental protection. He realized before many others that protection meant more than lives and property, it meant our coastline, our childrens' toys, and our parks.

That spirit and experience was recognized by Ronald Reagan when the President called upon Evelle to serve as chairman on the President's Task Force on the Administration of Justice.

His work as a prosecutor, judge, and law enforcement officer was marked by determination, compassion, and common sense. His commitment to good government is a legacy all of us would do well to heed.

Gayle and I extend our condolences to Millie and Evelle's son, Eric. They can be proud—as we all are—of Evelle's contributions and legacy. He will be long remembered by those of us who knew his humor, were touched by his values, and honored with his friendship.

QUIET MILLS, SLOW DEATH

Mr. HATFIELD. Mr. President, the State of Oregon has a heritage rich with tales of pioneers and early citizens who lived their lives working in the lush forests. Timber is big in Oregon: It provides the basic living wage for thousands of residents and economic benefits to the entire State.

But this forest resource-based economy is not always stable and the industry faces another crisis because log supplies are down. Elected officials from the Pacific Northwest are working with several Federal agencies, looking for a solution to the problems facing us. As we consider options, I am reminded by Oregonians that decisions made by Federal agencies and Federal lawmakers have tremendous impact on their ability to put bread on the table. When I came across this article by Robert Heilman of Myrtle Creek, I was certain that his story should be shared.

I ask unanimous consent that Mr. Heilman's article from the May 3, 1989, Oregonian be printed in the RECORD.

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

[From the Oregonian, May 3, 1989]

QUIET MILLS, SLOW DEATH—IN SURVIVING THE TIMBER RECESSION, PRIDE AND SHAME FIRST TO DISAPPEAR

"While the 1979-1985 years were disappointing for wood products manufacturers and workers alike, the net result may well have been a blessing in disguise for the survival and long-term health of the industry. Hundreds of inefficient sawmill, veneer and plywood plants have been shut down. Others have been modernized and streamlined to achieve maximum return per unit of product. New products have been developed which require lower labor costs, cheaper raw materials and result in a better value to end-user. The net effect is a leaner, more productive and cost-effective industry. . . .

"One of the principal means of reducing costs, of course, is to lower wage rates."

—Development Report and Plan 1986-1987, CGD Business Development Corp., Roseburg, Ore., July 1986.

(By Robert Heilman)

I used to work for a white-haired, old gypplogger who taught me many things about living and working around here. I remember one morning when he told me about the recession of 1958. We were taking a coffee break in the little two-man sawmill he'd built with discarded equipment and old truck parts. As he talked, we watched a bird building her nest in the rafters of the mill shed.

It was 1978 and timber industry wages and per capita income levels in Douglas County were at an all-time high.

"They used to call them panics," he said, "and then it was depressions, and nowadays they call them recessions, but it's all the same thing. Every time things get rolling good to where there's lots of small outfits working, money gets tight and the bottom falls out of everything. Then, after the smoke clears, you look around and most all the little guys are gone and the big outfits are bigger than ever."

That particular slump, back in '58, had cost him his home and his sawmill. He went to work in Northern California as head sawyer and then supervisor of someone else's mill. He stayed a few years, long enough to gather up a grub stake and return home to begin again. "A man does what he has to do to get by," he said.

In 1982, I bought a Brown Swiss milk cow and raised a small flock of laying hens. The unemployment rate that year averaged 17.2 percent in our country.

The cow gave four gallons of milk every day and the hens laid about a dozen eggs. I began selling eggs and milk to my friends at cost. I let them have the food on credit and allowed them to pay with barter (poached venison on one occasion) or with food stamps when they didn't have the money.

Poor people break laws as a matter of survival; corporations break laws as a matter of business acumen. Like many of my neighbors (and all of my friends) I lived as the pettiest sort of criminal—driving without car insurance; selling raw, uninspected milk; accepting food stamps without authorization; eating poached fish and game.

It is not something I am proud of nor particularly ashamed of, either. Pride and shame were luxuries we couldn't afford at the time. Sometimes the jug of milk and carton of eggs I dropped off was all that a family had to eat. Somehow there was always enough cash for a bale of alfalfa hay or a sack of grain when I needed it.

By the fall of 1985, unemployment had dropped to 11.6 percent with the long-awaited trickle-down. By then most of the families who were my customers and friends were gone. There weren't enough of them left in the valley to cover the cow's feed costs. I gave up my one-man, one-cow, nonprofit dairy and sold her at auction.

Bit by bit, we lost our self-respect as we knocked up against hard realities and even harder institutions that were indifferent to our humanity. It was a slow process, one that we feared but couldn't really see happening.

It's hard to wait when you're used to working. There's a slow, steady erosion that wears down a few people first, and then whole families crumble like dirt clods running through your fingers. Finally, the community itself is gone, washed downriver, never to return. "And I alone am escaped to tell thee."

Davey was my neighbor's son when we lived in town. He and I worked on the same tree-planting crew for a local mill during the winter of 1976. In the spring of that year he got a job in the mill. He was 18, fresh out of high school, and earning $5.35 an hour.

In the spring of 1986, I ran into him in the grocery store. He's been out of work for nearly a year but had just landed a job in another mill. He was grateful to have found work, which I could understand since he was now 28, married and a father.

"Well, that's good to hear." I congratulated him. "How much are you making?"

"$4.75 an hour."

I should have kept my mouth shut. But a little mental arithmetic told me that, given the inflation rate, he was earning about half the pay he had as a raw kid.

"Jeeze! You guys are still eligible for food stamps."

He looked away, over at the stacked boxes of margarine before he spoke.

"Yeah, well, actually I'm getting more than most of the guys because I've got experience. Starting pay's $4 an hour."

It's been an odd sort of recovery. Timber harvest levels for Douglas County were 400 million board feet higher in 1986 than in 1978, but produced $55 million less in wages. While the timber industry has become "leaner, more productive and cost-effective," the people have simply become leaner.

In 1938, the sixth straight year of economic recovery brought one in six Umpquans in for emergency food boxes or meals. Local relief agencies estimate that less than 5,000 pounds of emergency food were distributed in Douglas County in 1978. Today the 93,000 people living on the Umpqua eat nearly a million pounds of emergency food every year.

UNCOMPENSATED CARE—THE THREAT AND THE CHALLENGE

Mr. HATFIELD. Mr. President, our Nation provides the best health care in the world, but it is still beleaguered by high costs, incurable disease, and, in some areas, inaccessible care. Too many children and adults are unable to get the kind of medical attention they need.

Congress has already undertaken some difficult exercises in health care and has made some very important changes in the system. As we consider how we can bring down the costs of treatment and provide compensated care for all, we must look at our health care needs and goals.

The Oregon Legislature has been taking a lead in debating the issues of health care compensation. Dr. John Kitzhaber, the Oregon State Senate President has been instrumental in defining the issues. In a clear, cogent style, he addresses the problem of uncompensated care and I believe that his writings are worth sharing.

I ask unanimous consent that Dr. Kitzhaber's article from the June 1988 Western Journal of Medicine be printed in the CONGRESSIONAL RECORD.

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

UNCOMPENSATED CARE—THE THREAT AND THE CHALLENGE

(By John Kitzhaber, M.D.)

The growing crisis in uncompensated health care poses one of the most serious threats facing the medical profession today. If left unresolved, it will not only erode the health of our society and lead to an erosion of the clinical autonomy of physicians, but it will also undermine the very principles on which our health care system has been built. In addition, it will lead to increased regulation of the practice of medicine, and, quite probably, to a government-controlled health care delivery system.

To understand this threat, the challenge it poses, and our critical role in its resolution, we must first consider the evolution of our American health care system.

The health care system we enjoy in this country was founded on the principle of universal access, the idea that all Americans, regardless of their income, should have access to the health care system and to all the services it has to offer. We physicians were able to deliver on this social objective because of our fee-for-service reimbursement system and the ability to cost shift. So when the poor came for treatment, the service was rendered, and the cost was merely shifted to someone who could pay, through an incremental increase in their bill or in their insurance premium.

It is important to realize that this policy was no accident but was the result of conscious decisions in both the public and private sectors. In the public sector, the enactment of Medicare and Medicaid in 1964 extended coverage to the poor and elderly. At the same time, there was a rapid expansion of private health insurance policies funded primarily through employment. This rapid growth of public and private third-party insurance coverage led to the belief that, in America, health care for the poor was free, when in fact it was being subsidized primarily by the government and by the business community.

Thus, we created what we felt to be an ideal health care system. It was a system with no financial restraints, where individuals had access to as much health care as they needed or wanted regardless of their income. Physicians could practice pure medicine, viewing their patients primarily from the standpoint of their health needs without concerning themselves about their ability to pay. But this system also encouraged utilization and led to the deeply held social belief in this country that health care is a right. Not surprisingly, this resulted in a dramatic increase in expenditures. The amount we spend each year on health care has grown from $75 billion in 1980 to nearly $500 billion today. More telling, however, is the growth of health care expenditures as a percentage of the gross national product: 7.5 cents on the dollar in 1970 versus about 11 to 12 cents today. If this rate of increase were to continue, by the turn of the century we would be spending 20% of the gross national product on health care and by about 2020, we would be spending 40 cents out of every dollar on health care.

Obviously, this rate of increase is not going to continue. While our health care system makes a great deal of sense in terms of a social policy, it makes very little sense in terms of an economic policy. Even a beginning student of economics recognizes that no single set of expenditures can continually grow at a rate faster than the rate of growth of the gross national product. Every dollar we spend on health care is a dollar that cannot be spent on something else. There are many other interests and priorities in which this country must invest.[1]

And while the prosperity we enjoyed over the past 20 years has allowed us to absorb these rapid increases in health care expenditures, it also masked the underlying fallacy of the way health care is financed in this country. By 1980 that mask had been stripped away when a number of factors combined to bring our ideal health care system into a collision with economic realities.

First, new medical technologies were being developed and being used—at a tremendous cost—because the system contained no financial restraints. Second, there has been a significant increase in the elderly as percentage of the population. The elderly use more health care services than the nonelderly and have a higher incidence of chronic diseases. Both advances in medical technology and an aging population have increased the financial strain on the system.

Two additional factors forced those who had traditionally been subsidizing the cost of health care for the poor—the business community and the government—to reevaluate their ability to continue doing so. The first was the economic stagnation experienced in the United States at the beginning of this decade. While we could absorb the rapid increases in the cost of health care when the economy was growing. It was far more difficult to do so when productivity dropped. Our nation's annual productivity growth was a healthy 3% in the 1960s and 1970s but fell to 0.5% by 1979 and was actually negative in the early 1980s.

The federal budget deficit increased from about $73 billion to $211 billion in five years, and we liquidated all our foreign assets to become the largest debtor nation in the world. By the early 1980s, the government recognized that it could no longer continue an open-ended subsidy of the cost of care for the poor without raising taxes, increasing the deficit, or making deep cuts in other domestic programs. The government became interested in cost containment to balance the budget.

At the same time, this country entered the world market. American businesses began recognizing that they were no longer competing just among themselves, as the auto industry once did; they were competing with mainland China, West Germany,

[1] Thurow L: The Zero Sum Solution. New York, Simon & Schuster, 1985, p. 253.

Japan, Italy, and Canada. They realized they had to cut costs, particularly labor-related costs, in order to remain competitive with cheap labor industries abroad. They could not, for example, just pass the cost of health care on to their consumers and still remain competitive in a world market, particularly when American businesses had to carry the cost of health care on the books as a necessary expense and were competing with many countries that did not have to carry these costs because of nationally sponsored health care programs. The business community became interested in the need to contain costs to remain competitive.

This brought about very similar responses by both the government and the business community. The objective was simply to reduce the exposure to the cost shift and reduce the funding and subsidy of the cost of providing health care for the poor. It should be noted that the subsidy was not taken out of the system, it was merely shifted onto individuals and providers. Here is how it was done.

In 1983 the federal government enacted DRGs [diagnosis-related groups], which is a prospective reimbursement system that shifted economic risk onto providers. The federal government also began requiring first-day hospital deductibles for those on Medicare and increasing the Part B monthly Medicare premium that pays for physician services. This shifted costs onto the individuals. With Medicaid, the program for the poor, the federal government cut its match rate and shifted that to the states.

The first thing the states did was cut provider-reimbursement rates. Physicians currently average 45 to 50 cents on the dollar for taking care of someone on welfare. That pushed costs and responsibilities onto the providers. When that did not balance the budget, the states increased the requirements for Medicaid eligibility, which pushed people off the program altogether. That shifted responsibility to the individuals. In the past ten years, 800,000 women and children have been squeezed off Medicaid, and the program, which used to cover 65% of the poor, today covers less than 38%.

The private sector reacted in exactly the same way, with increased involvement in health maintenance organizations, preferred provider organizations, and other prospective managed care plans that put providers at risk. Businesses increased copayments and deductibles for their employees that shifted costs onto individuals.

The important point here is that these cost-containment actions reflected absolutely no social policy beyond that of cutting costs for the government and for the business community. There was a recognition that the amount of money that could be spent on health care for the poor was limited, but there was no consideration of the implications of those decisions on access to health care. The funding in the system was reduced but not what the public expected from the system.

Today, our health care system is in transition. We are still ostensibly committed to the principle of universal access, but now the system is driven by economic factors, not by the social factors that drove it in the 1960s, and the 1970's. Providers are at economic risk. We are losing the ability to cost shift.

As I mentioned earlier, our ability to deliver on the principle of universal access has depended on cost shifting and the willingness of the business community and the government to subsidize the cost of care of the poor. While there is still supposedly a commitment to universal access, we are seeing a progressive shifting of the responsibility to pick up that cost. Between 1965 and 1980 that subsidy was borne by the government and by employers, who spread it out over taxpayers in general and over most of the workforce. Society was paying for what was essentially a social policy objective universal access to health care.

Because of the cost-containment measures that have occurred, however, that subsidy has been shifted onto providers, who have far less ability to absorb it. What used to be subsidized care for the poor is now showing up as uncompensated care. As physicians reach a point where they cannot absorb additional uncompensated care and still pay the bills, they push the costs onto individuals. And today if a person does not have insurance coverage and does not have money, that person is increasingly likely to lose access to the health care system, either because providers will not accept any additional indigent patients or the patient delays treatment because of an inability to pay for it.

This has dramatically changed how health care is financed in this country. Our health care system has traditionally had a bifurcated financing mechanism. On the one side is the public system, which is Medicare and Medicaid. On the other side is the private system, which is mostly employment-based policies and some individual policies. There has always been a little gap in between where some people slipped through the cracks. But as long as the government and the business community were willing to subsidize the cost of care for the poor, that gap has been very narrow and has really contained only society's truly downtrodden.

Today, however, those two third-party payers, government and business, are trying to escape from the subsidy. As we see a reduction in government expenditures, the growth of copayments and deductibles in Medicare, and increases in Medicaid eligibility, people spill off the public side into the gap. As competition in the world market increases, as we shift from a manufacturing to a service-based economy with large numbers of low-paid, nonunionized workers without health insurance coverage, and as premium rates go up, people spill off the private side and into the gap. Today, the gap is now narrow: it contains 37 to 40 million Americans. And they are no longer just society's truly downtrodden. Of those uninsured people, 70% are working full time or part time or are dependent of someone who is working. Those in the gap are generating 75% of the uncompensated care.

Why should we be concerned about this shifting responsibility to pay for the care of the poor? We should be concerned because there are some serious social consequences affecting all of us, and some serious professional consequences affecting physicians in particular.

The first social consequence is an erosion in our commitment to universal access. Because there is a physician surplus in the country, and because care for the poor is no longer subsidized but is uncompensated, we have a very competitive, market-driven system in the provider community. And since market systems were not designed to foster social responsibility, it should not be surprising that no one is competing to care for the poor. Public health clinics are closing. We are seeing patient dumping from hospital to hospital, physician to hospital, and between physicians. There are treatment delays. And there are a growing number of people in the gap.

That leads to the second social consequence, which is a very real and measurable deterioration of health for a growing number of Americans. We have 40,000 neonatal deaths each year from the complications of low birth weight. Two thirds of those mothers do not receive adequate prenatal care. Of the poor in America 40% are children. Only a third of them are covered by Medicaid; the other two thirds are in the gap and are losing access to basic preventive services. We are seeing an increase in cases of pertussis and increases in pediatric nutritional problems. There is case after case of people actually dying because of a lack of access to the system—people dying of strokes because they could not get their blood pressure medication prescription refilled; people dying of heart failure and having myocardial infarctions because of a lack of routine checkups or medication; and people dying of perforated ulcers because of treatment delays.

The third and perhaps most serious social consequence is that we are mortgaging our own future. I think this is very important and would ask you to bear with me for a moment. As I mentioned, 40% of the poor in this country are children, and two thirds of them are in the gap with no insurance coverage. Also in that gap are tens of millions of young working Americans. These people constitute a large part of the shrinking workforce of tomorrow that we are expecting to fuel the economy and pay for a growing retired population. How are they going to do that in the face of $170 billion owed to foreign governments and nearly $3 trillion national debt? How are they going to do that in the face of a $10 trillion unfunded liability, the difference between what we expect them to make and what we are planning to take out of their paychecks to pay for medicare, Social Security, and federal pensions, most of which are automatically indexed to inflation and do not have income eligibility requirements? We are asking them to do something that we have all refused to do: to recognize that increases in personal consumption have to be balanced with increases in productivity.

In the past ten years, American workers have averaged a $3,100 increase per capita in personal consumption and only $950 of that has been paid for by increases in what each one produces. The remaining $2,150 has been paid for by cuts in domestic spending and investment and by foreign debt (P.G. Peterson, The Atlantic Monthly, Oct. 1987, p. 47). We are asking this group of people to be more productive than anyone in the history of this country and to probably take a reduction in their standard of living. Having asked them that, we are crippling them going in, by denying them access to the basic health care services they need to be healthy, productive members of the workforce. You cannot have an increase in productivity unless your workforce is healthy and well-educated. That is a very, very serious implication.

There are also some disturbing professional implications. The first is that the growing problem of uncompensated care is catching physicians between what society expects from our health care system and economic realities. When the government and the business community moved to limit their subsidy of the cost of health care for the poor, they could do so without denying access to individuals and without publicly or

explicitly abandoning the idea of universal access because they shifted that subsidy onto the providers. But when physicians move to limit their exposure to this subsidy, and for exactly the same reason, they have to deny access to individuals. When physicians reach the point where they cannot absorb any additional uncompensated care, they either have to reduce the number of indigent patients they see or reduce the services they provide to those patients. In either case, that means rationing. Increasingly, physicians in this country are being forced to become the rationing instruments for a society that refuses to recognize that rationing is occurring.

That puts us in direct conflict not only with our professional ethics but with social expectations for the health care system. It casts us in a very unfavorable light. Many people still view physicians as we were seen in the halcyon days of the 1960s and 1970s when the economy was booming and incomes were rising. Most legislators are not physicians—I am the only physician in the Oregon legislature. Many legislators do not understand the relationship between cost shifting and subsidizing care for the poor, and do not understand the implications of taking cost shifting away from providers.

The thought that a wealthy profession would be denying access to the poor is unacceptable to most legislators, a fact that puts physicians in a very vulnerable position politically. As the problems of the poor intensify, state legislatures are going to begin to react. They are going to say, "If you physicians are not going to take care of the poor voluntarily, we are going to force you to do so." There are many ways that coercion can be accomplished.

As a condition of licensure, physicians can be forced to take care of a certain number of indigent patients. That bill was actually introduced in Oregon last year. A gross income tax can be applied to physicians' earnings to help pay for indigent care. That bill was introduced in Washington in 1985 and has been considered in Pennsylvania. These types of intrusive regulatory measures are being introduced in state legislatures across the country. Unfortunately, all they do is force physicians to assume the fiscal responsibility for taking care of the poor. They ignore the fact that society, while paying lip service to universal access, has made a decision to limit the amount of money that will be spent on health care. The problem remains unresolved. When someone convinces corporate America that a government-sponsored health care program will put them in a better position in terms of competition in the world market, then we will be looking at a nationalized health care program. In the short run, we are looking at increased regulation and an erosion in our own clinical autonomy.

What do we do about this problem? To solve this crisis in uncompensated care, we have to start by accepting three hard realities.

The first reality is that resources are limited. That is a difficult one for physicians to accept because they have never had to accept it. But it should be obvious to anybody who looks at the need in this country and looks at the available dollars.

We have a national debt approaching $3 trillion that we must reduce. We have a huge defense budget that has been traditionally hard to pare down. We spend $450 billion a year on Medicare, Social Security, and other federal pensions. At the same time, we are cutting aid to education and investments in roads, bridges, sewers, and water systems. We are cutting civilian research and development. We are cutting all of the things we need to increase the productivity in this country.

No one wants their personal health care expenditures cut. At the same time, however, we want to reduce government spending, we want good roads and schools, safe streets with criminals behind bars, a comfortable retirement, police protection, fire protection, clean air, and clean water. And we want to do all that, of course, with lower taxes and higher wages.

Now, obviously that does not work. There is a finite amount of money that this country can invest in health care versus the other things that we also have to invest in. Once we come to grips with the fact that there is a finite health care budget in America, then we have to decide who is going to get the service and how much service each person is going to get.

That brings us to the second reality, which is simply that the rich are always going to have access to more health care than the poor. I think that is probably all right if what the poor get is adequate and if they are all getting it. After all, one of the hallmarks of a capitalistic system is that goods and services are distributed on the basis of income, not necessarily on need or merit. We readily accept that in most instances. We do not expect public housing to look like the Ritz. We do not expect food stamps to be redeemed in expensive restaurants. But because of our concept of universal access, we have taken for granted that the poor should have access to all the health care services that are available to the rich. I would remind you that this is the only part of our system that operates on this open-ended economic principle. We have in effect rejected a multitiered system based on income, but in reality we already have that kind of a system. The rich have always been able to fly to other states and other countries for diagnostic and therapeutic modalities not available at home. The rich have had consultations and elective operations to which the poor have not had access. So what we have really is a poorly defined definition of what we think everyone has a right to and what perhaps they do not have a right to.

I think we would all agree that everyone should have a right to prenatal care, but we may argue whether or not the public should pay for an elective face-lift for everybody on welfare. The question becomes much more difficult, however, when we are trying to balance a transplant versus prenatal care.

We need a better definition of adequate health care to address that question. If we know resources are limited, if we know people with high incomes can buy more health care than people of lower incomes, and if we know that society cannot buy everything for everyone who might benefit from it, we must consciously and responsibly decide what level of health care everybody should get. That means defining adequate health care and brings us to the third reality.

The third reality is the inevitability of rationing. This is also a very difficult concept for physicians to come to terms with, but when you define adequate health care, you also define what is more than adequate. And that provides the basis for the explicit rationing of health care. Before we overreact to this reality, I would suggest that rationing already exists in our system. We clearly already ration by income and by transportation barriers. More important, however, we ration inadvertently through legislative decisions because we lack any policy to guide how our health care dollars are spent. Rationing is the result of limits. If there is a limited amount of money in the health care budget and it is spent on one set of services, it is not available to be spent on another set of services. That is rationing.

Consider how this is being done today. Almost $2,000 per capita is spent each year on health care in America, far more than any other country in the world. Yet our wellness, as measured by morbidity and mortality statistics, is not significantly better than that in England, which spends $500 per capita, or even Singapore, which spends only $200 per capita (R. Lamm, "The Ten Commandments of Health Care," speech given at the Midwest Health Conference, Kansas City, MO, March 28, 1988).

Why? Because we have no policy to guide how we spend our health care dollars. We are spending huge sums on some and we are spending virtually nothing on others. We spend more per capita on health care than any other country in the world, yet 37 million Americans have no coverage and many of them are losing access to the system. We spend $3 billion a year on neonatal intensive care while denying prenatal care to hundreds of thousands. We spend $50 billion a year on people in the last six months of their lives while closing pediatric clinics.[2]

That is like having someone in charge of a corporate truck fleet who adopts a policy that the oil in the trucks will not be changed until the engine blocks melt. The trucks won't be maintained but will be serviced only when there is a major breakdown. I doubt if you would endorse this policy for your car, nor would you employ anyone who did, but that is exactly how we spend health care dollars in this country. Rather than spending money on prenatal care, we spend it on neonatal intensive care. Rather than treating hypertension, we treat people who have had strokes. We are rationing by default, unguided by any social policy. It is inequitable, inefficient, and we are wasting millions of dollars and thousands of lives. The reason we are rationing implicitly as opposed to explicitly is because we do not want to come to grips with our own limits.

To solve the problem of uncompensated care, with all of its ominous implications for society and for physicians, we have to recognize that our health care system is indeed in flux and that we have to build a new system based on the three realities that I mentioned: limited resources, acceptance of the fact that the rich will always be able to buy more health care than the poor, and the need for rationing.

We have to recommit ourselves to universal access—not universal access for everyone to everything—rather, universal access for everyone to an adequate level of health care. That will put our system back on a sound economic foundation. It also means that we are going to end up in this country with a three-tiered system of delivery. In reality we already have a nondefined, implicit multitiered system: the medically indigent, Medicaid, workers with insurance, the wealthy. What I am suggesting is that we stop pretending it doesn't exist, accept its inevitability, and take steps to make it work equitably and efficiently. This would mean

[2] Who Lives, Who Dies? Public Broadcasting System Documentary aired January 11, 1988. Produced by WNET-TV, New York.

a government-sponsored tier for the poor, a tier that the business community funds for those who are working, and a traditional fee-for-service tier for those who wish to buy additional health care services.[3]

I want to reiterate one point. The government has a responsibility, in my mind, to pay for the poor but not for the elderly unless they are also poor. The government should pay for the poor regardless of their age. There is no reason Lee Iacocca needs Medicare, or Johnny Carson, or even my parents. Government-subsidized health care programs should have income eligibility requirements.

This is important because it is at the first, or public, tier that we have to come to grips with rationing. It is at this tier that we must set the socially acceptable minimum level of health care for this country. How do we get there?

Let me describe what is being done in Oregon, where we are attempting to resolve this problem. There are three elements involved: first, a clear social policy: second, a definition of adequate health care; and third, a universal insurance system to guarantee that people get access to that care.

Because of my time constraint, I will only cover the first two elements. Concerning universal health insurance coverage, however, let me say that while it is an essential component of the final solution, it is putting the cart before the horse. We need to recognize that the objective of our social policy of the 1960s and 1970s was, in fact, universal access. One of the reasons we are in trouble today is that we were in the short run, able to cover everybody for almost everything. But unless we first define the level of care for which people are universally covered, we still have an open-end system that we cannot afford.

Therefore, we first need a clear social policy to ensure that we spend our limited health care dollars in a way that is efficient and equitable. In Oregon we have made an attempt to recognize our limits and to adopt such a policy. In the past legislative session, we discontinued funding for heart, pancreas, bone marrow, and liver transplants for people on welfare and used that money to extend preventive and prenatal services to a far larger group of people who had been in the gap. This constituted an explicit rationing decision. Let me go over the issue we were dealing with because, I assure you, it has not been an easy one to defend, politically or as a physician, although I firmly believe that it was the correct decision given the reality of limited resources.

The question was not whether transplants have merits; clearly they do. The issue was not whether in the short run we could find some additional money to buy a few more transplants for people on public assistance; clearly we could have. The issue was simply that if we were going to put additional money into health care, where was the best place to spend the next available dollar? Did it make more sense and was it a better use of limited public funds to buy high-tech services for a group of people (those on Medicaid) who already had access to virtually everything available in the private sector, or to extend services to a larger number of people who were in the gap, many of whom did not have access to any health care whatsoever?

We felt it made more sense to serve the larger number of Oregonians. Thus, the policy adopted in Oregon is one of universal access to adequate health care, and we have made that the first priority for spending the additional dollars that we can get into our health care budget. That still leaves the second element: defining adequate health care. Oregon's definition at this point does not include major organ transplants because we have made a decision that they are of a lower priority than preventive care. But we do need a more complete decision.

Before I describe to you the process we are using in Oregon to arrive at the decision, let me say that once you get a definition of adequate health care and array your health care services on a priority basis, you are changing, in a fundamental way, the nature of the rationing debate. The rationing debate traditionally has an individual focus, and it goes like this. We have one heart and three potential recipients. Do we give that heart to a 17-year-old unwed mother of three on welfare, do we give it to a 35-year-old man serving time for rape and armed robbery, or do we give it to a 40-year-old corporate executive?

This scenario raises the kinds of imponderable ethical and moral questions that society, almost by definition, cannot resolve on an individual basis. But once we develop a definition of adequate and array our health care services in a priority order, we shift that debate from an individual focus to a societal focus. We are no longer debating which service should be given or denied to which person, we are debating which priority of funding should be given to each service, given the reality of limited resources. Because society has made the decision to limit the amount of money it spends on health care, society needs to make the decision on how to spend that money. In addition to providing basic health care to a far larger number of people, this approach also takes physicians out of the squeeze and allows them to continue to be patient advocates. They can continue to do everything they can possibly do for their patients within the context of the resources that society has made available.

How do we get to this definition of adequate? There are really three steps. The first and probably the most difficult is building a consensus. In Oregon we are working with a group called Oregon Health Decisions, founded in 1982 by Ralph Crawshaw, MD, a Portland psychiatrist. It is a private, nonprofit group dedicated to educating Oregonians on the health policy choices and confronting them with the consequences of those choices. It was the first such group in the country. Now 14 states have similar organizations, including an active one in California.

We have appointed a steering committee of which I am the chair. We are breaking down everything on which Oregon currently spends its health care dollars. We are making a decision package for each service with a summary document that describes the number of people getting the service and the cost, the number of people not getting the service and the economic and health implications of not giving them that service, and then the cost to extend the service to everybody in the unmet-need population.

The plan over the next few months is to arrange this list in a tentative priority order and take it out to town hall meetings around the state of Oregon where citizens can actually get involved in working through the trade-offs and choices necessary to set up a priority list of health care choices, given the fact of limited resources. We will bring that information together this fall to generate a final list that will be submitted to the legislature.

Once the health care resources are arrayed in that kind of priority list, we come to the second step, which is to integrate this information with the legislative budget process. This requires that funding go to the first item on the priority list for everybody in the population for whom the state has responsibility. Going down the list, the second item is fully funded before moving to the next, then the third, the fourth, and so on, until the available money is exhausted.

This process puts accountability into the system. If, for example, a state legislature decides to cut $20 million out of the health care budget, it will no longer be an abstract accounting exercise but will mean deleting specific services for specific individuals off the bottom of the priority list. The debate becomes far more focused. If someone wants to refund the transplant program, clearly they either have to knock something else off the priority list—and they must make a choice, a clinical choice and a political choice, between those two health care services—or they have to rob another program or raise more money (increase taxes).

The final point with this type of system is that if it is done on the basis of sound clinical information, money can actually be saved. A California obstetrics-access study suggested that the cost of treating an indigent woman for prenatal care and delivery was $1,000 and the cost of treating a low-birth-weight infant was $28,000, up to six figures. The study suggested that if prenatal care were provided to all the indigent women who needed it, $22 million a year could be saved in the health care system. That is money that can be used to add services on the priority list, such as major soft organ transplants. It could be used to raise provider reimbursement to a reasonable level and thus remove the current economic disincentive to treat the medically indigent and those on Medicaid, or it could be used for roads. In any event, the debate becomes much clearer and more focused. Accountability is inescapable.

What is the role of physicians in resolving this problem? The first and most significant role we have to play is that we must come to grips with our own limits. We have to recognize that health care resources in America are, in fact, limited. If the leadership of professional medical organizations is going to publicly refuse to recognize that health care resources are limited, how can we expect the public to accept that, and how can we expect state legislatures to recognize that as well? If we are not willing to recognize this ourselves, we are inviting all of the ominous social and professional consequences that uncompensated care is bringing our way. As a first priority, therefore, physicians must recognize and accept limits in health care, express that view publicly, and talk it over with each other and with their patients.

Second, through our professional organizations we need to adopt policies on how to expend limited public health care dollars. Your society or association may already have such a policy but, if not, I would suggest one that states that the first priority should be to extend an adequate level of care to everyone. Then, and only then, should we indulge ourselves in the debate over how to spend what is left in the budget.

This means, of course, that we must also get involved in the definition of adequate.

[3] Thurow L: Medicine versus economics. N Engl J Med 1985; 313:611-614.

Physicians are really the only group in this country with the qualifications to provide sound clinical information to the state legislature. We need to say: "Yes, we are going to have to ration health care in this country. It is inappropriate and unethical for physicians to do the rationing; society needs to do it. And if you, the legislature, are going to ration health care, here is a list of priorities that make sense clinically. This makes sense in terms of marginal costs and marginal benefits. This makes sense in terms of probable outcome." Physicians have to provide that input. Then we have to support legislative decisions that make responsible resource allocation choices. We have to do that publicly, in our community, and at the legislative level.

This, then, is the threat and the challenge of uncompensated care. The solution, I believe, is a partnership between public policymakers at the state legislative level and leadership in the medical community. If left unresolved, this problem of uncompensated care is going to result in an erosion in our social commitment to universal access to health care and a deterioration of health for a growing number of Americans, with very serious social and economic consequences. It is going to put physicians in conflict with their professional ethics and with what society expects from the health care system, which will lead to regulation, an erosion of clinical autonomy, and very likely a nationally controlled health care delivery system. We need not accept this outcome. In fact, we cannot accept this outcome. With the active involvement and leadership from the medical community, we can meet this challenge and restore some rationality and equity and economic stability to our health care system.

I ask you to join me in meeting that challenge.

PROTECTING FREEDOM OF CHOICE

Mr. CRANSTON. Mr. President, in the next several weeks a number of letters will be read into the CONGRESSIONAL RECORD from women and men who care very deeply about the right to reproductive choice.

I am privileged to share with my colleagues a very moving letter from one of my constituents from California, Mr. Michael Wong of San Francisco, whose grandmother almost died from an illegal abortion 50 years ago. Mr. Wong's compelling letter eloquently makes the case for keeping abortions safe and legal.

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

Her family was her life.

In July 1984, Grandmother stunned the family when she revealed that she had an illegal abortion fifty years ago.

At the time, Grandmother and Grandfather had five children, all under the age of six. Two were still in diapers. They both held full time jobs. To supplement their income, Grandmother also had to moonlight in the evening (at home). Even with that, the family was still struggling to make ends meet.

Then Grandmother was pregnant. She would have to take time off from work and there would be another mouth to feed. She had to choose between her five children or the unborn baby.

Grandmother went to a "doctor" for the abortion. It was horrible and painful. Something went wrong because she was feeling so sick right after.

As she had done every night when her children went to bed, Grandmother began her moonlighting job. But the sick feeling would not go away. Grandfather found her unconscious on the floor when he arrived home.

For several days, they thought that she was going to die. She could not seek the help of a medical doctor. Grandfather had to cook herbs for her. They waited a few days, praying that she would not die and leave her children motherless.

Fortunately for the family, Grandmother survived the ordeal. And when times were better, Grandmother gave birth to two more children.

On September 18, 1984, Grandmother died at the age of 81 from cancer. Her children, grandchildren, great-grandchildren, other family members and 250 friends attended Grandmother's funeral.

Not everyone at the funeral might have chosen abortion to solve the dilemma that my Grandparents had during the Depression. But anyone who knew Grandmother would have wanted her to be able to go into a medical facility to have a safe abortion.

I have always been an advocate for a woman's right to have a safe abortion. But since 1984, the issue has become a personal crusade. I just don't want anyone to have to go through what Grandmother went through in order to obtain an abortion.

CONGRATULATIONS TO ISRAEL ON HER 41ST BIRTHDAY

Mr. JEFFORDS. Mr. President, as others of my colleagues have noted on the floor today, this is the 41st anniversary of the birth of the State of Israel. I would like to join in expressing my warm greetings to our friend and ally on this occasion.

One year ago there was must fanfare to mark Israel's 40th birthday. The administration, the Congress and the international commumity spoke out in support of the State of Israel and in recognition of her monumental achievements in building a thriving nation out of the ashes of the Holocaust.

It has been a difficult year for Israel. The unrest in the occupied territories has preoccupied the international media. Activities of the Intifada continue in spite of efforts to diffuse tensions. National elections on November 1 prompted intense and sometimes bitter debate about Israeli perceptions of the nature and direction of their state. Prime Minister Shamir's struggle to put together a coalition and form a government took an agonizingly long time.

Yet there is considerable optimism in the air now. Prime Minister Shamir enjoys broad support and the Likud-Labor coalition is functioning well. In his recent visit to Washington, Mr. Shamir put forward a proposal for elections in the occupied territories to select Palestinian representatives to negotiate peace with Israel. While solutions to the Palestinian issue remain elusive, Israel is now seen as taking the initiative to reinvigorate the peace process, the only viable avenue for resolution of this ongoing problem. The United States must be central player in furthering the search for peace.

The United States has remained firm in its financial support of Israel, even in the face of increasingly strong budgetary pressures in this country. Congress has seconded President Bush's statement of support by including full funding for Israel in fiscal year 1990 foreign aid legislation. I support this aid, knowing that our ally will use it wisely. While none of us can predict how deficit reduction will play out in the coming years, Israel can be sure of my continued commitment to the United States-Israeli relationship.

There will be difficult times in the coming year for Israel and for the United States, both predictable ones and unforseen crisis. Yet the United States knows it can count on the support of one of its most loyal and trustworthy allies—Israel. And Israel, on its 41st birthday, should feel confident in our support for her.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CERTIFICATION WITH RESPECT TO THE BAHAMAS

The PRESIDING OFFICER. Under the previous order, the time of 2:30 p.m. having arrived, the Senate will now proceed to the consideration of Senate Joint Resolution 100 which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 100) disapproving the certification by the President under section 481(h) of the Foreign Assistance Act of 1961 with respect to the Bahamas.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KERRY. How much time is available with respect to this?

The PRESIDING OFFICER. The Senator from Massachusetts controls 1 hour on behalf of the majority leader.

Mr. KERRY. And the total time available, Mr. President?

The PRESIDING OFFICER. Two hours.

Mr. KERRY. Mr. President, I yield myself such time as I may need.

Mr. President, the issue before us at this time is whether or not the Baha-

mas is fully cooperating in the war on drugs. Section 481(h) of the Foreign Assistance Act requires that the President at the start of each fiscal year, October 1, withhold 50 percent of U.S. foreign assistance designated for any country identified as a major producing or transit country, unless he sends to the Congress on March 1 a list of those major producing or transit countries which he has certified as eligible to receive full U.S. assistance. The President's determinations of certification are based on data contained in the international narcotics control strategy report.

Mr. President, under the provisions of the Foreign Assistance Act, the President may justify a determination of certification for a country that has been found to be drug producing or drug transiting and he can do so on one of two grounds:

No. 1, that the country has cooperated fully with the United States in curbing illicit narcotics and/or has taken "adequate steps on its own" with regard to preventing drug production, drug processing, drug trafficking, drug-related money laundering, bribery and public corruption. That is No. 1. He can certify on the basis that that country is fully cooperating.

Or the President can certify that the United States' vital national interest preclude implementation of sanctions.

Over the course of the last few years, we have had a number of battles here on the floor of the Senate regarding the certification process. Last year we had resolutions to decertify Mexico and the Bahamas, and the Senate by a close margin did decertify Mexico. It decided again by close margin not to decertify the Bahamas.

I would like to remind my colleagues as we think about whether or not we should decertify the Bahamas this year that there are 10 factors that the law requires us to look at in making a judgment about whether or not a country should be decertified. Those 10 factors stated in the law range from the level of cooperation in interdiction, to the level of their own law enforcement effort, to the prosecutions and a host of different matters.

For instance, the number of seizures of drugs, the numbers of arrests of drug dealers, the extent to which United States law enforcement personnel are able to participate with the personnel of that country, these are benchmarks of one kind. Together they would compromise what most of us have come to call "operational cooperation."

There is no doubt, Mr. President, that from the Bahamas we have received on an operations level a kind of cooperation. Our DEA agents do participate in drug raids. They are present now when drugs are seized and destroyed. Our Customs boats and our aircraft have the right to hot pursuit. Our Coast Guard participates in joint patrols and surveillance. We have had this kind of cooperation for 3 years now and, Mr. President, I would say that the cooperation level operationally with the Bahamas is good. No one is going to argue that that should be a cause for decertification.

But, Mr. President, we have to look beyond 1 item out of 10 in which they have chosen to cooperate as we make a judgment about whether or not they are fully cooperating.

I would remind my colleagues of what a House Foreign Affairs staff mission to the Bahamas concluded in 1987.

I quote from their report:

> The fear of being decertified by the United States for failure to fully cooperate on antinarcotics efforts appears to be the major reason the Government of the Bahamas provides any cooperation which is received by the United States. This cooperation can be characterized as mainly of a low-level operational level.

Mr. President, I submit that we have learned enough about the drug war, we have learned enough about the problem of narcotics coming into this country to know if we are going to be serious about enforcing our efforts and calling on other countries to do. Then we have to look for something more than low-level operational cooperation.

Last year my esteemed distinguished colleague from Arizona, Senator DECONCINI, who will again this year assert that we should not in fact decertify the Bahamas, showed us letters extolling that cooperation, from Admiral Yost, commander of the Coast Guard, from Commissioner William von Raab of Customs and those letters praised the Bahamas and commended that Government for cooperation.

I hope, Mr. President, that my colleagues will not be misled by letters extolling the cooperation.

I concede this is low level, even high level if you want to call it that, cooperation of an operational kind.

But we have learned, also, about letters of cooperation, Mr. President. They were addressed to General Noriega. At one time we were told not very long ago, I think 2 years ago, in this debate on the floor of the Senate, that General Noriega is giving us full cooperation operationally.

Why? Because he allowed the Panamanian defense forces to cooperate with agents from the DEA in seizures and arrests.

In fact, the DEA seized large quantities of drugs and made arrests and the head of the DEA, Jack Lawn, wrote letters to General Noriega and thanked him for the help, and people actually came to the floor of the Senate and held up the letters and said we should not decertify Panama because Panama is helping us operationally.

On a certain level, Mr. President, General Noriega gave us cooperation. But it is clear to everybody today that in doing so, he took us and particularly his own nation on a gigantic ride. Noriega assisted in the arrest of small drug dealers. He provided information that resulted in the seizures of his competitors' drug shipments and in fact he even used his alliance with the DEA to get rid of people that he did not want to do business with or who somehow had become risks in his own organization.

It was very convenient for him to continue to work the Medellin cartel while meanwhile giving up a few people so that the statistics on narcotics seizures and statistics on narcotics-related arrests destroyed looked good while he continued to reap the profits of money laundering and indeed of other drug transactions.

So, I think we have to look beyond that, Mr. President. I hope my colleagues have reached a point where they are willing to look beyond that.

The best measuring stick for full cooperation, Mr. President, is the measuring stick that looks at the larger question of commitment to the war on drugs, and one of the most critical ingredients. When we were debating the drug law that we passed in 1986, we divided five areas of critical components of the drug war. Foremost among them at that particular time were interdiction, eradication, enforcement, education, and treatment.

Well, there is no country in Latin America or Central America or the Caribbean that has treatment and massive education. But interdiction, law enforcement, and the eradication are measurable.

Mr. President, section 481 of the Foreign Assistance Act, paragraph (e)3 instructs us—this is the law we passed when we created the certification process. And what we held ourselves accountable to was a standard where we said, here are the factors which the President must look at when making his determination on certification.

I quote from that particular section:

> In determining whether to make certification with respect to a country, the President shall consider the following: Has the government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct.

Mr. President, we can continue to fool ourselves about a war on drugs and just look at cooperation on one level and say, "OK, we don't want to rustle the waters. Gee, we don't want

to upset anybody. A status quo is always safer. Let's not decertify."

Those were the arguments about Mexico. Everybody said, "If you decertify Mexico, our relationship will never be the same." Well, Mr. President, we decertified Mexico and as a result we have a President, a new President, in Mexico, who has taken strong steps to eliminate corruption and who has moved sufficiently that those of us who last year were willing to decertify this year have turned around and said, "We shouldn't do that this year. We should congratulate them for the steps they have taken and we should applaud the President for his movement and we should indeed provide greater assistance to encourage him to do that."

I regret, Mr. President, we cannot say that about the Bahamas. The Bahamas continues to be plagued by corruption.

Let me just quote what the State Department said in its own 1989 International Control Strategy Report, which provides the guideline to us about the actions that we should and should not take.

> Narcotics-related corruption continues to be a problem, making the country attractive to drug smugglers.

There it is. Corruption makes it attractive to drug smugglers.

Corruption is a festering wound in the Bahamas that, if we do not encourage them to take steps to cure, will prevent that country from ever truly cooperating part of the drug war.

I would like to call the attention of my colleagues to the Royal Commission of Inquiry report from 1984. The Royal Commission was made up of prominent individuals from various Commonwealth nations. Its purpose was to make—and I read from its charter—"a diligent and full inquiry into the extent and methods employed in the illegal use of the Bahamas for transshipment of dangerous drugs destined for the United States."

The Commission focused their investigation on drug-related corruption and in their final report they painted a devastating picture that implicated high government officials and prominent Bahamian businessmen and lawyers.

In 1987, the House Foreign Affairs staff report on the Bahamas said about the corruption and about the Royal Commission:

> Drug-related corruption remains rampant; individuals named in the 1984 Royal Commission of Inquiry report as known or suspected traffickers will operate freely.

This is 1989; that was 1985. So someone might say, "What's the relevance of reading the report from that period of time and here we are making a judgment about last year, 1988, 3 years out?" The relevance is, Mr. President, nothing has changed. Nothing has changed.

I spoke just recently with attorneys in the U.S. attorney's office in Florida. They will tell you that nothing has changed. Now if we are not willing to believe our own U.S. attorneys, who are charged with prosecuting in this war, who are we going to believe? The public relations men for the Government of the Bahamas? The people in the Government of the Bahamas who did not prosecute these people in the first place?

I believe that the Commission of Inquiry report provides us with an ongoing benchmark and that benchmark is as valid today as it was last year.

Mr. President, if you do not think it is valid today, then take note of what the U.S. attorneys in this country have done. Because developments in this country in the last months show that it is valid today. I am talking about the recent indictments of Kendall Nottage and Everette Bannister, both individuals featured prominently in the Royal Commission Report.

Last year, under questioning by Senator DECONCINI before the Committee on Appropriations, the Attorney General of the Bahamas responded to questions about Kendall Nottage and his alleged association with an American Mafia figure, Michael Caruana, of Massachusetts. Senator DECONCINI asked how Nottage, in the light of the findings of the Commission report, could have been appointed as head of the Bahamian broadcasting system—A very good question. The Attorney General's response was interesting. He said, "There was no evidence at the time that Mr. Nottage knew who Mr. Caruana, of Massachusetts, was said to be. There was no suggestion arising out of the Commission that his misdemeanor * * * was having a business relationship in the ownership of a hotel with a man who he said he did not know who he was at the time."

Well, Mr. President, either the Attorney General of the Bahamas does not know the facts or the Attorney General of the Bahamas is dealing with a different reality. Because if that Attorney General had quoted from the Royal Commission Report, he could have quoted paragraph 46, which says:

> Bearing in mind that both Mr. and Mrs. Nottage's telephone numbers, listed and unlisted, were noted under their Christian names in Caruana's address book seized when he was arrested, it is obvious that they were known to each other and to Caruana.

Now the Attorney General might have also quoted from paragraph 49.

> A prudent man, such as we assume Mr. Nottage to be, would make inquiries of the character of the person with whom he was dealing behind the corporate veil and thus avoid the risks of entering into a joint venture with an apparent criminal and the consequent effect upon his reputation of a person of Mr. Nottage's standing as a Cabinet Minister.

In a letter to me just last month, dated April 6, 1989, the Attorney General stated that "The Commission of Inquiry did not recommend prosecution because of the absence of any evidence either in the Bahamas or as provided by U.S. agencies."

Well, Mr. President, from the Royal Commission of Inquiry report, it is clear that they did not either substantiate, nor did they clear Mr. Nottage of allegations.

But, given that ambiguity and the prominence of Mr. Nottage, one might think that the Attorney General himself would have investigated the matter.

Why was it that the Bahamian Attorney General could not develop the evidence to indict Kendall Nottage? Well, I cannot answer that question, Mr. President, but I can tell you this.

Two months ago, on March 29, 1989, the U.S. attorney for the district of Massachusetts did indict Mr. Nottage, and the indictment charged him with conspiring with three others, including Michael Caruana, to defraud the Internal Revenue Service by laundering over $5 million of the proceeds of Caruana's unlawful drug business.

He is also charged with executing a false and fraudulent document, concealing Caruana's interest in the Islander Hotel, located in the Bahamas. And he was charged with giving false testimony to the Commission of Inquiry in 1984.

What do you think are the chances that Mr. Nottage is going to be extradited to the United States? That is another measure of whether or not there is full cooperation.

Well, again, one has to look at the record there, Mr. President. Because we have been trying to extradite another indicted Bahamian, who is very close to the Prime Minister, an attorney by the name of Nigel Bowe. And the Bahamian Attorney General has been responsible for this bungled and frustrated extradition process, an extradition process which, only 2 years ago, our own State Department in its narcotics and control report said was being held up, "due to specious legal grounds."

Mr. President, at a meeting in my office last month, I asked the Attorney General of the Bahamas why he never prosecuted Nigel Bowe. He told me the Commission of Inquiry report did not recommend the prosecution because of "the absence of evidence."

Again, Mr. President, either the Attorney General does not know the facts or he is dealing with a different reality. Let me read to you what the Commission of Inquiry report said in paragraph 92:

> We were disturbed by the number of drug traffickers, who quite independently of each other, were willing to describe in considerable detail their involvement with Nigel Bowe. Indeed, we note that his consistency

is denying any involvement with drug trafficking is exceeded only by the frequency of the allegations against him. We found this phenomenon of allegations too simplistic. He suggested that his frequent presentations on behalf of persons charged with drug trafficking led persons to make unwarranted assumptions that he was personally involved in the trade.

Quoting the report, Mr. President:

We do not believe that this is a sufficient explanation for the fairly consistent pattern which emerges from a careful analysis of the numerous allegations made by the various drug traffickers who, for the most part, did not fall within the category of persons identified by Bowe. In addition, we found that his repeated denials lacked a ring of truth.

That is the finding of the Commission. They include:

We have formed the opinion that Mr. Bowe's involvement with drug traffickers far exceeded a lawyer/client relationship and that he benefited materially from his numerous associations with them. We have concluded that he was aware of their nefarious activities and assisted them in their nefarious trade.

So, here we are, Mr. President; the Attorney General says: No evidence. And here is the evidence in the report. They concluded that he assisted them in their trade.

It sounds to me like the Commission of Inquiry believed there was probable cause for an indictment but, since the Commission did not tell the Bahamian Attorney General what to do, the Attorney General did not pursue the matter and has never pursued the matter. And to this moment, the Government of the United States is still struggling to get this crony of the Prime Minister's back here to the United States. Why? Because Mr. Bowe was indicated in the United States of America. Yet another person who they refuse to pursue in the Bahamas, but we have pursued here.

In 1985 he was indicted in the southern district of Florida and the Assistant U.S. Attorney who handled the case—incidentally, one of the finest prosecutors in the country, Richard Gregorie, who, sadly has left the U.S. attorney's office because he felt there was too much interference in his ability to wage the war on drugs—has said that the case against Nigel Bowe is a strong case.

He noted that much of the same evidence that was used to convict one of Bowe's co-conspirators in a State court would be used to prosecute Nigel Bowe in a Federal court.

You may ask, then, why was not Nigel Bowe extradited to the United States? Well, I asked the Attorney General of the Bahamas that very question. And he was asked that also by Senator DECONCINI in a hearing last year.

The Attorney general said that Bowe hadn't been extradited because "he can afford to take advantage of all the legal devices and all the legal niceties which he can employ lawyers to do." And, he added, "He hasn't been extradited because I won't tell the judge what to do * * * because in the Bahamas no Attorney General would dare tell a judge what to do. I would have to resign."

Well, there again, either the Attorney General does not know the facts or he is dealing with a different reality, Mr. President. Because, according to former U.S. attorney, Dick Gregorie, the reason Nigel Bowe was not extradited was the same reason stated by our own U.S. State Department, for specious legal grounds. And as Dick Gregorie said it was either "gross incompetence" or "corruption" on the part of the Bahamian Attorney General's office.

Indeed, the report of the International Narcotics Control Strategy of 1988 seems to indicate that it gave little credibility to the Attorney General's pursuit of this matter. Extradition can take time sometimes, Mr. President. But we do not have any difficulty extraditing, usually, people from Great Britain and elsewhere, under the same legal system. The United States Attorney forwards the request to the Bahamian Attorney General. He in turn forwards it to the appropriate Bahamian court.

Well, Mr. President, let me tell you what happened. The first time the Justice Department tried to get extradition of Bowe, the Attorney General's office forwarded the request of the proper court but it misspelled Bowe's name, B-o-w-e, misspelled Bowe's name so that the request was thrown out.

The second time the Justice Department sought extradition, the Bahamian Attorney General's office, which got the name right on the second one, cited the wrong Bahamian law, which it had not cited incorrectly on the first one, Mr. President. Now, under the certification law, matters to be considered, section 3(k). Again, this is one of the matters that we have said the President must take into account and we presume the President did. It says: "Has the government expeditiously processed United States extradition requests relating to narcotics trafficking?"

The answer, as regards Nigel Bowe, is an unequivocal "no." But the International Narcotics Control Strategy Report points out that there are 20 outstanding U.S. requests for extradition and "most of the U.S. requests are stalled in Bahamian legal proceedings."

It is not the case, Mr. President, where expeditious effort to expedite, is taking place.

Now, forget extradition. Forget Nigel Bowe, forget Kendall Nottage. What about Everette Bannister? I mentioned him previously.

Mr. CHAFEE. I wonder if the Senator will yield for a question on extradition?

Mr. KERRY. I will be delighted to yield for a question on extradition.

Mr. CHAFEE. Am I correct in saying that there is a new extradition treaty that has been worked out between our two governments but has not been ratified by the United States?

Mr. KERRY. We are still operating under the old extradition treaty.

Mr. CHAFEE. But a new extradition treaty has been worked out between the U.S. State Department and the Bahamian Government, but has not been ratified by the United States?

Mr. KERRY. That is accurate.

Mr. CHAFEE. But the Bahamians have ratified it?

Mr. KERRY. I believe the Bahamians have passed it. I cannot speak to whether they have ratified it.

Mr. CHAFEE. Well, that is my understanding. But the United States has not ratified it.

Mr. KERRY. That is correct.

Mr. CHAFEE. I know the distinguished Senator from Massachusetts is severe on the Bahamians, and particularly has addressed the matter of extradition. I do not quite understand why, following the negotiation of an extradition treaty between the two governments, and the Bahamians have ratified it, and the U.S. Government in the past 2 years has not ratified it, including the committee the Senator sits on. Is there any explanation for that?

Mr. KERRY. There is an explanation, and it probably will not be a comfortable one for the Senator on that side of the aisle. We have had a particular problem with a member of the committee from his side of the aisle who has slowed up some of the process with respect to a number of the agreements we have tried to forward not only with respect to the Bahamas but with respect to Mexico and a number of other areas.

Mr. CHAFEE. If I could follow on that, I do not find it a very satisfactory explanation, if I might say.

Mr. KERRY. It is a real one.

Mr. CHAFEE. For a majority party who controls the committee as substantially as that committee is controlled, to say that because of one individual——

Mr. KERRY. If I can answer the distinguished Senator from Rhode Island, I have no doubt that the committee is going to try to move that again in rapid order as we did the six mutual legal assistance treaties that we have been trying now in good faith for a year and a half to move through the committee. We held hearings on it I think about 2 to 3 weeks ago. It is my suspicion that they will be coming up for a vote in short order before the committee.

Mr. CHAFEE. The only point I would make, you just completed your dissertation, your comments upon the extradition problems moving on to something else, but I think it is fair to point out that in a treaty that has been negotiated between the two governments dealing with extradition, the Bahamians have ratified it, the United States has not ratified it, and I think that is worthy of pointing out. I want to thank the Chair.

Mr. KERRY. Let me make very clear, the Senator from Rhode Island raises a very valid point or question. The point is there is a major distinction between the application of the existing law, which is the one we are operating on, and the negotiating process of a new one. Again, we are glad that they have entered into negotiations and proceed forward, but as you look at the mosaic of cooperation, you have to look beyond mere negotiation into what has been done in terms of true cooperative effort within those fields. The record is very clear here.

Why is the last extradition treaty being applied speciously? Why is the last extradition agreement not being given the support of the Bahamian Government, if you will, and expedited process that would make it work? What was it that brought us to the point we have to negotiate a new one? Will we have the same problems applying the new one if and when it is finally ratified? We are not making those judgments prospectively. We are making them on the basis of where we are today. Take the issue of extradition out. If the extradition process does not convince you, you still have other enforcement proceeding deficiencies which are critical. I ask the Senator to look at the case of Mr. Everette Bannister. The Attorney General prosecuted Everette Bannister. In fact, according to the Bahamian Attorney General, he prosecuted all those individuals from whom the commission of inquiry recommended prosecuting.

How do I know that? Because he sat in my office and he told me that. The list of those people is Mr. Bannister, Mr. George Smith, Mr. Edward Maynard, Mr. Howard K. Smith, Mr. Langton Hilton and Mr. Godfrey Pinder. How many of them were convicted? Not one, In fact, not one of those cases even went to trial.

Mr. Smith in 1985 was the former Minister of Agriculture and Fisheries. He was accused of accepting a bribe of $100,000. A preliminary inquiry was held, and on January 26, the charges against him were dismissed on the grounds that the evidence presented was not sufficient to put him on trial.

Mr. Pinder was charged with bribery and perjury. During his preliminary inquiry, the magistrate conducting the proceedings ruled that a tape recording the crown attorney sought to introduce was inadmissible. The case was closed.

The charges against Mr. Hilton were dismissed at the end of the preliminary inquiry and no reasons were recorded on the case ledger for why.

Mr. Maynard, unlike the other individuals said, "I want to be tried." Lo and behold, after he said that, the attorney's key witness did not appear, and on February 27, the attorney withdrew the two counts of perjury that had been held against him.

Mr. Smith, this police officer was charged with seven counts of illegally accepting a bribe. The same key witness who failed to show for the Maynard trial also failed to appear for his and, again, the cases were dismissed.

What about Mr. Bannister? Mr. Bannister was charged with abetment to bribery, bribery, and two counts of perjury. The same magistrate who dismissed the charges against Mr. Smith discharged Mr. Bannister after the counsel argued that whatever evidence that had been presented by the crown attorney did not satisfy the requirements of the code, and those were thrown out.

So when he says he prosecuted these individuals, again, either he is not aware of the facts or he is in a different reality. They were all dismissed at the preliminary inquiry stage. None of the cases resulted in convictions and I think, Mr. President, that we have a right to make a judgment about convictions.

The Attorney General said to me again that the star witness against Bannister, a Mr. Edward Ward, proved to be "weak and unsatisfactory as a witness."

The Bahamian Attorney General, knew that there were other witnesses who could finger Mr. Bannister. One of those witnesses, and I hope the Senator from Rhode Island is aware of this, one of those other witnesses that the Attorney General could have used testified before the U.S. Senate Subcommittee on Terrorism and Narcotics.

I chaired that hearing. I want you to listen to how the son of Everette Bannister, a gentleman by the name of Gorman Bannister, described his own father's relationship with the infamous Colombian narcotics trafficker, Carlos Lehder, who was convicted in a Florida court last year.

Question by me:

Did your father warn Carlos Lehder of the police raid on Norman's Cay?

Mr. BANNISTER. Yes.

Would you describe that?

Mr. BANNISTER. Well, as I recall, he made a phone call to Carlos letting him know the police were going to——

You heard the phone call?

Oh, yes, yes, yes. I know my father called one time and he told him "Listen, the police are going to raid Norman's Cay on a certain day. Clean it up." And when they went there they didn't find anything.

Now if you question the credibility of Gorman Bannister, remember, it was his testimony that was used and accorded the United States by the U.S. attorney to convict Carlos Lehder.

So, again, Mr. President, if the Attorney General of the Bahamas will not prosecute, he should at least extradite him to this country because the U.S. attorney for the Middle District of Florida will prosecute Mr. Bannister. On March 22, 1989, he was indicted by U.S. Attorney Robert Genzman and he was charged with receiving money for bribes to facilitate the importation of cocaine into the United States for the Medellin cartel.

So, Mr. President, this Senator is convinced as a former prosecutor who has conducted grand jury investigations and watched the process, I know the difference between asking the right people the right questions and turning your head the other way. I know the difference between a bona fide effort to ferret out corruption in government and an effort which simply says business as usual.

Mr. President, in good conscience, in terms of what this law says, we cannot say that there is full cooperation.

The 1987 House Foreign Affairs Committee report said, "Officials in the Bahamas noted that it is extremely difficult to fire a corrupt policeman. In the 5 years since the commission of inquiry report, some public officials have been indicated, but few have been prosecuted."

Mr. President, I am not going to go on. There is more here. I know that Senator COATS and Senator LOTT each need time, and I want to allow time for them to speak. It is my hope that we are not going to be seduced by cosmetic cooperation if we are going to be serious about a war on drugs. Last year we made a serious statement about Mexico. I think it helped. I think it is time for us to make a serious statement about the Bahamas, and I hope my colleagues will join in doing so. I reserve what remaining time may exist.

Madam President, I yield 5 minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Indiana.

Mr. COATS. Madam President, I rise in support of the resolution of the Senator from Massachusetts. At first glance it might seem trivial, perhaps even humorous, for the U.S. Senate to turn its wrath on the Bahamas. This is a nation, after all, of beaches, bikinis, and whose only previous threat to the United States was some particularly nasty sunburns.

But the Bahamas, in recent years, have become something else entirely—a staging area for drug shipments, an aircraft carrier for the drug trade. While it does not produce drugs for

export, it has become a major transit point for cocaine and marijuana entering the United States. It has also become an international bank for the illegal laundering of drug money.

Its geography is ideal for the drug trade, a nation of 700 islands covering over 100,000 square miles. It has 73 public and private airstrips and 110 small boat marinas. These are things that the Bahamian Government cannot help. But its actions on those things that are under its control have revealed an attitude that does not represent the full cooperation in the war against drugs demanded by the 1986 Anti-Drug Abuse Act. Narcotics-related corruption in the Bahamas is rampant and official investigations are slow. Cooperation is lacking on projects like "Operation Penguin" and interpretation of data from mobile radars.

We have a responsibility, rooted in law and in need, to ensure that every nation which receives our tax dollars also gives their full cooperation to the fight against drugs. Nothing less than the lives and futures of our children are at stake. We do not have the option to make exceptions. We do not have the luxury of timidity. We have set a standard in this Nation, and that standard must be met. We must demand that it be met.

It is for this reason that I intend to support this legislation to decertify the Bahamas, and I urge my colleagues to do the same.

I thank the Senator from Massachusetts for bringing this legislation before us, and I urge my colleagues to support it. I thank the Chair. I yield back to the Senator whatever time I have remaining.

Mr. KERRY. I thank the distinguished Senator from Indiana for his support and for his observations.

I yield 6 minutes to the Senator from Mississippi.

Mr. LOTT. Madam President, I thank the Senator for yielding this time to me. As a cosponsor, I rise in support of Senate Joint Resolution 100.

The Bahamas are a major transit point for cocaine and marijuana coming into the United States. I think it is a point that is not being disputed by the administration or by anybody. The Bahamas are a major point of transit. That is the reason why I am sponsoring this joint resolution. The administration's certification report states that we have enjoyed a very cooperative relationship with the Government of the Commonwealth of the Bahamas and it praises joint United States-Bahamanian law enforcement operations, but let me read to you what the report goes on to say.

Nonetheless, the reality is that too much cocaine still passes through the Bahamas. And, while the Government of the Commonwealth of the Bahamas is more active in investigating allegations of corruption, we are concerned by reports that corruption still exists. * * *

We also believe the noteworthy Bahamian cooperation in joint anti-narcotics efforts should be accompanied by stronger unilateral efforts to curb drug trafficking and consumption within the Bahamas.

These are the administration's own words in its own report which was submitted to the Congress just 2 months ago.

Madam President, I think we have here a classic example of the State Department placing its fear of offending the governments of major drug-producing and drug-transit countries above our Nation's war against drugs, which I believe must be the number one priority.

I am not trying to shift the blame to the Bahamas or to Mexico. The problem begins here, and we need to be more aggressive in the way we punish drug pushers and drug users in this country.

We need more active law enforcement, more determined and committed judges, more prison facilities, and more interdiction. But as an important part of that overall war against drugs, we must stop drugs where they begin, in the countries that are producing them or that are being used as a transit point.

To try to tell the people in Mississippi or in Massachusetts or other parts of the United States that these countries are doing the best they can, and that we cannot afford to be cutting off foreign assistance to these countries that are major transit points used in poisoning the people of this country, in my mind is totally unacceptable and indefensible.

On March 16, I wrote the new drug czar, Bill Bennett, and asked him to evaluate the certification process and to furnish me with his recommendations as to how the process might be tightened and strengthened. I also asked him what steps he planned to take to let the State Department know that we cannot continue to do business as usual if we are to win the war against drugs that is sweeping our country.

I am pleased to report that Mr. Bennett, in response to my letter, committed himself, as part of the national strategy to combat illegal drugs that he will be developing over the next 6 months, to deal with the steps being taken or not being taken by foreign countries to control drugs before they reach the borders of the United States and to work closely with the Secretary of State to study the narcotics control efforts of these countries very carefully.

I ask unanimous consent to insert in the RECORD my letter to Mr. Bennett and his response.

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

OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE OFFICE OF THE PRESIDENT,

Washington, DC, April 5, 1989.

Senator TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR TRENT: Thank you for your letter of March 16 discussing the State Department's recent report on international narcotics control strategy. Several other Senators and Members of Congress have also expressed concern to me about this process by which foreign countries are certified to be cooperating with the United States in our drug control efforts.

As you know, I was confirmed by the Senate on March 9. My first charge is to develop, within 6 months, our Nation's strategy to combat illegal drugs. A portion of that strategy will certainly deal with the steps taken by foreign countries to control drugs before they reach U.S. borders. In this regard, I will be working closely with the Secretary of State to study carefully the narcotics control efforts of these countries. My conclusions on this matter will be contained in the strategy report to be promulgated in 6 months.

I want to thank you for your interest in our international narcotics control efforts. I look forward to working with you during the 101st Congress.

Sincerely,

WILLIAM BENNETT.

U.S. SENATE,

Washington, DC, March 16, 1989.

Hon. WILLIAM J. BENNETT,
Director, Office of National Drug Control Policy, Executive Office of the President, Washington, DC.

DEAR BILL: I have reviewed the State Department's 1989 International Narcotics Control Strategy Report and the Presidential certifications for narcotics source and transit countries. And I am disturbed by the conclusions drawn.

In my opinion, the findings that major narcotics producing countries have cooperated fully with the United States, or have taken adequate steps on their own to control narcotics production, trafficking, and money laundering, are not justified by the evidence.

Rather, it seems to me that the State Department has subordinated our Nation's war against drugs to diplomatic niceties and its fear of offending major drug-producing countries. In short, they don't want to rock the boat.

I understand that at your confirmation hearing, you expressed similar misgivings about the Administration's decision to certify certain drug producing or drug transit countries as cooperating in the war against drugs.

As the national drug "czar," I would like your assessment of the certification process as well your recommendations as to how the process might be tightened and strengthened. I would also like to know what steps you plan to take to let the State Department know that we cannot continue to do business as usual if we are to win the war against drugs that is sweeping our country.

I am also enclosing an article from the New York Times by A.M. Rosenthal entitled, "The Giant Loophole." I would like your reaction to it.

I want to congratulate you on your recent confirmation. And I look forward to working with you in the weeks and months ahead.

With best wishes, I am
Sincerely yours,

TRENT LOTT.

Mr. LOTT. The most serious problem with the Bahamas is the failure of the Bahamian Government to prosecute, convict, and remove from positions of influence individuals involved in drug trafficking, individuals identified 5 years ago, in 1984, by a Royal Commission of Inquiry in the Bahamas. These people are still operating today and very little has changed. Although some public officials have been indicted, few have been prosecuted. Only one low-level policeman has been convicted.

On March 29, 1989, Everett Bannister—and we have already had some conversation about him—was indicted by the U.S. attorney for the Middle District of Florida. He was charged with receiving money for bribes to facilitate the importation of cocaine into the United States for the Medellin cartel.

The former attorney general of the Bahamas, Paul Adderly, declined to prosecute Mr. Bannister and has been unwilling to extradite him to the United States. For this action in behalf of Mr. Bannister and others involved with the drug trade, we find now that Mr. Adderly has been promoted to Minister of National Security.

Madam President, I sum it up this way. A strong message is essential. I want us to have a good relationship with the Bahamas, but in my opinion we do not have a good relationship with the Bahamas or any other countries that are allowing their borders to be used to produce cocaine and other drugs and to be used as transit points for them to come into the United States.

They must be more aggressive. We must be more aggressive. The State Department has to make the point we will not tolerate the status quo. And so I am pleased to join in cosponsoring this joint resolution. I compliment the Senator from Massachusetts for doing it. I intend to support other resolutions like this until we get more active and aggressive support from countries that are supposed to be our friends.

If this is a war on drugs, let us get serious about it. I yield back the remainder of my time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I yield myself such time as required.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CHAFEE. Madam President, this is one of those, what we call make-you-feel-good resolutions. It is a chance to beat our chests. It is a chance to get tough. It is a chance to show who is boss, but the question is—and I think the question that should remain before us—what are we doing to help conduct the war against drugs?

Now, are the Bahamas perfect? No one will say so. There are 700 islands down there spread over 80,000 square miles. Only 29 of those 700 islands are occupied. The Bahamas do not produce drugs but are an ideal transit point. The Bahamas probably have some corruption. I cannot certify to that. But I do know that the administration has stated that, in its best judgment, proceeding with this resolution would not be helpful.

In 1988, the last year for which we have statistics—obviously, just last year—over 9 metric tons of cocaine was seized in the Bahamas. One-quarter of that was seized unilaterally by the Bahamian police or defense forces. Three-quarters of it was seized in joint operations between the Bahamians and the United States enforcement agencies.

What we have in the Bahamas is a right for the United States antidrug forces—and that includes the Coast Guard—to overfly in their air space, to operate within their waters, and indeed just a year ago we received a letter addressed to Senator DECONCINI from the Commandant of the Coast Guard pointing out that the cooperation with the Bahamians was excellent.

This same resolution was brought up last year and was defeated.

I believe the vote was 54 to 40. I think that would be the best way to proceed today.

We do not have a perfect situation, nor I might say do we have a perfect situation to fight drugs in other countries in the world. Is there corruption? There probably is some but there is some corruption in drug matters in the United States likewise. To suggest that by cutting off this aid, by saying to the Bahamians you have not done enough, you are not simon-pure, it is all right for you to ratify an extradition treaty, we have not ratified it yet but forget that. And everybody that has brought it before your courts is not convicted on drugs. The way we feel it should be. Maybe the prosecution should have been better.

But the question is: What is going to be most helpful in fighting drugs? We have privileges in the Bahamian waters and overflight that we do not have with any other country, fortunately, and I think we can say this: that because of our efforts not solely in the Bahamian waters, but the amount of drugs that is coming up through that particular direction is not what it was before but that is true due to a whole series of war against the supply of drugs that has been fairly successful in that part of the world with the drug traffic shifting further west in the route up from Colombia.

I wish I could say that the Bahamians were perfect, but they are not. I do not think that this resolution is going to make progress for us. I think if approved it is going to set us back. The Bahamian Government, as I say, has cooperated in many, many respects, and if what happens is here in this Senate we say you have been good but not good enough, so we are going to cut your aid in half, I think if I were in the position of the Bahamian Government I would say, well, that is what we get for our cooperation. That cooperation has not been extended to us by any other country, and I would ask the distinguished Senator from Massachusetts, who is familiar with these:

Is there any other country that permits us overflight rights to the extent the Bahamians do? Is there any other country that permits us to go into their waters, into their territorial waters in hot pursuit, or in patrol to the extent the Bahamians do?

Mr. KERRY. Let me say to the distinguished Senator from Rhode Island two things. No. 1, Mexico does permit overflight, but not hot pursuit. But there is permission for overflight.

Mr. CHAFEE. Is there any other country that grants us the privileges that the Bahamians do? I do not think there is. The Senator is very deeply involved in these matters, and may be able to answer.

Mr. KERRY. With Canada we have a hot pursuit capacity there. But let me make a point to the distinguished Senator. First of all, I wanted to check with staff on the Foreign Relations Committee because I sense that there might be some confusion, and, indeed, I am correct. But I did not want to answer that for the distinguished Senator affirmatively without knowing.

On the issue of this extradition treaty, neither country has ratified. I believe the Senator is referring to the Mutual Legal Assistance Treaty, and there we have been working diligently to get that out of committee, and we hope it will be out very, very shortly.

The second comment I would make, I do not believe the Senator was here when I made this comment. So I, in a sense, addressed it but I reiterate that I would concede to the Senator, and I have conceded, completely the efforts in the Bahamas on this operational level.

Indeed, I said at the outset of my remarks that there really is not another country operationally that has gone as far as they have. But that is only one of some 10 ingredients which we wrote into the law by which we must judge full cooperation. Full cooperation is a term of art. But this is not a feel-good issue. In fact, I do not feel good. I feel badly that we have to come to this kind of confrontational point, but the point is it proved to have an effect in

Mexico and, if you look at the 10 other areas of noncooperation or of noneffort, it seems to me that one makes a judgment that there is considerably more the Bahamas could do.

Mr. CHAFEE. I suspect, and I agree with the distinguished Senator from Massachusetts. There is more the Bahamians can do. I suspect there is more the United States can do. To suggest that there is not bribery in these areas where drugs are involved would be naive. There is bribery taking place and acceptance of bribes by law enforcement officials in the United States, and sure I can see this taking place in the Bahamian Islands likewise.

When you have these massive amounts of money coming in, the temptation is there to take it, particularly if it is a nation with a relatively low standard of living, low per capita income, where these amounts are extremely tempting. I think we ought to keep the question before us. The question is: What is going to do most to win the war against drugs? Is it to follow the Senator's resolution? Mind you the administration has said that in its judgment the Bahamian Government has met the criteria. Now the Senator from Massachusetts has said, "No, they haven't." So here we are. We are disputing that. That is what the vote is all about in an hour or so.

Mr. KERRY. Madam President, will the distinguished Senator yield?

Mr. CHAFEE. Sure.

Mr. KERRY. Madam President, this Senator has never suggested that there is some yardstick of simonpurism by which we are supposed to be making this. The test is not a question of whether or not there is some corruption. Yes, there is some corruption in the United States. Ten percent of the Miami Police Department was fired a year-and-a-half ago. The difference is we are firing them. They are not. The difference is we are prosecuting Carlos Lehder. We are prosecuting Matta Ballesteros. We are seeking the extraditions.

We are prosecuting our own people, and we are snowed under, but I do not think anybody has alleged that in this country there is some high governmental conspiracy restraining our enforcement efforts. But there is an allegation that there is a high-level government restraint within the Bahamas.

That is the distinction here. The question is not whether or not there is some corruption or we are applying some ridiculous standard. The question is the bona fides of the effort to fight.

The Senator has cited these questions of cooperation of other countries and letters. My God, we were writing letters to Noriega. I remember a Senator on the floor reading to me the DEA Chief's letter to General Noriega saying we should not decertify Panama. I will bet you today if we had a decertification vote, the Senate would be 100 to 0. And the question is whether or not we are going to allow low-level cooperation efforts to allow them to continue to pull the wool over our eyes. It is the easiest thing in the world.

I have learned from some witnesses who testified before the Narcotics Subcommittee that Mexico can tally up seizure records. What they do is, on the side of the gulf they seize the drugs, and they have been known to give an escort to the very drugs they seize to the other side of the gulf. And then the guy goes off and sells them. But they have a seizure.

If we are going to be snookered by seizures and arrests, and have this concept of cooperation, which does not produce a real deterrent within the criminal justice system in society, then we do not deserve to be engaged in this so-called war on drugs.

Mr. CHAFEE. Madam President, I think the term "snookered" is good for perhaps a chuckle here, but I think to apply that to a statement by the Secretary of Defense of our country who wrote the chairman of the Foreign Relations Committee stating that he was concerned about the Bahamas, about the situation there, nonetheless in his judgment this certification of disapproval, or put it the other way, the certification of approval, should be granted.

That is what I am drawing on. That is my belief, and I am not sure what the Senator was referring to when he said we have had letters to Noriega. This letter that I was referred to was the letter from the Commandant of the Coast Guard to a Member of this Senate, pointing out the cooperation that the Coast Guard had received. No one will question the distinguished Senator's admiration for the Coast Guard and his support for their activities. They are the people on the front lines, the people who are trying to seize these drugs; and the Coast Guard's position has been—and nothing has changed; nothing has come up to indicate their position is otherwise—that the cooperation they are receiving and the advantage they have operating in the Bahamian wars and air space are extremely important. We delegate the Coast Guard to do its job, and in my judgment, they have done a good job, and this is their position, which has not changed.

Mr. KERRY. Madam President, will the Senator yield?

Mr. CHAFEE. Yes.

Mr. KERRY. I will answer his question. What I am trying to say to the distinghished Senator and my colleagues is not the question of whether or not Admiral Yost has received cooperation. He has, absolutely.

But operational cooperation is the easiest thing for a nation to give and still remain within the other channels of narcotics networking. General Noriega—and again the Senator from Rhode Island was not here when I described this—we had a number of witnesses, and we have had this confirmed by the FBI in documents, that there are individuals that General Noriega would feed up to them, when he was tired of them or finished with them, he would serve them up on a platter to the DEA; and indeed, he would get cooperative congratulations for it. Meanwhile, he would open another bank to launder money or cut a new deal with the Medellin cartel.

The same thing is happening in the Bahamas. Operationally, they can cooperate and pat us on the back. We can shake hands and have our pictures taken at a bust. Meanwhile, they know full well there were five or six other loads that can come through, and they have been paid off, whenever they have been paid off, and the capacity exists to maintain that other network of relationships which allow narcotics to come through.

If you do not put people in jail—it is happening in our country now, incidentally. Our jails are overcrowded, so we are letting people out early. The result is, we undermine deterrence into our country, and narcotics traffickers know that the risk of making a million dollars in one night is not a bad risk when weighed against the prospect of going to jail for 3 or 4 years; not a bad annuity. You get a trust fund when you get out, and it beats going to college for people who do not worry about their curricula vitae.

That undercuts the war in the Bahamas, this perception people have that even if you get arrested, you will not go to jail. It does not matter if you get arrested. It is an inconvenience; it is not a deterrent.

We have to measure their efforts, but not just in the photo-taking operational capacity. We have to measure it against the degree to which they are truly enforcing the law, restricting bribery, encouraging extradition, and cooperating with us to change the ethic of their own society—incidentally, where use is increasing at a dangerous rate.

Mr. CHAFEE. Madam President, I regret the comparison of Mr. Noriega as used. I think anybody can drag out Mr. Noriega for about any illustration that a Senator debating this matter wants.

I would like to just read from the letter from the Secretary of State to the chairman of the Foreign Relations Committee in the Senate, in which the Secretary of State follows the law and has certified these countries for continued assistance, amongst them being

the Bahamas. In it he points out, "While there is need for much improvement, the President and I believe these certifications are an important element in working toward that goal"; namely, the war against drugs.

He then goes on to say that attached to the letter is a statement of explanation.

The overall letter was a general letter applying to some six countries. He points out in his statement of explanation:

The islands of the Bahamas lie critically astride the principal narcotics trafficking route between South America and the United States. In dealing this this problem, we long have enjoyed a very cooperative relationship with the Government of the Commonwealth of the Bahamas. In particular, the joint U.S.-Bahamian OPBAT—

Which is an operational plan that is enforced—

is a premier example of a combined law-enforcement operation.

Nonetheless, the reality is that too much cocaine still passes through the Bahamas. And while the Government of the Commonwealth of the Bahamas is more active in investigating allegations of corruption, we are concerned by reports that corruption still exists. Prime Minister Pindling and his ministers must forcefully address this issue.

We also believe the noteworthy Bahamian cooperation in joint anti-narcotics efforts should be accompanied by stronger unilateral efforts to curb drug trafficking and consumption within the Bahamas.

That is the consumption within the Bahamas. Certainly, we think that effort should be made to curb the consumption in the Bahamas. We think greater effort should be made to curb consumption in the United States of America.

The point I would like to make, Madam President, is this: Our Government is aware of this, and our Government is monitoring the situation. But in making its decision and evaluating all aspects, the administration has come to the conclusion that we would be best served in this war by not denying the certification to the Government of Bahamas.

I believe in that, and I hope we will give this administration a chance. This thing is renewed and comes back every year. It will be back again. I am sure the Senator from Massachusetts is vigilantly going to follow it, as he has, to his credit, in the past.

I ask unanimous consent that the letter from the Secretary of State be printed in the RECORD.

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

DEAR MR. CHAIRMAN: Attached is the President's first Determination regarding the certification of major narcotics source and transit countries required by the Foreign Assistance Act. Quite frankly, he and I are both deeply troubled by the state of affairs upon which he based his certification decisions. Despite the hard work and dedication of many public servants and private citizens, both here and abroad, the international war on narcotics is clearly not being won. In fact, in some areas we appear to be slipping backwards.

Nonetheless, we present you these certifications in good faith in the hope that we can work together against the drug menance. For six countries, there are statements that explain the certification while acknowledging that each of the six can and must do more in the future to end the drug trade. For one country, we have provided a justification statement for a vital national interest waiver. These certification decisions have all been made after careful deliberation recognizing that the efforts of foreign governments to stem the production and use of drugs have yielded mixed results. While there is need for much improvement, the President and I believe these certifications are an important element in working toward that goal.

As you know, the Anti-Drug Abuse Act of 1988 established the Office of National Drug Control Policy. Bill Bennett has been selected by the President to become the first director of this office and has been instructed to pursue aggressively his new duties to revitalize our national anti-drug effort. One of his first priorities after confirmation will be to develop a revised national drug control strategy. As that strategy is being formulated, we would like to establish a dialogue on drugs with the Congress. A cooperative relationship with full exchange of ideas between the executive and legislative branches is the best way to forge an integrated and cohesive national strategy that will ultimately prove effective in curbing the availability and use of drugs in America.

Finally, I want to assure you that narcotics will remain a key element of our foreign policy agenda. The President and I intend to raise this issue with foreign leaders and express our personal interest in their efforts to reduce the supply of illicit drugs bound for the U.S.

We look forward to working with the Congress to establish a sound drug control strategy to remove the scourge of drugs from our nation.

Sincerely yours,

JAMES A. BAKER III.

STATEMENT OF EXPLANATION—THE BAHAMAS

The islands of the Bahamas lie critically astride the principal narcotics trafficking route between South America and the United States. In dealing with this problem, we long have enjoyed a very cooperative relationship with the Government of the Commonwealth of the Bahamas. In particular the joint U.S.-Bahamian OPBAT is a premier example of a combined law enforcement operation.

Nonetheless, the reality is that too much cocaine still passes through the Bahamas. And, while the Government of the Commonwealth of the Bahamas is more active in investigating allegations of corruption, we are concerned by reports that corruption still exists. Prime Minister Pindling and his ministers must forcefully address this issue.

We also believe the noteworthy Bahamian cooperation in joint anti-narcotics efforts should be accompanied by stronger unilateral efforts to curb drug trafficking and consumption within the Bahamas.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask unanimous consent that time be split equally, in the course of a quorum call, between both sides, and I will suggest that quorum call if I receive that consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

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

Mr. DECONCINI. Madam President, I ask unanimous consent that the time be charged against the opponents for the amount of time necessary for me to make my remarks.

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

The Senator may proceed.

Mr. DECONCINI. I thank the Chair.

Madam President, I rise today in opposition to the resolution of decertification of the Bahamas.

I have the greatest respect for the Senator from Massachusetts and of course his right to bring this matter up. I also want to compliment him and let the RECORD show my great admiration for the hearings he has held in the international narcotics area. I think they have been most constructive and extremely beneficial to point out the magnitude of the problem facing our Nation vis-a-vis other nations, but to have to revisit the Bahamas again really is unfortunate.

In fact, I believe it is a complete travesty that we even debate whether the Bahamas are fully cooperating with the United States in antidrug efforts when you compare its record with countries like Mexico, Peru, or Pakistan.

There is little doubt that the Bahamians are far and away the best cooperators. The question can always be what is full cooperation.

I believe the reason the Bahamas is being singled out is that it is a small country that is of very little importance geographically or economically to the United States—a country where the main source of revenue comes from tourism. Let us face it. They are easy to pick on.

The Bahamas are uniquely situated between the largest source country for cocaine and one of the largest producers of marijuana, that being, of course, Colombia, and the largest consumer of illegal drugs unfortunately to say is the United States. Central to the argument about the Bahamas is that it is not 1 island of several million people, but it is made up of over 700 islands and about 250,000 residents. The Ba-

hamas and its territorial waters cover approximately 80,000 square miles—that is the combined area of the States of New York, Connecticut, Massachusetts, New Hampshire, and Vermont.

The Bahamas has never been a producer of any kind of illegal drug that I can find. What they are is a transshipment point for cocaine and marijuana coming into our country, the United States. The Bahamians have attempted to address the transshipment problem by entering into several joint operations with United States law enforcement agencies.

Before I outline some of the antidrug efforts made by the Bahamians, I would like to review recent testimony before the Foreign Relations Committee by the Deputy Administrator of the Drug Enforcement Administration, David Westrate.

According to Mr. Westrate, because of Bahamian antidrug efforts and the increased presence of United States law enforcement agencies, that country is no longer the major transshipment point for drugs leaving South America and heading for the United States. That title now belongs to the 2,000-mile border along the Southwest part of this country, the United States-Mexico border.

Mr. Westrate also pointed out the United States customs preclearance facility in the Bahamas is not used as either a major or even minor source for drugs being smuggled into our country.

The problem of corruption in the Bahamas is an issue that greatly disturbs me as it does many in this body. I have continually pressured our law enforcement agencies operating in the Bahamas to detail for me the corruption problem in that country and what can be done about it. These agencies have informed me that progress is slow but they believe some changes are being made by the Bahamian government. I do not think it is a fast enough effort.

A newly created police corruption unit investigated 22 cases in 1988. That is a great increase but probably is not enough. Corruption charges were brought against six Bahamian law enforcement officers with one of these cases successfully concluded as of this date. The Bahamas police force also recently completed five major conspiracy investigations against five organizations that have been moving cocaine from Colombia through the Bahamas.

The question that is often raised at this point is what happens to these individuals once they are arrested in the Bahamas. I have challenged Bahamian officials to provide me with that information, as have others, including my distinguished colleague from Massachusetts [Mr. KERRY] who is offering this resolution. At my request the Bahamian government has compiled a list of those arrested in the Bahamas during 1987 and 1988 for narcotics violations. The list includes the date of arrest, the offense the individual was charged with, the nationality, the amount and type of drug seized, and the result of the case. I would be more than happy to share this information with my colleagues.

I have written several letters to Bahamian officials requesting prompt passage of a mutual legal assistance treaty, known as the MLAT Treaty, and an extradition treaty with the United States after several years of negotiations, the Bahamian government last year approved an MLAT Treaty and passed implementing legislation for it. The only thing holding up implementation of the MLAT Treaty is ratification by the U.S. Senate.

The United States-Italian MLAT Treaty has proved to be most beneficial to law enforcement officials and prosecutors from both countries. It has helped in solving major criminal organized crime and narcotic crimes in this country, particularly in the city of New York. I believe the United States-Bahamas MLAT Treaty will prove equally beneficial if we would give it a chance, and, of course, to give it a chance the United States Senate must approve it.

So I hope that the Senator from Massachusetts will work hard to see that that treaty is approved by the Foreign Relations Committee and eventually this body and I will join in any way I can.

Another tool that could be a real asset in the battle against corruption is an extradition treaty. Officials from the Bahamas have told me they have attempted to enter into an agreement with the United States, but our negotiators have put them off until an MLAT is signed. It appears that once again the United States is dragging its feet.

There are currently 20 United States extradition requests pending with the Bahamian Government. However, there are currently 16 pending extradition requests by the Bahamian Government of United States citizens.

So we both have failed to meet a responsibility, as working partners, in the enforcement or war against drugs. We both ought to extradite in a more expeditious manner. That is why we need a treaty. That is why we need the MLAT Treaty.

The Nigel Bowe extradition case has been going on for several years. It disturbs me immensely. I have had an opportunity to discuss this with the law-enforcement people in the Bahamas. The case is presently pending before the privy council in London. I have repeatedly questioned the Bahamians on this matter to expedite a resolution of this particular extradition. According to a recent letter I have received from the Bahamian Embassy, the Bowe hearing took place last month in London and a decision is pending. Maybe we are going to see that come to fruition in a very short period of time.

Madam President, I would like to briefly outline for this body how the government of the Bahamas has cooperated with the United States Government to battle drug traffickers.

The Bahamas is the only country to allow unimpeded hot pursuit by United States law-enforcement agencies. What is that? This involves Bahamian defense forces and military and police forces flying on United States aircraft and helicopters, and on ships at sea, and making arrests on Bahamian soil or its territorial waters. Operation BAT, involving the Drug Enforcement Administration, the United States Customs Service, the Coast Guard, the United States Army, and the Bahamian defense force is largely responsibile for the record seizures of cocaine in the Bahamas and south Florida in 1988. Secretary Baker called Operation BAT "a premier example of a combined law-enforcement operation." I agree with Secretary Baker.

The United States Coast Guard has unimpeded access to all of Bahamian territorial waters and has established a relocatable floating boat dock for its vessels in the Bahamas with the approval of the Bahamian Government.

The Bahamas is the only country that has allowed the United States to install three aerostat radar surveillance centers on Bahamian soil, staffed by American personnel. They have also allowed unimpeded access to islands for mobile radars for pulse operations and other United States-Bahamian operations jointly operated.

It is estimated—I cannot prove this, because I do not have the figures—but it is estimated that the United States has as many drug enforcement officials in the Bahamas as the Bahamians do. So here is a country that has welcomed us into their country. They have permitted us to operate our own surveillance. They have permitted us hot pursuit.

They have allowed unimpeded undercover operations, including wiretape by DEA agents in the Bahamas, both jointly and unilaterally by this country.

What more can you ask? Yes, we can ask them to do more, and we should, but decertification is not the answer to the Bahamas.

In 1988 the State Department and DEA were given dates and quantities for every time confiscated drugs were destroyed. DEA had an agent there to witness each one in 1988. Also, the State Department and British Government are in the process of building and purchasing a storage facility and

incinerator for the Bahamas for the destruction of drugs.

One of the problems that comes up is, what happens to the drugs? Are they recycled? We have seen on occasion news stories that indicate that maybe they are recycled. What evidence do they have?

Well, I have been told by the DEA that the Bahamians do include them at every destruction. Whether or not the DEA goes, that is a decision made by somebody else and I do not know the answer. But certainly they have extended the invitation to us, according to the Drug Enforcement Administration and the State Department.

The Bahamas has established three special drug courts to handle nothing but drug cases. That, to me, is a message that it is clear that they realize the significant problem involved here and they are prepared to commit their own resources inside their own country, within their own judicial system, to address the problem of arrest and confiscation.

The Bahamas has also revised its drug penalties, making them tougher than they were in the past.

In February, the United States and the Bahamas signed a bilateral agreement on the control of narcotic drugs and psychotropic substances. At the signing of the agreement, United States Ambassador Carol Hallett said the Bahamas has demonstrated an unusually fine level of cooperation and noted that probably no other country in the world does as much as the Bahamas does in cooperative efforts and in increasing its capability to stop drug traffickers.

When an opportunity presents itself to move into a sovereign nation, at their request, and establish joint, cooperative antidrug efforts, I believe we should take advantage of those opportunities and work hard to make those efforts effective in combating drug smuggling. In the case of the Bahamas, we have made major inroads into developing such joint operations on Bahamian soil with respect for even greater cooperative efforts on the horizon. If this resolution were to pass, we would destroy the progress we have made. I urge my colleagues to vote against decertification of the Bahamas.

Drug seizures by the joint United States-Bahamian interdiction operation in 1988 included 20,500 pounds of cocaine and 21,000 pounds of marijuana. Some of the seizures were made by the Royal Bahamas Police and Defense Force in unilateral operations.

Let me just end, Madam President, again complimenting the Senator from Massachusetts. I know he has devoted a tremendous amount of time and effort to hearings on international narcotics trafficking. I have witnessed some of those on television and in the newspaper. I have read many of the reports and I find them to not only be fascinating but to be extremely helpful in developing the strategy and policies that the United States must develop if we are going to combat this on the international level.

My hat goes off to the Senator from Massachusetts for this effort. I am sure he is going to continue to do just that.

But now is not the time, in my judgment, at least, to send such a message to a country, the only country I know, by the way, that permits what is known as hot pursuit, where we can fly anytime we want inside their territory, stop inside their territory on their soil and make arrests. We do have Bahamian officials on board so that they can make the arrests when the time comes if necessary.

This is the kind of cooperation, Madam President, we need from Mexico. This is the kind of cooperation we need from Pakistan and Colombia and other nations.

If we were debating a decertification here of one of those countries, the argument might be a little different based on the record and the cooperation or noncooperation. But here we have a clear indication of a country that has not cured the problem, nor has the United States, of drugs coming through their country, but we have a clear record of their willingness to cooperate, to permit U.S. law enforcement officials to operate within their territory, to let our equipment be operated there by our officials, not hampered by their bureaucracy. I do not know what more you could ask of a country except to ask them to continue to do it and I believe the Bahamas are prepared to do that.

I yield the floor.

Mr. KERRY. Madam President, I thank the distinguished Senator from Arizona. We have a difference, obviously, in subjective analysis here about what will have an effect or will not have an effect. But I want to thank him for his kind comments. I particularly want to say to the distinguished Senator from Arizona that I thank him for his efforts with respect to these matters. He has been one of the leaders in the Senate.

It is ironic that while we have worked so closely on most of these matters and worked very hard on the drug bill of 1986 and agree on most of these matters, this is one that we just agree to disagree on for a number of different reasons.

But I must say to the distinguished Senator that he herald significantly this notion of hot pursuit. And it is a good notion. We want hot pursuit and that is good and we ought to be doing it. But what is very significant about what is happening in the Bahamas is that most of it is happening because the Coast Guard is there, because we are there, because we are part of that presence in terms of operational aspect of things.

I can remember full well—and I learned the hard way about now being duped about sort of operational cooperation. When I was in Vietnam, we used to hear consistently about how important it was to have the cooperation of the ARVN, and the so-called rough-puffs, the regional popular reconnaissance forces. We would go out on joint operations with them. The only problem was half of them were Vietcong, and they always knew where we were going and what we were doing. As a result, we were always ambushed.

Likewise, if you have corruption in a society and there is no law enforcement agency that is destroying that corruption, then people know when the hot pursuit may take place. They know where the airplanes are. They know what is happening operationally because they have people within the operation.

Unless, when they get caught, you have something that ferrets them out in a significant way.

I went through the materials that were given, that the distinguished Senator cited, at great length.

You know, last year they had 182 arrests, but they only had 14 people who were convicted who were Bahamian. They had seven Americans convicted. What is that, 21 out of 182? That is not a terrific conviction rate.

Four pleaded guilty, and all four were Americans

What is more, we found two different sets of documents regarding the Bahamas, and the fact is that there was no real way to determine what was real, what was happening, and what is not. But I want to assure the distinguished Senator from Arizona that however this comes out, I want this to contribute to the process of improving the capacity to fight narcotics. If we do not prevail here today, I am certainly pledged to work with the Senator from Arizona and with the Government of the Bahamas to try to get a better benchmark as we proceed.

I know the distinguished Senator from Georgia was here, and he seeks time. How much time does the Senator want?

How much time remains for the Senator?

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Massachusetts has 7 minutes 25 seconds remaining.

Mr. FOWLER. Begging the indulgence of both the chairman and my friend from Massachusetts and my friend from Pennsylvania, who I assume is here on the bill, I was about to ask for 5 minutes out of order on an unrelated matter.

Mr. KERRY. Mr. President, if possible I would ask unanimous consent

that we permit the Senator to have 5 minutes outside of this, as if in morning business. Is that permissible at this time?

The PRESIDING OFFICER. Such a request is permissible. Is that a unanimous consent request?

Mr. KERRY. I do make that request.

The PRESIDING OFFICER. The Chair wants to make clear that this is an additional 5 minutes?

Mr. KERRY. An additional 5 minutes. I am not sure we will need the time.

The PRESIDING OFFICER. Outside of the time allotted for both sides.

Mr. KERRY. The Chair, I believe, controls the time for the other side. Can the Chair inform me whether he wishes to use it? We might take it off the time available.

Mr. FOWLER. Mr. President, let me clear this up. I would not like this time to come off the bill. I ask unanimous consent to speak out of order on an unrelated matter as if in morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Senator from Pennsylvania.

Mr. SPECTER. Reserving the right to object, and I will not object, I want to be sure it is not off the bill, and I may have 5 minutes from the bill?

I thank the Chair and I do not object.

The PRESIDING OFFICER. Without objection, the unanimous consent request is agreed to. The Senator from Georgia is recognized for 5 minutes.

Mr. FOWLER. I thank the Chair.

(The remarks of Mr. FOWLER pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Massachusetts for yielding time.

Mr. President, I support the resolution of decertification because of my view that it is time that the Government of the United States stop giving foreign aid to countries who are prime violators on the narcotics issue and fail to enforce the narcotics laws adequately.

Regrettably, I have not been on the floor this afternoon to hear all of the arguments, and I infer that I missed an argument by the distinguished Senator from Arizona on the other side. Am I correct, I ask my colleague, on that?

Well, I regret having missed it, but we have just been in the course of hearings on the Voting Rights Act on the Judiciary Subcommittee on the Constitution, and I could not be present. My view is that the U.S. Government has been excessively lenient on the granting of foreign aid to countries where they have not really taken tough action against the drug problem.

This Government gives in excess of $1 billion a year to more than a dozen countries where there is a substantial question as to whether they are entitled to foreign aid under the provisions of the law.

We talk repeatedly, and for many years have talked repeatedly, and for many years in the Foreign Operations Subcommittee of Appropriations, on the question of cutting off foreign aid to countries which have a poor record on the issue of narcotics.

Notwithstanding a great deal of talk, there has been very little floor consideration of this issue. Last year there was a resolution of decertification as to the Bahamas, and that resolution was defeated by a vote of 40 to 53. I favored decertification at that time in the face of the very poor record held by the Bahamas. Not surprisingly, the record is just as bad now, or perhaps a little worse than it was last year, with respect to the Bahamas.

There is a real question as to whether these efforts to decertify are counterproductive when they fail, because, having failed, it just gives added incentive for countries like the Bahamas to continue on in their errant ways. I certainly hope, Mr. President, that we receive more than 40 votes in favor of decertification today. Because if we were to fall backward, then I think even the possibility of decertification would be in worse shape now than it has been in the past, and it has always been in dreadful shape.

In supporting this resolution of decertification, Mr. President, I have no illusions about the lack of ultimate success, because there will have to be a two-thirds vote in both the Senate and the House ultimately for decertification to occur. Because under the Chadha decision, any resolution of decertification would be subject to veto by the President and would then have to be overridden by two-thirds of each House in order to have the decertification occur.

Mr. President, I think it would be enormously salutary for decertification to occur and for it to come to the personal attention of the President to see the seriousness with which many of us in the Congress view this problem; and certainly if we come to a majority, it will put the State Department on real notice that the Congress is not going to sit still for what I consider to be casual certification.

I understand that the State Department has its problems in terms of motivating countries like the Bahamas and other countries to undertake some efforts in narcotics control. The current efforts, however, in the view of this Senator, are simply insufficient. They are not even minimal. There is no issue about the national security of the United States being involved here which is an alternative base for certification.

Mr. President, when you take a look at the President's letter and the documents on certification of the Bahamas, you note that within that certification itself is an admission of enormous problems in the Bahamas. Realistically viewed, I would suggest, beyond an admission, in fact a confession that the Bahamas ought not to be certified. This is in the package submitted by the administration, submitted by the Secretary of State with a brief cover letter by the President and, again, I repeat, Mr. President, that if these details were brought to the personal attention of the principal authorities, the President and the Secretary of State, this Senator doubts very much if this certification would have occurred.

I state now, for the RECORD, what the covering documents and the inside pages have to say about the Bahamas:

> The reality is that too much cocaine still passes through the Bahamas, and while the Government of the Commonwealth of the Bahamas is more active in investigating allegations of corruption, we are concerned by reports that corruption still exists. Prime Minister Pindling and his ministers must forcefully address this issue.

And then it continues:

> We also believe the noteworthy Bahamian cooperation and joint antinarcotic efforts should be accompanied by stronger unilateral efforts to curb drug trafficking and consumption within the Bahamas.

Mr. President, where you have the administration saying that "The reality is that too much cocaine still passes through the Bahamas," how can certification be appropriately based? If you have too much cocaine passing through the Bahamas, why are they entitled to foreign aid from the United States? The statistics show that an enormous portion of cocaine and marijuana which comes to the United States transits through Bahamaian territory.

The December 1988 report of the Senate Foreign Relations Subcommittee on Terrorism states that "as of 1988" that is last year "the Bahamas remained a major transit country for both drugs with 50 to 60 percent of all the cocaine and marijuana entering the United States transiting through Bahamian territory."

Mr. President, that is a factual situation which, in the view of this Senator, is simply inexcusable. The problem of cocaine in this country is overwhelming. The problem of coke, the problem of crack, the problem of cocaine derivatives are simply overwhelming. That is the major reason this Congress passed a $1.8 billion antidrug bill in

1986. That is the major reason this Congress passed a $2.7 billion drug bill last October. That is why we have appropriated on last year's bill $900 million and why President Bush has asked for an additional $1 billion. That is why most of us in this body will make every effort to fully fund that drug bill.

There have been many speeches on the floor of this Senate, Mr. President, about the terrible consequences of cocaine and other drugs in this country. For example, Washington, DC, is the murder capital of the United States. The number of homicides rise daily, more than 50-percent increase over last year. Not just Washington, DC, Mr. President, Chicago, IL, has a 37-percent increase; Philadelphia, a 36-percent increase. It is a problem across this country, a crime wave coast to coast, occasioned largely by the problem of drugs, significantly by the problem of cocaine.

In the report by the U.S. Department of State Bureau of International Narcotics Matters, March 1989, a very current report starts off with the Bahamas as the No. 1 country.

U.S. law enforcement agencies estimate that the Bahamas are a major transit point for a significant portion of cocaine and marijuana entering the United States.

Mr. President, in light of the fact that the Bahamas are a major transit point, and in light of the fact that the administration's own documents criticize the Bahamas for not doing more, it seems to this Senator that we ought to set an example for once in the Congress and say we ought to decertify. Perhaps there is more reason for a majority vote in this body today knowing that it is only a shot across the bow; that it is realistically improbable, perhaps impossible, to have a two-thirds vote in both Houses to override a veto.

I certainly hope that my colleagues will speak very forcefully on this issue. It seemed 1 year ago that drugs could not be a worst problem in the country than they were then, but they are. Now is the time for a very strong vote for decertification to put the Bahamas and the State Department and the Federal Government on notice that something more has to be done by countries like the Bahamas if they are to get foreign aid from the United States.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Arizona.

Mr. DECONCINI. Mr. President, I ask unanimous consent I be allowed 5 minutes on the opposing side of this resolution.

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

Mr. DECONCINI. Mr. President, I am pleased the Senator from Pennsylvania is still here. I am not aware, maybe the Senator is, that we have any foreign aid to the Bahamas. We do have roughly $2 million in law enforcement assistance on drug enforcement, but I think the point ought to be made clear for the record. To my knowledge, we do not have any foreign aid directly to the Bahamas.

I would also like to note this Senator realizes and agrees with the Senator from Pennsylvania that everything that could be done in the Bahamas to stop the flow of drugs has not occurred. My argument has been, Mr. President, that in comparison to what we have in other countries, is the record that the Bahamians have put forward in permitting the United States Armed Forces, as well as law enforcement officials, to be inside their territory with total discretion as to undercover activities, to penetrate their territory in hot pursuit, I know of no other country that permits us to do that. That, to me, is not rewarded by decertification. If anything, it should be a pat on the back and ask them to continue to do this and do more.

Drug seizures by the joint United States-Bahamian interdiction operation in 1988 alone included 20,500 pounds of cocaine and over 21,000 pounds of marijuana. That is a significant amount of drugs.

The Senator from Massachusetts pointed out about convictions and what-have-you. I have information here, as I indicated in my opening statement, from the Embassy of the Bahamas where there were 138 arrests on drug-related charges; 17 were Americans and 44 were Bahamians. Those are convictions. So we have over almost a 50-percent rate of convictions. I am not sure we do that well in our own country. I do not say that it could not be better, but I think it is important to make the distinction here that this country is working toward a cooperative effort to reduce the flow of drugs and to prosecute those within their territories that are caught bringing those drugs and transshipping them to the United States.

Mr. President, it would be a tragedy if we decertified the Bahamas, and I am not one who is easy on certification. I hope that our colleagues will not vote in favor of this resolution. I think we should keep in mind that the Bahamas are a very small country; that they have a huge territory; that they are asking our help to fight drugs; that they are permitting us access to their country; that we have a treaty that has not been ratified by us yet; that we have extraditions that have not been honored by the United States as well as the Bahamas, so we are both guilty of not cooperating in that area.

But in the overall picture, I think it is very clear, Mr. President, that the Bahamas, of all the countries that are considered transhipment and drug-producing countries, is the best. It does not mean they cannot do better. I think we have developed a rapport here that we can use as an example. I certainly would like to see the Republic of Mexico permit the United States to have hot pursuit into their country with Mexican officials on board when drug dealers are seen—and I have seen videotapes of drug dealers coming into the United States from Mexico—dropping the drugs, turning around and going back and our planes not being able to chase them.

It would be an improvement to see an MLAT treaty, to see an extradition treaty, and to see the Mexican Government cooperating. And I must say on that subject matter we have seen a slight improvement in the last 3 months under the Salinas regime. I am most grateful to the Mexican Government for at least attending to a problem that has been ignored, in this Senator's judgment, for a long time.

The Bahamian Government is not perfect, and I do not contend that it is. But they have not ignored the problem of drug transhipment. I think it is important we look at the total record here and that we vote against this joint resolution. I yield the floor.

Mr. SPECTER. Mr. President, the distinguished Senator from Arizona and this Senator seldom disagree on matters. We serve on four committees together—I think it is an all time record—Appropriations, Judiciary, Intelligence, and Veterans' Affairs. We have cosponsored much legislation. So my differing with Senator DECONCINI is done with great reluctance, but there is a difference of opinion.

The proceeding here is pursuant to the Foreign Assistance Act, and Senator DECONCINI has raised a question about whether this is foreign aid. I think it is fairly stated in a class of foreign aid, but there is no question about the underlying fact and that is in fiscal year 1989 the Bahamas received approximately $30,000 in United States foreign assistance under the international military education training program administered by AID, and the fiscal year 1990 budget request is $40,000. For what we customarily consider on this floor, those are not enormous sums but I think the principle is of enormous importance.

When the distinguished Senator from Arizona talks about cooperation of the Bahamian Government, I will concede that they are better than many, perhaps better than most, maybe even better than any others, but not sufficient. When he talks about hot pursuit and the Mexican Government, they ought to permit hot pursuit as well. That is a very basic principle of law enforcement that when we have a felon, a perpetrator, a violator of the criminal law and you are right near him as you are going after him, you ought not to be de-

terred by a boundary line. You can move across the boundary line from Pennsylvania to Arizona, even though there are quite a few boundary lines intervening, when you are in hot pursuit under the law of the United States.

There are a number of areas where I submit the Bahamian Government has not done so well. Now I quote relatively briefly because there is not a great deal of time remaining from the Department of State Bureau of International Narcotics Matters International Narcotics Control Strategy Report, which is very current, March 1989, page 122, as follows:

In 1987, the government requested U.S. training assistance for the formation of a national police Drug Enforcement Unit (DEU) which was provided in 1988 and resulted in the training of 75 police officers. However, efforts to organize the DEU were seriously hampered by manpower shortages, a lack of resources and management problems.

The government also failed to make significant advances in forming a national drug information/intelligence coordination center. The government agreed to develop the center with U.S. assistance early in the year and then failed to meet a self-established November staffing deadline. The lack of progress in this project is disappointing.

The report by the Department of State further particularizes failures by the Government of the Bahamas.

Mr. President, what it boils down to in my view is the success of the program. I think best efforts are fine up to a point. But, speaking for myself, I am not prepared to accept best efforts. I do not think we really have best efforts here, but I am not prepared to accept best efforts. I think we ought to demand success and we ought to demand results. There is going to have to be a great deal more done in the United States on the same line, establishing that kind of a rigorous standard. Even though we are talking in relatively small sums of money, I think we ought to be very forceful in our insistence that if foreign governments are to get U.S. dollars, there has to be more done and there has to be a minimal level of success. I do not think you have that when 50 to 60 percent of the cocaine coming into this country passes through the Bahamas.

Mr. KERRY. Mr. President, very quickly, if I may, I thank the distinguished Senator from Pennsylvania. I wish to merely add that I really think money is not the issue at all. It is the question of the statement we make by virtue of whether we certify or decertify that someone is fully cooperating. It seems clear that by almost any standards of making that judgment, when only 1 particular area out of 10 is being met—and that is principally one in which we are wholeheartedly engaged—one has to be deeply concerned about whether or not full efforts are being made to assist in the war on drugs.

It is clear that unless enforcement itself takes place, in a thorough manner, it is impossible to really have full cooperation.

I received two different sets of statistics from the Embassy and the Attorney General, but according to one of those sets of statistics on narcotics trafficking in the Bahamas in 1988 given to me by the Embassy of the Bahamas, 224 people were arrested, and when you go through the numbers, 65 were convicted; 21 of those arrested were Americans, 16 of whom were convicted; 197 were Bahamians. There was an 80-percent conviction rate for Americans arrested in the Bahamas and 20 percent for Bahamians under that particular set of statistics.

In another set of statistics we got it was about a 50-percent conviction rate, and I might add that the conviction rate in the United States in most of our major cities is 90 percent.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The time on the bill under the control of the Senator from Massachusetts has expired.

Mr. KERRY. I yield to the distinguished Senator from Arizona.

Mr. DECONCINI. Mr. President, I just want to reassert on conviction rates, out of 130 arrests in 1988 in the Bahamas, of those that were charged and terminated, 17 were Americans and 44 were Bahamians. So we have a difference of opinion. I will be glad to submit my——

Mr. KERRY. Will the Senator yield on his time?

Mr. DECONCINI. I will be glad to yield.

Mr. KERRY. That is precisely the problem. We do have a difference of opinion because we have different statistics because the Bahamians themselves cannot even tell us what is going on.

Mr. DECONCINI. If the Senator will yield, if the Bahamian Embassy represents this with the name and the date of the charge, the individual, where they live, what the charge is, I think that they are certainly going on record very clearly what they purport to be the number of charges and the convictions.

I am not saying it is great. I am not saying that 50 percent is terrific, but I am just refuting that it is as lopsided as the Senator from Massachusetts seems to indicate.

Mr. KERRY. If the Senator will yield on his time again, I am not so much concerned about the lopsidedness as I am about the statistic. Both of my sets of statistics came from the Bahamians. I asked the State Department if they could give us an accurate assessment and they were unable to. So we do not really have a handle on the issue which again I think underscores precisely the argument that the Senator from Massachusetts has tried to make.

Mr. DECONCINI. Mr. President, I would only respond that the convictions are important but the important issue is the Bahamians cooperating with the United States. I think it is clear that they are.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, who controls time?

The PRESIDING OFFICER. The Chair is controlling the time.

Mr. GRAHAM. Will the Chair on behalf of the opposition to the resolution of disapproval yield 3 minutes to the Senator from Florida?

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

Mr. GRAHAM. I thank the Chair. I appreciate the generosity.

Mr. President, I am not here to speak about specific numbers or document the details of past prosecutions.

I am here to speak as one who over the past several years has had a regular, continuous, deep interest and involvement in relationships of law enforcement between the Bahamas and the United States of America. I can report from that experience that over a period of years when those who had front line responsibility for United States law enforcement efforts involving the Bahamas, including the United States district attorneys, Coast Guard personnel, drug enforcement agencies, and other Federal agencies, as well as State and local agencies with extensive experience and impact from activities in the Bahamas, have been asked for an evaluation of the level of Bahamian involvement and cooperation, they have been uniformly positive. They have been uniformly negative as to the consequences of the United States invoking the law which would cause us to sanction the Bahamas for their actions.

They have not been prepared to state that the Bahamas were perfect in their efforts. Frankly, Mr. President, it is sad to say we fall far short of perfection. But the reality is that for a small country, 250,000 people, asked to protect an enormous area of small islands, disassociated, stringing from the southeastern coast of the United States almost to the Island of Hispaniola, a country which I understand is spending over 10 percent of its gross national product on areas of law enforcement and security, I believe that the performance of the Bahamas justifies our declining to take this action of sanction.

This is at least the second year that we have had this debate on whether the United States should find the acts

of the Bahamas to meet the standard of full cooperation.

I believe that there have been some positive aspects of this debate, even if the result is as it was last year, and I hope it will be this year, and that is that we do not sanction the Bahamas.

This debate has helped to focus American attention on the importance of the Bahamas as part of the United States' effort to suppress the flow of drugs into the United States. I hope that importance will continue to reflect itself in some other substantive decisions that we will be called upon to make in the next few weeks. One of those has to do with resources. The Bahamas, even spending 10 percent-plus of its gross national product on areas that will impact its ability to secure its borders and protect itself against drug-related activities, depends to a very high degree on the United States, and particularly on assets that can be provided through agencies such as our Customs and Coast Guard.

So we are going to be tested, Mr. President, as we have been in the past as to our level of commitment to this when we are deciding what level of resources to make available for the various initiatives that will make a real difference in this war on drugs.

Second, we are going to have a decision to make shortly relative to who will be the next United States Ambassador to the Bahamas. Mr. President, one might think what could be a more casual, enjoyable, nonstressful representation of the United States around the world than to be the Ambassador to the Bahamas. The fact is, Mr. President, it is a very demanding position.

I met recently with the current United States Ambassador to the Bahamas, and she told me when asked how she allocates her time, "that 95 percent of my time is spent on drug-related activities." The Ambassador of the Bahamas becomes in many ways an operational officer relating United States activities which are conducted in a sovereign nation with those of the Government of the Bahamas.

So when we face the question of who will be our next Ambassador to the Bahamas, we are effectively making a decision as to who will be an important field grade commanding officer in terms of our carrying out a successful war on drugs.

I hope we will contribute to the success of that war by defeating this resolution of censor today, and being faithful to our commitment to resources and appropriate leadership tomorrow.

Mr. PELL. Mr. President, let us be honest. There is not one of these countries certified by the President and accompanied by a statement of explanation that is "fully cooperating" under the common usage of the term "fully." There is without question corruption in the Bahamas. But there is also solid evidence that the Bahamas are giving us good cooperation in the war on drugs.

The Bahamas is the only country in the world to allow United States law enforcement units to enter its territory in hot pursuit of drug targets.

These cooperative efforts netted over 10 metric tons of cocaine, more than 13 metric tons of marijuana, 20 aircraft, and 9 vessels in 1988.

Despite the Senate delay in ratification of a Mutual Legal Assistance Treaty with the Bahamas, the Bahamian Government turned over to us temporarily two persons serving time in a Bahamian prison so they could testify in an important Federal narcotics prosecution. This was one of the Department of Justice's first uses of the Attorney General's authority to request prison transfers under the 1988 Omnibus Anti-Drug Act.

Negotiations are progressing well for a new extradition treaty; we believe they will be concluded in the next round. Meanwhile, the Government of the Bahamas has just extradited to the United States a Bahamian national on marijuana smuggling charges.

Although we have not yet achieved success, our request for Nigel Bowe's extradition remains active and is now pending before the Privy Council in London.

The PRESIDING OFFICER. All time on the joint resolution has expired.

The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

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

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

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—40

Adams	Exon	McConnell
Baucus	Grassley	Mitchell
Biden	Heinz	Moynihan
Bingaman	Helms	Pressler
Bryan	Hollings	Riegle
Burdick	Kennedy	Rockefeller
Burns	Kerrey	Roth
Byrd	Kerry	Sanford
Coats	Kohl	Sarbanes
Conrad	Lautenberg	Sasser
Cranston	Leahy	Specter
Dixon	Levin	Warner
Dodd	Lieberman	
Dole	Lott	

NAYS—57

Armstrong	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Bond	Gorton	Murkowski
Boren	Graham	Nickles
Boschwitz	Gramm	Nunn
Breaux	Harkin	Packwood
Bumpers	Hatch	Pryor
Chafee	Hatfield	Reid
Cochran	Heflin	Robb
Cohen	Humphrey	Rudman
D'Amato	Inouye	Shelby
Danforth	Jeffords	Simon
Daschle	Johnston	Simpson
DeConcini	Kassebaum	Stevens
Domenici	Kasten	Symms
Durenberger	Lugar	Thurmond
Ford	Mack	Wallop
Fowler	McCain	Wilson
Garn	McClure	Wirth

NOT VOTING—3

Bradley	Matsunaga	Pell

So, the joint resolution (S.J. Res. 100) was rejected.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the joint resolution was rejected.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order. Senators will clear the well. The Senate will be in order.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I indicated earlier today and on several occasions previously, it has been my intention to proceed to the debate over the FSX transaction on tomorrow.

The Foreign Relations Committee met today and it has been my hope that they would take action on it. However, it was advised that the distinguished Senator from Alaska, Mr. MURKOWSKI, objected to the Foreign Relations Committee meeting this afternoon, thereby preventing the committee from acting with respect to that matter.

That is, of course, the Senator's right which he exercised. But it has made it not possible for the committee to complete action today.

I see the Senator on the floor now and I would like to ask him.

I hope that the Foreign Relations Committee will meet tomorrow morn-

ing and report the matter to the Senate, and I will then ask unanimous consent to proceed to consideration of that resolution.

I pose through the Chair to the Senator from Alaska the question as to whether or not he intends to object to that resolution and whether or not he intends to exercise his rights to prevent the Senate from considering that matter and require us to go through a series of procedures to bring the matter up.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would be happy to respond to the majority leader.

The PRESIDING OFFICER. The Senator will suspend 1 minute. The Senate will be in order.

Mr. MURKOWSKI. I thank the Chair and the distinguished majority leader.

I had hoped that we would have the opportunity to avail ourselves as members of the Foreign Relations Committee of the opportunity to have a classified briefing on certain aspects of the FSX. That was considered, I believe, by the chairman and the ranking member. There was some discussion about meeting again tomorrow at 10 o'clock.

It is my understanding that they are considering our request currently to have a spokesman from the administration to address certain sensitive aspects.

As a member of the Intelligence Committee being on the Foreign Relations Committee as well, I feel that my colleagues on the Foreign Relations Committee should be briefed on this matter and I believe at 10 o'clock we will have an opportunity to go into executive session and hopefully we can resolve the concerns that I have currently over aspects of perhaps Japanese involvement associated with certain aspects of activities in Libya and whether or not they should be taken into consideration as we debate the merits of the transfer of technology on the FSX.

We all recall the incident of the transfer of technology concerning the Toshiba incident. I am not suggesting there is any connection.

By the same token, I think it is fair to say there is very little that occurs overseas without the knowledge of the Japanese Government. I think we should have the availability of determination from our intelligence community as to whether or not there is anything to comments that have been made in various committees, including the Armed Services Committee, with regard to possible Japanese presence in certain aspects of delivery systems in Libya that obviously concern us all.

It is the intent of the junior Senator from Alaska, in reflecting on this, that if indeed there is Japanese presence in that particular arena, that the Japanese be encouraged to withdraw and we not hold up necessarily acting upon the FSX. But I think we have that obligation to at least satisfy ourselves if there is any involvement, and again I repeat that seldom does Japanese capital venture overseas without some knowledge of either MITI or the Japanese Government.

I hope I have addressed by concerns adequately.

Mr. MITCHELL. I understand that the Senator's objection went only to the absence of a briefing; that it is his understanding that a briefing will be held tomorrow morning and that if this briefing does occur, he will not object to my unanimous-consent request at that time to bring the matter before the Senate.

Mr. MURKOWSKI. The majority leader is correct. Please understand, I am not the chairman of that committee nor the ranking member.

Mr. MITCHELL. I understand. But I thought I understood the Senator's remarks to mean that it was his current impression that a briefing will be held.

Mr. MURKOWSKI. It is my understanding a request has been made and it is being considered and the administration has agreed to provide a competent witness. But I cannot commit that the briefing will be held. The chairman or the ranking member, I am sure, would avail themselves of that. I am not familiar with the whole process. I had hoped that I would not embarrass anybody, including myself. But, obviously, the communication does move about the Chamber.

Mr. MITCHELL. I was just trying to find out what the reasons were so that we could, hopefully, proceed to this tomorrow.

Mr. MURKOWSKI. I do not intend to hold up action on the FSX.

Mr. MITCHELL. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT—FSX

Mr. MITCHELL. Mr. President, if the Senator from Alaska would give me his attention, I am about to propound a unanimous-consent request and I want him to be aware of it before I do so.

Mr. President, I ask unanimous consent that, if the Senate Foreign Relations Committee reports the FSX matter out tomorrow, the majority leader be authorized to bring the matter to the Senate following consultation with the distinguished Republican leader on tomorrow at my discretion.

Mr. MURKOWSKI. I would certainly not object to that.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate on today, May 10, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 68. Joint resolution to designate the month of May 1989 as "Trauma Awareness Month".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1385) to make permanent the Martin Luther King, Jr., Federal Holiday Commission.

The message further announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 106) setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PANETTA, Mr. FOLEY, Mr. RUSSO, Mr. JENKINS, Mr. LEATH of Texas, Mr. SCHUMER, Mrs. BOXER, Mr. SLATTERY, Mr. OBERSTAR, Mr. FRENZEL, Mr. GRADISON, Mr. GOODLING, Mr. THOMAS of California, Mr. BUECHNER, and Mr. HOUGHTON as managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1385. An act to make permanent the Martin Luther King, Jr., Federal Holiday Commission.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has

passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 37. Joint resolution designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989".

The message also announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 972. An act to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice;

H.J. Res. 132. Joint resolution to designate the second Sunday in October of 1989 as "National Children's Day"; and

H.J. Res. 170. Joint resolution designating May 1989 as "National Digestive Disease Awareness Month".

H.J. Res. 247. Joint resolution designating May 29, 1989, as the "National Day of Remembrance for the Victims of the U.S.S. *Iowa*."

ENROLLED JOINT RESOLUTIONS SIGNED

At 3:27 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 68. Joint resolution to designate the month of May 1989 as "Trauma Awareness Month"; and

H.J. Res. 135. Joint resolution to designate the week beginning May 7, 1989, as "National Correctional Officers Week".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 972. An act to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice; to the Committee on the Judiciary.

H.J. Res. 132. Joint resolution to designate the second Sunday in October 1989 as "National Children's Day"; to the Committee on the Judiciary.

H.J. Res. 170. Joint resolution designating May 1989 as "National Digestive Disease Awareness Month"; to the Committee on the Judiciary.

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-1067. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report on six proposed rescissions of budget authority; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations the Committee on the Budget, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Armed Services, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Foreign Relations, the Committee on Finance, and the Committee on Commerce, Science, and Transportation.

EC-1068. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on the transfer of funds in support of the Nicaraguan Democratic Resistance; jointly, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-1069. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, a report on the emergency disposal of recently discovered chemical munitions at Dugway Proving Ground, UT; to the Committee on Armed Services.

EC-1070. A communication from the deputy general counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal years 1990/1991, and for other purposes; to the Committee on Armed Services.

EC-1071. A communication from the deputy 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 subsistenace for members of the Uniformed Services; to the Committee on Armed Services.

EC-1072. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit-Federal Deposit Insurance Corporation's 1988 and 1987 Financial Statement"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1073. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1074. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 533(b) of the Housing Act of 1949 to require that housing preservation grant funds be matched dollar-for-dollar by State, local, or other non-Federal funds; to the Committee on Banking, Housing, and Urban Affairs.

EC-1075. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on administration of the offshore oil pollution compensation fund for fiscal year 1988; to the Committee on Energy and Natural Resources.

EC-1076. A communication from the Secretary of Energy, transmitting pursuant to law, the program opportunity notice for the third round of the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-1077. A communication from the Secretary of the Interior, transmitting, pursuant to law, the onshore oil and gas leasing report for fiscal year 1988; to the Committee on Energy and Natural Resources.

EC-1078. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Management of Hazardous Wastes From Educational Institutions"; to the Committee on Environment and Public Works.

EC-1079. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1988; to the Committee on Environment and Public Works.

EC-1080. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report of the Commission for 1989; to the Committee on Finance.

EC-1081. A communication from the Acting Assistant Secretary of Commerce (Import Administration), transmitting, pursuant to law, the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 1986; to the Committee on Finance.

EC-1082. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law a report entitled "Citizens' Self Defense Groups in the Philippines"; to the Committee on Foreign Relations.

EC-1083. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting pursuant to law a quarterly report on human rights activities in Ethiopia for the period January 15 to April 14, 1989; to the Committee on Foreign Relations.

EC-1084. A communication from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize additional development and security assistance programs for fiscal year 1990, and for other purposes; to the Committee on Foreign Relations.

EC-1085. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the semi-annual reports for the period April-September 1988 listing voluntary contributions made by the U.S. Government to international organizations; to the Committee on Foreign Relations.

EC-1086. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, the annual report of the Office of Inspector General for the period October 1, 1988 to March 31, 1989; to the Committee on Governmental Affairs.

EC-1087. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law copies of D.C. Act 8-25 adopted by the Council on April 18, 1989; to the Committee on Governmental Affairs.

EC-1088. A communication from the Chairman of the Council of the District of Columbia; transmitting, pursuant to law, copies of D.C. Act 8-24 adopted by the Council on April 18, 1989; to the Committee on Governmental Affairs.

EC-1089. A communication from the Chairman of the Council of the District of Columbia; transmitting, pursuant to law, copies of D.C. Act 8-26 adopted by the Council on April 18, 1989; to the Committee on Governmental Affairs.

EC-1090. A communication from the Chairman of the Council of the District of Columbia; transmitting, pursuant to law,

copies of D.C. Act 8-28 adopted by the Council on April 18, 1989; to the Committee on Governmental Affairs.

EC-1091. A communication from the Chairman of the Council of the District of Columbia; transmitting, pursuant to law, copies of D.C. Act 8-29 adopted by the Council on April 18, 1989; to the Committee on Governmental Affairs.

EC-1092. A communication from the Chairman of the Council of the District of Columbia; transmitting, pursuant to law, copies of D.C. Act 8-27 adopted by the Council on April 18, 1989; to the Committee on Governmental Affairs.

EC-1093. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1988; to the Committee on Governmental Affairs.

EC-1094. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1988; to the Committee on Governmental Affairs.

EC-1095. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Managing the Government: Revised Approach Could Improve OMB's Effectiveness"; to the Committee on Governmental Affairs.

EC-1096. A communication from the Deputy General Council of the Department of Defense, transmitting a draft of proposed legislation to amend section 5584 of title 5, section 2774 of title 10, and section 716 of title 32, United States Code, to increase from $500 to $2,500 the maximum aggregate amount of a claim that may be waived by the head of an agency under those sections; to the Committee on Governmental Affairs.

EC-1097. A communication from the Secretary Health and Human Services, transmitting, pursuant to law, the Special Report on Services for Older Indians; to the Select Committee on Indian Affairs.

EC-1098. A communication from the Executive Director of the Federal Home Loan Bank Board (Administration and Human Resources), transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1988; to the Committee on the Judiciary.

EC-1099. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC-1100. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Departments of Education and Health and Human Services report on the relationship between drug and alcohol abuse and youth suicide; to the Committee on Labor and Human Resources.

EC-1101. A communication from the Secretary of Education, transmitting, pursuant to law, Final Regulations—Fund for the Improvement and Reform of Schools and Teaching; to the Committee on Labor and Human Resources.

EC-1102. A communication from the Secretary of Education, transmitting, pursuant to law, Final Regulations—General Education Provisions Act—Enforcement; to the Committee on Labor and Human Resources.

EC-1103. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the second biennial report on the progress of the accessibility of polling places to the elderly and handicapped population in the 1988 general elections; to the Committee on Rules and Administration.

EC-1104. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to revise the provisions relating to refinancing loans and manufactured housing loans to veterans, to modify the procedures for the sale of loans by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 124. An original resolution expressing strong support for the North Atlantic Treaty Organization on the occasion of its 40th anniversary; confirming continued dedication to NATO's founding principle, which is the commitment by democratic nations to their common defense; and urging energetic and cooperative participation by NATO member-states in the development and implementation of joint policies aimed at strengthening the East-West military balance while upholding and promoting democratic values.

S. Res. 125. An original resolution congratulating the Kingdom of Norway on its 175 years of constitutional government.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 26. Concurrent resolution urging first asylum countries of the Association of Southeast Asia Nations [ASEAN] to reinstate the practice of providing refuge to all asylum-seekers from Vietnam, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the committee on Foreign Relations:

Herman Jay Cohen, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State;

Ronald Frank Lehman II, of Virginia, to be Director of the United States Arms Control and Disarmament Agency;

Charles Edgar Redman, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Charles Edgar Redman.

Post: U.S. Ambassador to Sweden.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, Melissa, Vanessa, and Christina, none.

4. Parents, Helen and Edgar Redman, none.

5. Grandparents, deceased.

6. Brothers and spouses, Eric and Mary Redman, none.

7. Sisters and spouses, none.

Walter J.P. Curley, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Nominee: Walter J.P. Curley.

Post: Ambassador to France.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions amount, date, and donee:

1. Self:

1984

$500, Jan. 30, 1984, N.Y. Republican County Committee.

$1,000, Feb. 10, 1984, Reagan/Bush 84.

$2,000, Feb. 10, 1984, N.Y. Republican State Finance Committee (Salute to Victory Dinner).

$250, Mar. 7, 1984, Fund for Peace & Justice.

$500, Mar. 27, 1984, Committee for Congressman Green.

$100, Apr. 24, 1984, Bill Green for Congress.

$100, Apr. 24, 1984, Metropolitan Republican Club.

$100, June 19, 1984, RNC.

$100, June 20, 1984, Comm. for Roy Goodman.

$100, Oct. 1, 1984, N.Y. State Young Republicans: PAC.

$1,100, Oct. 10, 1984, Empire Club.

1985

$1,000, Jan. 10, 1985, Friends of Sen. D'Amato.

$5,000, July 2, 1985, Fund for America's Future.

$1,000, Sept. 24, 1985, Empire Club.

$1,000, Oct. 23, 1985, Empire Club.

$1,000, Dec. 9, 1985, Friends of Sen. D'Amato.

1986

$2,000, Jan. 2, 1986, N.Y. Republican Party.

$5,000, Jan. 24, 1986, Fund for America's Future.

$2,000, Mar. 3, 1986, N.Y. State Republican Finance Committee.

$1,000, June 12, 1986, Friends of Andy O'Rourke.

$1,000, June 12, 1986, People for Andy O'Rourke.

$1,000, Oct. 10, 1986, Empire Club.

$1,000, Dec. 12, 1986, Commonwealth Club of Pa.

1987

$2,500, Feb. 24, 1987, N.Y. Republican State Committee.

$5,000, June 25, 1987, Fund for America's Future.

$1,000, Oct. 7, 1989, Empire Club.

1988

$10,000, May 17, 1988, Presidential Trust.

$5,000, Aug. 29, 1988, Victory '88.

$1,000, Sept. 14, 1988, Robert R. McMillan for U.S. Senate.

2. Spouse, Mary Walton Curley:

1984

$1,000, Aug. 25, 1984, Connie Cook for Congress.

$1,000, Oct. 1, 1984, N.Y. Republican Family Comm.

$1,000, Oct. 26, 1984, Empire Club.

1985

$5,000, July 2, 1985, Fund for America's Future.

1986

$5,000, Jan. 22, 1986, Fund for America's Future.

$1,000, Jan. 15, 1986, N.Y. State Republican Family Committee.

$1,000, Apr. 15, 1986, N.Y. State Republican Family Committee.

$1,000, June 17, 1986, N.Y. State Republican Family Committee.

$1,000, Oct. 10, 1986, Empire Club.

$1,000, Oct. 14, 1986, N.Y. State Republican Family Committee.

1987

$1,000, Jan. 14, 1987, N.Y.S. Republican Family Committee.

$2,500, Feb. 24, 1987, New York Republican State Committee.

$1,000, Apr. 1, 1987, N.Y.S. Republican Family Committee.

$1,000, June 2, 1987, N.Y.S. Republican Family Committee.

$5,000, June 25, 1987, Fund for America's Future.

$1,000, June 16, 1987, N.Y.S. Republican Family Committee.

$1,000, Oct. 5, 1987, Empire Club.

$1,000, Dec. 9, 1987, 1988 Commonwealth Club (Pa.).

$1,000, Dec. 28, 1987, N.Y.S. Republican Family Committee.

1988

$3,000, Jan. 5, 1988, N.Y. Republican County Committee.

$2,000, Jan. 22, 1988, N.Y.S. Republican Family Committee.

$1,250, Mar. 4, 1988, Man-of-the-Year Luncheon.

$1,000, Mar. 4, 1988, N.Y.S. Republican Family Committee.

$1,000, Apr. 15, 1988, N.Y. State Republican Family Committee.

$10,000, May 16, 1988, The Presidential Trust.

$1,000, June 21, 1988, N.Y.S. Republican Family Committee.

$1,000, Aug. 23, 1988, N.Y.S. Republican Family Committee.

$5,000, Aug. 29, 1988, Victory '88.

$1,000, Nov. 11, 1988, N.Y.S. Republican Family Committee.

1989

$1,500, Jan. 26, 1989, Republican Family Committee.

$5,000, Feb. 6, 1989, N.Y. County Republican Committee (Table—Lincoln Day Dinner).

$5,000, Feb. 6, 1989, N.Y.S. Republican Finance Committee (Man-of-the-Year)—Luncheon.

3. Children and spouses names, Margaret Wiles (Peter) $1,000, Nov. 11, 1987, George Bush for President; W.J.P. Curley III (Jane), $1,000, Nov. 13, 1987, George Bush for President; John & Cynthia Curley, none, James Curley, none (per Lucy Reed, Aug. 14, 1989 conversation with Mrs. Bennett, secretary to Mr. Curley).

4. Parents names, Walter J. Curley, Marquerite Cowan, deceased.

5. Grandparents names, John D. Curley, Mary Deere, Joseph Patrick Cowan, Mary Lappin, deceased.

6. Brothers and spouses names; none.

7. Sisters and spouses names; none.

Morris Berthold Abram, of New York, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador, vice Joseph Carlton Petrone, resigned.

Nominee: Morris Berthold Abram.

Post: Representative to the European Office of the U.N. at Geneva.

Nominated: February 2, 1989.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: Morris B. Abram, none.

2. Former spouses: Jane Macguire Abram, none. Carlyn F. Abram, none.

3. Children and spouses names; Ruth Jacobeth Abram (Mrs. Herbert Tetielbaum), none; Ann Abram (Mrs. Steve Novak), none; Jonathan Adam Abram (Roslyn), none; Morris B. Abram, Jr., none; Joshua Anthony Abram, none.

4. Parents names: Father, Sam Abram, deceased, Mother, Irene Jacobeth Cohen Abram, deceased.

5. Grandparents names; Dr. Morris S. Cohen, deceased; Daisy E. Cohen, deceased; Morris Abram (deceased).

6. Brother and spouses names: (Brother) Dr. Lewis E. & Doris Abram, none.

7. Sisters and spouses names: sister, Ruthanne Reis, none; Harold Reis, (husband, none.

Joseph Verner Reed, of Connecticut, for the rank of Ambassador during his tenure of service as Chief of Protocol for the White House.

Nominee: Joseph Verner Reed, Jr.

Post: Chief of Protocol.

Nominated: January 6, 1989.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: (Per year since 1984), $1,000, June 1988, President Elect Bush; $1,000, June 1988, Alan Keyes for Senate.

2. Spouse: Mimi Byers Reed, no contributions.

3. Children and spouses names: Electra Reed; Paul & Serena Kusserow, N/A.

4. Parents names: Permilia P. Reed, N/A.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Adrian & Nancy Jane Reed; Nathaniel & Alita Reed; Samuel Reed (not married), N/A.

7. Sisters and spouses names: Laurel Reed Hemmes, N/A

(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. PELL. Mr. President, for the Committee on Foreign Relations, I report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of April 18, 1989, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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. PRESSLER:

S. 954. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid by a physician as principal and interest on student loans if the physician agrees to practice medicine for 2 years in a rural community; to the Committee on Finance.

By Mr. CONRAD:

S. 955. A bill to amend the Internal Revenue Code of 1986 to allow institutions for the Farm Credit System to deduct amounts added to a reserve for bad debts under rules applicable to the deduction of such amounts by small banks; to the Committee on Finance.

By Mr. COATS:

S. 956. A bill to exclude users of alcohol and illegal substances from the definition of handicapped individuals under the Rehabilitation Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 957. A bill to suspend temporarily the duty on Ceftazidime Tertiary Butyl Ester; to the Committee on Finance.

By Mr. HATCH:

S. 958. A bill for the relief of Zahra Moghimi Najaf Abadi and Mohmoud Reza Moghimi Najaf Abadi Farahani; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. 959. A bill to amend title III of the Public Health Service Act to make improvements in the National Health Service Corps scholarship program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. DIXON, Mr. DANFORTH, and Mr. BOND):

S. 960. A bill to amend the Act of May 17, 1954, relating to the Jefferson National Expansion Memorial, to strike the proposed limitation on park extension to allow the acquisition of State lands by means other than donation and to increase funding for the East St Louis portion of the Memorial; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 961. A bill to authorize the exchange of certain Federal public land in Madison County, IL; to the Committee on Environment and Public Works.

By Mr. FOWLER (for himself, Mr. BOREN, Mr. PRYOR, Mr. NUNN, Mr. LOTT, and Mr. THURMOND):

S. 962. A bill to provide for the establishment of a coordinated program of promotion and research designed to strengthen the position of the pecan industry in the marketplace, to maintain and expand foreign and domestic markets and uses for improved and native pecans and pecan products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself, Mr. DECONCINI, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. CRANSTON, Mr. DIXON, and Mr. SIMON):

S. 963. A bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and

for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FORD (by request):

S. 964. A bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1990 and fiscal year 1991, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN:

S. 965. A bill to clarify the exemptive authority of the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 966. A bill to carry out long-term research on the effects of oil spills on the marine and estuarine habitats and resources of Prince William Sound, and for other purposes; to the Committee on Energy and Natural Resources.

S. 967. A bill to amend the Coastal Zone Management Act of 1972 to designate the Secretary of Commerce as the lead trustee for ocean and coastal resources and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S.J. Res. 125. Joint resolution relating to responsible trade and conservation of tropical forest resources; to the Committee on Foreign Relations.

By Mr. PELL (for himself, Mr. MITCHELL, Mr. HOLLINGS, Mr. DOLE, Mr. CHAFEE, Mr. NUNN, Mr. MATSUNAGA, Mr. DIXON, Mr. CONRAD, Mr. PRYOR, Mr. SARBANES, Mr. RIEGLE, Mr. HATCH, Mr. COHEN Mr. THURMOND, Mr. DODD, Mr. BOREN, Mr. COCHRAN, Mr. HUMPHREY, Mr. D'AMATO, Mr. KERRY, Mr. GORE, Mr. LIEBERMAN, Mr. REID, Mr. LUGAR, Mr. KASTEN, Mr. GRAHAM, Mr. GORTON, Mr. LAUTENBERG, Mr. BURDICK, Mr. EXON, Mr. ROBB, Mr. LEVIN, Mr. PACKWOOD, Mr. JEFFORDS, Mr. BOSCHWITZ, Mr. WILSON, Mr. BRADLEY, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. STEVENS, Mr. WARNER, Mr. INOUYE, Mr. CRANSTON, Mr. MACK, and Mr. BREAUX):

S.J. Res. 126. Joint resolution commemorating the bicentennial of the U.S. Coast Guard; to the Committee on the Judiciary.

By Mr. SIMON:

S.J. Res. 127. Joint resolution designating Labor Day Weekend, September 2-4, 1989, as "National Drive for Life Weekend"; to the Committee on the Judiciary.

By Mr. MITCHELL (for Mr. BYRD (for himself, Mr. MITCHELL, and Mr. DOLE)):

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the U.S. Capitol for the Bicentennial of the Congress Commemorative Coin; considered and passed.

By Mr. DOLE (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. ROTH, Mr. GARN, Mr. WARNER, Mr. MURKOWSKI, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. BURNS, Mr. COATS, Mr. ARMSTRONG, Mr. COHEN, Mr. MCCONNELL, Mr. HATCH, Mr. DURENBERGER, Mr. LUGAR, Mr. GRAHAM, Mr. LEAHY, Mr. MATSUNAGA, Mr. PELL, Mr. SHELBY, Mr. HOLLINGS, Mr. MOYNIHAN, and Mr. REID):

S.J. Res. 129. Joint Resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 123. Resolution to amend Senate Resolution 38, 101st Congress, providing for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Judge Alcee L. Hastings; considered and agreed to.

By Mr. PELL from the Committee on Foreign Relations:

S. Res. 124. An original resolution expressing strong suppport for the North Atlantic Treaty Organization on the occasion of its 40th anniversary; confirming continued dedication to NATO's founding principle, which is the commitment by democratic nations to their common defense; and urging energetic and cooperative participation by NATO member states in the development and implementation of joint policies aimed at strengthening the East-West military balance while upholding and promoting democratic values; placed on the calendar.

S. Res. 125. An original resolution congratulating the Kingdom of Norway on its 175 years of constitutional government; placed on the calendar.

By Mr. BAUCUS (for himself, Mr. HARKIN, Mr. PRYOR, Mr. CONRAD, Mr. BURDICK, Mr. BOREN, Mr. DASCHLE, and Mr. EXON):

S. Res. 126. Resolution expressing the sense of the Senate that the Prospective Payment Assessment Commission does not equitably represent the proportion of Medicare beneficiaries living in rural America, and that four additional Commissioners with experience in rural health care delivery should be appointed to the Commission to help correct the inequity; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. GARN, Mr. DURENBERGER, Mr. BAUCUS, and Mr. GRASSLEY);

S. Con. Res. 36. Concurrent resolution expressing the sense of Congress regarding the problem of geographical variations under the current medicare physician reimbursement system; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 954. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid by a physician as principal and interest on student loans if the physician agrees to practice medicine for 2 years in a rural community; to the Committee on Finance.

DEDUCTION FOR STUDENT LOAN PAYMENTS FOR PHYSICIANS PRACTICING IN RURAL AREAS

Mr. PRESSLER. Mr. President, I rise today to introduce legislation that can assist rural communities with the recruitment and retention of medical doctors while benefiting the physician who must pay the high cost of a medical education.

Rural America's health care system is in a crisis. We are all aware of the financial plight experienced by rural hospitals. As we all know, some are closing every day. Today, the Ipswich, SD, Community Hospital will close its doors. Of equal importance to hospitals, if not more so, are physicians. Physicians are the backbone of the health care delivery system. Without doctors, hospitals and other medical personnel cannot serve the public.

Contrary to reports of a physician surplus, a severe shortage plagues rural communities. According to a 1987 report by the Department of Health and Human Services [HHS], 33 States had fewer than 20.7 non-Federal physicians, the national average, per 10,000 civilian persons. South Dakota ranked 45th among the 50 States. Only the States of Alaska, Mississippi, Idaho, and Wyoming experienced a more severe shortage of doctors. Further, 38 States fall below the national average of 18 patient care physicians per 10,000 civilians. South Dakota ranked 45th of the 50 States with a ratio of 12.3 patient care physicians per 10,000 civilians.

South Dakota has 37 health manpower shortage areas. Ten physicians are urgently needed in those areas. The South Dakota Medical Association reports an immediate need for at least 50 family physicians in the State.

A tremendous vacuum of primary care services, including preventive care, exists in many rural areas. The National Health Service Corps [NHSC] has benefited many rural areas. However, the time has come to go a step further and provide additional incentives to attract physicians to areas that the NHSC may never reach. NHSC uses health manpower shortage areas as the basis for placing physicians. Many communities that need primary care are located in health manpower shortage areas. Their small size and low per capita income cannot attract a physician. This bill addresses the concern of physicians who might want to practice in such areas but cannot afford to do so.

Provisions contained in the bill would allow physicians to deduct the cost of medical education, including reasonable living expenses, of $5,000 per year as a business expense. In return, interested physicians would be required to practice for a minimum of 24 consecutive months in a community of 5,000 population or less and a per capita income of $15,000 or less.

The cost of medical education is excessive. Further, beginning practice in a rural community with a poor economic base will not provide a physician with sufficient income to pay his or her debts and simultaneously develop a practice.

By investing in young physicians who are willing to practice in rural areas, we can save dollars in the future—financial resources that could be spent on acute care, or long-term

chronic illnesses such as heart and lung disease and cancer. Primary care doctors are educated in the science of preventive care as well as acute and chronic care. Preventive services, such as well-baby clinics and prenatal care; farm safety programs, such as machine safety and the hazards of pesticides and herbicides; alcohol programs; smoking cessation programs; nutrition education; hearing safety and many other services are critically needed in rural America. Health research is demonstrating that preventive health services do reduce costs and enhance the healthful life style of people.

Increasing the supply of physicians in rural areas also can help more remote areas that are unable to support a physician. These areas could be served by physician assistants or nurse practitioners if physicians were available within a reasonable distance to act as supervisors to one or more satellite clinics in the remote communities.

This legislation is vitally important for the future health of rural America. It would increase the supply of doctors in communities with a population of 5,000 or less and assist with building stable medical practices. Also, it is a statement that costs can be reduced by enhancing the availability of primary, preventive care services in rural America.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 954

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

SECTION 1. DEDUCTION FOR STUDENT LOAN PAYMENTS BY PHYSICIANS PRACTICING IN RURAL AREAS.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) STUDENT LOAN PAYMENTS OF PHYSICIANS PRACTICING IN RURAL AREAS.—

"(1) IN GENERAL.—In the case of an individual with respect to whom services are performed under a qualified rural medical practice agreement during the taxable year, there shall be allowed as a deduction under this section an amount equal to the amount which bears the same ratio to the principal and interest paid on qualified educational loans during the taxable year as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) DOLLAR LIMITATION.—The aggregate amount of the deduction under subsection (a) for any taxable year with respect to any individual shall not exceed $5,000.

"(3) QUALIFIED MEDICAL PRACTICE AGREEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees, upon completion of the individual's residency (or internship if no residency is required), to perform full-time services as a medical doctor in the applicable rural community for a period of 24 consecutive months.

"(B) 24-MONTH PERIOD.—An individual shall be treated as meeting the 24 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within such period, the individual performs full-time services as a medical doctor in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means any political subdivision of a State or an Indian reservation which—

"(i) has a population of 5,000 or less, and

"(ii) has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

"(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of this subsection for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of this subsection) for all preceding taxable years."

(b) 2-PERCENT FLOOR NOT TO APPLY.—Section 67(b) of the Internal Revenue Code of 1986 is amended by striking out "and" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting ", and", and by inserting after paragraph (13) the following new paragraph:

"(14) the deduction allowable by reason of section 162(m) (relating to student loan payments of physicians practicing in rural areas)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

By Mr. CONRAD:

S. 955. A bill to amend the Internal Revenue Code of 1986 to allow institutions of the Farm Credit System to deduct amounts added to a reserve for bad debts under rules applicable to the deduction of such amounts by small banks; to the Committee on Finance.

DEDUCTIONS FOR BAD DEBT RESERVE BY FARM CREDIT INSTITUTIONS

Mr. CONRAD. Mr. President, the tax technical corrections bill passed by Congress last year contained many revisions to the Tax Reform Act of 1986 that are beneficial to the farm community.

Key agricultural features included restoration of the diesel tax exemption for farmers, drought-related tax deferrals, repeal of the heifer tax and extension of special estate tax valuation to cash-renters.

While the technical corrections package made great strides in revising problems in the 1986 act, at least one farm-related problem created by the law remains.

The 1986 tax law repealed the reserve method of calculating loan losses for the Farm Credit System's Production Credit Associations [PCA's] and Banks for Cooperatives [BC's]. At the same time, the act retaiend this loss calculation system for banks with less than $500 million in assets. The loss of the reserve method has added some $85 million in additional taxes to the Farm Credit System. This increased tax burden forces the already financially distressed system to absorb further losses which are inevitably passed along to it borrowers.

In a State like North Dakota, which led the Nation last year in per capita income decline—3.2 percent—farmers simply cannot afford to pay these additional costs.

The increased tax burden also exacerbates the difficulties PCA's and BC's confront in charging competitive interest rates. Similarly situated commercial banks, with loan loss reserve accounting capability, have an obvious advantage in setting competitive rates.

My bill would restore the ability of Farm Credit System institutions to use the reserve method of accounting for loan losses. This would allow production credit associations and banks for cooperatives to deduct, as a business expense, income reserved to provide for loan losses as they did prior to enactment of the 1986 Tax Reform Act.

Mr. President, we must continue to lead the financially stressed agricultural sector of this country on the road to economic recovery. Relieving the Farm Credit System and its borrowers of the tax burden they have had to absorb through loss of deductions on loan losses is one step that we can take.

I urge my colleagues to join me on this path. Let us allow the Farm Credit System to participate on a level playing field with its competitors. Let us allow the Farm Credit System to make better use of the money it must now use to cover new tax payments. Let us allow the Farm Credit System to free up these funds and work on lowering interest rates. It is time to end the unfair tax treatment of the Farm Credit System and, in doing so, provide farmers and farmer-owned cooperatives with more equitable rates.

Mr. CONRAD. Mr. President, I recognize the Chair's effort in helping us

last year. Rural America will forever be indebted to your leadership when you served as majority leader in helping us expedite the passage of the drought relief bill. I can say without fear of contradiction, Mr. President, that without that bill my State would be in the most serious economic straits imaginable.

And it was the leadership of the current occupant of the Chair, the President pro tempore, that made that legislation move quickly and all of rural America owes you its thanks.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 955

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

SECTION 1. DEDUCTION ALLOWED FOR ADDITIONS TO BAD DEBT RESERVE BY FARM CREDIT SYSTEM INSTITUTIONS.

(a) IN GENERAL.—Section 166 of the Internal Revenue Code of 1986 (allowing deduction for bad debts) is amended by inserting after subsection (b) the following new subsection.

"(c) RESERVE FOR BAD DEBTS OF FARM CREDIT SYSTEM INSTITUTIONS.—

"(1) IN GENERAL.—In the case of an institution of the Farm Credit System, in lieu of any deduction under subsection (a), there shall be allowed a deduction for a reasonable addition (determined under rules similar to the rules of section 585(b) (relating to addition to reserves for bad debts on loans of banks)) during the taxable year to a reserve for bad debts.

"(2) INSTITUTION OF THE FARM CREDIT SYSTEM DEFINED.—For purposes of paragraph (1), the term 'institution of the Farm Credit System' means any institution continued as a federally chartered instrumentality of the United States under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1986.

By Mr. HATCH:

S. 958. A bill for the relief of Zahra Moghimi Najaf Abadi and Mahmoud Reza Moghimi Najaf Abadi Farahani; to the Committee on the Judiciary.

RELIEF OF CERTAIN INDIVIDUALS

Mr. HATCH. Mr. President, I am introducing a bill to provide permanent residence in Zahra Moghimi Najaf Abadi and her brother Mahmoud Reza Moghimi Najaf Abadi Farahani.

Ms. Moghimi came to the United States in November 1984, with a visitor's visa to receive medical assistance. She has severe scoliosis, which was caused by polio. She needs corrective surgery in order to prevent this condition from worsening and becoming a possible life-threatening situation.

When she first arrived, Ms. Moghimi was under the impression that the surgery would cost approximately $10,000, an amount which she was then prepared to pay. Much to her dismay, after meeting with qualified medical personnel, she discovered that the approximate cost of her surgery is about $35,000. Until recently she did not have the funds to have this surgery done. Consequently, the hospital would not schedule her operation until she had enough for a downpayment. That amount, approximately $15,000, has now been raised, the surgery is scheduled for July 31, 1989, and the family has agreed to a payment schedule for the remainder of the cost.

Ms. Moghimi's brother has been caring for her while the funds were raised. Ms. Moghimi has indicated that she will need his continued help during the recovery period after her surgery.

The Moghimis' visas have now expired and they were given a voluntary date in April. It was shortly after this time they raised sufficient funds for the downpayment for the operation; however, deportation has now been ordered.

Mr. President, since the money has been raised, and a surgery date has been set, Ms. Moghimi should be allowed to remain in the country for her operation. Ms. Moghimi's American doctors are not aware of any qualified doctors in Iran who could perform this special surgery. To send her home, when she is so close to obtaining relief from this terrible condition, is unconscionable. This is a humanitarian case that deserves our careful consideration. I urge my colleagues to support this legislation.

By Mr. COATS:

S. 956. A bill to exclude users of alcohol and illegal substances from the definition of handicapped individuals under the rehabilitation Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

EXCLUSION OF DRUG ABUSERS FROM DEFINITION OF HANDICAPPED

Mr. COATS. Mr. President, for several years now the Congress and executive have exhibited a disciplined, bipartisan commitment to pressing a vigorous was against drugs. We have put policies into place that evidence a reasoned resolve—forged in a time of anger and maintained in a time of somber reflection. Our efforts have been characterized by a clear-eyed facing of fundamental facts and an unequivocal and unhesitant repudiation of any hint of lingering tolerance for drug abuse.

So it is particularly disturbing to me that the healthy body of our resolve seems to have been injected with a paralyzing dose of ambiguity. Just as we have begun to finally survey the boundaries of our drug crisis, we find that the fences have been torn down, opening up a vast new region of barely explored unpleasantness. And all because of noble legislation flawed by a single provision which gives comfort only to those with a vested interest in error.

The problem is really quite simple. The Rehabilitation Act of 1973, 29 U.S.C. 791, prohibits discrimination on the basis of handicap in programs or activities receiving Federal financial assistance. The act provides in sections 503 and 504 that no Federal agency or federally subsidized enterprise can discriminate against handicapped persons. This is both admirable and vital. There is no place in our society for discrimination against people with physicial and mental handicaps.

But the difficulty comes in the fine print. An individual with handicaps is not defined in a way that most americans would understand. It is broadened to include drug abusers, addicts, and alcoholics. Thus, substance abusers are protected from any effort to exclude them from activities or benefits based on their drug or drinking problems. They are put in the same category with the blind or the mentally retarded.

The results of such definitional gymnastics are as shocking as they are absurd. Expelling a drug addict from school becomes the moral equivalent of throwing out a student for being confined to a wheelchair. Federal employees or postal workers who are addicted to illegal drugs can't be fired to create a drug-free workplace. Drug addicts can't be evicted to clean up public housing. All, under this law, are handicapped. And each action is illegal discrimination.

The bill I am introducing today would amend the Rehabilitation Act of 1973 to exclude drug abusers and alcoholics from the definition of the handicapped, not because they are unworthy of help or concern, but because this is the only way we will restore credibility to our fight against the demand for illegal drugs. This bill represents the official view of both the Reagan and Bush administrations. And it represents my convictions as well. Those who abuse drugs or alcohol should be treated as responsible persons who must be held accountable for their acts.

Former Assistant Attorney General Richard Willard testified before the House Post Office and Civil Service Subcommittee on September 25, 1986 in favor of this change in the Law. He made it clear that the Justice Department supports such an amendment because of the propensity of some courts to adopt an overly broad reading of the act. Often they end up requiring repeated offers of rehabilitation before the Government is allowed to take action against a drug addicted employee who is unable to perform his job. As Mr. Willard correctly pointed out, it makes no sense to permit an

employee to seek treatment, come back to work fall off the wagon and resume his or her drug habit, and then seek treatment over and over again. Such a policy certainly does not help the worker. But it both sets a bad example for others, and costs the Government a great deal of money. It is far better for the Government to be able to discipline an employee who, due to repeated drug use, cannot carry out his or her duties properly.

Mr. President, the Department of Education also supports this change in the law. Secretary Cavozos explains, "Virtually every public school in the country is covered by this antidiscrimination statute, the practical, and presumably unintended, effect of which—when combined with the present definition of individual with handicaps—is to make it virtually impossible to establish a drug-free educational environment." If one of our goals in the war on drugs is to have drug-free schools for our children and young people, then we must be sure that our local school districts, school boards and parent-teacher groups have the means to take appropriate and effective measures against student repeat drug offenders.

Mr. President, I ask unanimous consent that the full text of a letter from Secretary of Education Lauro Cavazos to Minority Leader BOB DOLE in support of an identical amendment to the 1988 omnibus antidrug bill be entered into the RECORD at this point.

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

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, October 12, 1988.

HON. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I write to urge your support of an amendment to S. 2852, the Omnibus Anti-Substance Abuse Act of 1988. The amendment would make clear that illegal drug abusers are not defined as individuals with handicaps due solely to their illegal use of drugs.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in programs or activities receiving Federal financial assistance. Because the current definition of individual with handicaps in the Rehabilitation Act includes the term drug abuser, it is difficult for school districts to impose effective disciplinary measures upon students who abuse drugs.

Virtually every public school in the country is covered by this anti-discrimination statute, the practical (and presumably unintended) effect of which—when combined with the present definition of individual with handicaps—is to make it virtually impossible to establish a drug-free educational environment.

The amendment is supported by the administration and is the same as that contained in section 103 of S. 2849 of the 99th Congress which you introduced on September 23, 1986 on behalf of the administration.

This amendment is vitally important. The goal of a drug-free environment in American public schools will be very difficult to achieve without enactment of this amendment. I strongly urge you to make every effort to gain its enactment. The Office of Management and Budget advises that there is no objection to the submission of this report to the Congress from the standpoint of the administration's program.

Sincerely,

LAURO F. CAVAZOS,
Secretary.

Mr. COATS. Mr. President, many public schools have adopted tough policies against drug offenders, but as a consequence of current law, have been forced by Federal authorities to change their policies and even to take back students who were expelled for repeated drug violations. And if they refuse, they risk the loss of Federal education assistance.

Let me cite one actual case history to illustrate my point. A junior high school student in a public school in Washington State started using drugs and alcohol during the seventh grade. As a result, his grade average plummeted, his truancies became more frequent, and increasingly he became a disciplinary problem at school. His parents finally withdrew him from school and placed him in a local hospital care unit for treatment where he was diagnosed as suffering from acute chronic alcoholic and drug addiction and dependency. He was later released and was enrolled again at his former school the following year. Once again, after a short time he fell into the old pattern of repeated unexcused absences, poor grades, and a bad attitude, resulting in frequent detention and suspensions. Following his suspension for being caught under the influence of drugs at a school dance, the school district had him withdrawn from school for nonattendance. At the time he left school the student was flunking three out of his four academic subjects and had a "D" in the other course.

The boy's parents later enrolled their son at another school. But they also filed a complaint against the school district for failure to provide their son a "free appropriate public education," alleging he was handicapped by alcoholism and drug addiction. The Office of Civil Rights of the Department of Education investigated the complaint and ruled in favor of the parents, finding that the school district had violated the student's civil rights, by discriminating against him under the section 504 of the Rehabilitation Act. For fear of losing Federal funding, the school district was forced to change its policy. They were required to treat students with drug or alcohol dependency like any other handicapped group.

In other words, instead of being disciplined, addicted students must receive special educational programs offered by the school district, just like students with mental or physical handicaps. The school district has the responsibility of setting up a program to detect drug and alcohol addiction and to educate students to cope with their handicap.

The problem, as I see it, is not that students with serious drug and alcohol problems should not be given treatment and education, or that schools should not offer treatment and education programs for students who use drugs. The problem is that local school authorities are not given any choice as to what they can do with students on drugs. The Federal Government, it seems, has overruled the disciplinary policies of every school district in the Nation. Local education authorities no longer have any choice as to the kind of program or action they deem best because the Department of Education, under the guise of civil rights law, is forcing them to change their policies and readmit chronic drug users and alcoholics as if they were handicapped.

Mr. President, this story, which was an actual incident in Washington State, has been repeated many times around the country. It illustrates the kind of problem that is plaguing education officials everywhere, including the Department of Education's Office of Civil Rights, as a result of the unclear language in the Rehabilitation Act.

As a consequence, education groups across America are seeking to change the law. Let me quote from a letter from Save Our Schools, a citizens' group: "Save Our Schools [SOS] believes that this situation makes a mockery of the Department of Education's position that schools should get tough on drugs. The current definition of "handicapped" also sends conflicting signals to parents, teachers, school administrators and students as to the proper penalty for using illegal drugs."

The Department of Housing and Urban Development faces a similar problem. Unless the definition of "handicapped" persons is changed in the law, HUD will be unable to enforce "eviction on conviction" of drug abusers in federally funded public housing projects. HUD Secretary Jack Kemp's policy to provide drug free public housing will be severely weakened.

Unless the Rehabilitation Act is amended along the line I propose, it will be difficult, if not impossible, to enforce the tough provisions included in the Anti-Drug Abuse Act of 1988 to prevent the use of drugs and the presence of drug-related crime in public housing. Under section 5101 of the act, if a public housing tenant or a member of the tenant's household engages in drug-related criminal activity, that is cause for eviction. The "handicapped" definition must be changed or drug abusers will be able to resist eviction as "handicapped" persons under section 504. This provision in the anti-drug law will be a dead letter, and the

removal of drug offenders from housing projects will become a problem for housing authorities and law-abiding tenants and their families.

Mr. President, if we are to win the war on drugs, we must be able to take strong measures to stop both the demand and the supply of illegal drugs. Stopping supply, to some extent, is a simpler challenge—success is limited only by the resources we devote. But the fight against demand must be fought everywhere—in drug-free schools and drug-free workplaces and drug-free housing. These are precisely the places where the war against drugs will be won or lost. For it is in schools, at work, and in the home that attitudes toward drugs are shaped and demand for drugs is determined. If expulsions, firings, and evictions are declared off limits—prohibited as illegal discrimination—we've taken away the tool of last resort necessary to show we're serious in the fight against drugs.

It's been said that you can argue over exactly what hospitals should do, but surely they shouldn't spread disease. There's a lot of debate in Washington on how the Government should fight the drug war. But at the very least it shouldn't prevent people from combating the problem themselves. The Rehabilitation Act must be changed.

Drug addiction is many things. It is a trap that robs our children of life and hope. It is slow suicide that merits our compassion and help. It is the root of an industry that spreads violence and terror. But is is not the same as deafness or paralysis. It is not the same as a handicap. And, if we hope to see victory in the war against drugs, we can't treat it like one.

For these reasons, I hope that my legislation will receive early consideration and I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 956

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

SECTION 1. AMENDMENTS TO THE REHABILITATION ACT OF 1973.

(a) HANDICAPPED INDIVIDUAL.—Section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B)) is amended—

(1) by striking out "Subject to the second sentence of this subparagraph, the" in the first sentence and inserting in lieu thereof "The"; and

(2) by striking out the second sentence and inserting in lieu thereof the following new sentences: "The term 'handicapped individual' does not include any individual who uses, or is addicted to, alcohol or illegal drugs, except that an individual who is otherwise handicapped shall not be excluded from the protection of this Act if such person also uses or is addicted to drugs. For purposes of sections 503 and 504 as such sections relate to employment, the term 'handicapped individual' does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.".

(b) ILLEGAL DRUGS.—Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended by adding at the end thereof the following new paragraph:

"(22) The term 'illegal drugs' means controlled substances, as defined by Schedules I and II, section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) the possession or distribution of which is unlawful under the Comprehensive Drug Abuse Prevention and Control Act of 1970.".

By Mr. DASCHLE:

S. 959. A bill to amend title III of the Public Health Service Act to make improvements in the National Health Service Corps Scholarship Program, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL HEALTH SERVICE CORPS IMPROVEMENT ACT

Mr. DASCHLE. Mr. President, I rise today to introduce the National Health Service Corps Improvement Act of 1989. The aim of this legislation is to ensure that individuals living in rural and underserved communities across America have access to health care professionals.

Rural America is home to over 25 percent of the total U.S. population, and over 33 percent of the elderly. However, only 12 percent of the physicians and 18 percent of the nurses reside in rural areas. This means that rural Americans are going without critical health care services because the providers just aren't available.

These shortages can be illustrated in the physician-patient ratios that we find in rural America. Physician availability in counties with fewer than 10,000 residents in 1985 (53 physicians per 100,000 population) is roughly one-third of the U.S. average (163 physicians per 100,000 population.)

In 1988, the Department of Health and Human Services [DHHS] identified approximately 1,300 rural primary care shortage areas. These shortage areas were in need of 1,800 health care providers. In the same survey, as many as 25 percent of practicing rural physicians indicated that they would retire or leave their communities within the next 5 years.

The outlook for attracting more physicians to small rural communities is not very bright. The financial viability of physican practices is threatened by the growing numbers of rural hospital closures and uninsured patients. Rising malpractice premiums have resulted in rural counties losing almost all obstetrical services. Federal funding has not kept pace for rural community health centers that provide an important source of primary care for the poor and the non-poor.

Furthermore, serving in rural areas is no easy task for health care providers since the patients they must serve are generally older, poorer, and in worse health than those of their urban counterparts. Hours are long, equipment is often not state of the art, and reimbursement from government programs is inadequate.

Throughout the 1970's and much of the 1980's, the National Health Service Corps [NHSC] placed hundreds of physicians in rural communities and Indian reservations across the country. Reports of a physician surplus, however, fueled the Reagan administration's efforts to dismantle this successful physician recruitment/placement program. Today, only 222 corps physicians will be available to provide medical services to residents in health manpower shortage areas compared to 1,350 corps physicians who were available in 1985.

As a result, many families across this country must worry whether they will have access to a doctor should a medical emergency arise. Access to health care is not something taken for granted in rural America.

The proposal I am introducing today seeks to revive the NHSC, a program that has proven its effectiveness in addressing the health manpower shortage in rural areas. My legislation would improve the physician retention rate and enhance the attractiveness of serving in the NHSC.

The first provision would require the NHSC to give preference to medical students from Health Manpower Shortage Areas [HMSAs], economically disadvantaged or minority students, or those students attending medical schools with rural training opportunities.

The second provision would require the NHSC to inform all first-year medical students about the availability of the program and advise them of what commitment it entails. If a student accepts a scholarship, he or she would receive yearly interviews and quarterly publications to keep abreast of the needs and requirements of the corps. In addition, the corps will provide case management to develop a mutually acceptable site for scholarship recipients.

The third provision would allow corps physicians to rotate to another medical facility for the purpose of meeting their medical board requirements and continuing medical education requirements. The physician would be able to stay at the new facility until he/she met the medical board requirements. The physician's commitment would be extended to compensate for the absent period.

The fourth provision would require the NHSC loan repayment program to

establish a minimum amount of $20,000 per year of service in an underserved area. It also directs the Secretary to raise this amount to a level that is determined as an effective incentive to potential applicants.

Finally, this bill would mandate a recruitment goal of 450 physicians. While attaining this goal would not solve the physician shortage in underserved areas, it would be an important first step to improving access to health care for rural Americans.

Mr. President, I recently received an eloquent letter from a young South Dakotan who summed up the concerns that I am attempting to address today. He wondered "how many other bright, enthusiastic and intellectual young men and women, who enjoy the rural lifestyle, would be inclined to become doctors if they didn't feel like they had to live in the big city just to pay off their school loans." My proposal would enable these young physicians to consider rural America as an option when establishing their practices.

I ask unanimous consent that the bill be printed at this point in the RECORD.

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

S. 959

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Service Corps Improvements Act of 1989".

SEC. 2. PRIORITY IN APPROVAL OF APPLICATIONS.

(a) SCHOLARSHIP PROGRAM.—Section 338A(d) of the Public Health Service Act (42 U.S.C. 2541(d)) is amended—

(1) in paragraph (2)(C), by striking out the period and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following new paragraph:

"(3) third, to applications made (and contracts submitted) by individuals—

"(A) who are residents of health manpower shortage areas;

"(B) who are disadvantaged or minority students; or

"(C) who are attending, or planning to attend, an accredited educational institution as provided for in subsection (b) that provides rural training opportunities.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(d) of the Public Health Service Act (42 U.S.C. 2541-1(d)) is amended—

(1) in paragraph (2), by striking out the period and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following new paragraph:

"(3) individuals—

"(A) who are residents of health manpower shortage areas;

"(B) who are disadvantaged or minority students; or

"(C) who are attending, or planning to attend, an accredited educational institution as provided for in subsection (b) that provides rural training opportunities.".

SEC. 3. PROGRESS INTERVIEWS.

Section 338A(f) of the Public Health Service Act (42 U.S.C. 2541(f)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

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

(3) by adding at the end thereof the following new paragraph:

"(5) an agreement that the individual will, at least once during each year of the scholarship, participate in an interview with an appropriate official of the institution (as determined through regulations issued by the Secretary) who shall monitor the progress and development of the individual within the course of study of such individual.".

SEC. 4. REPORT ON PLACING OF GRADUATES.

Section 338A(i) of the Public Health Service Act (42 U.S.C. 2541(i)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

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

(3) by adding at the end thereof the following new paragraph:

"(5) the top one half of all medical schools in the United States that place a greater percentage of their graduates each year in underserved areas than the national average of graduates so placed by all such medical schools.".

SEC. 5. PROVISION OF INFORMATION AND MATERIALS.

Section 338A of the Public Health Service Act (42 U.S.C. 2541) is amended by adding at the end thereof the following new subsection:

"(j)(1) As part of the program established under this section, the Secretary shall ensure that the admissions offices at accredited educational institutions that offer degrees of the type specified in subsection (a) provide applicants for admission into such institutions information concerning the availability of the Scholarship Program, and such information shall contain a statement that applicants for such scholarships must be interested in providing primary care and practicing in underserved areas.

"(2) The Secretary shall provide all individuals participating in the Scholarship Program established under this section with the quarterly publication of the National Health Service Corps.".

SEC. 6. RECRUITMENT GOAL.

Section 338A of the Public Health Service Act (42 U.S.C. 2541) (as amended by section 5) is further amended by adding at the end thereof the following new subsection:

(k) The Secretary shall, to the extent practicable, award scholarships under this section in such a manner so as to reach the goal of awarding 450 such scholarships for each school year.".

SEC. 7. MINIMUM LOAN REPAYMENT AMOUNT.

Section 338B(g)(2)(A) of the Public Health Service Act (42 U.S.C. 2541-1(g)(2)(A)) is amended by striking out "up to $20,000" and inserting in lieu thereof "not less than $20,000, or greater amount as determined appropriate by the Secretary,"

SEC. 8. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended by adding at the end thereof the following new subsection:

(f) The Secretary shall promulgate regulations that—

"(1) permit, Scholarship Program participants who have been assigned to participate in as Corps physicians under this section and in accordance with section 331 through 335, to rotate among separate facilities on the approval of such facilities;

"(2) permit participants who rotate under paragraph (1) to accumulate the periods of service provided to such facilities for the purpose of medical board and continuing medical education requirements;

"(3) extend the time that such participants are required to provide service at their primary assigned site to compensate for periods of time when such participant was absent from such site; and

"(4) permit other Corps physicians to be temporarily reassigned to other facilities to ensure physician continuity at such facilities.".

By Mr. FOWLER (for himself, Mr. BOREN, Mr. PRYOR, Mr. NUNN, Mr. LOTT, and Mr. THURMOND):

S. 962. A bill to provide for the establishment of a coordinated program of promotion and research designed to strengthen the position of the pecan industry in the marketplace, to maintain and expand foreign and domestic markets and uses for improved and native pecans and pecan products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PECAN PROMOTION AND RESEARCH ACT OF 1989

Mr. FOWLER. Mr. President, the U.S. pecan industry is a $400 million business that provides about 15,000 jobs. However, it is the only major nut producing industry that does not have a marketing agreement to promote its product through advertising and product use development.

For that reason, I am today introducing the Pecan Promotion and Research Act of 1989, to establish a coordinated program of promotion and research of this important crop. I am pleased that five of my colleagues from both sides of the aisle—Senators DAVID BOREN, SAM NUNN, DAVID PRYOR, STROM THURMOND, and TRENT LOTT—are original cosponsors.

This bill is designed to strengthen the position of the pecan industry in the marketplace, and to maintain and expand foreign and domestic markets. It is also intended to develop and promote expanded uses for improved and native pecans and pecan products.

The program will be implemented through establishment of a Pecan Marketing Board, made up of at least 15 members who represent growers, shellers, handlers, importers, and the general public. Funding under this bill will be provided through assessments on all pecans produced in the United States, or imported into this country.

To assure the full support of pecan producers themselves, a referendum will be conducted in which all pecan producers will have an opportunity to approve the provisions of this act.

Mr. President, as a member of the Senate Agriculture Committee, I have

held hearings on this matter and I was impressed with the strong arguments put forth by pecan growers, shellers, and others in the industry on the need for this bill. They are a responsible, productive segment of our agricultural community, and they deserve the opportunity to help themselves be more competitive in a challenging environment.

This approach is fair, and it is cost effective because it is producer supported. It is a sensible way to bring to the pecan industry the marketing and research advantages now enjoyed by other nut producing industries, and to allow American pecan producers to move strongly into the world market.

By Mr. DOMENICI (for himself, Mr. DECONCINI, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. CRANSTON, Mr. DIXON, and Mr. SIMON):

S. 963. A bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes; to the Committee on Energy and Natural Resources.

ROUTE 66 STUDY ACT OF 1989

● Mr. DOMENICI. Mr. President, today I am rising to introduce the Route 66 Study Act of 1989. This bill would direct the National Park Service to conduct a feasibility study to determine the best ways to preserve, commemorate, and interpret historic U.S. Route 66.

At one time, Route 66, stretching from Chicago to Santa Monica, was the most famous highway in America. Like a modern day Santa Fe Trail, it carried thousands of migrating Americans to the West. It also allowed vacationers to experience previously remote areas of the Southwest and the Far West.

Route 66 is fast fading from the landscape of America, having been superceded by the superhighways. However, one can still see vestiges of the highway and the gas stations, curio shops, restaurants, motels, and other facilities that were situated along the highway to service travelers.

This bill would direct the National Park Service to study the significance of Route 66, its history, and its place in American culture, and report on ways to preserve what remains of the highway and the facilities associated with it. The study would examine preservation not only by the Government, but by private sector as well. Each of the eight States along Route 66 would have a representative on the study group.

Mr. President, I am pleased to be joined in this effort by my distinguished colleagues, Senators DECONCINI, BINGAMAN, BOND, BOREN, CRANSTON, DIXON, and SIMON. I hope that this legislation will have the enthusiastic support of all Members of the Senate.

I ask unanimous consent that an article from the February issue of New Mexico magazine entitled, "Getting Your Kicks on Route 66: Cruising Down America's Mother Road" and the text of the bill be inserted in the RECORD immediately following my remarks.●

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

S. 963

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 "Route 66 Study Act of 1989."

SEC. 2. FINDINGS.

The Congress finds that—

(1) United States Route 66, that great 2,000-mile highway from Chicago, Illinois to Santa Monica, California, played a major role in the Twentieth-Century history of our Nation;

(2) Route 66, a product of a grassroots effort for better American roads and a prime example of the 1926 National Highway System Program, served a similar historical function as many earlier "travel and commerce corridors," such as the Santa Fe Trail;

(3) Route 66 has become a symbol of the American people's heritage of travel and their legacy of seeking a better life;

(4) Route 66 served as a funnel for the Twentieth-Century westward migration from the Dust Bowl of the central States;

(5) Route 66 has been memorialized in books, songs, motion pictures, and television programs, and has become a cherished part of American popular culture;

(6) although the remnants of Route 66 are fast disappearing, many structures, features, and artifacts of Route 66 remain, including several segments of the highway that offer excellent insight into the experience of so many who traveled the highway; and

(7) in light of the growing interest by organized groups and State governments in the preservation of features associated with Route 66, the route's history, and its role in American popular culture, a comprehensive evaluation of preservation and tourism options should be undertaken.

SEC. 3. STUDY AND REPORT BY THE NATIONAL PARK SERVICE.

(a) STUDY.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake a comprehensive study of United States Route 66. Such study shall include an evaluation of the significance of Route 66, options for preservation and use of remaining segments of Route 66, and options for preservation of features associated with the highway. Private sector initiatives are to be fully evaluated. The study shall include participation by representatives from each of the States traversed by Route 66 and representatives of associations interested in the preservation of Route 66 and its features.

(b) REPORT.—Not later than 2 years from the date that funds are made available for the study referred to in subsection (a), the Secretary shall submit a report of such study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

[From New Mexico Magazine, February 1989]

ROUTE 66: CRUSING DOWN AMERICA'S MOTHER ROAD

(By Michael Wallis)

Warm afternoon breezes, also like the breath of spring, turn chilly as evening shadows appear and ribbons of neon outlining roadside motels and cafes flash awake. It's the close of a February day in Tucumcari, the first New Mexican town of any size people encounter after leaving the Texas Panhandle.

At the Blue Swallow Motel, perched on the edge of what once was Route 66, Lillian Redman stops fooling with her paperwork and takes time to step outside and look at the heavens. She's not disappointed. The sun's a blazing valentine and stains the western sky like spilled *salsa*. It's a sight that deserves a standing ovation. Only Lillian and some of the tourists and truckers still out on the nearby interstate watch the last of the fiery sun melt on the horizon and spy the first evening star when it blinks to life.

The travelers aren't about to pull over and lose time clapping for a natural act that's taken for granted. Same is true in Tucumcari, where most everyone's too busy with supper to worry about witnessing twilight.

But Lillian pauses. With a single glance she watches the sky give way to evening shade. It makes her day. Then she goes back inside to pull on a sweater and finish her work. The last couple of hours have been busy for Lillian and she's thankful that many of the 14 rooms at her motel are booked. There's an array of trucks, sedans and station wagons parked in front of several units. Tonight, the Blue Swallow will be home for people from big cities and villages from all across the land.

At a time when much of the nation has become generic, the Blue Swallow Motel is a breath of fresh air. It's the genuine article—a monument to the hundreds of motor courts, motels, greasy spoons, filling stations and curio shops that disappeared when the interstate system came along and cut off whole towns, leaving them behind like so many discarded memories.

But this evening there still are rooms to rent at the Blue Swallow and Lillian watches to see if her neon will do the trick and lure somebody else off the interstate and bring them back to the old road. Each night when Lillian Redman switches on the neon blue swallows at her place, the soul of the highway comes alive and sings.

Route 66.

Just the name is magic. It started at the corner of Jackson Boulevard and Michigan Avenue in Chicago, stretched across some 2,200 miles and three time zones and wound through eight states before it dead-ended at the intersection of Ocean Avenue and Santa Monica Boulevard in Los Angeles. People like to say it started in Lake Michigan and ended in the roaring Pacific.

The highway, which spanned two-thirds of the continent, was first designated as the U.S. Route 66 in 1926 when the nation was between wars and on the wagon.

John Steinbeck christened it the Mother Road. Others called it the Glory Road. For

thousands of 1930s migrants, including the Joad family, it was the way west—a road of flight from misery, dust and broken dreams.

Everyone, at one time or another, has traveled at least a portion of its length. Route 66 is Steinbeck and Will Rogers and Woody Guthrie and Merle Haggard and Phillips 66. It's a road of phantoms and dreams. It's the romance of traveling the open highway.

It's the free road.

It was the road that put Americans in touch with Americans—neon lights, Burma Shave signs, motor courts, diners and cafes with big-boned waitresses who served up juicy burgers and plate lunches and homemade pie and had the coffee pot welded to their fist.

An asphalt thread looping together a giant patchwork of Americana, this fabled road represented much more than an American highway. Route 66 meant "going somewhere." Few American highways provoke such a positive response. Even today, when people think of Route 66, they picture a road to adventure.

Although it still stands for the romance of traveling the open highway, in recent years—thanks to the huge interstates—Route 66 has become a memory. A ghost road.

The demise of Route 66 came slowly. As segments of new interstate were completed, the federal designation was stripped from 66, mile by mile, and shifted to the new highway.

Auctions were held to dispose of the old 66 shields. Maps began showing only fragments of the route, or else ignored it altogether. Finally the last bits of highway to wear the proud 66 shield were eliminated from the interstate system.

But there is no killing the spirit of the Mother Road.

Route 66 is reborn every time someone reads the Grapes of Wrath or sees the movie or catches a television rerun of "Route 66" or hears the Bobby Troup song that was an anthem of the road.

It lives in the minds and memories of countless nostalgia buffs, historians and Route 66 diehards. From Illinois to California there is an astonishing Route 66 revival that is growing larger and gaining momentum.

But nowhere was Route 66 more at home than in New Mexico. Today travelers still can find remnants of the old highway and those who made the road America's Main Street. From the ranching and farming communities of Glenrio, Endee and San Jon in the far eastern part of the state to tiny settlements such as Allison, Mentmore and Manuelito in far western New Mexico and in the many towns and cities in between, the spirit of Route 66 is alive and well.

Head westward on I-40, look hard and Route 66 becomes apparent. It's there—off in the ranchlands, hidden by the sagebrush or still serving as the main drag in several towns. Stop in Tucumcari and drive the old road where more than 50 motels once did a booming trade serving travelers attracted by the famous signs that promised "Tucumcari Tonite! 2,000 Motel Rooms."

An eastern New Mexican oasis, Tucumcari has used other aliases through the years. Back in the 1880s life was truly fierce, raw and wideopen, and the settlement was known as Liberty. After the turn of the century, when the railroad was built, citizens called the construction camp Six-Shooter Siding. But by 1902 the name Tucumcari, after the nearby mountain, was accepted. It's never changed.

Some credit the name to a folktale tied to Gerónimo about a pair of starcrossed Apache lovers named Tocom and Kari. But the Tucumcari area was Comanche territory, not Apache country. Fact is, the old Comanche warriors used the peak for smoke signals across the valley to the plains. The mountain was an ideal lookout for war parties. Linguistic experts explain that the name in Comanche is tukamukaru, which means "to lie in wait for someone or something to approach."

That makes sense. Folks in Tucumcari have been lying in wait for a long time, ready to serve up a hamburger or bowl of posole or peddle some postcards or pump a tank of gas or rent a motel room. Lillian Redman knows about waiting. Every day for more than three decades she's staged a daily vigil, waiting for guests from points east and west to arrive at the old Route 66 relic she calls the Blue Swallow.

"This is a friendship place," says Lillian. "People stop here to take a break. They've been doing that for years. It might be some guy thumbing his way cross country or somebody driving a Cadillac. It could be a homeless family or a couple of kids that just got married. It doesn't matter. I end up traveling the highway in my heart with whoever stops here for the night."

A few years back, the venerable Smithsonian magazine declared that "the Blue Swallow may be the last, best and friendliest of the old-time motels." There are few who could argue otherwise.

Born in Texas in 1909, Lillian came to New Mexico in 1915 in a covered wagon when her father homesteaded near Santa Rosa. After she completed school, Lillian put in yeoman's service working for years as a waitress and cook at Fred Harvey Houses throughout the Southwest. She finally settled in Tucumcari, where she met and married Floyd Redman, a man who ran a trailer park and pawnshop on Route 66 for many years. In 1958, Floyd presented Lillian with an engagement present—the Blue Swallow. Built in the 1940s, it was the best present she ever received.

Floyd's dead and so are her parents and a few years back she had to get a new right eye, but Lillian's hanging on to the Blue Swallow. Rooms rent for $10 to $25 a night, there's a well-worn Bible on the check-in counter and over each garage flickers a neon blue bird.

"We've had all kinds of people stay here," says Lillian, her blue eyes as warm as they were when she was a Harvey Girl. "Once we had a 'streaker' and he stayed a week. At sundown he liked to take off his clothes and run around the block. A lot of repeat customers stop, too. One couple honeymooned here in 1965 and every year on their anniversary they come back and get the very same room."

No matter who checks in, Lillian treats them all alike and hands every guest a card that says: "Greetings traveler—may this room and motel be your second home. May those who you love be near you in thoughts and dreams. Even though we may not get to know you, we hope that you will be as comfortable and happy as if you were in your own house. . . ."

And when the sun rises and it's time to get back on the road, there are no wake-up calls. Instead, Lillian gently knocks on every door and says, "Good morning."

With folks like Lillian Redman living here, it's little wonder that Tucumcari continues to prosper despite the loss of Route 66.

"Route 66 had a definite feel to it," Lillian says. "It made you feel warm all over. When it closed, I felt just like I lost an old friend."

There are plenty of other Route 66 guardians like Lillian Redman scattered up and down the highway.

One of them is Ron Chavez, owner of the Club Cafe, a Route 66 institution since 1935, located on the old road in the center of Santa Rosa. Even though I-40 bypasses the city, several of the famous Club Cafe billboards, depicting a grinning fat man, remain on the interstate beckoning all comers to get off at Santa Rosa and try some of the cafe's "honest-to-goodness, authentic sourdough biscuits, hamburgers made with 100% ground beef, homemade chile and chicken-fried steaks made with tender, fresh meat and served with old-fashioned, iron-skillet gravy."

Chavez was born in Puerto de Luna, only 10 miles south of Santa Rosa on the Pecos, just a year after the Club Cafe was founded by Newt Epps. In 1939, Phillip and Ruby Craig bought the club and served hot meals to bone-weary turistas and truckers until 1973 when Chavez, who shined shoes as a boy in front of the restaurant and later learned how to cook there, bought the place. For Chavez, owning and operating the Club Cafe is a dream come true.

"Everybody's who's ever traveled in this part of the country has seen the fat man signs," says Chavez, who explains the image actually is a caricature of Phil Craig, the former owner who taught Chavez how to cook and bake biscuits. "Phil wanted to create an image of someone who appreciated good food and had a satisfied look on his face. People still come in here and ask to see the fat man."

Don't expect to find quiche or blackened red fish on the club's ample menu. Chavez serves only "real food"—piping hot and fresh off the griddle, just like in the boom years of Route 66.

"They've ruined food today," Chavez says. "Fast food has done it. The food comes out of a cookie cutter. But not here. In the Route 66 days there was nothing frozen and microwaved. I have customers who stopped here to eat when they were kids. They're amazed to see that nothing's changed. Sometimes they even get emotional."

Up and down the ghost road are many people who get emotional when it comes to remembering the heyday of the highway. One of them is Bob Audette, a retired steeplejack and iron worker who lives by old Route 66 in the small mountain town of Barton, just east of Albuquerque.

Audette is fearful that some stretches of the highway have been forgotten and he is leading a battle to purchase Historic Route 66 signs to post along the road. His Save Route 66 Association is raising funds for highway signs to help the many tourists Audette claims can't find any traces of 66 along the 120-mile stretch between Albuquerque and Santa Rosa. Audette says motorists often stop at his roadside home to ask directions to the old highway.

"We hope to eventually get all of Route 66 in the state marked," says Audette. "This is history we're talking about. Route 66 is a ribbon of history across the country and with lots of memories. That's what this sign business is all about."

Audette was raised in Albuquerque not far from the University of New Mexico campus on Central Avenue, at one time one of the busiest sections of Route 66 in the country.

Central Avenue is still as busy as it was when it proudly bore the 66 moniker. Many

of the old landmarks—including the Alvarado Hotel, one of the last Mission Revival-style Harvey Houses—have vanished. But there are reminders of the old days and even new attractions that memorialize the highway.

One of the new Central Avenue gems that harkens back to the good old days is named the 66 Diner. This popular beanery opened less than 2 years ago in an old Phillips 66 station that dates back to the '40s. The walls are covered with Route 66 photographs and the juke box plays "I Fall to Pieces," "Jail House Rock," "La Bamba," "Mr. Sandman" and other vintage tunes. At lunchtime every booth, counter seat and table is jammed with downtown office workers, students and, of course, tourists eager to gobble meat loaf or chicken-fried steak and wash it all down with milk shakes, malts, cheery Cokes or icy beers.

"We get a lot of out-of-town people who come by and tell us they remember driving through Albuquerque on old 66 when they were kids," says Peggy McCafferty, the diner's former general manager. "We think this concept is a winner. Where else can a customer be seated by someone wearing a bowling shirt, enjoy a green chile cheeseburger and boogie with a waitress in a poodle skirt."

One of the regulars at 66 Diner is Marianne Dickinson, a New Yorker who fled to New Mexico in 1981 to continue her successful journalism career. Dickinson edits Route 66 Magazine, an arts and entertainment publication, due to go weekly this year, which she explains is dedicated to discussing the issues, trends and lifestyles that harken back to the time when Route 66 was going strong.

"It's actually a metaphorical name," Dickinson says. "We're interested in the arts and architecture of the area that was part of 66 and we're part of the movement to revitalize this area. Route 66 gave people romance. It was a highway they came west on to build new lives and find new opportunities. It meant adventure, and I think much of that is still alive. People are still coming here looking for the golden West—the wild and free West. Remember, the romance of the automobile still holds sway here."

Another Albuquerque editor and writer, Jack Rittenhouse, retired from the University of New Mexico Press, knows full well about the romance of Route 66. In 1946, Rittenhouse published A Guide Book to Highway 66, a mile-by-mile travel guide for the highway.

"When I wrote the book," Rittenhouse says, "I anticipated that after World War II there'd be a second big wave going west over 66. The first big one was probably the 'Grapes of Wrath' people." The booklet sold for one buck. Today, Rittenhouse gets $50 for one of the handful still in stock. UNM Press will reissue the guide this spring.

In his book, Rittenhouse provided a list of tips for travelers, such as "Check your equipment. Be sure you have your auto jack. One of those surplus foxhole shovels may come in very handy." Another tip says, "Anytime you see several huge trucks parked outside a roadside cafe, you can usually be assured of excellent coffee. For these men who make long drives know where to stop."

One Albuquerque motor court that provided refuge for many of Rittenhouse's guidebook readers is El Vado Motel on west Central Avenue, near the Old Town Plaza. El Vado, with its white adobe walls and electric Indian sign, is much the same as it was in 1937 when it was built by Dan Murphy, an Irishman who had previously worked as a bellboy at the Waldorf-Astoria and managed Albuquerque's old Franciscan Hotel. Some say El Vado is the purest Route 66 motel surviving Albuquerque.

El Vado is managed these days by Ali Hakam, an affable young man who was born in India, lived in Pakistan and Sweden, studied urban planning and speaks five languages. Hakam, his wife, Salma, and their three children have called El Vado home since their family moved there in 1985.

"People enjoy staying here because it's like stepping back in time," Hakam says. "It's a very special place. Most of our customers are regulars. I know many of their names. They say it's just like coming home."

Veteran road warriors say the same thing when they arrive in Gallup and pull up at El Rancho, the fabled Route 66 hotel officially reopened only last July after being restored to its original luster by owner Armand Ortega, a well-known Indian trader. After a day spent driving through the natural beauty of western New Mexico, this classic hotel is a worthwhile stop if only to gawk at the photos of the celebrity guests covering the hallways.

First opened in 1937, El Rancho was built by the brother of Movie magnate D. W. Griffith and from the beginning was a gathering place for the stars. Attracted by the many films made in the region, El Rancho's guest register logged such greats as Spencer Tracy, Katharine Hepburn, Kirk Douglas, Alan Ladd, Humphrey Bogart and Jack Benny.

"She's a glitzy lady," Ortega says of his hotel. "This was the home for movie stars and cross-country travelers. It brings back a taste of another time."

What Ortega calls the "taste of another time" is the same story all across New Mexico. From east to west, whether in Cuervo or Tijeras, Laguna, Thoreau or Grants, there are those who can recall with pride when Route 66 was the main transcontinental highway. There are those who know the old highway not just as a ghost but as the open road.

And, if they're in the right mood, most of them will say they have sweet memories of those days when there seemed to be more time. Those days when time was kind of holy.

When there was time to stop for a home-cooked meal, time to play a round or two of miniature golf, time to stretch out in a room cooled with refrigerated air, time to scribble postcards. And, time to pause—just for a minute—to step outside and watch the sunset.

That's what Route 66 was all about. It still is.

By Mr. FORD (by request):

S. 964. A bill to authorize appropriations to the Department of the Energy for civilian energy programs for fiscal year 1990 and fiscal year 1991, and for other purposes; to the Committee on Energy and Natural Resources.

CIVILIAN ENERGY PROGRAMS AUTHORIZATION FISCAL YEARS 1990 AND 1991

● Mr. FORD. Mr. President, today I am introducing, by request, legislation to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1990 and 1991. This bill was transmitted to Congress by the Department of Energy on April 17, 1989.

The cover letter accompanying the bill indicates that certain provisions of the bill may need to be revised to reflect the results of negotiations with Congress on the budget. Certainly provisions need revision. I do not support the bill as introduced. For example, the proposed spending on fossil energy research and development is too small by half. Proposed spending on the superconducting super collider is too high. I could cite a number of other disagreements with the bill.

However, the Secretary of Energy's bill deserves to be introduced so his proposals are on the table and subject to debate. I want to work with Secretary Watkins on the problems I have with this bill. I think I will be able to work with Secretary Watkins.

This bill contains provisions authorizing research, development, and demonstration [RD&D] programs of the Department of Energy as well as other programs, such as those of the Energy Information Administration, that do not involve RD&D. I intend to hold hearings on the RD&D proposals of the Department in my Subcommittee on Research and Development of the Committee on Energy and Natural Resources. I urge my fellow subcommittee chairmen on the Committee to hold hearings on the portions of this bill that fall within their subcommittee jurisdictions. We may find this bill a useful vehicle to express our energy policy concerns to the administration.

I ask unanimous consent that the texts of the April 17 transmittal letter and the bill be printed in the RECORD at this point.

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

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civilian Energy Programs Authorization for Fiscal Years 1990 and 1991."

TITLE I—RESEARCH AND DEVELOPMENT

SEC. 101. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for fiscal year 1990 for civilian research and development programs of the Department of Energy for the following accounts:

(1) General Science and Research Activities, $1,169,431,000, of this amount $250,000,000 for the Federal share of the Superconducting Super Collider project;

(2) Energy Supply Research and Development, $1,901,199,000 for all programs in this account other than programs authorized to be appropriated under section 401 (3) of this Act;

(3) Geothermal Resources Development Fund, $75,000;

(4) Fossil Energy Research and Development, $163,574,000;

(5) Energy Conservation, $80,158,000 for all programs in this account other than pro-

grams authorized to be appropriated under sections 201(1) and 401(4) of this Act;

(6) Strategic Petroleum Reserve, $194,999,000; and

(7) Strategic Petroleum Reserve Petroleum Account, $126,962,000.

TITLE II—CONSERVATION, REGULATION, AND INFORMATION

SEC. 201. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for fiscal year 1990 for the following appropriations accounts:

(1) Energy Conservation, $2,800,000 for appliance standards and the Federal Energy Management Program:

(2) Economic Regulation, $20,346,000;

(3) Emergency Preparedness, $6,641,000;

(4) Federal Energy Regulatory Commission, $116,550,000 of which are not more than $116,550,000 may be derived from collections of licensing fees, inspection services, and other services which may be retained and used for necessary expenses in this account.

(5) Energy Information Administration, $65,232,000.

TITLE III—POWER MARKETING ADMINISTRATIONS

SEC. 301. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act of fiscal year 1990 for the following appropriations accounts;

(1) Alaska Power Administration, Operations and Maintenance, $3,145,000;

(2) Southeastern Power Administration, Operation and Maintenance, $42,369,000;

(3) Southwestern Power Administration, Operation and Maintenance, $25,172,000; and

(4) Western Area Power Administration, Operation and Maintenance, $314,797,000.

TITLE IV—OTHER ACTIVITIES

SEC. 401. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for fiscal year 1990 for the following appropriations accounts;

(1) Uranium Supply and Enrichment Activities, $1,445,000,000;

(2) Departmental Administration, $179,923,000 together with $228,715,000 to be derived from miscellaneous revenues and receipts as necessary to provide a level of $408,638,000;

(3) Energy Supply Research and Development, $261,077,000 for the following programs in that account: international solar energy program; solar technology transfer; remedial actions and waste technology; and in-house energy management;

(4) Energy Conservation, $12,570,000 for the following programs in that account: state and local assistance programs; building and community systems; technology assessment and transfer; industrial energy conservation; implementation and deployment; multi-sector; National Appropriate Technology and Assistance Service; and policy and management;

(5) Isotope Production and Distribution Fund, $16,243,000;

(6) Office of the Inspector General, $22,959,000, and

(7) Nuclear Waste Fund, $500,000,000.

TITLE V—FISCAL YEAR 1991 AUTHORIZATION

SEC. 501. There are authorized to be appropriated to the Department of Energy such sums as may be necessary for fiscal year 1991 to carry out civilian programs.

DEPARTMENT OF ENERGY,
Washington, DC, April 17, 1989.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. SPEAKER: Enclosed is proposed legislation "[t]o authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1990 and fiscal year 1991, and for other purposes." The bill would authorize fiscal year 1990 (FY 90) appropriations to the Department of Energy totaling $6,899,937,000.

Section 101 would authorize FY 90 appropriations totaling $3,636,398,000 for all civilian research and development programs. $250,000,000 of that amount would be provided for the Federal share of construction of the Superconducting Super Collider (SSC). The SSC will provide the capability for the U.S. to remain the world's leader in the field of high energy physics.

President Bush has accelerated the Clean Coal Technology Program to its original schedule, requesting advance appropriations of $600,000,000 for both fiscal year 1991 and 1992 in order to meet our original commitment of $2,500,000,000 in Federal funding over 5 years. New funding authorization is not necessary in this bill, however, because an advance appropriation in the Department of the Interior and Related Agencies Appropriations Act, Fiscal Year 1989 (Pub. L. 100-446) already has provided full FY 90 funding for the program.

Section 201 would authorize FY 90 appropriations of $211,569,000 for certain programs within the Energy Conservation account, emergency preparedness, economic regulation, the Federal Energy Regulatory Commission, and the Energy Information Administration.

Section 301 would authorize FY 90 appropriations totaling $385,483,000 for the power marketing administrations.

Section 401 would authorize FY 90 appropriations totaling $2,666,487,000 for uranium supply and enrichment activities, departmental administration, the Isotope Production and Distribution Fund, and certain programs with the Energy Supply Research and Development account and the Energy Conservation account.

Section 501 would authorize such sums as may be necessary for FY 91.

This proposal's appropriation authorization for the SSC is needed to carry out the President's FY 90 Budget plan as was highlighted in the President's Building a Better America document as transmitted to Congress on February 9th. Its enactment would be in accord with the program of the President.

The remaining provisions of this proposal are included in the residual freeze category of the President's budget plan. Final decisions concerning programs in this category are still to be determined through negotiations between the Administration and Congress. Accordingly, these provisions, which as drafted reflect President Reagan's FY 90 Budget, may need to be revised to reflect the results of such negotiations.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to Congress. The enactment of this proposal, subject to the qualifications stated above, would be in accord with the program of the President.

Sincerely,

ERIC J. FYGI,
Acting General Counsel.●

By Mr. KERRY:

S. 966. A bill to carry out long-term research on the effects of oilspills on the marine and estuarine habitats and resources of Prince William Sound, and for other purposes; to the Committee on Energy and Natural Resources.

S. 967. A bill to amend the Coastal Zone Management Act of 1972 to designate the Secretary of Commerce as the lead trustee for ocean and coastal resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OILSPILL LEGISLATION

Mr. KERRY. Mr. President, I rise today to introduce two pieces of legislation. The first relates to general oil and toxic spills in our marine resources, and the second specifically addresses some of the problems that we have learned in the wake of the disastrous oilspill in Prince William Sound in Alaska.

The first will authorize NOAA to carry out a 10-year comprehensive monitoring and research program to determine the long-term effects of the oil discharged by the *Exxon Valdez* spill on the diverse marine and estuarine habitats as well as the resources of Prince William Sound.

Mr. President, a lot of oil has been spilled in Prince William Sound which will have some very long-term effects on the environment. I have to admit that I regard the cleanup attempt to be completed in the next few months with a great deal of skepticism. On April 13, the cleanup effort had recovered 20,000 barrels, since then we have managed to recover only 31,000 more. Frankly much more has simply evaporated—84,000 barrels—than been recovered. What this tells me, is that nature is winning out. This feeble attempt by man to help nature after we have despoiled it has been a travesty and an embarrassment.

Furthermore, to date less than 3 miles of beach has been cleaned, with roughly 400 miles of beach to supposedly be finished by a September 15 deadline. With 3 miles in 40 days can we believe Exxon's prediction of 400 miles cleaned in 128 days? Mr. President, I think we will have a seriously oiled shoreline for quite some time and much to learn about the effect this oil will have on the precious natural resources.

The arctic and subarctic marine and estuarine ecosystems of the United States are a unique and important part of our national heritage. The immediate vulnerability of the ecosystems to damage and degradation caused from discharges of oil has been most clearly demonstrated in Prince William Sound. What we do not know however, are the long-term effects. Scientists tell us that to fully understand the impact not only of this oilspill, but other spills that could occur

in icy waters in the North Atlantic or North Pacific, that we must spend at least 10 years studying the effects of the *Valdez* spill on the natural resources.

The legislation amends the Trans-Alaska Pipeline Authorization Act to authorize an appropriation of $2 million for each fiscal year through 1999, to the Secretary of Commerce, so that NOAA can carry out the study.

The results of such a study would be applied to the development of methods of protecting arctic and subarctic marine and estuarine habitats and resources such as fish, wildlife and the resource itself, from discharges of oil. This will include minimizing the effects of oil discharges on such habitats through new dispersants and other technologies. The bill also requires a 5-year interim report.

Furthermore, the legislation will postpone until the interim report is completed, any opening of oil and gas development in the small sensitive area of the Arctic National Wildlife Refuge [ANWR] known to many as the 1002 area. ANWR is 19 million acres of wilderness area in the northeast corner of Alaska. The 1002 area consists of a small 1.5 million acre tract. In 1980 Congress withheld the 1002 area from being designated as wilderness pending a report by the Interior Department on ANWR's wilderness qualities and an energy potential. In 1987 former Secretary Hodel released his study and recommended that the entire 1002 area be opened to full-scale oil and gas development.

Despite the question of how much oil can be found in the area, former Secretary Hodel's recommendation ignores the potential and detrimental effects that drilling for oil can have on wildlife and the environment. Furthermore until NOAA completes at least 5 years of its study on the effects of the *Valdez* oilspill in the arctic area, and until I have full assurances from the Secretary of Transportation that oil can safely be shipped through the Port of Valdez, I do not think that opening up a new pipeline which feeds into the Port of Valdez should be permitted. My legislation requires the Secretary of Transportation to provide assurances that significant improvements have been made in the navigation safety of oil tankers in Prince William Sound.

Finally the second piece of legislation that I am proposing deals with damage assessments to the natural resources when there is an oil or toxic spill in a marine environment. The legislation establishes a mechanism to recover funds and to restore damaged resources.

It amends the Coastal Zone Management Act in order to clarify existing Federal trusteeship authority over the natural resources in the ocean and coastal resource trusteeship zone. This legislation establishes a system that places the Department of Commerce as the lead trustee for incidents occurring in this zone. The lead trustee would coordinate the cleanup effort among all Federal and State trustees, direct the damage assessment, ensure that damage assessments made by the trustees are compatible and not duplicative, resolve disputes among the trustees, manage reimbursement costs, enlist the support of experts, and provide legal support to the Department of Justice during negotiations or court actions on trustee's claims.

The legislation addresses the need for up front funding for damage assessment costs. Currently none exists. Trustees must fund damage assessments out of their operating budget and then seek reimbursement from responsible parties. For example, over 2 years ago in New Bedford, MA, NOAA spent roughly $500,000 on a damage assessment of PCB's dumped into New Bedford Harbor by the Aerovox Co. Although a lower court has awarded over $2 million to go for resource recovery, the issue has been appealed. Consequently, NOAA is out $500,000 during tight budgetary times. In addition the agency wants to pursue damage assessments off of Long Beach, CA, and Hawaii, yet no funding is available.

The legislation will establish a revolving loan fund in the U.S. Treasury of $10 million for funding damage assessments. It requires that once money goes into the fund, that the initial startup money will slowly be drawn back into the general fund. The account in the Treasury in which specific funds are recovered, can also be used by trustees for restoring, replacing, or aquiring the equivalent of damaged resources.

Mr. President, much has been learned from the disaster in Prince William Sound and there is still much more to understand. Several congressional hearings have taken place regarding the oilspill and I know there will be more to come. In the past 6 weeks a lot of blame has been tossed around, but now is the time to put that behind us and get on to what needs to be done, restoration of the Alaskan coast, develop policies that avert this type of spill from ever occurring again, and learn what long-term effects the spill will have on our precious natural resource.

By Mr. REID:

S.J. Res. 125. Joint resolution relating to responsible trade and conservation of tropical forest resources; to the Committee on Foreign Relations.

CONSERVATION OF RAIN FOREST RESOURCES

Mr. REID. Mr. President, 3 months ago I said we could not wait any longer for actions to conserve the world's tropical rain forests.

I suggested that if countries with large rain forests such as Brazil did not act, then perhaps we should send them a message by enacting restrictive measures.

Many others in both the public and private sectors echoed my sentiments and advocated increased pressure on Brazil.

The Brazilian reaction was decidedly antagonistic. They did not welcome the world's involvement in what they characterized as a domestic concern and a matter of national sovereignty.

They said we were trying to internationalize their rain forests. We were not. We were trying to help prevent destruction of the rain forests—a matter of great concern to the world.

President Jose Sarney acknowledged the conservation problem in a statement to the Brazilian people earlier this year.

He said, "We must create nationwide consciousness that we are all passengers in the adventure of man on Earth. The era of unlimited resources is over."

We are witnessing the slow but sure depletion of one of our most precious resources—the tropical rain forests.

These forests are of enormous importance to the world, as explained in the joint resolution that I intend to introduce today We cannot let political disagreements and misunderstandings obstruct our overriding joint goal of rain-forest conservation and cooperative partnerships with tropical rain-forest nations.

I believe we as a nation can reverse present animosities and evoke positive action if we clearly explain our position. And so, today, I offer a joint resolution outlining a U.S. policy for conservation and sustainable use of the rain forests.

The proposed policy is one of support and cooperation. It is based on the need for all interested organizations, individuals, and countries to work together toward a common goal. The policy embodies the key concept of sustainable use, meaning that rain forests do not have to be destroyed in order to provide people with means to make a living.

The rain forests offer many rich resources that can be extracted without clearing millions of acres of trees. My joint resolution calls for improved cooperation and a spirit of partnership between the United States and Brazil, as well as with other tropical rain-forest countries.

Partnerships in forest conservation and sustainable economic growth are strongly advocated. President Sarney has said that Brazil would welcome this kind of foreign cooperation. This past month, the Brazilian Government announced the initiation of a program called "Our Nature" which includes a

series of rain-forest protection measures.

The program is augmented by the National Fund for the Environment, which may provide financial support for conservation groups. These recent actions indicate a willingness on Brazil's part to preserve what some call the "lungs of the Earth."

My resolution will be introduced in the House of Representatives by Congresswoman CLAUDINE SCHNEIDER. It outlines a constructive, viable policy. The approach is advocated by Brazilian Congressman Fabio Feldman, who considered the reactions of his colleagues to this joint resolution.

The joint resolution also places blame on the United States for not fully supporting sustainable use of the rain forests and not providing environmentally sound assistance. A policy is set forth in this resolution that would encourage the United States to import products derived from sustainable use practices.

This policy is in keeping with the methods pioneered by Chico Mendes, the Brazilian union organizer murdered last December. Following his death, I joined many of my congressional colleagues for a memorial service here at the Capitol. We honored a man who advocated beneficial use of the many resources of the rain forests without destroying them.

I think our sentiments and sorrows expressed that day are represented in this joint resolution to ensure we help carry on the conservation policy pioneered by Mr. Mendes and promoted by the Brazilian Government in their new initiative.

My resolution also calls for accountability. It states that, 1 year after passage, the President of the United States shall submit to the Congress a report describing the progress the United States has made in honoring the spirit of the joint resolution. We heard from top scientists this week about the increasing severity of the greenhouse effect. And, Mr. President, I might add, we heard both the abridged and unabridged versions of their testimony. My joint resolution would help conserve the rain forests, whose destruction greatly contributes to the global warming trend.

We chided Brazil for all talk and no action. This joint resolution helps guarantee the United States will not garner the same criticism. If we do not take positive and cooperative action soon, there will be nothing left to talk about. There will be no more rain forests.

I encourage my colleagues to help me initiate action by cosponsoring this resolution.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 125

Whereas tropical forests are the world's storehouse of biological diversity, containing more than one half of the plant and animal species on earth and millions have yet to be identified;

Whereas these tropical forests are a major absorber of atmospheric carbon dioxide and help prevent serious buildup on the atmosphere;

Whereas more than one half of the world's medicines were derived from wild plants and animals and future medicine, industry, and agriculture will depend on wild genetic resources;

Whereas approximately one-third of the world's tropical forests have already been lost and over 25-30 million acres are being cleared each year, most without reforestation, and this threatens the futures of all nations;

Whereas some United States assistance to tropical forest nations have encouraged nonsustainable forest development, environmental impact analyses are not required for all of this assistance, and existing environmental requirements are not always complied with;

Whereas the United States has imported tropical forest products derived from nonsustainable utilization of these forests;

Whereas successful foreign policy to help developing nations establish effective conservation programs and support democracy must include exchange of technology and managerial expertise;

Whereas Brazil and other sovereign nations with tropical forests are developing effective conservation programs, and the United States wishes to work together with them in these efforts;

Whereas practicable technology and management strategies are greatly needed to manage sustainable uses of tropical forests, and the United States desires to help develop these technologies; and

Whereas nongovernmental organizations in concerned nations are playing an increasingly important role in tropical forest conservation and conservation of biological diversity: Now, therefore, be it

Revolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States—

(1) to encourage import of products derived from sustainable uses of tropical rain forests.

(2) to work together as a partner with nations owning tropical forests to help conserve these forests and help ensure utilization of these forests is sustainable;

(3) to furnish United States assistance programs, including multi-lateral banks, for the maintenance of tropical forests and sustainable uses of these forests, complemented by professional environmental analyses;

(4) to support the strengthening of intercongressional links between the United States and Brazil, and between the United States and other nations owning tropical forests, to explore jointly partnerships in forests conservation and sustainable economic growth;

(5) to encourage nongovernmental organizations to work with governments to help design, implement, and assess sustainable forest management policies and programs for conservation of tropical forests and biological diversity;

(6) to establish a bilateral agreement between the United States and Brazil and between the United States and other interested nations to share technology, experience, training, and research in tropical forest conservation, through direct personal contacts with congressional, scientific, educational, and management personnel;

(7) to encourage and directly support development of model projects demonstrating sustainable use and conservation of tropical forests;

(8) to support increased research and training by the United States in tropical forest ecology and management; and

(9) to place extremely high priority on the conservation of the world's tropical forests and the biological values and opportunities found in these forests.

SEC. 2. REPORT.

Not later than one year after the date of enactment of this joint resolution, the President shall submit to the Congress a report describing progress made toward the purposes in section 1.

By Mr. PELL (for himself, Mr. MITCHELL, Mr. HOLLINGS, Mr. DOLE, Mr. CHAFEE, Mr. NUNN, Mr. MATSUNAGA, Mr. DIXON, Mr. CONRAD, Mr. PRYOR, Mr. SARBANES, Mr. RIEGLE, Mr. HATCH, Mr. COHEN, Mr. THURMOND, Mr. DODD, Mr. BOREN, Mr. COCHRAN, Mr. HUMPHREY, Mr. D'AMATO, Mr. KERRY, Mr. GORE, Mr. LIEBERMAN, Mr. REID, Mr. LUGAR, Mr. KASTEN, Mr. GRAHAM, Mr. GORTON, Mr. LAUTENBERG, Mr. BURDICK, Mr. EXON, Mr. ROBB, Mr. LEVIN, Mr. PACKWOOD, Mr. JEFFORDS, Mr. BOSCHWITZ, Mr. WILSON, Mr. BRADLEY, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. STEVENS, Mr. WARNER, Mr. INOUYE, Mr. CRANSTON, Mr. MACK, and Mr. BREAUX):

S.J. Res. 126. Joint resolution commemorating the bicentennial of the U.S. Coast Guard; to the Committee on the Judiciary.

BICENTENNIAL OF THE U.S. COAST GUARD

Mr. PELL. Mr. President, as a retired captain in the U.S. Coast Guard Reserve, I am especially pleased today to introduce a joint resolution in the Senate honoring the 200th anniversary of the founding of the U.S. Coast Guard.

I am also most pleased that 45 of my colleagues in the Senate have joined as original cosponsors of this important commemoration of the Coast Guard.

The U.S. Coast Guard was established by George Washington and Alexander Hamilton in 1790, as the Revenue-Marine Cutter Service to help defray some of the costs of the Revolutionary War debt through the interdiction of violators of U.S. custom laws.

Since that date, the Coast Guard has evolved from a service of 10 revenue cutters mainly concerned with maritime smuggling, to a service of

more than 43,000 individuals assisted by approximately 2,190 vessels. As we are all very much aware these days, the Coast Guard's critical missions now include search and rescue operations, the monitoring and supervision of oil spill cleanup efforts, drug interdiction patrols, coastal and port security, ice breaker assistance and the maintenance of navigational aids.

While the bicentennial of the U.S. Coast Guard will be commemorated during the period of time beginning August 4, 1989, and ending August 4, 1990, I believe it most appropriate and important for the 101st Congress to memorialize the distinguished service of the members of the U.S. Coast Guard to our country since its formation in 1790.

I welcome cosponsors to this resolution honoring the U.S. Coast Guard, and ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 126

Whereas August 4, 1990, marks the 200th anniversary of the Act of August 4, 1790, by which Congress authorized 10 revenue cutters requested by Alexander Hamilton for the purpose of interdicting violators of the customs laws;

Whereas the seagoing service which began with those first 10 cutters lives on in the form of the service now known as the "United States Coast Guard";

Whereas the Coast Guard has served this Nation well, in war and peace, in both the defense of this Nation against foreign enemies and against the use of the sea for crimes against the Nation;

Whereas the Coast Guard has also served this Nation well in protecting against the perils of the sea, by rescuing those in danger at sea, maintaining aids to navigation, and regulating the safety of vessels;

Whereas the Coast Guard, despite its small size, has served the Nation in these and in many other areas with efficiency and gallantry;

Whereas the Coast Guard's present-day battle against the importation of drugs by sea reminds us of the origins of the Coast Guard with those first 10 cutters 200 years ago, and of the other essential services performed by the Coast Guard; and

Whereas the bicentennial of the Coast Guard will be commemorated during the period beginning August 4, 1989, and ending August 4, 1990: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States hereby gives recognition to the two centuries of service by the United States Coast Guard and authorizes and requests the President to issue a proclamation calling upon the people of the Nation to share in the pride and satisfaction enjoyed by the dedicated and committed members of the United States Coast Guard during the commemoration of this bicentennial.

Mr. CHAFEE. Mr. President, I am delighted to join with my colleagues in introducing this important resolution. If any organization deserves recognition for its efforts on the public's behalf, it is the U.S. Coast Guard.

As a Senator from the ocean State of Rhode Island, I am particularly aware of the importance of the Coast Guard's role. We in New England see the Coast Guard every day—the lifeboats patrolling our beaches and marinas, the blinking lights of lighthouses and other aids-to-navigation, and the search-and-rescue helicopters circling overhead.

With 28,500 recreational motorboats, thousands of sport fishermen, and countless sailboats—not to mention the heavy commercial marine traffic—Rhode Islanders find these daily reminders of the Coast Guard's presence extremely reassuring.

Last year, the Coast Guard responded to 647 calls for help in Rhode Island alone. It is a tribute to their hard work and devotion that while the number of recreational boats has increased by 280 percent since 1961, the number of boating fatalities has increased by only 15 percent.

But the Coast Guard is not just an agency created to protect boaters and bathers. It is the Federal agency with maritime authority for the United States, and it has played a vital role in our Nation's history. Since the first "fleet of cutters" was authorized by Congress 199 years ago to protect U.S. revenues, the duties of the Coast Guard have increased rapidly.

Ice patrols and life-saving services have been added. Enforcement duties ranging from prohibition laws to international whaling conventions to drug interdiction have been expanded. We here in Congress recognized the importance of the Coast Guard's role in drug interdiction efforts when we passed the omnibus drug bill last year. And, of course, the Coast Guard is an integral part of our Nation's military defense, as was proven in World Wars I and II.

In addition, the Coast Guard has an important volunteer component: A civilian auxiliary that aids the Coast Guard in rescue missions and promotes safe, recreational boating as a public service. I would also like to point out that the Coast Guard Academy was the first to admit women—in July 1976.

Mr. President, this variety of duties is what the Coast Guard calls multimission. I call it pretty amazing.

I would like to commend and congratulate the Coast Guard for its excellent work over the years. As Admiral Yost, Commandant of the Coast Guard, has put it: "The Coast Guard remains the best buy the taxpayer has."

By Mr. SIMON:

S.J. Res. 127. Joint Resolution designating Labor Day weekend, September 2-4, 1989, as "National Drive for Life Weekend"; to the Committee on the Judiciary.

NATIONAL DRIVE FOR LIFE WEEKEND

Mr. SIMON. Mr. President, I rise today to introduce a joint resolution asking the President to designate September 2-4, 1989, as "National Drive for Life Weekend."

This joint resolution, which is similar to the one I introduced last year, will designate Labor Day weekend as the focus of the third annual "Drive for Life," a national public service campaign sponsored by Mothers Against Drunk Driving [MADD] and Volkswagon United States, Inc., asking all Americans to pledge to be responsible by driving sober and encouraging others to do the same.

More than 23,000 people were killed in the United States last year as a result of alcohol-related accidents, an average of 65 individuals each day. Statistics indicate that two out of every five individuals in this country will be involved in a drunk-driving related accident at some point in their lives. The Drive for Life campaign seeks to reduce the very high number of alcohol-related car accidents in the United States by implementing a month-long public awareness program aimed at educating the public on the dangers of drunk driving.

Drive for Life focuses on the Labor Day weekend, a time when the incidence of alcohol-related accidents traditionally runs 10 percent above the average. During the second annual Drive for Life Day the death toll for drunk-driving related crashes was down 28.6 percent from Labor Day weekend Saturday in 1987. By declaring September 2-4 as "National Drive for Life Weekend," Congress will assist the campaign's effort to continue focusing national attention on the dangers of drunk driving.

By Mr. DOLE (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. ROTH, Mr. GARN, Mr. WARNER, Mr. MURKOWSKI, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. BURNS, Mr. COATS, Mr. ARMSTRONG, Mr. COHEN, Mr. MCCONNELL, Mr. HATCH, Mr. DURENBERGER, Mr. LUGAR, Mr. GRAHAM, Mr. LEAHY, Mr. MATSUNAGA, Mr. PELL, Mr. SHELBY, Mr. HOLLINGS, Mr. MOYNIHAN, and Mr. REID):

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day"; to the Committee on the Judiciary.

NATIONAL POW/MIA RECOGNITION DAY

Mr. DOLE. Mr. President, in 1969, when I first expressed concern about resolving the fates of the missing Americans who served this Nation in times of conflict, I spoke to only 20 POW/MIA family members. Twenty

years later, thousands of concerned Americans have become involved in keeping this issue a national priority.

President Bush has demonstrated his strong commitment to resolving this issue by reappointing Gen. John Vessey, Presidential Emmissary to Hanoi for POW/MIA. I am pleased that General Vessey's mission has produced positive results. Under his direction, an unprecedented number of remains have been recovered and identified. However, much more still needs to be done to account for the few thousand men still missing and unaccounted for in Southeast Asia, as well as previous wars.

Earlier this year, I joined the majority leader and several colleagues in both Chambers to unveil the POW/MIA flag in the Capitol rotunda to serve as a constant reminder to Congress and the American people of the missing and captive American service men. Today, I am pleased once again to introduce legislation designating September 15, 1989, as "National POW/MIA Recognition Day." This day will pay tribute to all of those who suffered, and may still be suffering, for their selfless service to this great Nation. It will also renew our promise to the families of these courageous servicemen and women that we will never rest until we can gain a full accounting for all of our heroes.

Mr. President, I am pleased that 22 Senators have already agreed to cosponsor this important resolution. I encourage other Members to join with us in commemorating this important day and rededicating our commitment to account for all missing Americans.

I ask unanimous consent for the text of the joint resolution to be printed in the RECORD.

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

S.J. RES. 129

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute hardship; and

Whereas the sacrifices of Americans still missing and unaccounted for and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 15, 1989, is hereby designated as "National POW/MIA Recognition Day." The President is authorized and requested to issue a proclamation calling upon the people of the United States to recognize that day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 5, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 6

At the request of Mr. MCCAIN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 6, a bill to grant the power to the President to reduce appropriated funds within 10 days after the date of enactment of a bill appropriating such funds.

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 11, a bill to provide for the protection of the public lands in the California desert.

S. 15

At the request of Mr. CRANSTON, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 341

At the request of Mr. HOLLINGS, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 341, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 350

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 350, a bill to repeal section 89 of the Internal Revenue Code of 1986 (relating to rules for coverage and benefits under certain employee benefit plans).

S. 366

At the request of Mr. BAUCUS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 366, a bill to amend title XVIII of the Social Security Act to make certain payment reforms in the Medicare Program to ensure the adequate provision of health care in rural areas, and for other purposes.

S. 369

At the request of Mr. BOSCHWITZ, the fame of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 369, a bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000.

S. 448

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 448, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States.

S. 488

At the request of Mr. FOWLER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 488, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 501

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase the amount of, the exclusion for amounts received under qualified group legal services plans.

S. 570

At the request of Mr. DANFORTH, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 578

At the request of Mr. DANFORTH, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 578, a bill to amend title 10, United States Code, to provide for consideration of whether certain defense agreements adversely impact the international competitive position of U.S. industry.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 595, a bill to amend section 89 of the Internal Revenue Code of 1986 to exempt certain small businesses from the application of the employee benefit nondiscrimination rules, to delay and to simplify the requirements of such section, and for other purposes.

S. 630

At the request of Mr. BREAUX, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 630, a bill to conserve, protect, and to restore the coastal wet-

lands of the State of Louisiana, and for other purposes.

S. 654

At the request of Mr. PRYOR, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 654, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of simplified health arrangements meeting the requirements of section 89, to modify the definition of part-time employee for purposes of section 89, and to simplify the application of section 89.

S. 670

At the request of Mr. ARMSTRONG, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 670, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 771

At the request of Mr. REID, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 880

At the request of Mr. MCCONNELL, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 880, a bill to amend the Child Nutrition Act of 1966 to require the Secretary of Agriculture to provide startup funds to State educational agencies for distribution to schools to establish or expand school breakfast programs, to require the Secretary to collect and disseminate certain information concerning the school breakfast program, and for other purposes.

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to recognize the 75th Anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Delaware [Mr. ROTH], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. HELMS, the names of the Senator from Florida [Mr. MACK], the Senator from California [Mr. CRANSTON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the third week of June 1989 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 67, a joint resolution to commemorate the 25th anniversary of the Wilderness Act of 1964 which established the National Wilderness Preservation System.

SENATE JOINT RESOLUTION 71

At the request of Mr. HELMS, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 71, a joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week."

SENATE JOINT RESOLUTION 76

At the request of Mr. HELMS, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Missouri [Mr. BOND], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 76, a joint resolution to designate the period commencing on June 21, 1989, and ending on June 28, 1989, as "Food Science and Technology Week."

SENATE JOINT RESOLUTION 104

At the request of Mr. MITCHELL, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 104, a joint resolution to express the sense of the Congress with respect to the health of the Nation's children.

SENATE JOINT RESOLUTION 110

At the request of Mr. SIMON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mr. CRANSTON], the Senator from Florida [Mr. MACK], the Senator from Idaho [Mr. MCCLURE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Colorado [Mr. WIRTH], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 110, a joint resolution designating October 5, 1989, as "Raoul Wallenberg Day."

SENATE JOINT RESOLUTION 112

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Delaware [Mr. ROTH], the Senator from Texas [Mr. BENTSEN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. LOTT], the Senator from Nevada [Mr. REID], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 112, a joint resolution designating May 29, 1989, as the "National Day of Remembrance for the victims of the U.S.S. Iowa."

SENATE JOINT RESOLUTION 113

At the request of Mr. DIXON, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Michigan [Mr. RIEGLE] were withdrawn as cosponsors of Senate Joint Resolution 113, a joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan.

SENATE JOINT RESOLUTION 117

At the request of Mr. BURDICK, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from California [Mr. WILSON], the Senator from Texas [Mr. BENTSEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. GARN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from North Carolina [Mr. HELMS], the Senator from Rhode Island [Mr. PELL], the Senator from South Carolina [Mr. THURMOND], the Senator from Missouri [Mr. BOND], the Senator from Tennessee [Mr. GORE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 117, a joint resolution to designate the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week."

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. SYMMS, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Concurrent Resolution 13, a concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Canal Act of 1979.

SENATE CONCURRENT RESOLUTION 36—RELATING TO PHYSICIAN PAYMENT REFORM

Mr. HATCH (for himself, Mr. GARN, Mr. DURENBERGER, Mr. BAUCUS, and Mr. GRASSELY) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 36

Whereas substantial geographical disparities exist under the current medicare physician reimbursement formulas which may not be accounted for by regional differences in the cost of practice;

Whereas the Subcommittee on Health and Environment of the Committee on Energy

and Commerce of the House of Representatives has held extensive hearings documenting these geographical variations;

Whereas the Physician Payment Review Commission, created under section 9305 of Public Law 99-272 (42 U.S.C. 1395w-1), concluded that geographical variations in prevailing charges are substantial, and stated that "wide variation in charges unrelated to differences in cost of practice could mean access to care and beneficiary financial protection might be compromised in areas where prevailing charges are low"; and

Whereas these geographical disparities may penalize doctors who have historically charges lower rates: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the problem of geographical variations in physician reimbursement under the medicare program needs to be addressed; and

(2) any mechanism for medicare physician reimbursement should not permit any geographical variations beyond those which can be justified by regional differences in the cost of medical practice or the need to maintain access to high quality health care.

Mr. HATCH. Mr. President, today, I am pleased to join with Senators GARN, BAUCUS, DURENBERGER, and GRASSLEY in the submission of a concurrent resolution expressing the sense of Congress regarding the problem of geographical variations under the current medicare physician reimbursement. This concurrent resolution is being introduced in the House by the Utah delegation.

The current Medicare reimbursement system for physicians is both inequitable and unfair: physicians providing exactly the same service are reimbursed at very different levels depending on whether the office is on one side of a State line or the other. For example, physicians in States surrounding Utah may receive up to 20 percent more for services provided in the office than do physicians practicing in Utah. For physicians providing hospital care, this discrepancy can be as high as 33 percent.

The Physician Payment Review Commission [PPRC] recently completed a study of geographic variations in Medicare charges and reported their findings to Congress in March 1988. This report also found that prevailing charges may vary extensively from one locality to another. The PPR Commission looked at factors that could explain and justify these geographic differences and concluded that the cost of practice differences accounted for some of the variation, but certainly not all.

Unfortunately, when our current reimbursement mechanism was created over 15 years ago, it highlighted the differences in practice costs between States. In addition, these State differentials were frozen at those 1973 levels, because the law limited percentage increases in out-years and applied this limitation to all States equally. Thus, over time, arithmetic increases in payments have been considerably greater in those States which started with a higher base, compounding the problem with each passing year. States like Utah, which had low fee structures in 1973, have been penalized ever since for their conservative charges. We are punishing those physicians who were cost conscious in delivering services.

In the same report, the PPR Commission went on to state that:

The wide variation in charges unrelated to differences in cost of practice could mean access to care and beneficiary financial protection might be compromised in areas where prevailing charges are low.

It is not hard to imagine that physicians practicing in States with low reimbursement rates may choose to move their practices to neighboring States with higher reimbursement rates or that young physicians may decide to avoid practicing in these States all together. One day, many seniors may have difficulty finding a doctor when they need one. In addition, seniors may be faced with higher out-of-pocket costs for their health care as physicians become more reluctant to accept Medicare assignment.

At the same time, Medicare beneficiaries from States with low reimbursement rates are subsidizing beneficiaries in wealthier States. All Americans, regardless of their residence, are subject to the same Federal tax and Social Security liability; all Medicare enrollees pay the same premiums for part B coverage. Yet, there is not an equal distribution to the providers serving these seniors. Taxpayers in some parts of the country, like Utah, are subsidizing citizens living elsewhere. Ironically, in the case of Medicare, more prosperous sections of the country tend to be subsidized by less prosperous ones.

It is because of these immediate problems, Mr. President, that we are introducing this resolution expressing the sense of Congress that the problem of geographical variations in physician reimbursement under the Medicare Program needs to be addressed. Any mechanism for Medicare physician reimbursement should not permit any geographical variations beyond that which can be justified by regional differences in the cost of medical practice or the need to maintain access to high quality health care.

SENATE RESOLUTION 123—APPOINTMENT OF A COMMITTEE TO RECEIVE AND REPORT EVIDENCE WITH RESPECT TO THE IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 123

Resolved, That section 6 of Senate Resolution 38, 101st Congress, is amended to read as follows:

"SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay."

SENATE RESOLUTION 124—ORIGINAL RESOLUTION REPORTED RELATING TO THE 40TH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was placed on the calendar:

S. RES. 124

Whereas the North Atlantic Treaty was signed in Washington on April 4, 1949; was ratified by the United States pursuant to Senate consent; and entered into force on August 24, 1949;

Whereas the Atlantic Alliance now comprises 16 member-nations and will celebrate NATO's 40th anniversary at a summit meeting beginning May 29, 1989;

Whereas the North Atlantic Treaty Organization has facilitated effective cooperative participation by member-nations in their common defense since the inception of the Alliance;

Whereas the North Atlantic Assembly has, since 1955, fostered active participation by elected representatives throughout NATO in discussions leading to recommendations and cooperative policies on essential Alliance issues;

Whereas open discussion, meaning the full airing of views, among member-states of the Alliance is fundamental to the nature of a voluntary alliance of democratic nations;

Whereas experience has demonstrated that a firm and coherent NATO position is crucial to effective East-West arms control; and

Whereas the common interests of Alliance members continue to outweigh any disagreements on particular issues of defense posture and arms control negotiating strategy; Be it therefore,

Resolved, That this resolution may be referred to as the "Renewed Commitment to NATO Resolution," passed on the occasion of NATO's 40th anniversary.

That the United States Senate remains dedicated to the North Atlantic Alliance as a critical instrumentality for maintaining an effective Western defense of the principles and institutions of democratic freedom;

That it remains in the overwhelming interest of the United States and other members of NATO that recurring disputes concerning defense posture and arms control negotiating strategy be resolved in a spirit of comity and compromise, and with a continuing emphasis on the largest purposes

NATO has so effectively served for forty years.

SENATE RESOLUTION 125—ORIGINAL RESOLUTION REPORTED CONGRATULATING THE KINGDOM OF NORWAY ON 175 YEARS OF CONSTITUTIONAL GOVERNMENT

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was placed on the calendar:

S. RES. 125

Whereas, May 17 is the 175th anniversary of the adoption of the Norwegian Constitution in 1814;

Whereas, the Norwegian Constitution was inspired in important aspects by the Constitution of the United States;

Whereas, the Norwegian Constitution was one of the first written constitutions adopted by a monarchy recognizing the sovereignty of the people, emphasizing the importance of human rights, and delineating the roles of the monarchy, the legislature, and the judiciary;

Whereas, the Norwegian Constitution has been an essential element in Norway's long tradition of democratic government, political and social tolerance, and devotion to freedom and self-determination;

Whereas, the people of Norway heroically resisted a brutal occupation during World War II;

Whereas, Norway has been one of America's staunchest allies in NATO; and

Whereas, immigrants from Norway have enriched American life and culture; Therefore, be it

Resolved, That the Senate of the United States congratulates the Kingdom of Norway on its 175 years of constitutional government.

SENATE RESOLUTION 126—RELATING TO THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION OF MEDICARE

Mr. BAUCUS (for himself, Mr. HARKIN, Mr. PRYOR, Mr. CONRAD, Mr. BURDICK, Mr. BOREN, Mr. DASCHLE, and Mr. EXON) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 126

Whereas the Prospective Payment Assessment Commission was established to advise the Secretary of Health and Human Services on ways to update and improve the Medicare Prospective Payment System;

Whereas the Commission, by its own admission, has been "slow to anticipate the extent to which rural hospitals would have major problems under the system";

Whereas the Commission's inattention to the severity of the impact of the Medicare Prospective Payment System on rural hospitals has contributed to the closure and threatened closure of hospitals that provide critical access to health care for Medicare's beneficiaries;

Whereas 30 percent of Medicare beneficiaries live in rural America; and

Whereas only one (or 6 percent) of the 17 Commissioners appointed to the Prospective Payment Assessment Commission has direct practical exposure to, or experience with, the problems of providing health care to rural America: Now, therefore, be it

Resolved, That a minimum of four additional members with demonstrated experience in providing or developing health care services in rural America should be appointed to the Prospective Payment Assessment Commission, and that in the future a minimum of 25 percent of the Commissioners should have such experience.

Mr. BAUCUS. Mr. President, I rise today to introduce a resolution to restore equitable representation for rural America on the Prospective Payment Assessment Commission [ProPAC]. I am very pleased that a number of my distinguished colleagues, including Senator HARKIN of Iowa and Senator PRYOR of Arkansas, are joining in this important effort.

As my colleagues know, ProPAC is the Commission that was established by Congress in 1983 to advise the Secretary of Health and Human Services on the Medicare Prospective Payment System. ProPAC has a task of great importance to our Nation's hospitals and, indeed, to every citizen.

Last week an event occurred that underscored the significance of ProPAC and its effect on rural hospitals.

The esteemed chairman of the Finance Committee, Senator BENTSEN, conducted a remarkable hearing examining Medicare payments to rural hospitals. I have championed rural health issues for years, but have never witnessed the subject discussed with such clarity and insight.

Despite the diversity of rural America, the themes presented at the hearing were constant. Rural hospitals are in trouble, and closures will adversely affect access to health care for the 30 percent of our Nation's seniors who live in rural areas. It is important to remember that these seniors have contributed an equal share to the Medicare trust fund and deserve to get their money's worth.

Rural hospitals are trying hard to provide care with a variety of innovative programs, but financially they are barely treading water.

It is clear the Medicare Prospective Payment System [PPS] has not been fair to rural hospitals from its inception in 1983.

However, Mr. Curtis Erickson, the only one of 17 Commissioners on ProPAC with significant rural health care experience noted, "ProPAC did not anticipate the extent to which rural hospitals would have major problems under the system."

Mr. President, it is entirely possible that the reason they did not anticipate the current disaster is that they did not consider rural America to be important.

It is possible that the inequity of rural America's representation on the Commission could have had something to do with this inattention.

It is possible that Mr. Erickson, the proverbial lone voice in the wilderness, just couldn't get the attention of the other ProPAC members.

Well, Mr. President, it was very clear to the members at the hearing that something needs to be done to make sure that ProPAC never again forgets rural America.

The resolution we submit today makes a start in reintroducing equity in health care for rural America. It expresses our strongly held view that four additional Commissioners with rural health care experience should be appointed to ProPAC. This would raise the proportion of Commissioners with a knowledge of rural issues close to the proportion of seniors whose access they are supposed to be protecting.

Mr. President, I hope that many of our colleagues will join us in our call for more rural representation on ProPAC.

Mr. HARKIN. Mr. President, I am pleased to be joining Senator BAUCUS in introducing this resolution to increase the rural representation on the Prospective Payment Assessment Commission [ProPAC]. Rural hospitals have waited too long for a fair shake. Our resolution will help them get their due by making sure that rural hospitals have a strong voice in Washington, where policy affecting them is made.

Since 1983, Congress has relied on ProPAC for sound advice on how the prospective payment system can meet the needs of all senior citizens, regardless of whether they live in rural communities or in cities.

Since 1984, unfairly low payments from Medicare have closed 159 rural community hospitals, and brought another 700 to the brink of closing. Two of my Iowa hospitals are among them.

What's wrong with this picture? For one thing, the urban-rural differential in Medicare payments to hospitals. Right now, urban hospitals receive an average of 40 percent more for each case than rural hospitals—for providing the same care, urban hospitals get 40 percent more.

Last week I testified before the Finance Committee in favor of eliminating the urban-rural differential as soon as possible. Rural hospitals deserve payment equity, and I will do all I can to see they get it.

My testimony was received very favorably by Chairman BENTSEN, Senator DOLE, and the members of the Finance Committee. They understand that the urban-rural differential, while it was meant to reimburse all hospitals fairly, has not been fair. It has bled many rural hospitals to death.

To my surprise and disappointment, who should be at the hearing arguing against helping rural hospitals? ProPAC. ProPAC has been asleep at the switch while payments to rural

hospitals have gone off track. Instead, the Commission has been paying more attention to the problems of large urban teaching hospitals than to the needs of our rural hospitals.

And why is that? Just a look at the membership of this Commission gives you a good idea: only 1 of 17 Commissioners has experience in a rural hospital. Mr. President, rural hospitals account for half the prospective payment system hospitals. Many of our Nation's elderly population are living in rural areas. Simple fairness dictates that, at a minimum, a third of ProPAC Commissioners should represent rural areas, if not half of them.

This resolution will increase the rural membership of ProPAC so that rural hospitals will have a voice on the inside. As long as Congress uses ProPAC for advice on Medicare, I want to ensure that the advice we get is balanced and treats all hospitals fairly.

Mr. PRYOR. Mr. President, taxation without representation was one of the major causes of the American revolution. Today, over 200 years later, our rural hospitals and the people they serve find themselves in a similar situation—grossly under represented on the Federal Commission that makes key Medicare policy recommendations that directly affect rural communities.

The Prospective Payment Assessment Commission [ProPAC] was established to advise the Secretary of Health and Human Services on Medicare hospital policy. Yet, despite the fact that 30 percent of all Medicare patients live in rural America, only 6 percent of the ProPAC Commissioners—1 out of 17—has direct practical experience with the difficulties of delivering health care to rural communities. This is both unfair and unacceptable.

Last Thursday, the sole rural hospital representative of ProPAC, Mr. Curtis Erickson, testified before us on the Finance Committee. While recognizing the sensitivity and professionalism of the staff and members of the Commission, he did acknowledge that he felt the Commission would be better served by more representatives from rural communities.

At a time when rural hospital after rural hospital is being forced to close, it is absolutely imperative that the administration and the Congress receive policy recommendations from those who have direct experience with the problem. Washington, DC, beltway bandits and representatives from large urban cities find it all too easy to casually dismiss rural hospital closures as necessary to make the health care system more efficient. I believe it is time we have the benefit of those who are from rural areas and who have a more personal understanding of what a hospital closure means to the communities affected.

With the above in mind, I am pleased to join Senator BAUCUS in sending a strong message to the HHS Secretary and to ProPAC. The resolution we are offering today simply states it's time for a change. It's time to recognize that it is essential that at least 25 percent of ProPAC's membership be comprised of people with demonstrated experience in providing or developing health care services in rural America. And finally, it's time to make a change now by appointing four new Commissions members with rural health care backgrounds.

Mr. President, in many cases, new perspectives yield new and improved ideas. Most of us on the Aging Committee I chair, as well as the Finance Committee and Senate Rural Health Caucus I am proud to serve, have concluded that we certainly could use a few new approaches to help us address the immediate concerns of rural hospitals. The resolution we are introducing today takes a small but important step in achieving this goal. I hope all our colleagues will join us in taking that step.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WIRTH. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Saturday, May 20, 1989, at the Lincoln Junior High School Auditorium, 15th and California Streets, Santa Monica, CA, at 10 a.m.

The purpose of the hearing is to examine policies to combat the greenhouse effect, as well as likely regional implications for the State of California. The hearing is intended to offer Californians an opportunity to learn about the potential impact of global warming on the State and to examine State initiatives to conserve energy and reduce the output of greenhouse gases.

For further information, please contact Leslie Black, professional staff member on the full committee, at (202) 224-9607.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on oversight of DOD's inadequate use of off-the-shelf items, on Tuesday, May 16, 1989, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on May 18, 1989, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on:

S. 737, a bill to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of the Rocky Mountain National Park in the State of Colorado;

S. 267, a bill to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID;

S. 319, a bill to effect an exchange of lands between the U.S. Forest Service and the Salt Lake City Corp., within the State of Utah, and for other purposes;

S. 393, the Camp W.G. Williams Land Exchange Act of 1989; and

H.R. 310, a bill to remove a restriction on land in Roanoke, VA, in order for that land to be conveyed to the State of Virginia for use as a veterans' nursing home.

Because of the limited time available for the hearing, only administration witnesses will be invited to appear at the hearing. However, anyone is welcome to submit written testimony for the hearing record. Those wishing to submit written testimony should send two copies of the testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact David Brooks of the subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON INVESTIGATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Special Committee on Investigations of the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on May 10, 1989, at 10 a.m. to hold hearings pursuant to Senate Resolution 66, section 21, agreed February 28, 1989.

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

SUBCOMMITTEE ON MERCHANT MARINE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 10, 1989, at 1:30 p.m. to hold a hearing on the *Exxon Valdez* oil spill focusing on oil transportation and tanker safety.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the National Ocean Policy Study, be authorized to meet during the session of the Senate on May 10, 1989, at 9:30 a.m. to hold a hearing on the status of the *Exxon Valdez* oilspill cleanup and impact of the spill on Alaskan natural resources.

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

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommitte on Superfund, Ocean and Water Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 10, beginning at 10 a.m., to conduct an oversight hearing to examine the implications of and responses to the toxic release inventory released pursuant to section 313 of the Emergency Planning and Community Right to Know Act.

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

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. DASCHLE. 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 on Wednesday, May 10, 1989, at 10 a.m. in closed session to receive testimony on operational requirements of the Strategic Air Command and the fiscal years 1990-91 budget request for strategic forces.

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

SUBCOMMITTEE ON THE HANDICAPPED

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on the Handicapped, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Wednesday, May 10, 1989, at 9:30 a.m. to conduct a hearing on Americans With Disabilities Act.

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

SUBCOMMITTEE ON THE THE CONSTITUTION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on May 10, 1989, at 1:30 p.m., to hold a hearing on S. 675, a bill to eliminate discriminatory barriers to voter registration.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 10 at 9 a.m., to hear witnesses on Inter-American Development Bank replenishment.

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

COMMITTEE ON ARMED SERVICES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on May 10, 1989, at 2 p.m. in open session to receive testimony on the amended defense authorization request for fiscal years 1990 and 1991 and on the fiscal year 1990-94, 5-year defense plan.

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

ADDITIONAL STATEMENTS

MOTHER'S DAY FOR PEACE PROCLAMATION

● Mr. KERRY. Mr. President, this Sunday, May 14, 1989, will be Mother's Day, a day on which millions of Americans celebrate the meaning of family and motherhood.

The act of having a child and giving birth is a profound statement of hope for the future. It is a commitment to life and family as the center of our meaning. Generation after generation of the mothers and fathers creating new families are the living and continuing affirmation and celebration of life.

These days, we often find ourselves worrying about whether the human race can even survive, because of the threat of nuclear destruction. This is a terrible fear, one unknown just two generations ago. And it is not merely that we fear the destruction of our species, but the world itself in a nuclear cataclysm.

Even if we can avoid a nuclear war, there remains the ongoing injury to the world caused by the nature of the arms race itself. Resources that are desperately needed for education, development, nutrition, shelter, and other essentials of life are squandered on weapons. The arms race has already caused significant injury to the environment from radioactive waste that no one in the world knows what to do with. Even the mere possession of weapons by the military forces of the world has caused, and continues to cause, outbreaks of both new conflicts and new waste.

Today, Americans are beginning to recognize that the greatest threat to our national security comes from the loss of economic strength and creative and scientific resources as a result of their being wasted on the arms race. We have real needs to meet, and real problems to solve, and the arms race does very little to respond to either.

We are beginning to see new thinking from nations across the oceans. Japan spends little of its national resources on the military. Japan's increasing economic power in comparison to the United States teaches us what can happen when one nation uses its resources productively and another does not.

At the same time, the Soviet Union has begun to recognize that its reliance on military power has drained its resources and damaged the quality of life for its people. Soviet leaders have appeared to recognize that it must go down a different path if it is to be a great nation in the future.

As we come to celebrate Mother's Day in 1989, we should note that millions of Americans have come to recognize that nuclear war represents the greatest threat to the future of all children, everywhere.

The Governors of Alaska and Wisconsin and the mayors of Santa Barbara, CA, and Oak Park, IL, have joined this year to proclaim May 14, 1989, as "Mother's Day For Peace."

I urge Americans wherever they are this Mother's Day to celebrate the day in honor of both mothers and their continuing work toward peace.

I ask that the full text of the Mother's Day proclamation issued by these States and cities be included in full in the RECORD.

The text of the proclamation follows:

MOTHERS' DAY PROCLAMATION

Whereas, millions of mothers and grandmothers recognize that the ultimate parenting issue is a secure future for all children;

Whereas, Mothers' Day was intended by its originator, Julia Ward Howe, in 1872, as a time when mothers and children could come together to speak out against war and to work for peace;

Whereas, never in its history has the United States faced the critical decisions that it now must entrust to Congress and the President—decisions about the threat of nuclear war, proposed massive and costly new weapons systems and the delicate process of diplomatic approaches to disarmament;

Whereas, the nuclear arms race affects the quality of life for children and families by redirecting national resources away from education, health care, and other family support services to weapons of mass destruction;

Whereas, nuclear war represents the greatest threat to the future of all children; and

Whereas, concerned people are making statements and organizing events and local activities to focus on the importance of preventing nuclear war; and are bringing local and national attention to the fact that millions of mothers want peace and a future for all children;

Therefore, the Governors of Alaska and Wisconsin and the Mayors of Santa Barbara, CA and Oak Park, IL have joined in the proclamation of May 14, 1989 as "Mothers' Day for Peace."●

THE PRODUCT LIABILITY MESS

● Mr. KASTEN. Mr. President, I rise today to bring to the attention of my colleagues an important contribution to the ongoing debate on product liability reform. In today's Washington Times, economics columnist Warren Brookes paints a compelling portrait of an out-of-control tort liability system.

At a time when America is locked in a life-and-death competitive struggle with its international rivals, we can ill afford to shackle the productive talents of our businesses and workers. But, to the tune of $80 billion a year, that is in fact what we are doing.

In San Francisco alone, product liability settlements have risen by 1,016 percent over the last two decades. And there is reason to fear that this is not an isolated outbreak of tort madness, but part of a nationwide trend.

In the near future, I will be introducing a bill which I am confident will help restore a measure of sanity to liability law. The need could not be more compelling.

Mr. President, I ask that this important article by Mr. Brookes be included in the RECORD.

The article follows:

THE HIGH COSTS OF NADER-TORT

Today in Washington, the Committee for Economic Development will try to jump-restart the tort-liability reform movement on Capitol Hill with the release of a 150-page study of the effects of the $80 billion direct tort-liability "tax" on US. manufacturing unmatched anywhere else in the world.

The larger cost of this tax may be more than $300 billion, and is one of the key reasons the U.S. economy now does such a slow job of converting technology and research into marketable products, for fear of massive new litigation costs arising from courts that no longer recognize any limits on liability, nor any reasonable standards for the assessment of responsibility.

Unfortunately, while CED has a powerful ally on Capitol Hill in House Energy and Commerce Chairman John Dingell, it faces formidable enemies in Ralph Nader and the American Bar Association, whose membership collectively take more than 50 percent of most tort liability settlements, which now exceed $40 billion a year.

Mr. Nader's hand has been strengthened by the California Supreme Court, which last week upheld his Proposition 103 which rolls back state auto insurance rates by 20 percent, and makes insurance companies, not the courts, the villains on rates.

While California's motorists have every right to be upset about $2,000 a year car-insurance bills, just as municipalities are furious over $1 million premiums on playgrounds, the chief culprit in this explosion was not so much the self-serving insurance industry, but the explosion in expensive tort settlements of all kinds, from auto accidents to product lability. (See table.)

That explosion is largely the work of Naderite judges and lawyers attempting to use the courts to pick the deep pockets of corporate America in the interests of "social justice."

In March 1988, for example, a jury ordered the Southern California Automobile Club to pay a couple $3.3 million in damages for failure to pay a $25,000 insurance claim. Last September another California court awarded $45 million in compensatory damages and $85 million in punitive damages to a San Diego couple who had sold their resort to a Dallas company for $2 million and a share of future profits, because the resort began to lose money.

This kind of lunatic litigation is a key reason why in California bodily injury and "pain and suffering" claim costs and court awards have skyrocketed 15.5 percent a year since 1983, twice as fast as in the nation as a whole, even though property-damage claim frequency has been virtually flat.

California insurers belatedly tried to promote the idea of "no fault insurance," but the trial-lawyer lobby, Ralph Nader's friends in the liability "business," effectively killed that idea, just as they have watered it away in most states.

When states have tried to fight back by limiting premium increases, an insurance-supply crisis always developed. More and more drivers wound up having to be insured by state-administered "assigned risk pools"—more than 50 percent of the drivers in New Jersey, and more than 60 percent in Massachusetts, where at least three major insurance companies have recently bought their way out of that state's insurance market.

The origins of this insurance supply and price crisis which spawned Proposition 103 are brilliantly developed in one of the most important books of our time, Peter Huber's Liability—The Legal Revolution and Its Consequences" (Basic Books 1988).

In clear, concise prose laced with hundreds of examples, Mr. Huber, the former Massachusetts Institute of Technology engineering professor and top graduate of the Harvard Law School, shows how a generation of liberal judges and lawyers gradually repudiated the whole law of contract based on individual responsibility and consent, and replaced it with a vastly expanded notion of general societal "tort."

AVERAGE SETTLEMENTS IN SAN FRANCISCO

[In constant dollars]

	1960–64	1980–84	Percent change
Aggregate	$74,000	$302,000	308
Auto	46,000	131,000	185
Personal injury	66,000	302,000	358
Products	99,000	1,105,000	1,016
Medical malpractice	125,000	1,162,000	830

Source: Committee For Economic Development.

Under this new theory, accidents are socially costly, and the law should encourage accident prevention not by assessing fault, but by placing the liability against those most likely to have the money to pay, irrespective of fault.

The result of this approach was but to turn the courts into a kind of unpredictable social lottery in which some individuals could strike it rich with the right lawyers and sufficiently large corporate targets of opportunity, but all at costs shifted back to workers and consumers, rich and poor alike, regressively.

Under this new "deep pockets" premise judges and juries assessed corporations huge settlements for a man who suffered a heart attack because of a lawn-mower rope too hard to pull: a driver who was killed driving over 100 mph when a tire exploded: a mechanic who exploded a tire with 48 pounds of pressure to make it fit the wrong size rim; a teen-ager pouring cologne over a candle and getting burned.

The greatest impact of this new "tort wave" was to turn the insurance principle upside down from insuring known individual risk to unknown societal third-party claims. As Mr. Huber points out, "The founders of this new tort principle took it as an article of faith that the insurance systems would provide a broad financial umbrella over the expanding new tort system.

"But they were clumsy in their work and remarkably uninformed about how insurance markets really operate. In the end they succeeded in sharply increasing demand for liability insurance, but they devastated supply. The result was an insurance crisis eerily reminiscent of the endless gas lines during the Arab oil embargo."

When courts extended liabilities, insurance companies priced up and hedged in the policies. When courts then tried to rewrite those policies retroactively, companies stopped writing them altogether.

Insurance, after all, is a contract based on predictable risks spread over a defined insurance pool. But, as Mr. Huber writes: "Take away contract [law] and there is nothing left to insurance; either bargains of this sort are enforceable on their own mutually understood and accepted terms or they will not be written at all. Legislative intervention [Proposition 103] was then all but inevitable, first in laws that attempted to bludgeon the private insurance contracts into submission, then through insurance directly established and funded by government."

That is where Ralph Nader and his Proposition 103 advocates are now taking California and the nation in all forms of casualty and property insurance, and the only sure winners will not be the consumers but the lawyers, even as insurance rates soar and availability dries up for ordinary middle- and lower-income folks.

As Peter Huber says of the Naderite tort liability system of socializing all risks and taxing the public through $80 billion in hidden costs most of which go to lawyers, "A more inefficient and regressive scheme of social welfare could hardly be imagined."

Author's Update: In last Wednesday's column on radon, we cited a news item that Ralph Nader receives a rebate on every radon testing kit. Public Citizen (a Nader group) says the rebate of 50 cents per kit is paid to them and only on kits purchased by their members.●

CITIZENS DEFEND THEMSELVES WITH HANDGUNS

● Mr. McCLURE. Mr. President, in the Washington Post, an item speaks for itself. Every year, some 650,000 citizens defend themselves against violent crime using handguns. Florida State Criminologist Gary Kleck points this out in a scholarly article, "Crime Control Through the Private Use of Armed Force," in the February 1988 issue of Social Problems.

It is also interesting to note that the intruder had a criminal background. If he had been obliged to pay the price for his crimes, the individuals in this incident would not have been subjected to this ordeal.

In any event, the right to self defense is basic and necessary. We must not leave honest citizens defenseless against those who seek to prey on the weak.

Mr. President, I ask that the article from the May 3, 1989 Washington Post be inserted in the RECORD.

MEN SHAKEN AFTER INTRUDER FATALLY SHOT—"EITHER HE WAS GOING TO BE DEAD OR I WAS"

(By Debbie M. Price)

Frail and thin as a whip, the 78-year-old man sat upright on the porch swing and turned down the radio. His hands shook.

"Pretty torn up about it, yes, I guess I am," he said. "If it weren't for [my stepson] here and his gun, I'd been dead. We'd all been. Sure of that."

The man has lived for two dozen years with his wife, 79, and her son, 48, in the pretty red-brick house set back from the road in Seat Pleasant. They have watched the neighborhood change and they have become more and more afraid.

The man said he and his wife were getting dressed Monday morning when, he said, Ernest Lamont Chase, 31, tapped out the glass in the kitchen window and crawled inside. The elderly man met Chase coming down the hall.

"He grabbed me and pushed me over the bed and held my cane against my neck," said the man, who asked that neither his name nor address be printed because he fears retaliation.

"He said he wanted money. I hollered [to my stepson] and he come running."

Chase turned on the man's stepson with the cane and the two began struggling down the hall, through the kitchen and into the living room, breaking furniture as they went, the men said.

In the living room, the stepson, managed to reach under the cushions of his easy chair and get his gun, a 9mm Smith & Wesson pistol loaded with hollow-point bullets the men said.

"I only tried to clip the guy. Hit him low in the gut first, but he was crazy up on drugs or something and he just kept coming," the stepson said.

"I didn't have no choice but to aim at his head," he said.

Chase, who lived in Seat Pleasant, was pronounced dead at 12:40 p.m. at Prince George's Hospital Center, police said.

The stepson said police told him that Chase was shot seven times.

Officers found a folding knife with an eight-inch blade in Chase's pocket, the man said.

Chase had two convictions, a misdemeanor narcotics charge in 1985 and a burglary charge for which he received a six-month suspended sentence and three years' probation last September, according to court records.

Prince George's county police said yesterday they do not plan to file charges against the man who did the shooting.

A spokeswoman for the state's attorney office said that the office will review the case after police complete their investigation.

The stepson, stooped, whiskered and looking years older than 48, has been hunting since he was 5 years old and is no stranger to guns.

As he talked about killing a man—something he said he hoped he never would have to do—he sat his beer on the concrete slab of the front porch and tilted his chair against the brick.

His right eye was red with broken blood vessels, his nose bruised, his hand scraped.

The police, he said, arrived within a minute of his call, took many photographs and carried his 9mm pistol off with them when they left the house.

"Sure is a good gun. Hope I get it back," he said. "But if I don't, I got plenty of others."

Then he disappeared into the house and emerged a minute later. He hefted a .44 magnum pistol, nickel-plated and long in the barrel and pointed it at an oak tree across the yard.

He calls the gun "Dirty Harry."

"It's not a very good feeling to have to shoot someone," the stepson said. "Don't like it a bit, but I knew either he was going to be dead or I was going to be dead. I ain't dead."●

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,516th day of captivity for Terry Anderson in Beirut.

I ask that an October 25, 1986, article from Editor and Publisher magazine be printed in the RECORD.

The article follows:

THE BUCK STOPS HERE

(By M.L. Stein)

(Media accused of not doing enough to help free AP's Terry Anderson by condoning the Reagan administration's policy of "quiet diplomacy")

Relatives of two Americans being held hostage in Lebanon assailed the press last week for allegedly letting the Reagan administration get away with stalling on efforts to free them.

Describing her captive brother, Associated Press' Terry Anderson as a "truly dedicated journalist," Peggy Say told an audience of some 500 news executives: "We know what Terry Anderson did for you. Now I must ask the question: what have you done for Terry Anderson? He's a fellow journalist and he has been in deep trouble for 19 months. Have you reached out your hand to him? How long are you going to sit back and let him suffer while our government pursues the course of 'quiet diplomacy?' "

Say, who appeared on a panel, "The Festering Sore" at the Associated Press Managing Editors convention in Cincinnati Oct. 21, later charged at a news conference that "the press has not done its job" in seeking answers on the Lebanon hostage situation from the U.S. government.

She was joined on the panel by the Rev. Lawrence Jenco, a recently released hostage, and Eric R. Jacobsen whose father, David, has been held by guerrillas for more than 500 days.

Both Say and Jacobsen were bitterly critical of government reaction to the kidnappings, but they also scored the press for not asking tougher questions when administration officials claim they are seeking the hostages' freedom through "quiet diplomacy."

Say declared: "I have yet to hear anyone confront (President Reagan) and ask, 'what is quiet diplomacy?' Prove to us what you are doing. There has to be a time when we force the administration to acknowledge that quiet diplomacy is not working."

The panelists also disputed government statements that the captives are held by "faceless terrorists" or "shadowy figures," contending that the kidnappers have been identified.

The media should be more probing on this matter as well, they added. "How long are you going to let him (Anderson) suffer while our government pursues the course of quiet diplomacy?" Say demanded.

"For Terry Anderson the buck stops right here in this room. You're the people he put his behind on the line for. You're the smart guys . . . the ones who know how to ask the right questions. You know who to go to. You know how to make Terry Anderson an issue.

"Eventually, Terry will come out and he's going to ask, 'what did you do for me?' "

Jacobsen appealed to the press "as a catalyst of public concern . . . and as a watchdog of American rights, values and freedoms" to alert people to what he termed the "blatant inconsistencies" of the Reagan administration in handling the Lebanon hostage crisis.

Both Jacobsen and Say contended the Government made deals in the TWA hijacking and the arrest in Russia of American journalist Nicholas Daniloff, but refuses to take similar action in connection with their relatives and others held by Lebanese muslims.

"I want your help in finding out why representatives from U.S. News & World Report were welcomed to meet immediately with top White House and State Department officials, when we were denied this for months," Jacobsen told his press audience.

"I want to know," he continued, "why the administration is willing to communicate and even meet with Soviet officials, privately and publicly, but refuses to do the same for my father and the men with whom he is held."

Calling the press a "court of last resort," Jacobsen asserted "the time for cross-examination is long overdue. I ask you, as members of the news media, to assume your role as counsel for the defense of these innocent men. Too many questions have been left unanswered. Don't back off until you get the answers that are required."

Father Jenco said that "Perhaps the time has come to speak and write, not about terrorism, but the causes of terrorism. I believe the American people are asking why the Middle East is such a violent place. I would hope to see more articles on the causes, not the effects of terrorism."

Later, APME president James F. Daubel, editor and publisher of the Freemont (Ohio) News-Messenger, announced to the convention that a tape of the panel was being sent to the White House that day with an invitation for an administration representative to come to the conference and answer Say and Jacobsen's complaints.

Walter Mears, AP vice president and executive editor, said AP is "pursuing every avenue" for Anderson's release but he contended the time was not right to reveal the agency's file on the steps it has taken.

But later, Mears also raised some questions about the Reagan administration's handling of the Anderson matter.

"I have nothing against quiet diplomacy," Mears said, "as long as it is active quiet diplomacy and so long as it isn't covering up inaction. I continue to hope and trust that this is not the case and that there is a continuing process."

The theme of terrorism was continued in a luncheon speech by former New York Daily News editor Michael J. O'Neill, who suggested that the defunct National News Council might be revived to deal with media excess in covering hostage incidents.

O'Neill, author of the book Terrorist Spectaculars: Should TV Coverage Be Curbed? labeled television "overwhelmingly the dominant medium" in terrorism, adding that it not only covers such events but often becomes a participant."

Referring to the TWA hijacking, as a classic case in point, the speaker said: "In these conditions, television literally changes the course of events. It alters official positions. It affects outcomes."

O'Neill, who noted that he once opposed the National News Council, commented that it could be resurrected in a different form in which it would center on professional improvement, not passing judgment.

"Stripped of its judicial pretense," he explained, the Council could provide an independent forum for airing journalistic problems, its original intent.

Asked from the audience for more detail on his change of heart, O'Neill said he originally was against the Council because it consisted of a "bunch of judges. The whole atmosphere was wrong."

He said he would again fight a media council that attempted to impose judgment, but would support one that examined means of improving journalism.

The speaker asserted that reporters "should be citizens first and journalists second. In terrorism stories especially, where lives are at stake, they should show more restraint than their nature usually allows in revealing government tactics or military moves."●

ANNE FRANK DAY

● Mr. D'AMATO. Mr. President, I rise today to express my pleasure toward the passage of Senate Joint Resolution 65, a joint resolution honoring June 12 as Anne Frank Day. It is her rightful day of remembrance; she would have been 60 on June 12 had it not been for the Nazi Holocaust.

Nothing in modern history stained the soul of mankind more than the millions of innocent men, women, and children who suffered and died under the opressive hand of Adolf Hitler. The immense tragedy of the slaughter of over 6 million Jews in Europe during the Holocaust is of such enormity that it is sometimes lost on an individual. Through our own incomprehension we are sometimes anesthetized to an event which should remain seared in our memories forever.

In an attempt to prevent the world from ever repeating such evil, we keep vigilence so that the Holocaust, or oppression in any form, does not plague mankind again. Therefore, we honor June 12, Anne Frank's birthday, as Anne Frank Day. As this is the 44th anniversary of the liberation of Europe from Nazi control, the Anne Frank Center in New York City will be hosting the exhibit, Anne Frank in the World—1929-1945. This exhibit will be occurring simultaneously in Amsterdam and Frankfurt.

In New York City the center will be honoring professor Elie Wiesel of Boston University, who I have recommended for the Nobel Peace Prize, with the first annual Anne Frank award. Through the efforts of people like Anne Frank and Elie Wiesel, we are reminded of what we must never forget and we have been shown how indomitable the human spirit is.

We are reminded when we hear firsthand how a boy named Elie who was so hungry that he stole a piece of bread from his father on a train bound for Auschwitz—later to watch his father die before him—could become one of the foremost spokesmen for the hope of humanity. We are moved when reading a little girl's diary that conveys the fears, hopes, and frustrations of a 13-year-old, only to realize that this little girl is in hiding with her family delaying their inevitable death at the hands of a ruthless, occupying army. The inspiration we are provided by these and others like them is what allows us to emerge from such a human catastrophe and still believe that there is hope for mankind.

We always must keep in mind what Anne Frank means to us and how and why she died.●

NEW YORK CITY'S SCHOOLS CHANCELLOR RICHARD R. GREEN

● Mr. MOYNIHAN. Mr. President, today, I am saddened to inform my colleagues that New York City and New York State citizens have lost a valuable leader. Chancellor for the Public Schools of New York City, Richard R. Green died this morning. Chancellor Green was inauguarated in January 1988 and came to New York from the city of Minneapolis, where he served as superintendent of schools. His arrival was rightfully greeted with enthusiasm and hope.

Chancellor Green emerged as a child of Minneapolis' Sumer-Field housing project to become his hometown's first black high school athletic team coach, first black principal, and first black superintendent. He had attended local Augsberg College on a basketball scholarship and in 1973 earned a doctorate at Harvard, his education partially funded by local foundations. Chancellor Green had convinced these benefactors that it would be a good investment. He was correct.

His responsibilities in New York City would have been daunting to many. He had the assignment of caring for nearly 1 million children, responsible for their educational lives. Not a small task.

Mr. President, Chancellor Green accepted this challenge with innovation and concern. His first and foremost priority, he reiterated, was children. He consistently questioned how programs would affect children directly in the classroom. He viewed education as a year-round process and sought a connection between children and schools as early in life as possible. Next, he understood the importance of teachers. He worked to involve teachers in policy decisions and sought to instill a new respect for teachers. Finally, Chancellor Green knew that parents had to be involved in the education of their children.

With a realistic yet visionary eye, Chancellor Green saw the school as an integral, vital part of a modern, troubled community. In the New York Times, he stated: "I see schools as places that feed children, educate their parents, and provide early childhood education. Schools are the place where antidrug programs will take place and where AIDS will be debated and understood more clearly. They must become the most important fact of the urban community." I fully agree.

These were his goals, amidst a sprawling, difficult system. Chancellor Green did not balk before this system. He realistically recognized that schools had to be safe to be effective. He put the creation of new schools and the improvement of the physical plant as a high priority. He outlawed beepers—used by drug dealers—in schools and insisted that students attend school or face the consequences. It seemed to work.

Of course, as befits an able man assigned to a formidable task, expectations were great. But, Chancellor Green's priorities were not to meet every expectation placed upon him. His priority was children. As Chancellor Green stated at a meeting in Astoria, Queens, "It is children that bring me to this city." The city and the city's children shall not forget him or his work to improve the education and very lives of the children of New York City.●

NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

● Mr. GRASSLEY. Mr. President, during 1987 our Nation celebrated the bicentennial of the framing of the Constitution. In 1991, we will celebrate another bicentennial: the ratification of the Bill of Rights. Celebrations for these historic events create an opportunity to educate young people on the history and principles of the documents which formed our country's Government. Such an opportunity is available through the National Bicentennial Competition on the Constitution and Bill of Rights."

The competition is an extensive program to educate elementary and secondary school students.

I am proud that a team from Cedar Falls High School, Cedar Falls, IA,

represents Iowa. These fine young individuals have studied hard to reach the national finals.

The members of the Iowa team are: Chris Babinat, Melissa Barnholtz, Marc Barry, Jonathon Brundrett, Aaron Cain, Brooke Carey, Eric Collins, Warren Curry, Brenda Dahlin, Jackie Dewey, Aaron Durchenwald, Sarah Fisher, Barbara Franke, Nicole Frink, Jerod Gross, Matt Gutknecht, Jason Hamrock, Rick Hansen, Zach Johnson, Darcy Juhl, Susan Kerns, Kimberly Knight, Sheryl Rammelsberg.

These students were guided to their success by their instructor, Kelvin Schuchart. While also receiving assistance from the district coordinator, Linda Martin; and Barbara Romar, the State coordinator.

The competition was funded by Congress and cosponsored by the Commission on the Bicentennial of the U.S. Constitution. The program's curriculum, developed by the Center for Civic Education, is designed for a wide range of achievements, complementing regular school curriculum.

The curriculum focuses on the underlying principles of our constitutional democracy and constitutional history. It fosters civic competence and responsibility through better understanding of the Constitution and Bill of Rights.

Mr. President, the Constitution and Bill of Rights form the backbone of this great Nation. Educating our young people in the principles and values of the Constitution and Bill of Rights is paramount to civic consciousness. These young people are the future of America. Their decisions will form tomorrow's policies. I am proud of the students from Cedar Falls High School who represent Iowa. I commend each one of them on their hard work. It was indeed a pleasure meeting them during their stay in Washington.●

STANLEY PRIBYSON

● Mr. DODD. Mr. President, I would like to take this opportunity to comment on the recent passing of a good Democrat, a good American, and a dear friend of mine, Stanley Pribyson.

To the people of Connecticut, Stanley was a devoted public servant and a good citizen. After his retirement in 1980 from the position of District Director for the United States Savings Bonds Division of the Treasury Department, Stanley found he could not remain outside of public service, and 2 years ago he accepted Governor William O'Neill's invitation to serve on the Connecticut State Gaming Policy Board. He was active in a variety of charitable organizations, including the Hartford Lodge of Elks and the Knights of Columbus.

Stanley's service to the State and Nation spanned decades. In 1952 he ran for Congress, back in the days when Connecticut elected a representative at-large, in addition to representatives from districts. He served as adminstrative assistant to two U.S. Representatives, and held a variety of appointive posts in Connecticut.

Stanley also provided valuable service to me personally. He served for many years as an unofficial liaison to Connecticut's Polish community, providing me with valuable assistance in drafting legislation concerning immigration issues. He also was very helpful in connection with my visit to Poland several years ago.

The friendship between Stanley Pribyson and my family extends back to an earlier generation of Dodds. He was very close to my father Thomas Dodd, and provided at least as much service to my father as he did to me.

Stanley Pribyson was close to my family for a good number of years. It is rare that a person comes along who carries with him such a strong sense of service and devotion to a cause. I will greatly miss his assistance; I will miss his friendship even more.●

LOW-INCOME TAX CREDIT

● Mr. D'AMATO. Mr. President, I rise today in support of legislation introduced by my distinguished colleagues, Senators MITCHELL and DANFORTH, which improves and extends one of the most successful tax subsidies assisting low- and moderate-income families today. I am pleased to join my colleagues who have been key national leaders in the area of tax subsidies for housing and I look forward to working with them as the Congress designs a comprehensive national housing policy.

On December 31, 1989, the low-income housing tax credit will expire. This tax credit provides an efficient incentive to the private sector to produce housing for low- and moderate-income families. Created in 1986, this tax credit has proven to be a key form of gap funding to produce needed housing around the Nation.

The legislation introduced by Senators DANFORTH and MITCHELL makes the low-income housing tax credit a permanent program. This will rid the Congress of annual piecemeal extensions of the program. In addition, the legislation makes a number of improvements to the credit. Revisions have been made to use fully the allocated amount of tax credit, to extend the duration of low-income use, and to allow the tax credit to work effectively with tax-exempt bonds and other housing subsidies. In general, this legislation insures that the tax credit is responsive to the critical housing needs in a broad array of housing markets around the Nation.

Although the legislation makes a number of changes to the tax credit, it also continues some of the successful aspects of the program. The program continues to focus on those who are most in need. The credit is targeted to families with an income of 60 percent of less of the median, and it insures that these families pay no more than 30 percent of their income for rent.

As the ranking member of the Housing Subcommittee, I have worked closely with Senators MITCHELL and DANFORTH attempting to insure that tax subsidies for housing work in conjunction with direct housing subsidies. I have been impressed with the leadership exhibited by my two colleagues and I am uplifted by their commitment in focusing on our Nation's housing problems. As Senator CRANSTON and I continue our bipartisan effort to provide a comprehensive housing strategy for our Nation, I look forward to a continued working relationship with the leaders in this area on the Finance Committee.●

THE ACT FOR BETTER CHILD CARE [ABC], S. 5

● Mr. BREAUX. Mr. President, I have asked to be added to S. 5 the Act for Better Child Care, as a cosponsor. I have chosen to do this because there is a great need for more and better child care facilities in Lousiana and throughout the United States. This need has gone unaddressed for too long, and I would like to see child care legislation passed as soon as possible.

I would, however, like to take this opportunity to express a few concerns that I have about specific provisions in the ABC bill.

Nationally, about one-third of all child care services are provided by religiously based child care facilities. The important role of church-based child care is, if anything, greater in Lousiana than elsewhere. The current provisions of S. 5, as approved by the Senate Committee on Labor and Human Resources, were they to be broadly interpreted, carry the potential of limiting the availability of child care from this source. Our goal here is to increase access, so we must be very careful how we proceed. I would favor an approach that placed a greater priority on ensuring that parents had the option of placing their children in settings of their own choosing, and this includes the church-based option.

S. 5 calls for the development of national minimal standards for federally supported child care. I support the concept of reasonable minimum standards, especially in the areas of health and safety. There are more than enough precedents wherein Federal programs require that minimum standards be met as a condition of funding. I am not convinced that the

proper forum for the development or enforcement of minimum standards should lie so heavily with the Federal Government. I would favor a greater role for the States in developing, implementing, and enforcing standards for child care.

In voicing my support for the ABC bill, I do not mean to rule out my support for some of the other approaches to the child care issue that have been proposed. President George Bush has expressed a commitment to improving the day care situation in the United States, and has put forward his own proposal. I believe that we should give due consideration to the needs of mothers who choose to stay at home and care for their children, or place their children in less formal child care arrangements.

Again, Mr. President, I feel strongly that we need to move quickly to address the day care crisis. We need to develop a national commitment not only to getting assistance to low income families for their immediate day care needs, but a means of building the child care infrastructure, which is now sorely lacking.

The ABC bill is the immediate vehicle for consideration and I am confident that, building on this measure, we can quickly address the need for child care in a fair, bipartisan way, that takes into account the varying needs of families throughout the United States.●

SENATE REPUBLICAN CONFERENCE TASK FORCE ON HISPANIC AFFAIRS

● Mr. CHAFEE. Mr. President, I want to call the Senate's attention to the efforts of the Senate Republican Conference Task Force on Hispanic Affairs. Comprised of Senators ARMSTRONG, D'AMATO, DOLE, DOMENICI, GRAMM, GRASSLEY, HATCH, MACK, MCCAIN, SIMPSON, WILSON, and myself, our task force seeks to examine the impact of public policy on the Hispanic community in such areas as economic development, employment, education and literacy, health care and others. It also provides a forum for Hispanic Americans to raise awareness and support on the national level for key issues facing the Hispanic community.

Founded in October 1987, the task force concentrated its efforts during the 100th Congress on studying some of the major problems facing the Hispanic community. After a series of meetings and inquiries, and with the contributions of Hispanic Americans around the country, the task force released an initial report entitled, "Hispanics: Talent for America's Future." The report's recommendations included:

Improved employment recruitment of Hispanics in managerial and professional positions in the public and private sector.

Expansion of Hispanic literacy programs through public/private partnerships.

Improved access to bonding and insurance for small minority firms.

Increased health and disease prevention efforts in the Hispanic community, with particular emphasis on combating AIDS.

During the 101st Congress, the task force is committed to taking action on these issues. A Conference on the Hispanic Work Force, sponsored by the task force, was held on May 4. This conference brought together government officials, corporate executives, Hispanic American businessmen and community leaders to focus on ways to improve job training initiatives and education and literacy programs in the Hispanic community.

Minority job training and education are issues of profound importance for America's future. As we approach the year 2000, our work force will need many well-skilled, highly trained workers. Hispanic Americans will be a major element of the new work force. This conference highlighted programs in the public and private sector that have been successful in training those in need.

I particularly want to praise the efforts of my colleague from Utah, Senator HATCH, who is chairman of the Task Force on Hispanic Affairs. Senator HATCH has taken the lead on the task force by providing his time and staff to meet with members of the community, and by working with them to address the needs of all Hispanics.

In addition, Senator HATCH and others have formed an advisory committee comprised of prominent Hispanic Americans, corporate and government officials, and leaders from major national Hispanic community organizations. I want to commend the members of this group for their assistance to the task force by providing information about community initiatives and by participating in task force activities in Washington at their own expense.

Mr. President, the Hispanic community is the fastest growing population group in the United States. The members of the Task Force on Hispanic Affairs recognize the diverse contributions being made by the members of our Hispanic communities. The task force will continue to explore the steps necessary to ensure the full participation of Hispanics in all aspects of American life.●

THE REBARBARIZATION OF AMERICA

● Mr. SIMON. Mr. President, one of the things that we have not recognized in this country is that we have an underclass.

We are increasingly segregating ourselves on the basis of economics, and the poor become more and more distant from us, usually concentrating in certain areas of urban America, though pockets of rural poverty abound in this Nation, too.

Recently, George Will, whom no one would describe as a flaming liberal, had a column that was in the Los Angeles Times titled, "The Rebarbarization of America."

George Will simply describes what is happening.

He does not propose solutions, but he at least is facing reality.

That is something our society has not done.

I urge my colleagues in the House and Senate and their staffs to read George Will's column, and I ask to insert it in the RECORD at this point.

The column follows:

THE REBARBARIZATION OF AMERICA—TO WALK AMID THE UNDERCLASS IS TO GLIMPSE SOCIAL REGRESSION

(By George F. Will)

CHICAGO.—The police cruiser crawls like a cockroach across worn linoleum through the concrete and grassless dirt of an urban lunarscape called Cabrini Green. It is a public-housing project on the Near North Side, not far from the posh shops of Michigan Avenue's "Magnificent Mile" and cheek-by-jowl with some gentrified yuppiedom.

This cluster of high-rise and half-abandoned buildings is a dispiriting beat for the two police officers who give their passenger a laconic lecture on their experiences as part of the half-hearted pretense of government in the project. They describe which gangs control which buildings, which weapons are used in the sporadic fire-fights that erupt between building-fortresses, how many foolhardy people have been hit by snipers while trying to cross the free-fire zone between buildings.

Public housing, particularly in high-rise configurations, usually is a concentration of pathologies. During today's drug plague, public housing has become recrudescent of the worst of the American frontier—Dodge City without a marshal.

So, you modern-day Jeffersonians, you who think that government is best that governs least: Welcome to your world. It is Hobbes' world, where life is always poor, nasty and brutish, and often short. Public housing here is anarchy tempered by juvenocracy—power wielded by adolescents.

Cabrini Green will eventually be eradicated by the most powerful and revered social force, the real-estate market. Developers are salivating for these 70 or so acres near good shopping. The concentrated pathologies will be shuffled away, perhaps even dispersed. But they will be reconcentrated daily in the public schools.

In a series of hammer-blow reports, the Chicago Tribune has documented its characterization of this city's school system as "institutionalized child neglect." The bureacracy and teachers' union are culprits. However, the reports rightly stress that two-thirds of the students live in poverty and come to school from environments of deprivation that would defeat the best intentions of even the best school system.

One high school provides day care for the children of its students, 90% of whom come

from public housing. At another school, a 14-year-old girl is in her third pregnancy. "Another student," the Tribume reports. "sleeps with five other children on three piled-up mattresses in an unheated apartment. During the winter the boy often came to school smelling of urine, because it was too cold for the smaller kids to get up and go to the bathroom at night." A teacher asks, "How can you learn when people tell you you smell of piss, and you do?"

Some sixth-graders, never having used rulers, do not know how many inches are in a foot. Some 8-year-olds from homes without books tear pages from school books to use as toilet paper. Some children come to kindergarten still not toilet-trained. There are first-graders who have not learned numbers or colors. "A teacher," says a teacher, "cannot take mom and dad's place. What am I going to accomplish when mom doesn't take the time to pick up a can of peas and say, "Green! Round! Peas!'?"

This panorama of pain, waste and the perpetuation of squalor and violence is a chilling example of rebarbarization. It is the eruption of primitivism in the midst of urbanity. Let us have no more abstract arguments about the relative importance of nature and nurture in the formation of individuals. Look around here, and in all other cities, and you will see the consequences of the abandonment of nurturing.

In Anne Tyler's novel "Breathing Lessons," a woman attending classes to prepare for natural childbirth exclaims, "Breathing lessons—really. Don't they reckon I must know how to breathe by now?" To which a wise woman responds, "I remember leaving the hospital with Jesse and thinking. 'Wait. Are they going to let me just walk off with him? I don't know beans about babies.' "

She continues: "You're given all those lessons for the unimportant things—piano-playing, typing . . . But how about parenthood? . . . Before you can drive a car, you need a state-approved course of instruction, but driving a car is nothing, nothing, compared to . . . raising up a new human being."

In any city in any age, a walk among the underclass is apt to be a walk on the wild side, with glimpses of deeply moving bravery, tenacity and heroism in nurturing. However, the drug epidemic and the disintegration of families under the pounding of today's urban poverty is giving us a glimpse of how much social regression can occur in a modern society.

What is called the "cycle" of poverty is actually a downward spiral. The spiral tightens, gaining speed, because so few people live in Cabrini Green and similar places who give—or learn—lessons in the important things.●

CONGRATULATIONS TO DONALD ZINN

● Mr. D'AMATO. Mr. President, I rise today to honor the significant achievements and contributions of Donald Zinn, New York State's Small Businessperson of the Year.

The purpose of this award is to recognize the accomplishments of the most successful small business owners in New York State. The criteria for selection are extremely competitive. Candidates are rated on a scale of one to five in categories such as growth in number of employees; increase in sales and/or unit volume; and evidence of contributions by nominee to aid community-oriented projects.

To earn this distinction, Mr. Zinn helped launch Management Dynamics, a Yonkers-based management consulting firm. Starting in 1980 with only four employees, his organization has since grown 823 percent, with 1988 sales of $3.5 million. His clients include General Electric, Tropicana, Pepsico, Citicorp, General Foods, and Merrill Lynch, Mr. Zinn also serves on the board of directors of the professional services section of ADAPSO—a computer industry trade association—and works in a special program designed to help the handicapped become productive by extending technology to their communities.

After work, Mr. Zinn serves his community as a Cornell University ambassador to local high schools and as a volunteer for ADAPSO's careers 2000, a project to guide young students toward careers in computer industries. As a Senator from New York, I am proud to represent such an outstanding citizen and I congratulate him for his accomplishments.●

VIVA CINCO DE MAYO

● Mr. SIMON. Mr. President, I rise today to commemorate the 127th anniversary of a great day for our neighbors to the South and to Americans of Mexican ancestry. Last Friday was Cinco de Mayo, the fifth of May.

In the early morning hours of May 5, 1862, the French General Laurencez positioned 6,000 troops for an advance on the Mexican city of Puebla de los Angeles. Shortly before noon, a young 33-year-old Mexican General, Ignacio Zaragoza, and his 3,600 soldiers held back the first attack. The French warriors, thought to be the best army of its day, launched a second attack at the forts of Laredo and Guadalupe. They, too, were repelled. A third, and then a fourth, attack on the Mexican city failed. The French army retreated to Orizaba and the victory of "Cinco de Mayo" was declared.

About Cinco de Mayo, a Mexican historian once wrote: "Cinco de Mayo was a lesson of faith for our people, an injection of optimism, an example of valor and character, a moral resurrection, in a word, the most beautiful page of independent Mexico." One of my constituents, Margarita Esquiliano of Chicago, said it this way in last Friday's USA Today, "For us, for Mexican people, it's important because we know little people can win big wars."

Today, the United States of America and the United States of Mexico share more than a common border. We face uncommon challenges and, together, enjoy the potential for uncommon opportunities. But these opportunities require working together, be it on immigration policy, economic development, or water and energy programs.

It has been said that the Cinco de Mayo victory prevented Napoleon III from gaining the base he needed to assist the Confederate States in lifting the blockade of their ports which conceivably would have affected the outcome of our own Civil War. There is no doubt, therefore, that what Mexico experiences, we experience.

Yesterday, Chicago held a Cinco de Mayo parade down Cermak Road. I join the tens of thousands of Mexican-Americans in Illinois and the millions around the Nation in celebrating the victorious spirit of their ancestors on Cinco de Mayo.●

I KNOW HOW TO ASK FOR WHAT I WANT

● Mr. SIMON. Mr. President, one of the ways we test whether we are a civilized society is how we treat those who are less fortunate.

We are gradually doing better in terms of the disabled of our country, but we still have a long way to go.

One of the most encouraging recent articles I have read is a moving article that appeared in Parade magazine entitled, "I Know How To Ask For What I Want," by Lou Ann Walker.

It is one person's perspective on the story of the deaf in this country.

I encourage my colleagues in the Senate to read the article.

In my years in the private sector and now as a U.S. Senator, I have had the chance to employ those who are deaf. This Nation is much better off with the talents and resources of all of our people, including those who are deaf. But this also applies to those with other handicaps.

I urge my colleagues in the House and Senate to read this article, if they have not already.

I ask, Mr. President, to have the article inserted in the RECORD at this point.

The article follows:

I KNOW HOW TO ASK FOR WHAT I WANT

Just a year ago, Gallaudet University in Washington, D.C., the only liberal arts college for deaf people in the world, chose its first deaf president. This exercise in self-determination came after a dramatic week in which students and faculty, as well as deaf people around the world, banded together to let the administration know that they refused to have a hearing person who knew no sign language—and who had never had contact with deaf culture—govern their college. It was a terrible insult, they declared. Hearing people were once again saying that deaf people couldn't even take care of themselves.

The incident had special meaning for me. Both my parents have been deaf since infancy. I ached as my father recounted to me, in sign, what had happened to him just a few months before the Gallaudet uprising. My father spent his entire adult life working tirelessly for organizations for deaf people. And the crowning point of his life

was when the governor of Indiana asked him to be on an advisory board—the only deaf person on that board—for the Indiana School for the Deaf. Suddenly he found himself under attack by hearing teachers from the school who said he didn't have adequate credentials—even though my father, a newspaper printer, had been asked to advise on vocational programs. Finally, a deaf teacher from the school pulled my father aside to explain: "Hearing people don't want to give up the power."

As a hearing child with deaf parents, I had straddled the hearing and deaf worlds, acutely aware of the ways people misunderstand each other. All the stares our familiy got when we talked in sign made us feel like outsiders.

My parents' lives were filled with inconveniences: having to drive all the way to the dentist's office to make an appointment instead of just picking up the phone; having someone turn his head just as they were lip-reading his directions. And large frustrations: There is the sobering knowledge that deaf people can't hear cars careening around corners, that they've been shot in the back by policemen when they haven't heard a command to halt. Once, my parents' house caught fire. Frantically, my father searched for my mother—unable to hear her cries—ignoring third-degree burns on his legs.

Over the years I've heard many alarming stories. A woman spent 57 years at a Washington, D.C. home for the mentally retarded because she had been misdiagnosed. Her IQ was normal; she was simply deaf. In Oregon, Florida and Michigan, officials took children away from their natural parents just because the parents were deaf. The children were returned only after long legal battles. In another instance, a deaf man went in for surgery. When he awoke, he was missing his right hand—both his communication and his livelihood. The doctors had never bothered to explain how extensive the operation would be. All over the country, deaf people have been arrested—even convicted of serious crimes—without having a qualified interpreter.

But what hurt the most was seeing people treat my bright, loving parents as if they were not intelligent, just because they had "broken ears." All my life, I've watched my father's quiet determination. As a child, whenever I went to him with a broken toy, he would take it in his strong hands and study it. He'd nod, carry it to his workbench and, no matter how long it took, he would work on it until the toy was repaired. I have seen this trait in other deaf people: persistence, perseverance. "We'll find a way," my father says.

And so when the Gallaudet administration announced a hearing president last year, there was an explosion—the culmination of years of being ignored. Yet the week was also a model of civil disobedience: No one was hurt, no property damaged. Students boycotted classes and closed the campus. Professors joined them. They marched to the Capitol and listed their demands succinctly: Deaf people need to take care of themselves. Why bother to give us higher education if we will never be allowed to use it?

Roslyn Rosen, a lively, beautiful, dark-haired deaf woman and educator, told me that one of the best repercussions of the Gallaudet protest is visibility—for an invisible disability. "Parents of deaf children all over the U.S. saw deaf people on TV," she signed to me. "They may never have had contact with a deaf adult before, but they learned what deaf people can do."

When I. King Jordan was named the eighth president of Gallaudet since its founding in 1864, people at the school were overjoyed. Jordan, who became deaf at age 21 in a motorcycle accident and who was a psychology professor, is an extremely popular choice because he is so down-to-earth. Students and faculty say there is far more communication than in previous administrations. Jordan has been talking actively to Congressmen about Gallaudet. "It used to be that everyone focused on the disability," he says. "Now it's on the ability. It is a real revolution." Congress has just passed a law to launch a National Institute on Deafness and Other Communication Disorders, which will lead the nation in research. The board of trustees has named a deaf person as its chairman: Philip Bravin. For the time being, all future vacancies on the board will be filled with deaf people—until they constitute a majority of the board.

The changes in the last year have been incredible, says Jordan. Gallaudet's budget was increased by several million dollars after cuts in previous years, and people from all over the country sent donations after the protest. Jordan wants the university to become more self-sustaining and less reliant on government funds. Enrollment at the school is up. So is the quality of students.

"And you can't believe the number of Congressmen and their staff members who are taking sign-language classes," Jordan exclaims. Indeed, around the country, public schools and colleges are teaching American Sign Language (ASL)—the subtle, beautiful language deaf people use—as a full-fledged foreign language.

More people are starting to research technological advances for the deaf, such as devices that synthesize speech and can change spoken words into written ones. Superchips are being developed for TVs so that closed-captioning can be seen on more sets. And people are using technology in better ways. When Jordan started teaching at Gallaudet, there was a television setup, but deaf students weren't encouraged to work in many of the jobs. Today, that has changed. Simply by using a TV screen and camera, a deaf director can sign to a deaf technician in the control booth about what needs to be done.

"There's a new respect for deaf people," Roslyn Rosen says. "They're feeling more assertive."

Greg Hlibok, one of the leaders during Gallaudet's "Deaf President Now" week, has changed his major from engineering to government. He hopes to become a lawyer and work on behalf of deaf clients. "There will be a brighter future for deaf children," Hlibok says. "The pride within deaf people has grown."

Bridgetta Bourne, another Gallaudet student leader, says that hearing people have become more sensitive. At first, she says, many hearing people overreacted to the deaf people's demands, and many hearing faculty members feared for their jobs—until they learned that the deaf people wanted to work with them as equals. Not all deaf people want to use sign language, Greg Hlibok points out, but in touring the country during summer break and talking to parents of deaf children, he emphasized that hearing parents need to be able to communicate well with their deaf children and must find the best way of doing that.

Looking into the expressive faces of deaf people at Gallaudet, I see real joy. Over the years, these people have had to develop their own kind of spunk. Bridgetta Bourne told me about spying a "Help Wanted" sign in a pizza parlor in her hometown. She went in to apply for the job. The owner told her it was filled. When she walked by later that day, the sign was up again. This time the small, energetic Bourne marched in announcing, "I can work for you! I worked at another restaurant." Finally, the owner decided to give her a chance. "It turned out he was glad he hired me, she says. "I even got his daughter to stop running away from home. After I left he hired another deaf fellow."

Mary Malzkuhn, now a government professor, vividly recalls her mother having long discussions about her when she was a child, yet when Mary asked what was being said, she was brushed aside. And she chafed at being told what she couldn't become. "Those barriers aren't there anymore," she says, looking dreamily out a classroom window. "I won't let them be. I know how to ask—in a nice way—for what I want."

Rosyln Rosen says that because deaf people stood up for themselves, they created a milestone in the history of deaf people. The reverberations will be felt for generations to come.

And I have seen a change within my own family. My parents' lives have been a struggle for dignity. Yet now in restaurants and shops, people who would once have acted chilly are friendly. The hearing teachers who complained about my father's appointment stopped grumbling, suddenly realizing how important it is for deaf people to govern themselves. And now my father has a new struggle on his hands: There have been calls to close the Indiana School for the Deaf—as well as other schools for the deaf around the country. My father doesn't want that. He feels many deaf people need a place of their own, a place where they are understood.●

ORDERS FOR TOMORROW

RECESS UNTIL 10:45 A.M. TOMORROW

LIVE QUORUM CALL

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:45 a.m. tomorrow, Thursday, May 11, and that following the prayer, the Senate conduct a live quorum call.

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

ARTICLES OF IMPEACHMENT WITH RESPECT TO JUDGE WALTER L. NIXON, JR.

Mr. MITCHELL. Mr. President, upon the establishment of a quorum, the managers on the part of the House of Representatives will be admitted to present the articles of impeachment with respect to Judge Walter L. Nixon, Jr. All Senators should remain on the floor to be sworn pursuant to article 1, section 3, clause 6 of the Constitution as the Senate commences the preliminary procedures in trying the impeachment of Judge Nixon.

LEADER TIME AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, following the completion of these procedures and the disposition of any resolution related to these proceedings, I

ask unanimous consent that there then be time for the two leaders, followed by a period for the transaction of routine morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

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

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO RECEIVE AND TO REPORT EVIDENCE WITH RESPECT TO THE ARTICLES OF IMPEACHMENT AGAINST JUDGE ALCEE L. HASTINGS

Mr. MITCHELL. Mr. President, for myself and the distinguished Republican leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 123) to amend Senate Resolution 38, 101st Congress, providing for the appointment of a committee to receive and report evidence with respect to the articles of impeachment against Judge Alcee L. Hastings.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 123) was agreed to, as follows:

S. RES. 123

Resolved, That section 6 of Senate Resolution 38, 101st Congress, is amended to read as follows:

"SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay."

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

AUTHORIZING A FIRST STRIKE CEREMONY AT THE U.S. CAPITOL FOR THE BICENTENNIAL OF THE CONGRESS COMMEMORATIVE COIN

Mr. MITCHELL. Mr. President, on behalf of Senator BYRD, myself, and Senator DOLE, I send a joint resolution to the desk and ask for its immediate consideration. The joint resolution authorizes a ceremony here at the Capitol for the first strike of the bicentennial of the Congress commemorative coin.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 128) authorizing a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD. Mr. President, this is a joint resolution to authorize a first strike ceremony on June 14, 1989, Flag Day, at the U.S. Capitol for the bicentennial of the Congress commemorative coin. Under this resolution authority is granted for such a ceremony to be conducted on the Capitol grounds, and for the appropriate congressional offices to make arrangements necessary to prepare for and conduct this event. The joint resolution will also allow the U.S. Mint to strike coins authorized by the bicentennial of the U.S. Congress Commemorative Coin Act in Washington, DC, during the ceremony authorized by this joint resolution.

The Coin Act was passed in the 100th Congress to authorize the minting of $5 gold coins, $1 silver coins, and half dollar clad coins with designs emblematic of the bicentennial of the U.S. Congress. A significant portion of the surcharges received from the sale of these coins will be deposited in the Capitol preservation fund for restorations and improvements in the U.S. Capitol building as Congress' lasting bicentennial gift to the American people. The balance of the surcharges received by the Secretary of the Treasury shall be deposited in the general fund of the Treasury for the sole purpose of reducing the national debt.

The first strike ceremony authorized by this joint resolution will be a historic occasion on which U.S. coins will be minted for the first time at other than a U.S. Government Mint facility. Certainly, the grounds of the U.S. Capitol on Flag Day will provide a beautiful and fitting location to strike the first several coins minted to commemorate the bicentennial of the Congress, especially where proceeds from this coin will go toward the restoration and improvement of our "shrine of democracy," the Capitol.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF A FIRST STRIKE CEREMONY AT THE UNITED STATES CAPITOL FOR THE BICENTENNIAL OF THE CONGRESS COMMEMORATIVE COIN.

(a) On June 14, 1989, or any other date that the President pro tempore of the Senate and the Speaker of the House of Representatives jointly designate, a first strike ceremony may be conducted at the United States Capitol and on the Capitol Grounds to strike coins authorized by the Bicentennial of the United States Congress Commemorative Coin Act (P.L. 100-673).

(b) All activities of and preparations for the ceremony authorized by subsection (a), including the striking and distribution of coins, shall be jointly coordinated with the Commissions on the Bicentennials of the United States Senate and the United States House of Representatives and the Secretary of the Treasury.

(c) Notwithstanding the Bicentennial of the United States Congress Commemorative Coin Act or any other provision of law, the United States Mint may strike coins authorized by the Bicentennial of the United States Congress Commemorative Coin Act in Washington, DC, during first strike ceremonies conducted as authorized by subsection (a). Such coins shall bear the mint mark of the mint facility which is designated to strike the coins.

SEC. 2. RESPONSIBILITY OF CONGRESSIONAL OFFICERS AND PHYSICAL PREPARATIONS.

(a) Under the direction of the President pro tempore of the Senate and the Speaker of the House, the Secretary of the Senate, the Clerk of the House, the Architect of the Capitol, and the Capitol Police Board shall take any action necessary to carry out section 1.

(b) The Architect of the Capitol may prescribe conditions for physical preparations for the ceremony authorized in section 1.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

AUTHORIZING THE 1989 LAW ENFORCEMENT TORCH RUN FOR SPECIAL OLYMPICS THROUGH CAPITOL GROUNDS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Concurrent Resolution 71, a concurrent resolution authorizing the 1989 law enforcement torch run for the Special Olympics to be run through the Capital Grounds, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 71) authorizing the 1989 law enforcement torch run for Special Olympics to be run through the Capitol Grounds.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 71) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

NATIONAL OSTEOPOROSIS PREVENTION WEEK

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 37.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 37) entitled "Joint resolution designating the week beginning May 14, 1989, as "National Osteoporosis Prevention Week of 1989", do pass with the following amendments:

Page 2, line 3, strike out "1989, is", and insert "1989, and the week beginning May 13, 1990, are".

Page 2, line 4, strike out "of 1989".

Amend the title so as to read: "Joint resolution designating the week beginning May 14, 1989, and the work beginning May 13, 1990, as 'National Osteoporosis Prevention Week'."

Mr. MITCHELL. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Order No. 100, Paul D. Wolfowitz to be Under Secretary of Defense for Policy; Calendar Order No. 104, Eric I. Garfinkel to be an Assistant Secretary of Commerce; Calendar Order No. 105, Constance Horner to be Under Secretary of Health and Human Services; Calendar Order No. 106, Mary Sheila Gall to be Assistant Secretary of Health and Human Services; Calendar Order No. 108, Charles H. Dallara to be a Deputy Under Secretary of the Treasury; Calendar Order No. 109, Hollis S. McLoughlin to be an Assistant Secretary of the Treasury; Calendar Order No. 110, Roger Bolton to be an Assistant Secretary of the Treasury, and Calendar Order No. 111, Kay C. James to be an Assistant Secretary of Health and Human Services.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en block are as follows:

DEPARTMENT OF DEFENSE

Paul Dundes Wolfowitz, of the District of Columbia, to be Under Secretary of Defense for Policy.

DEPARTMENT OF COMMERCE

Eric I. Garfinkel, of Maryland, to be an Assistant Secretary of Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Constance Horner, of the District of Columbia, to be Under Secretary of Health and Human Services.

Mary Sheila Galkl, of Virginia, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF THE TREASURY

Charles H. Dallara, of South Carolina, to be a Deputy Under Secretary of the Treasury.

Hollis S. McLoughlin, of New Jersey, to be an Assistant Secretary of the Treasury.

Roger Bolton, of Virginia, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kay Coles James, of Virginia, to be an Assistant Secretary of Health and Human Services.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

PROGRAM

Mr. MITCHELL. Mr. President, I want to call to the attention of Senators the fact that there will be a live quorum tomorrow morning commencing at about 10:45 a.m. and that, upon the establishment of a quorum, the managers on the part of the House of Representatives will present the articles of impeachment with respect to the proceedings against Judge Walter L. Nixon. All Senators should be present and remain on the floor to be sworn and to receive the House managers and their presentation.

RECESS UNTIL TOMORROW AT 10:45 A.M.

Mr. MITCHELL. Does the distinguished Republican leader have any further business?

Mr. DOLE. I have nothing.

Mr. MITCHELL. If no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10:45 a.m. on Thursday, May 11.

There being no objection, the Senate, at 5:11 p.m., recessed until Thursday, May 11, 1989, at 10:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1989:

ENVIRONMENTAL PROTECTION AGENCY

FRANK HENRY HABICHT II, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE A. JAMES BARNES, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1989:

DEPARTMENT OF THE TREASURY

CHARLES H. DALLARA, OF SOUTH CAROLINA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

DEPARTMENT OF COMMERCE

ERIC I. GARFINKEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

HOLLIS S. MCLOUGHLIN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CONSTANCE HORNER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF HEALTH AND HUMAN SERVICES.

MARY SHEILA GALL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF THE TREASURY

ROGER BOLTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KAY COLES JAMES, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF DEFENSE

PAUL DUNDES WOLFOWITZ, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 10, 1989*

The House met at 2 p.m.

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

O gracious God, as Your loving spirit has inspired people through all the years to do the good works of grace, so inspire us to be good stewards of that same grace by doing the deeds of justice and mercy in our time and day. Make broad our vision, O God, so we see holy tasks, not only in temples of stone and glass, but in the concerns before us, in the responsibilities of our work, and by an attitude of respect with all those people we meet. Bless us this day and every day. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Would the gentleman from California [Mr. GALLEGLY] please come forward and lead our colleagues in the Pledge of Allegiance.

Mr. GALLEGLY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 135. Joint resolution to designate the week beginning May 7, 1989, as "National Correctional Officers Week."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 65. Joint resolution designating June 12, 1989, as "Anne Frank Day."

The message also announced that Mr. ARMSTRONG be a conferee, on the part of the Senate on the concurrent resolution (H. Con. Res. 106) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1990, 1991, and 1992," vice Mr. KASTEN, excused.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON THE UKRAINE FAMINE

The SPEAKER. Pursuant to the provisions of section 4(a) of title 5, Public Law 99-180, the Chair appoints as members of the Commission on the Ukraine Famine the following Members on the part of the House:

Mr. HERTEL of Michigan, Chairman;
Mr. DORGAN of North Dakota;
Mr. BROOMFIELD of Michigan; and
Mr. GILMAN of New York.

PROFESSIONAL MILITARY EDUCATION REPORT

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

Mr. SKELTON. Mr. Speaker, last week the Committee on Armed Services, the Panel on Military Education, of which I am chairman, issued the 206-page report calling for improvement in the intermediate and senior level educational programs of the four armed services, the war colleges and command and general staff schools.

Our charter was to assess the Defense Department's ability to develop professional military strategists and to review the joint professional military education requirements of the Goldwater-Nichols Act of 1986. Through the course of the 17-month effort the panel visited all 10 of the military colleges and held 28 hearing with 48 witnesses.

Our effort was the first congressional review of our professional military education. While the American military system is basically sound, improvements can be made. We have a number of suggestions to strengthen the system which will combine greater operational competence in the military level with sound management and strategic thinking at the national political level. Starting tomorrow, Mr. Speaker, I will give a series of floor speeches during special orders on our recommendations. We can make our military educational system even better, and as a result, have a stronger national security.

PROPOSED FSX AGREEMENT SACRIFICES COMPETITIVENESS

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

Mr. ERDREICH. Mr. Speaker, we cannot judge defense sales entirely on issues of alliance management or defense cooperation. The proposed FSX fighter aircraft agreement between the administration and the Japanese Government raises broader concerns of our economic survival in an increasingly competitive world. Economic competitiveness is and must be a necessary component of our national security policy.

This proposal sacrifices the long-term competitiveness of the U.S. aerospace industry. It allows vital U.S. technologies to be freely transferred to Japanese firms, greatly helping their aircraft industry compete with American businesses. If this is the best deal the Pentagon could obtain, then I would rather have no deal.

At the earliest, the FSX will be operable in 1997, but Japan's defense needs are immediate. By purchasing F-16's or other top of the line United States fighter planes, Japan can meet their present national security goals and strengthen our bilateral relationship by reducing the $55 billion trade deficit that exists between our two countries. Those huge trade deficits take jobs from Alabama and America. We should pursue agreements to reduce those deficits.

The FSX agreement is a poor deal for the United States. The time has come for us to stand up for America's economic self-interest. Wake up, Uncle Sam; American jobs and our competitiveness are at risk.

LEGISLATION EXCLUDING TAXATION ON SALE OF PRINCIPAL RESIDENCE

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

Mr. SCHULZE. Mr. Speaker, a debate in the Congress is raging on the proper tax treatment of capital gains income. One central part of this debate must not be ignored—the treatment of real estate.

For any capital gains proposal to be seriously considered by this body, it must be perceived as fair and beneficial to all Americans. The Bush proposal, while a good start, does not go far enough in attracting middle income investors. It excludes depreciable real estate.

Legislation I have introduced, H.R. 1287, excluding 100 percent of the gain of the sale of a principal residence from taxation, would bring the Bush proposal the public support it needs to gain serious consideration. I urge my colleagues to cosponsor my legislation

and protect the American dream of homeownership from the ravages of inflation.

Any capital gains solution must include real property—the backbone of taxpayer investment in America.

STOP THE FSX DEAL

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

Mr. LIPINSKI. Mr. Speaker, the FSX deal is another sign of the United States undermining its own economic competitiveness worldwide.

If Japan is serious about sharing the defense burden and relieving America's massive trade deficit, it should buy F-16's directly.

While America has poured tax dollars into new weapons systems, Japan has invested in new products sold in America. The United States needs a comprehensive economic policy to address this inequity, not the FSX deal to compound the problem.

Technology transfers are nothing new. Japan came here for VCR and semiconductor technology, and promptly destroyed American leadership in those industries. Japan certainly has a right to create its own civil aeronautics industry, but we need not subsidize a venture which could undermine America.

By disapproving the FSX deal, Congress can place a high priority on American economic competitiveness—a policy which will offer more rewards than the FSX deal ever could.

□ 1410

THIS IS DEFINITELY NOT GOVERNING

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

Mr. PORTER. Mr. Speaker, yesterday in voting 397 to 10 for a motion putting gasoline taxes off limits, we showed, once again, how adept we are at saying, forcefully, what we won't do to solve the deficit crisis.

Last year, on a budget BILL FRENZEL and I offered, the House forcefully rejected addressing the deficit with a hard freeze on everything. Our budget found only 64 courageous souls out of 435.

A week or so ago, there were less than half that number supporting JOHN KASICH and his attempt at a soft freeze, one leaving out Social Security.

So, Mr. Speaker, if the American people want to know what we won't do about the deficit, we're clearly and strongly on the record.

Finding out what we will do, however, is a mite harder. In fact, other than adopting six straight budgets of deceit, with fudged numbers, wildly optimistic economic assumptions, spending flipped between fiscal years, smoke, mirrors, and thoroughly cooked books, the plain answer to what we will do is nothing.

Mr. Speaker, this is government by poll. When we survey people and ask them if they want to pay more taxes, of course they say no. When we ask them if, instead, they want less services, they also say no. So what Congress does is simply reflect their preferences. No less services, no increase in taxes. This takes no leadership, no courage, no tough choices, no responsibility for the bottom line, and no recognition of what we are doing to our young, who will ultimately be the ones to pay.

This approach is definitely perpetuating ourselves in office, with over 98 percent of Members being reelected in the last two elections. But, Mr. Speaker, this is definitely not governing.

JOHN HINCKLEY'S MIRACULOUS CURE

(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, we remember John Hinckley. John Hinckley tried to kill President Reagan in 1981. Thank God he failed.

Hinckley said he was innocent. He had a plea. He said it was temporary insanity. Everybody bought it. John Hinckley dodged the bullet.

Now, guess what? John Hinckley says miraculously he is all cured and he does not want any more problems with America. He says he is willing to leave America and never return.

Now, how nice of John Hinckley. I say John Hinckley made his bed and he should sleep in it. I did not buy that garbage plea of insanity years back, and I say that John Hinckley is now just trying to have an option. If his aim had been better, President Reagan and Nancy would have had no option. I say John Hinckley should spend the rest of his life in an insane asylum. He earned it.

MASSIVE OPPOSITION TO NORIEGA POWER GRAB

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

Mr. LAGOMARSINO. Mr. Speaker, as a member of the Presidential delegation to Panama to observe the elections on May 7, I am shocked—but not surprised—by the callous disregard of General Noriega for the wishes of the Panamanian people.

The hundreds of thousands of Panamanians who expressed their desire to see a change in government in their country have been ignored, and their demands for justice have been suppressed.

The outpouring of opposition to Noriega was so massive that he had to resort to a total manipulation of the results. It was not just a matter of changing a few tallies here and stuffing a few ballot boxes there. It required a complete disruption of the tabulation process—world class fraud.

The evidence collected by independent sources including the Catholic Church suggests that the percentages for the opposition were so high that even large numbers of the Panama defense forces and Government employees must have voted for the opposition as well.

Now that Noriega's theft of the election has been carried out, it is imperative that the administration, the Congress and our allies in the region work together to devise a strategy to remove Noriega from power in Panama. The Panamanian people deserve better, and the United States national security interests demand it.

ABORTION

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

Mr. SCHEUER. Mr. Speaker, among the many prochoice letters constituents have sent recently, one letter in particular stands out.

It is about the days of no choice, before the Roe versus Wade decision was handed down.

One New York woman, pregnant by accident in the 1950's, was desperate for an abortion.

Her abortion was performed by a stranger, in an apartment in a seedy section of Greenwich Village.

She writes:

> The only other person present was the woman who had let me in, given me something to drink, and was now stuffing rags into me.
>
> The woman finally finished, and indicated—we had something of a language barrier—that I was to return the next day.
>
> Terrible cramps followed, and I did return the next day.

When it was over, she writes:

> I was no longer trapped. I felt nothing but enormous relief.
>
> There has been no aftermath of physical or mental trauma—not then, and not ever.

She is, in her words:

> Haunted by the thought of my daughter—or any woman's daughter—having to undergo an illegal abortion under similar primitive and dangerous circumstances.

That thought haunts me, too.

SAVING LIVES BY ALLOWING WOMEN REPRODUCTIVE FREEDOM AND CHOICE

(Mrs. COLLINS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, the Supreme Court has heard oral arguments in the case Webster versus Reproductive Health Services, and a decision is expected this summer. At this time I wanted to take a minute to read a letter from an Illinois woman describing the horrible reproductive choices that women had to make before the Roe versus Wade decision. Restricting the right to choose abortion would surely mean a return to these very dark days for women.

The woman reports:

When I was in high school, abortion was not legal in Illinois. I remember hearing a pregnant 15-year-old offer to sleep with an entire car-full of young men in hopes that this vigorous activity would cause her to lose the baby. I remember one young man of my acquaintance repeatedly punching his 16-year-old girlfriend in the stomach in hopes of initiating a miscarriage. I know of another case in the late fifties in which a woman tried to self-abort by douching with an industrial solvent. Her son, born alive, is in his 30's now with the reasoning ability of a 6-year-old. No one knows who will take care of him when his mother dies.

Mr. Speaker, American teenagers and women deserve better than this. Roe versus Wade has made such horrible actions and results a thing of the past. Surely our government must not subject women to these terrors again. We must not close off the legal right of women to have reproductive freedom and choice.

OFFENSIVE ARTWORK GETS GOVERNMENTAL RECOGNITION

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

Mr. BAKER. Mr. Speaker, the protection of the first amendment right to expression is a precious right that should be defended by all Americans, even when the perspective which is expressed is contrary to our own beliefs. There is, however, a marked difference between the right to self-expression, and governmental support of views which are offensive and contrary to basic tenets of the American value system. I am shocked by the recent actions of the National Endowment of the Arts in recognizing the work of Mr. Andres Serrano as accomplished artistic achievement. This individual photographed a crucifix submerged in a container of urine. For this effort, he was rewarded with a $15,000 prize, which is funded by taxpayers, and has his work included in a nationwide tour of carefully selected art by the National Endowment for the Arts. Whether this individual shares my religious perspective is of no concern. Whether this individual has the right to engage in such pursuits, is not in question. Whether someone feels that this work has artistic value, is a matter of personal judgment. I am enraged, Mr. Speaker, because taxpayer dollars have been used to reward actions offensive to the vast majority of Americans. Holding up this work as that which our Government rewards, is denegrating the values which are the foundation of our democracy. I know there are thousands of Americans who have fought to defend the right of free speech and expression, who feel as I do. I cannot stand by and let this action be viewed as artistic excellence. Our Government has no conceivable defense for this action. It must not happen again.

□ 1420

LET LUJAN BE LUJAN

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

Mr. VENTO. Madam Speaker, last night the Public Broadcasting System aired on the "Frontline" news program a documentary entitled "Yellowstone Under Fire." At first blush you may have thought this was a look at the fires that raged in Yellowstone National Park last summer. The program though was devoted to a far more insidious threat to one of our premier national parks, a threat that continues to have repercussions for Yellowstone long after the smoke of the fires have cleared. The expanding and encroaching development that encircles the perimeter of Yellowstone National Park is without question the single greatest threat facing this park and others today. Accelerated timber sales, oil and gas drilling, hardrock mining, and expanding subdivisions and other development along the park's borders threaten to turn the park and its resources into an island, cut off from the surrounding ecosystem that is so vital to the park's survival.

What "Frontline" exposed for all to see was that this threat to the park was and is in good part the Reagan administration's own making. During the past 8 years development of public lands around the park has been undertaken at breakneck speed, exceeding that undertaken during the 4 previous administrations combined. The tragedy, as "Frontline" showed, was compounded as the Reagan administration sat back, forgoing the opportunity to head off problems affecting the park ecosystem before they arose so that today we are playing catch up, attempting to mitigate the dangers posed by development encroaching the park.

Furthermore, it would have been bad enough if the Reagan administration policies were the result of blind ignorance, yet as "Frontline" showed they were clearly calculated. There was former Interior Secretary Jim Watt on the show still espousing his discredited policies and boasting that his successors are carrying forth these policies even today. I knew Jim Watt. I fought Jim Watt and I've seen the damage Jim Watt wrought. Secretary Lujan, you're no Jim Watt for which all I can say thank goodness. Let Lujan be Lujan, Mr. Watt. The discredited Watt policies have no place in the Interior Department. I call upon President Bush to uphold his campaign pledge where he resolved "I'd like to be known as a President who strengthened our park system and passed it on to the next generation of Americans in better shape than we found it. * * * I will undertake a program to strengthen and preserve our parks." Yellowstone and other national parks today are waiting, Mr. President.

INTRODUCTION OF LEGISLATION TO REPEAL CERTIFICATION TEST FOR NURSE'S AIDES

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

Mr. GEKAS. Madam Speaker, do my colleagues know that every single nurse's aide in every single nursing home in every one of our congressional districts could stand to lose his or her job by January 1, 1990, if certain provisions of the Omnibus Budget Reconciliation Act of 1987 are permitted to come into effect because of certain provisions in that act? No nurse's aide can continue to work unless they pass a State certified examination for continuation of work which they have performed sometimes for 25 and 30 years, but who have never had to take an examination to do so.

Madam Speaker, this is a dangerous result of this particular act, and it threatens the health care facilities in each and every one of our districts. There is no need to punish, to throw out of work, nurse's aides who have worked their art of tender care for their patients over a long period of time on the basis of some artificial certification test.

Thus, Madam Speaker, I am introducing two pieces of legislation today, one for the outright repeal of that provision of OBRA in order to give us a chance to look at it again; and, second, as a fallback position, a bill to grandfather, at least to grandfather in those employees who will be already on duty before July 1, 1989.

Madam Speaker, I ask for the consideration of the Members for these pieces of legislation.

MINIMUM WAGE

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

Mr. WILLIAMS. Madam Speaker, I was home again in Montana this last weekend, and among the meetings I had was one meeting with a couple of dozen workers. One of those workers' name is Helen.

Madam Speaker, Helen told me that she has been a waitress for 33 years and has worked for the same chain restaurant company in Montana. After 33 years Helen, in her early sixties, earns $3.35 an hour.

Madam Speaker, let me say to Helen, "Helen, we're about to pass a minimum wage bill here to help you, and the President of the United States is going to veto it, and, Helen, the majority of the Republicans in this Chamber seem satisfied that, after 33 years, you're making $3.35 an hour.

QUESTION OF PRIORITIES

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

Mr. MICHEL. Madam Speaker, occasionally an issue arises that brings us a question of priorities, not just in the ordinary sense, but as symbolic of larger, more profound issues.

Take the issue of the proposed exemptions from Gramm-Rudman.

In considering the FSLIC restucturing bill, the majority wants to (a) place the $50 billion financing mechanism on budget and (b) exempt that money from Gramm-Rudman-Hollings deficit targets.

This is a concept the administration is concerned about because it will delay enactment of the S&L solution. So allow me to remind our colleagues of one principle that I thought we had all agreed to.

Exemptions from Gramm-Rudman should be taken only in the most extraordinary circumstances.

Such a circumstance already exists with regard to the Medicare catastrophic health care law.

It is clear to most of us that the catastrophic surtax provisions create too large a burden for our elderly.

But if we are going to correct this injustice—for that is what it is—we will need a Gramm-Rudman exclusion because our budget baseline already anticipates revenue for the surtax.

Madam Speaker, as I see it, some want to make a unique exception to Gramm-Rudman for the sake of savings and loan institutions.

Others, such as this Member, would prefer to make that unique exception for the sake of elderly Americans crushed by an unjust burden.

It is a question of priorities, Madam Speaker.

A SALUTE TO STEELWORKERS OF THE OHIO VALLEY

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

Mr. APPLEGATE. Madam Speaker, it is with a great deal of pride that I rise today to pay tribute to the steelworking men and women of the Ohio Valley. This is very fitting in light of the dedication of a statue in Steubenville, OH on Thursday, May 18th commemorating the valley's steelworkers. The sculpture, standing 7 feet tall, and weighing nearly 4 tons, depicts a steelworker garbed in the protective clothing worn by those who work the open hearth furnace in a steel mill.

At a time when the country seems to be moving in a direction away from our basic industrial base and our smokestack industries, it is important to remember our roots, how we have progressed and the key role that the American steelworker played in this transition. It is also very important to understand that while the steel industry has undergone significant change in the last decade, and continues to change today, it is not a dinosaur as some would believe; but rather a striving industry that relies much upon high technology itself and is poised to again be a major force in the industrial heartland of America.

The key ingredient to this industry has been, is and will always be the steelworker. While the tasks they perform may have changed, it is still the efforts of the many men and women in the industry who have made the industry what it is today. They are a dedicated, proud, and hard working lot that have endured many difficult times always to rebound and not only make the industry better, but themselves as well. They epitomize the American work ethic which is very much alive and well.

The American steelworker is not afraid of competition by foreign companies or their workers. There is no doubt that we can outproduce, man for man and woman for woman, workers from any other country and at a very competitive price.

The dedication of the statue in Steubenville is symbolic of the trials and tribulations of steelworkers and the strengths and abilities upon which they helped build the American steel industry to be the very best.

Madam Speaker, I hope that you and my colleagues will join with me in commending all steelworkers and thanking them for their contributions to America.

A WOMAN'S RIGHT TO CHOOSE

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

Mr. SMITH of Vermont. Madam Speaker, I would like to read excerpts from a letter which I received from a young woman in the State of Vermont, which I represent, having to do with her feelings about a woman's right to choose an abortion:

> I became pregnant two months before my graduation from college, in spring, 1970. My graduation plans included a job and possibly graduate school; marriage and motherhood were still far in my future. I was in no position to raise a child either financially or—especially—emotionally.
>
> We lived in New York, and abortion was illegal then except when the pregnancy threatened the life of the mother. A minister explained how to arrange to go to New Orleans for an abortion. I would have to arrive and leave the same day and travel alone. No names involved. The cost was very expensive and did not include transportation. I felt like a criminal; I suppose had I gone through with it, I would have been one.
>
> I was able to get a legal abortion, however, because I could demonstrate that if I went through with my pregnancy, I would probably die. At least I was able to obtain a safe abortion. The total monetary cost was well over $1,000. The emotional price was unmeasurable.
>
> I hope that when you and your colleagues consider the abortion issue, you will keep the mothers' stories in mind. I consider myself extremely fortunate. I have always had my family's support and access to enough money to cover emergencies. In the era when abortion was illegal, other women were not so lucky. They didn't pay for their abortions merely with great unhappiness—they paid with their lives.
>
> Sincerely,
>
> ——— ———.
>
> BRATTLEBORO, VT.

□ 1430

HONORING THE CREW OF UNITED AIRLINES FLIGHT 811

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

Mr. AKAKA. Madam Speaker, the Secretary of Transportation, Samuel Skinner, honored the crew of United Airlines Flight 811 today with the Secretary's Award for Heroism.

As many of you will recall, the cargo door of United Flight 811 was blown open in flight over the Pacific Ocean on February 24. What could have been a tragedy of massive proportions was averted by the crew's heroic conduct during that terrifying emergency. Even with the threat of personal injury or death, the crew acted with the courage and skill of true well-trained professionals.

The flight attendants have shown that beneath their smile and kind words are even greater qualities: Courage, commitment, and concern for the safety of airline passengers. Now more than ever, these are the virtues that

stand out when people think of flight attendants.

The pilots maneuvered the impaired plane back to safety with skill and adroitness. Calm, cool, and collected they are the embodiment of the fearless aviators in the sky.

To the crew of United Flight 811, congratulations on receiving the Secretary's Award for Heroism. You are deserving recipients for your valiant efforts in securing the safe return of several hundred people on board. You are an inspiration to us all.

TRANSFER OF TECHNOLOGY OF F-16 FIGHTER A BAD IDEA

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

Mr. JAMES. Madam Speaker, transferring our F-16 fighter technology to the Japanese is, plainly and simply, a horrible idea. It holds dire, long-term consequences for this Nation. The plan is to provide this state-of-the-art technology to the Japanese for free. They will use it to compete with U.S. firms. Many in Congress oppose subsidies for U.S. industry. But this is worse, it is a United States subsidy for the Japanese aerospace industry.

It cost U.S. firms $7 billion to develop this technology. Yet we are giving it to the Japanese for nothing. In return, we get a promise of a possible 40 percent of the component manufacturing for the FSX aircraft Japan intends to build. That is a lousy business deal. And there is no guarantee that this critical technology won't be leaked to our enemies. It was not too long ago that submarine technology we shared with Japan's Toshiba Corp. wound up in Soviet hands costing United States defense firms billions of dollars and greatly diminishing national security. We just cannot afford to take that risk again.

We have a constitutional duty to serve and protect the interests and the well-being of the American people. This proposal to give Japan our best technology fails that charter.

A TRIBUTE TO THE LATE CHANCELLOR OF NEW YORK CITY SCHOOL SYSTEM

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

Mr. SCHUMER. Madam Speaker, today all New Yorkers and all Americans mourn the loss of a great leader, chancellor of the New York City Board of Education, Richard Green, who was taken at the untimely age of 53.

Richard Green was not a New Yorker, but our city asked great things of him. We asked him to run our school system, and amidst the most trying times in history, an era of unparalleled violence and drugs, he began a sensible, thoughtful reform of the school system. That he died so early in this task is a tragedy, not just for his family, but for all New Yorkers.

A few months ago, I sat down with Richard Green and we discussed the obstacles he faced. He said something that I think this city and our country should take to heart. He said that New York has a good school system, one of the best of the big cities, but the relentless focus on the negative was his greatest problem. The focus on the negative made his announcement of a brandnew prekindergarten program an insignificant event, but the arrest of a single principal a nonstop crisis.

We should learn from the thoughtful and positive leadership of Chancellor Green. He shunned expediency. He did what he thought was best for the city's children. It is his family's tragedy, a tragedy of all ours, that he was never able to implement his wonderful ideals.

UNITED STATES MILITARY COPRODUCTION PROGRAMS ASSIST JAPAN IN DEVELOPING ITS CIVIL AIRCRAFT INDUSTRY

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

Mrs. BENTLEY. Madam Speaker, this week and next week the Congress of the United States is considering the agreement between Japan and the United States concerning the codevelopment of the FSX airplane. In connection with that, I want to read some paragraphs from a 1982 report by the General Accounting Office concerning the United States military coproduction programs of the F-15, which assists Japan in developing its civil aircraft industry. The cover has this paragraph on it:

> In the post World War II period, Japan's aircraft industry grew and developed largely through U.S. military coproduction programs. Much of the technology transferred through these programs has commercial application. Now, building on the experience and technology gained through military coproduction programs, the Government of Japan is assisting in the development of the civil aircraft industry, along with other high technology export industries.

I point this out particularly, Madam Speaker, because we have heard so much that this will not lead to civil aircraft production.

In the conclusions the GAO says:

> The Departments of State and Defense have not given adequate attention to the economic implications of coproduction along with the political and military objectives. It is appropriate for Japan and other countries to consider their economic interests when addressing defense issues, but we believe it is just appropriate for the United States to do the same.
>
> The United States receives some economic benefits from coproduction with Japan in the form of licensing and technical assistance fees. Also, as in the case of the F-15, a significant portion of the aircraft's value is U.S.-produced, and some machinery and tools are sold to Japan for their production facilities. However, there could be long-term adverse effects on the U.S. economy. Coproduction by definition involves the transfer of technology and industrial know-how. The transfer of military technology with commercial application could contribute to the erosion of our technology-based comparative advantage.
>
> Coproduction of U.S. military aircraft with Japan contributes to Japan's national goal of developing a world class civil aircraft industry and enlarging its share of the world market.

We need to think of this warning, Madam Speaker, when we consider entering into a much more complex agreement, that of codevelopment, not just coproduction, of the more sophisticated and much more highly technical aircraft, the F-16.

The agreement should be voted down.

TRIBUTE TO THE LATE CHANCELLOR GREEN OF NEW YORK CITY SCHOOL SYSTEM

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

Mr. FLAKE. Madam Speaker, today we come to a point in our lives of great mourning in the city of New York for a man who a year ago assumed the position of the New York City school system as its chancellor.

The life of Richard Green is one that has served as a role model for many of the young people of that city, many young people of our Nation, a young man who grew up in the ghettos of Minneapolis, made his way into Harvard University to receive a Ph.D., and from there to go back and become the superintendent of schools of Minneapolis and then to be asked to take over the school system of New York, a city where the dropout rate is extremely high, a city where motivation is lacking, a city where many do not feel that it is possible to get an education, and yet a city where Richard Green dared to come and say that education can be meaningful, that education can be a matter of excellence, and by his own life demonstrating the possibility of academic excellence for those who would aspire to achieve it.

Therefore, Richard Green is not only an example for New York City, Richard Green represents an example for the Nation. For young people who feel captured in the ghettos, for young people who are captured in environments where they cannot learn, Richard Green demonstrated that you can

overcome, and though he has been taken from us, though he leaves at a very early stage in his chronological life, that which he tried to innovate in education remains with us to emulate.

□ 1440

PANAMA

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

Mr. SOLOMON. Madam Speaker, the dirty little secret is out of the box: The Government of Panama led by General Noriega is no more a reflection of public opinion in Panama than any other ruthless dictatorship. The election this past weekend was a complete fraud. And as soon as it became apparent that Noriega's hand-picked stooge would receive no more than 25 percent of the votes, Noriega stole the election.

Madam Speaker, the time has come for us to recognize what can no longer be denied: Our country will not turn over the Panama Canal to Noriega and his ilk. Our treaty commitment is with the people of Panama, not their oppressors.

Accordingly, I am introducing today a resolution which is identical to the one introduced yesterday in the other body by our former colleague, CONNIE MACK. This concurrent resolution urges the President to abrogate the existing canal treaties, and to re-open negotiations with Panama only at such time as that country enjoys a government which is freely elected and reflective of the will of the people.

INTRODUCTION OF RESOLUTION CALLING ON INDIA TO LIFT BLOCKADE OF NEPAL

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

Mr. DURBIN. Madam Speaker, I am joining my colleagues today in introducing a resolution calling on India to immediately lift its economic blockade of Nepal and negotiate a resolution to the trade and transit differences between these two countries.

India's blockade is an inhumane effort to pressure tiny Nepal. Because of the Indian blockade, Nepal is suffering from shortages of fuel, medicine, and essential food items. America's 138 Peace Corps volunteers in the remote villages of Nepal are forced to ration fuel, reducing their travel and training activity.

Madam Speaker, I am happy to report that moral among our Peace Corps volunteers in Nepal is very high, but their work in this isolated area of the world is made more difficult by India's blockade.

I encourage my colleagues to join me, the gentleman from Iowa [Mr. LEACH], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from New York [Mr. WALSH], and the gentlewoman from Washington [Mrs. UNSOELD] in cosponsoring this resolution which calls on India to immediately lift its blockade of tiny Nepal and commence negotiations with Nepal to resolve its differences without pressure.

SITUATION BETWEEN NEPAL AND INDIA

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

Mr. WALSH. Madam Speaker, today I would like to express my concern for the current conflicts between the countries of Nepal and India.

From 1970 to 1972 I served as a Peace Corps volunteer to Nepal near the border city of Raxaul. During my service I became very familiar with the country as well as the trade and transit agreements there. I was alarmed to learn of the recent dispute that has arisen between these two countries.

Nepal, the 6th poorest nation in the world, is almost completely dependent on India. Its economic survival depends on the free transit of goods over their borders, particularly the trade of petroleum, kerosene, and medical supplies. If this impasse continues and the borders remain closed, the economy will become paralyzed, and the country will begin to collapse.

Just in the past few weeks, the people of Nepal have been forced to cut down trees to replace the petroleum as fuel. This could have a serious consequence, as Nepal's forest lands are already greatly endangered, as are the diverse wildlife which inhabit the jungle.

The Nepalese have also had to close businesses and schools, postpone medical care and halt development projects that fed some of the poorest people in the world.

I wish to encourage the leaders of these two nations to sit down and discuss their differences. I would like to see the hostilities of Nepal and India negotiated in a peaceful way.

THE NEPAL-INDIA DISPUTE

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

Mr. SYNAR. Madam Speaker, I join today with my colleague, the gentleman from Illinois [Mr. DURBIN], in introducing the legislation which will call upon the Indian Government to come to the table with the Nepal Government to try to resolve this dispute.

Madam Speaker, great nations have great responsibilities, and India does have a great responsibility. This measured response of asking India to lead to the table of negotiations, second, to open up the border during those negotiations and, finally, to have our Secretary of State to continue to monitor it, is a very measured response that hopefully India will take not as pressure but as a simple concern by this Nation. This simple concern is not only shared by this Nation but all nations surrounding India and the rest of the world. We hope they will take the opportunity with this legislation's introduction to come to the table and open up the borders so we can resolve this dispute.

WHERE IS "DIRE SON OF SUPP."?

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

Mr. CONTE. Madam Speaker, 2 weeks ago today, the dire emergency supplemental was taken off the floor for certain corrective surgery.

Then, it was scheduled to be brought back today.

But now it has been postponed once again.

Where is this "Dire Son of Supp.?" What are we waiting for?

Hundreds of letters from veterans are pouring in, waiting on funding for their medical care.

What do we tell the veteran in Vermont, who can no longer get colostomy bags?

What do we tell the double amputee with a heart condition in Pennsylvania, who cannot get his medication?

What about the veteran in Ohio, who cannot get his monthly treatment for blood clotting?

Our Nation's veterans have risked their lives and sacrificed their limbs to keep this country free. Memorial Day is just around the corner.

And now we are playing games with their medical care?

Stop holding our veterans hostage.

Let us get a clean, trimmed down "Son of Supplemental" out here that we can pass, and cut out the monkey business. Our veterans are counting on us.

WHAT WILL WE DO WHEN DICTATORS IN NICARAGUA PULL A NORIEGA?

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

Mr. WALKER. Madam Speaker, when the drug-running dictator of Panama stole the election, most nations of the world condemned what he did. Most of Panama's neighbors in Latin America condemned this perversion of democracy. There was one no-

table exception. One neighbor came to the drug-running dictator's defense. One nation thought his way of handling democracy was perfectly appropriate. That nation was Nicaragua.

Since the Commies in Nicaragua are soon to run an election of their own, what does their attitude toward the election-stealing in Panama tell us? In my opinion we have learned the Commies have no intention of having a fair and free election in Nicaragua.

The question then for us is clear: What will we be willing to do when the drug-running, gun-running dictators in Nicaragua pull a Noriega?

REJECT THE FSX PROPOSAL

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

Mr. LEVINE of California. Madam Speaker, I think that it is important to emphasize the need for close and good relations between the United States and Japan and the need to understand that within that context it is urgent for both of our nations to take a careful, thoughtful, and hard look at whether particular agreements are or are not within the national security interests of each country.

The key question that the supporters of the FSX proposal have indicated that they will review is whether the FSX proposal will or will not significantly increase and enhance Japan's ability to compete with our civilian aerospace industry. The supporters of the FSX proposal, Madam Speaker, doubt that the FSX will enhance Japan's competitive ability.

I ask these supporters, Madam Speaker, to listen to the words of the president of Mitsubishi Heavy Industries as translated from the Japan Economic Journal on January 21 of 1989, where the then president of Mitsubishi Heavy Industries said that the FSX project will "be a great boon to us. The technology we will develop and accumulate during the project will be instrumental in developing next-generation planes such as hypersonic and supersonic transports."

We should take the Japanese leadership at their word. They are much more candid about their goals than the administration is willing to be about what their goals are. I urge us to review carefully the statements coming from responsible and candid leaders in Japan and to reject the FSX proposal.

□ 1450

WHAT THE UNITED STATES SHOULD DO ABOUT NORIEGA

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

Mr. RICHARDSON. Madam Speaker, our policy in Panama by President Bush has been applied correctly. There is a fraud that took place. We knew that, but what do we do? What should be our new policy?

First of all, talking about abrogating the Canal Treaty is the worst thing we could do. It would inflame Panamanian passions and would decrease our credibility in Latin America and give Noriega the card he desperately needs to show that we are beating him up.

But we need to be measured in our response, but in the same vein consistent. First, our entire bureaucracy and Congress should work together.

Second, we should consider economic sanctions applied in a more coherent and consistent way.

Third, we should get international pressure, but effective international pressure from Latin American countries, Alfonsin of Argentina, Carlos Andres Perez of Venezuela. We should not lead internationally ourselves. I think everybody knows this has been a fraudulent election.

We should also encourage Panamanian opposition, their continued protesting, to get out there and talk about this election. They should not expect the United States should do it all.

As a measure of safety, we should consider withdrawing some of our dependents from Panama for fear of some kind of military conflagration that might be caused by Noriega.

Madam Speaker, Noriega is on the ropes and we should deal a knockout blow, but do it carefully and not in a way that would only give him more life to recover.

UNITED STATES SHOULD SUPPORT INTERNATIONAL CONFERENCE ON GLOBAL WARMING

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

Mr. WISE. Madam Speaker, the failure of the President to have the United States support an international conference on global warming is incredibly disappointing. It also shows a total unwillingness to exert leadership, particularly since our own Department of State and Environmental Protection Agency recommend participating.

I am from a fossil fuel producing State. Hasty action in this area can jeopardize jobs. Yet failure to be at the international table seeking realistic solutions can also be harmful.

I believe there are responses to global warming that permit continued fossil fuel use, alternative fuels, for instance, made from coal, natural gas, and so on. But the United States must be there putting them on the table.

There is another reason. Many Third World nations today are resisting basic environmental changes, charging that their development should not be restricted, cynically charging that the United States has already achieved a high standard of living and now wants to deny the same level to others.

The global warming challenge cannot be met by one nation alone, but yet it cannot be met by the absence of a great nation like the United States.

Please, Mr. President, show environmental and economic leadership by reconsidering and having the United States participate in an international conference on global warming.

OPPOSE THE FSX DEAL

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

Mr. MINETA. Madam Speaker, when we signed an agreement with Japan several years ago to end that nation's unfair semiconductor industry trade practices, Japan said that it would open up its domestic market to U.S. semiconductor manufacturers. But in what has become a classic negotiating tactic, Japan shunted this critical facet of the agreement into a so-called side letter and now refuses to live up to that part of the semiconductor industry agreement.

Incredibly, we are being asked again to fall for the same old smoke and mirrors when it comes to the FSX technology transfer deal. We are being told that Japan has made important technological and production concessions as part of the deal. But do we find these consessions in the formal FSX agreement? No. Where we find them is in—you guessed it—an exchange of letters.

Madam Speaker, the real agreements on these concessions will only be negotiated after we have finished transferring our key technologies to Japan. As far as I am concerned, this is an open invitation for the United States to get burned twice with the same trick, and so I urge my colleagues to oppose the FSX deal.

INDIA SHOULD REOPEN BORDER WITH NEPAL

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

Mrs. UNSOELD. Madam Speaker, because of a trade dispute, India closed the border with Nepal, a tiny landlocked country in the heart of the Himalaya.

With that border closed, petrol is no longer coming to the nation's capital and to the populated areas of the country. Without that petrol that not only provides the fuel for the nation

but also is the major cooking fuel in the capital and other populated areas, the people are turning to firewood again as a means of cooking. What this means is that a major reforestation program with which we have been involved is seriously threatened. Thirty-five acres a day are being cut to provide fuel.

I join with my colleagues in supporting the resolution asking India to immediately open its borders with Nepal, to permit the passage of goods and people between these countries.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore (Mrs. COLLINS) laid before the House the following resignation as a member of the Committee on Government Operations:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 1989.

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

DEAR MR. SPEAKER: I, hereby, resign my seat on the Government Operations Committee of the U.S. House of Representatives, effective this date.

Cordially,

ROBERT S. WALKER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PRIVILEGES OF THE HOUSE—IMPEACHMENT OF JUDGE WALTER L. NIXON, JR.

Mr. BROOKS. Mr. Speaker, I rise to a question of the privileges of the House, and I call up a privileged resolution (H. Res. 87) impeaching Walter L. Nixon, Jr., judge of the U.S. District Court for the Southern District of Mississippi for high crimes and misdemeanors.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 87

Resolved, That Walter L. Nixon, Jr., judge of the United States District Court for the Southern District of Mississippi, is impeached for high crimes and misdemeanors.

CALL OF THE HOUSE

Mr. SENSENBRENNER. Madam Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 49]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
Baker
Ballenger
Bartlett
Barton
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeFazio
Derrick
DeWine
Dickinson
Dicks
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

□ 1520

The SPEAKER pro tempore (Mr. HOYER). On this rollcall, 406 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PRIVILEGES OF THE HOUSE—IMPEACHMENT OF JUDGE WALTER L. NIXON, JR.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert the following:

That Walter L. Nixon, Jr., a judge of the United States District Court for the Southern District of Mississippi, be impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Walter L. Nixon, Jr., a judge of the United States District Court for the Southern District of Mississippi, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

On July 18, 1984, Judge Nixon testified before a Federal grand jury empaneled in the United States District Court for the Southern District of Mississippi (Hattiesburg Division) to investigate Judge Nixon's business relationship with Wiley Fairchild and the handling of the criminal prosecution of Fairchild's son, Drew Fairchild, for drug smuggling. In the course of his grand

jury testimony and having duly taken an oath that he would tell the truth, the whole truth, and nothing but the truth, Judge Nixon did knowingly and contrary to his oath make a material false or misleading statement to the grand jury.

The false or misleading statement was, in substance, that Forrest County District Attorney Paul Holmes never discussed the Drew Fairchild case with Judge Nixon.

Wherefore, Judge Walter L. Nixon, Jr., is guilty of an impeachable offense and should be removed from office.

ARTICLE II

On July 18, 1984, Judge Nixon testified before a Federal grand jury empaneled in the United States District Court for the Southern District of Mississippi to investigate Judge Nixon's business relationship with Wiley Fairchild and the handling of the prosecution of Fairchild's son, Drew Fairchild, for drug smuggling. In the course of his grand jury testimony and having duly taken an oath that he would tell the truth, the whole truth, and nothing but the truth, Judge Nixon did knowingly and contrary to his oath make a material false or misleading statement to the grand jury.

The false or misleading statement was, in substance, that Judge Nixon had nothing whatsoever officially or unofficially to do with the Drew Fairchild case in Federal court or State court; and that Judge Nixon "never handled any part of it, never had a thing to do with it at all, and never talked to anyone, State or Federal, prosecutor or judge, in any way influence anybody" with respect to the Drew Fairchild case.

Wherefore, Judge Walter L. Nixon, Jr., is guilty of an impeachable offense and should be removed from office.

ARTICLE III

By virtue of his office as a judge of the United States District Court for the Southern District of Mississippi, Judge Nixon is required to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to obey the laws of the United States.

Judge Nixon has raised substantial doubt as to his judicial integrity, undermined confidence in the integrity and impartiality of the judiciary, betrayed the trust of the people of the United States, disobeyed the laws of the United States and brought disrepute on the Federal courts and the administration of justice by the Federal courts by the following:

After entering into an oil and gas investment with Wiley Fairchild, Judge Nixon conversed with Wiley Fairchild, Carroll Ingram, and Forrest County District Attorney Paul Holmes concerning the State criminal drug conspiracy prosecution of Drew Fairchild, the son of Wiley Fairchild, and thereafter concealed those conversations as follows:

(1) Judge Nixon concealed those conversations through one or more material false or misleading statements knowingly made to an attorney from the United States Department of Justice and a special agent of the Federal Bureau of Investigation during an interview of Judge Nixon conducted in Biloxi, Mississippi, on April 19, 1984. The substance of the false or misleading statements included the following:

(A) Judge Nixon never discussed with Wiley Fairchild anything about Wiley's son's case.

(B) Wiley Fairchild never brought up his son's case.

(C) At the time of the interview Judge Nixon had no knowledge of the Drew Fairchild case and did not even know Drew Fairchild existed, except for what the judge previously read in the newspaper and what he learned from the questioners in the interview.

(D) Nothing was done or nothing was ever mentioned about Wiley Fairchild's son.

(E) Judge Nixon had never heard about the Drew Fairchild case, except what he told the questioners in the interview, and certainly had nothing to do with the case.

(F) Judge Nixon had done nothing to influence the Drew Fairchild case.

(G) State prosecutor Paul Holmes never talked to Judge Nixon about the Drew Fairchild case.

(2) Judge Nixon further concealed his conversations with Wiley Fairchild, Paul Holmes, and Carroll Ingram concerning the Drew Fairchild case by knowingly giving one or more material false or misleading statements to a Federal grand jury during testimony under oath in Hattiesburg, Mississippi, on July 18, 1984. The substance of the false or misleading statements included the following:

(A) Paul Holmes never discussed the Drew Fairchild case with Judge Nixon.

(B) To the best of his knowledge and recollection, Judge Nixon did not know of any reason he would have met with Wiley Fairchild after the Nixon-Fairchild oil and gas investment was finalized in February 1981.

(C) Judge Nixon gave the grand jury all the information that he had and that he could, and had withheld nothing during his grand jury testimony.

(D) Judge Nixon had nothing whatsoever unofficially to do with the Drew Fairchild criminal case in State court.

(E) Judge Nixon never talked to anyone, including the State prosecutor, about the Drew Fairchild case.

(F) Judge Nixon never had a thing to do with the Drew Fairchild case at all.

(G) Judge Nixon "never talked to anyone, State or Federal, prosecutor or judge, in any way influence anybody" with respect to the Drew Fairchild case.

Wherefore, Judge Walter L. Nixon, Jr., is guilty of an impeachable offense and should be removed from office.

□ 1530

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Texas [Mr. BROOKS], is recognized for 1 hour.

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

In February 1986, Chief Judge Walter L. Nixon, Jr., of the U.S. District Court for the Southern District of Mississippi, was convicted of two counts of making false declarations before a grand jury, a form of perjury, in violation of 18 U.S.C. 1623. Judge Nixon was sentenced to 5 years imprisonment by the late Chief Judge James Meredith of the Eastern District of Missouri, specially assigned to the case. Judge Nixon began serving his 5-year sentence at Eglin Air Force Base Prison camp on March 23, 1988, and is currently in confinement there.

Following the guilty verdict, the trial judge denied Judge Nixon's motion for a new trial. On appeal, the Fifth Circuit Court of Appeals affirmed the convictions, 816 F.2d 1022 (5th Cir. 1987), and thereafter denied Judge Nixon's petition for rehearing en banc, 827 F.2d 1019 (1987). On January 19, 1988, the U.S. Supreme Court denied Judge Nixon's petition for a writ of certiorari.

On March 15, 1988, the Judicial Conference certified to the Speaker of the House of Representatives that impeachment of Judge Nixon may be warranted. The judge is drawing his judicial salary of $89,500, and will, as an article III judge, continue to do so for life unless he is impeached by the House and removed from office by the Senate.

In the 100th Congress, House Resolution 407, a resolution of impeachment was introduced by Mr. Rodino, Mr. EDWARDS, Mr. FISH, and Mr. SENSENBRENNER on March 17, 1988, and referred to the Subcommittee on Civil and Constitutional Rights. The subcommittee began an independent investigation of the facts underlying Judge Nixon's prosecution and conviction. The subcommittee assembled and reviewed the complete criminal record, including testimony and exhibits from the 2-week jury trial, and interviewed witnesses and other persons involved in the case.

In a moment, I will yield to my friend, DON EDWARDS, the chairman of the Subcommittee on Civil and Constitutional Rights, for a detailed explanation of the subcommittee's investigation.

In the 101st Congress, on February 22, 1989, I introduced House Resolution 87 along with Mr. EDWARDS, Mr. FISH, and Mr. SENSENBRENNER. It was referred to the same subcommittee for completion of action. The subcommittee reported the resolution with an amendment in the nature of a substitute containing three articles of impeachment by a vote of 8 to 0.

The Judiciary Committee has, in House Resolution 87, recommended three articles of impeachment against Judge Nixon by a vote of 34 to 0.

Article I deals with Judge Nixon's false statement to the grand jury that the State prosecutor never discussed a particular criminal case with him involving Drew Fairchild, the son of a businessman with whom the judge had a financial relationship. This same statement was found by the grand jury to be false and led to Judge Nixon's conviction on one count of perjury.

Article II deals with Judge Nixon's statement to the grand jury that he had nothing whatsoever, officially or unofficially, to do with Drew Fairchild's case, never had a thing to do with it at all, never talked to anybody, including the State prosecutor, about the case. This statement was also found to be false by the jury and led them to convict the judge on a second count of perjury.

Article III charges Judge Nixon with undermining the integrity of the judiciary, disobeying the law, and bringing disrepute on the courts by concealing his conversations concering the Drew Fairchild case through a series of false or misleading statements during his interview with prosecutors, and his grand jury testimony. A total of 14 false statements, 7 in the interview and 7 in the grand jury testimony, including those addressed in the first 2 articles, are specifically set forth in Article III.

Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, the distinguished chairman of the Judiciary Committee has given you a chronology of the events in this case, beginning with Judge Nixon's conviction, and an outline of the committee's action.

I would like to explain in more detail what this case is about and what our subcommittee did.

Following the referral of House Resolution 407 to the Subcommittee on Civil and Constitutional Rights, the subcommittee, assisted by talented special staff, conducted a careful and independent inquiry into Judge Nixon's conduct.

Judge Nixon is only the second Federal judge in our Nation's history to be convicted of a crime and imprisoned while holding judicial office. The crime for which he was convicted, lying to a grand jury in testimony under oath, is particularly serious because a judge must bear the awesome responsibility of swearing witnesses, judging credibility, and finding the truth in cases that come before him.

Despite our concerns about the seriousness of the convictions, at the outset we determined not to rubber stamp the jury's verdict.

We ignored the fact of his conviction.

We started from scratch.

In 7 full days of hearings we heard live testimony from all relevant witnesses, including Judge Nixon himself.

At all stages of our proceedings, Judge Nixon was treated with fairness and courtesy.

He was afforded every opportunity to present evidence and to cross-examine witnesses without limitation.

Judge Nixon had very able counsel, and virtually every request of Mr. Stewart's was granted.

The facts of this case are very complicated. I shall try to simplify them.

In 1979, Judge Nixon asked Hattiesburg Attorney Carroll Ingram to investigate the possibility of Judge Nixon making an oil investment with Wiley Fairchild, a rich Hattiesburg businessman.

Before the deal was finalized, Wiley Fairchild's son Drew, one of the managers of the Hattiesburg Airport, was implicated and later arrested for conspiracy in smuggling a ton of marijuana through the Hattiesburg Airport on August 4, 1980.

The Drew Fairchild drug smuggling case and Judge Nixon's alleged involvement in influencing its outcome are fundamental to this impeachment inquiry.

After hesitating for several months, Carroll Ingram told Wiley Fairchild that Judge Nixon would like to invest with him and Wiley agreed.

In March 1981 Wiley deeded to Judge Nixon three mineral royalty interests. The price set by Wiley was $9,500 and Nixon ultimately gave Wiley three promissory notes for this amount.

For reasons which are disputed all the documents were backdated to reflect an execution date of a year earlier, February 25, 1980.

There is no doubt that Wiley gave Judge Nixon a sweet deal. Within a relatively few months, royalties started coming to Nixon, totaling more than $60,000 by the time of his trial.

In late 1983, the FBI in Pascagoula, MS, received anonymous phone calls alleging that this oil deal between Wiley and Judge Nixon was a crooked deal designed to get Judge Nixon's help in Drew Fairchild's drug case, and in March 1984 the anonymous caller came forward and identified himself to the FBI and agreed to cooperate with the FBI.

He was Robert Jarvis, who had been an employee of Wiley's at the time the oil deal was made.

Jarvis told the FBI that the oil deal papers had been signed by Wiley and Judge Nixon after the drug bust but had been backdated to reflect execution before the drug bust.

Jarvis alleged that the backdating was to make it appear that Judge Nixon had not gotten the oil deal in connection with Drew Fairchild's criminal case.

Because of this information the Federal investigation of Judge Nixon began in April 1984 and attorney Reid Weingarten of the Public Integrity Section of the Justice Department was put in charge.

On April 19, 1984, Reid Weingarten and an FBI agent interviewed Judge Nixon in his chambers in Biloxi, MS. Judge Nixon consented to the interview being recorded.

In that interview Judge Nixon told the interviewer that he had never discussed the Drew Fairchild case with anyone, knew nothing about it, and had done nothing to influence it.

Your subcommittee found seven false or misleading statements by Judge Nixon in that interview. These are charged in article III of the impeachment resolution.

In May 1984 the Justice Department requested that a special Federal grand jury be empaneled to investigate the handling of the Drew Fairchild case, the Nixon-Fairchild oil deal, and whether there was any connection between the two.

The special grand jury was empaneled in Hattiesburg on July 18, 1984. Judge Nixon voluntarily appeared and testified.

Midway through the testimony Weingarten asked, "Did [Forrest County District Attorney] Bud Holmes ever discuss the Drew Fairchild case with you?" And Nixon replied, "No, not to the best of my recollection. I think I would recall it if he had."

This statement your subcommittee found to be false, and it is charged in article I of the impeachment resolution.

This false statement was also the first perjury count for which Judge Nixon was convicted and sentenced to 5 years in prison.

Toward the end of the testimony Weingarten said, "All right, Judge, do you have anything to add?"

Judge Nixon made a long statement. Midway through it, he said:

> Now, I have had nothing whatsoever officially or unofficially to do with the Drew Fairchild criminal case in Federal Court or State court. * * * I have never handled any part of it, never had a thing to do with it at all and never talked to anyone, State or Federal, prosecutor or judge, in any way influence anybody with respect to this case.

This statement your subcommittee found to be false, and it is charged in article II of the impeachment resolution.

This false statement was also the basis for count IV in the criminal case where Judge Nixon was convicted of perjury.

Your subcommittee also found additional statements in Judge Nixon's grand jury testimony which we deemed to be false, and they are included as charges in article III of the impeachment resolution.

After hearing testimony from a number of witnesses, including Bud Holmes and Wiley Fairchild, the grand jury returned a four-count indictment on August 29, 1985 against Judge Nixon. Count I alleged the acceptance of an illegal gratuity from Wiley Fairchild. Counts II, III, and IV alleged perjury before the grand jury.

At the conclusion of Judge Nixon's trial the jury returned guilty verdicts on counts III and IV, not guilty on counts I and II. He was not convicted on the illegal gratuity count.

Judge Nixon was sentenced to concurrent terms of 5 years' imprisonment on each of the two perjury counts that I have previously described.

The conviction and sentence were affirmed on appeal, and the Supreme Court declined to review Judge Nixon's case. More recently Judge

Nixon has petitioned that his conviction be vacated in a section 2255 motion, which I believe is a habeas corpus petition.

This too has been denied in a 59-page opinion by Chief Judge John F. Nangle on the U.S. District Court, Eastern District of Missouri.

On November 26, 1984, Wiley Fairchild pleaded guilty to an illegal gratuity charge relating to the oil deal with Judge Nixon and was sentenced to 2 years imprisonment with 22 months suspended.

On July 11, 1985, Drew Fairchild was sentenced to 6 months imprisonment and 2½ years probation on the drug charge.

The specific details of the statements of Judge Nixon's which the subcommittee deems to be false and which are the basis for the three impeachment articles are outlined in the addendum to my statement which I request be included in the RECORD and which has been provided to each member.

The false statements alleged in the three articles focus on Judge Nixon's deliberate concealment of his conversations with two men, Wiley Fairchild and Bud Holmes.

Bud Holmes was the local district attorney while all of this was going on, and had conversations with Nixon about the case that are detailed in the addendum.

Bud Holmes was indicted by the same grand jury for obstruction of justice because he had concealed from the grand jury a certain phone call from Judge Nixon to Wiley Fairchild about the Drew Fairchild case. Holmes pleaded guilty to criminal contempt and was sentenced to a $10,000 fine and 1 year in prison, which he didn't serve.

You will read in the addendum the details backing up each of the charges in the impeachment resolution, such as:

Wiley's meeting with Nixon when Wiley told the judge he was upset about the way Bud Holmes was handling Drew's drug case.

Wiley's complaint to Nixon that Holmes was blackmailing him.

Nixon's telling Holmes about Wiley's complaint.

Holmes telling Nixon a deal had already been worked out to help Drew.

A telephone call to Wiley from both Nixon and Holmes about Drew's case.

Carroll Ingram's testimony that Nixon told him that Wiley had asked Judge Nixon to speak to District Attorney Holmes about Drew's case.

The committee is confident that the documentation supplied to you clearly supports each and every charge of the impeachment resolution.

This pattern of lies, concealment and deceit on the part of Judge Nixon led the committee, by clear and convincing evidence, to the unavoidable conclusion that he must be impeached.

The vote in subcommittee was unanimous, 8 to 0. The vote in the committee was 34 to 0, with 1 member absent.

Accordingly, we recommend that the House of Representatives adopt these articles of impeachment and that pursuant to article I, section 2 of the Constitution, Judge Walter L. Nixon, Jr., be tried by the U.S. Senate.

REGARDING THE IMPEACHMENT OF JUDGE WALTER L. NIXON, JR., MAY 3, 1989

RELEVANT DATES

February, 1979: Judge Nixon asked Carroll Ingram to see if Wily Fairchild would allow Nixon to invest with him in oil deals.

Aug. 4, 1980: Drug bust at Hattiesburg airport. Drew Fairchild implicated.

Feb. 25, 1981: Jarvis prepared oil deal papers.

March, 1981: Papers signed for Nixon's purchase of interests in three wells for $9500.

Dec. 23, 1982: Drew's case "passed to the files," made inactive, at Bud Holmes' request.

November, 1983: Robert Jarvis placed anonymous phone calls to F.B.I. alleging that oil deal was made to get Nixon to help Drew.

March, 1984: Jarvis identified himself to F.B.I. and repeated charges. Also claimed papers were backdated one year to make it appear deal was signed before the Drew's oil bust.

April 19, 1984: Reid Weingarten of the Public Integrity Section of U.S. Justice Department interviewed Judge Nixon about the matter.

July 18, 1984: Special federal grand jury empaneled in Hattiesburg to investigate matter.

July 18, 1984: Judge Nixon voluntarily appeared to testify before grand jury.

July 18/19, 1984: Wiley Fairchild testified before grand jury.

July/Sept., 1984: Bud Holmes testified before grand jury.

November, 1984: Wiley Fairchild pled guilty to illegal gratuity charge. Appeared again before the grand jury and described his contacts with Judge Nixon concerning the Drew Fairchild case.

January, 1985: Carroll Ingram told Weingarten about phone call from farm.

February, 1985: Holmes vaguely admitted to grand jury that phone call had been made, but tried to cover it up.

March 29, 1985: Holmes indicted from obstruction of justice for concealing phone calls and four perjury counts.

June, 1985: Bud Holmes pled guilty to contempt. Reappeared before the grand jury, apologized for covering up the phone call and described Nixon's involvement in the Drew Fairchild case.

July 11, 1985: Drew Fairchild sentenced in federal court to six months imprisonment and 2½ years probation for his involvement in the drug conspiracy.

August 29, 1985: Grand jury indicted Judge Nixon on four (4) counts.

Sept. 18, 1985: Wiley Fairchild sentenced in federal court on illegal gratuity count to 2 years, with 22 months suspended.

Dec. 11, 1985: Bud Holmes sentenced to one year plus $10,000 fine.

January, 1986: Judge Nixon's trial began. By this time he had received over $60,000 in royalties.

February 9, 1986: Jury returned verdicts of guilty against Judge Nixon on perjury counts III and IV.

April 30, 1987: Fifth Circuit affirms convictions

January 19, 1988: Supreme Court denies petition for Writ of Certiorari.

March 23, 1988: Judge Nixon begins serving his five-year sentence.

KEY INDIVIDUALS INVOLVED IN THIS CASE

Judge Walter L. Nixon, Jr.: Chief Judge, Southern District of Mississippi. Presently serving two concurrent terms of five years imprisonment on two prejury counts.

Wiley Fairchild: Wealthy businessman and oil well investor in Hattiesburg, Mississippi who sold Nixon interests in three oil wells and was an important prosecution witness.

Drew Fairchild: Wiley's middle-aged son who was one of the managers of the Hattiesburg airport and who was arrested for marijuana smuggling.

Bud Holmes: At that time the local District Attorney handling Drew's case. An old friend of Judge Nixon's. An important prosecution witness.

Carroll Ingram: Wiley's attorney in Hattiesburg and personal friend of Judge Nixon. He was asked by Nixon to ask Wiley if he would allow Nixon to participate in some oil investments.

Robert Jarvis: Employed by Wiley at time oil deal was made. Prepared papers for oil deal. Later, while no longer employed by Wiley, told F.B.I. that Wiley made oil deal in order to obtain Judge Nixon's help in Drew's drug case.

Reid Weingarten: U.S. Justice Department Public Integrity Section lawyer who investigated and prosecutied Judge Nixon's case.

INTRODUCTION

[This material is provided by Rep. Don Edwards, Chairman of the Subcommittee on Civil and Constitutional Rights.]

The three proposed Articles of Impeachment allege a total of 14 false statements by Judge Nixon, seven in an April 1984 interview with federal investigators and seven in his July 1984 testimony before the grand jury. Articles I and II focus on Judge Nixon's grand jury testiomy that led to his perjury convictions. Article III includes the testimony set forth in Articles I and II, as well as other statements made by Judge Nixon in the interview and to the grand jury that the Subcommittee believes are false.

Each of the 14 false statements alleged in the Articles is, in one form or another, a categorical denial by Judge Nixon of any knowledge of or involvement in a state criminal drug smuggling prosecution of Drew Fairchild. Drew is the son of Wiley Fairchild, a prominent Mississippi businessman who afforded Judge Nixon a lucrative investment. The state prosceutor in the Drew Fairchild case was Paul H. (Bud) Holmes, a long-time friend of Judge Nixon. Carroll Ingram was Wiley Fairchild's attorney and also a close friend of the Judge.

During the interview and in his grand jury testimony Judge Nixon denied that he ever talked about or discussed the Drew Fairchild case with Bud Holmes. Judge Nixon also denied that Wiley Fairchild ever mentioned his son or the drug case. However, the Subcommittee heard testimony from Messrs. Fairchild, Holmes and Ingram that Judge Nixon did, in fact, talk about the Drew Fairchild drug case with Mr. Fairchild and Mr. Holmes, and that the Judge influ-

enced the handling of the case. Even more important, in contrast to his interview statements and grand jury testimony, Judge Nixon himself now admits that he spoke with Wiley Fairchild and Bud Holmes about Drew Fairchild and the drug case.

The facts presented to the Subcommittee can be briefly summarized as follows:

I. IN HIS APRIL 1984 INTERVIEW WITH FEDERAL INVESTIGATORS JUDGE NIXON DENIED ANY INVOLVEMENT IN OR KNOWLEDGE OF THE DREW FAIRCHILD DRUG CASE

Judge Nixon was advised prior to and during the interivew that the investigation was examining Judge Nixon's investment with Wiley Fairchild and the unusual handling of the Drew Fairchild case. The interview was tape-recorded with Judge Nixon's full consent. During the interview Judge Nxon denied several times, and in the broadest possible terms, any knowledge or or participation in Drew Fairchild's case:

Q. Did he [Wiley Fairchild] have anything on his mind that he wanted with you——

Judge NIXON. You'd have to ask him because he's never asked——

Q. I mean, did——

Judge NIXON. Anything that or demanded anything. Of course, anything to do with his [Fairchild's] son's case absolutely had nothing whatsoever, 'cause I don't, I'm not even aware of really what that's about. I think I read something in the paper one time about it since then.

Q. Did you——

Judge NIXON. But if you can——

Q. Detect anything——

Judge NIXON. If you can detect or know of anything at all where I ever had any connection with his son's case or the disposition of it or handling of it or anything to do with it, I sure wish you'd tell me, and I'll—

Q. I, well, I——

Judge NIXON. Because there has——

Q. I can assure you, we have no information to that effect——

Judge NIXON. There has, because there has been nothing.

Q. No, I, I guess what I'm asking you is whether or not you detected anything untoward from either——

Judge NIXON. Abso——

Q. Mr. FAIRCHILD——

Judge NIXON. Absolutely not. If I had, I'da pulled back immediately and wouldn't have had a darn thing to do with it.

Q. From the time of that bust until basically me talking to you about the case——

Judge NIXON. Uh-huh——

Q. You've had no connection, no knowledge of it, no participation in——

Judge NIXON. Correct——

Q. The Drew Fairchild case?

Judge NIXON. Absolutely, except something I read in the paper. It was either an editorial or state, or, or news article or something, a few years ago, I think——

* * * * *

Q. Do you recall any knowledge of the case, meaning the Fairchild case, while you were dealing with Wiley Fairchild?

Judge NIXON. No.

Q. And he certainly never brought it up?

Judge NIXON. Not to my recollection. I think I would recall that.

* * * * *

Q. Does he [Drew Fairchild] work with his father?

Judge NIXON. I have no idea. Didn't even know he existed, except from what I read about that and what you just told me. Absolutely no.

* * * * *

Q. I mean, I, our earnest desire is to wrap this end of it——

Judge NIXON. I understand——

Q. Completely, and often times judges are victimized by others——

Judge NIXON. Yeah, well, I don't——

Q. I mean, you're a savvy guy. You know that this happens.

Judge NIXON. Well, I don't know about that part of it, but all I know is ah nothing was done or nothing was ever mentioned about Wiley Fairchild's son, and I defy anybody to, and I say defy, I don't mean (unintelligible), but I challenge anybody to show any connection or anything I've ever done in connection with Wiley Fairchild's son's case I certainly would (unintelligible) to begin with. And if I even suspected something like that was going on, I certainly wouldn't have ah invested or have any dealings, absolutely.

* * * * *

Q. Okay, so I'm—Just to complete the picture——

Judge NIXON. That's what I was, that's what I wanted to ask you, what allegation—I've never heard, you know, never had the [Drew Fairchild] case never heard about the case except what I told you, and ah certainly had nothing to do with it.

* * * * *

Judge NIXON. I understand, but regardless, what connection have I had with ah Fairchild's son's case? Isn't that the bottom line?

Q. It, it basically——

Judge NIXON. I mean——

Q. Could well be the bottom line.

Judge NIXON. Yeah, what, what——

Q. And that's why——

Judge NIXON. Could I have conceivably done?

Q. Well, that's why I had to ask you——

Judge NIXON. To influence the case? Ah, I certainly didn't do a thing in the world. I don't know a thing about—But what could I have done?

Q. Well, I mean, I don't know what you could have done. I mean it——

Judge NIXON. As United States District Judge.

Q. If someone wanted to use their imagination, I suppose they, they could think of things, and, and I, that's why we ask you the question did Bud Holmes ever talk to you about the case?

Judge NIXON. Oh, no.

During the April 1984 interview Judge Nixon did not reveal his meeting with Wiley Fairchild in which Mr. Fairchild had complained that he was being "blackmailed" by Bud Holmes in connection with Drew's case. Judge Nixon did not disclose his visit to Bud Holmes' farm and subsequent telephone conversation with Wiley Fairchild concerning Drew's case. Nor did Judge Nixon reveal his later telephone conversation with Carroll Ingram concerning Drew Fairchild. Instead, Judge Nixon repeatedly and categorically denied any knowledge or involvement whatsoever concerning Drew Fairchild and the drug case.

II. IN HIS JULY 1984 GRAND JURY TESTIMONY UNDER OATH, JUDGE NIXON AGAIN DENIED ANY INVOLVEMENT IN OR KNOWLEDGE OF THE DREW FAIRCHILD DRUG CASE

In the summer of 1984 a special federal grand jury was empaneled in Hattiesburg to investigate possible criminality associated with the Fairchild-Nixon investment and the handling of the Drew Fairchild drug prosecution. Judge Nixon appeared voluntarily and testified under oath on July 18, 1984, the first day the grand jury was convened. Judge Nixon retained counsel prior to his grand jury appearance, and was represented by counsel at the time of his testimony.

Judge Nixon was convicted of making a false declaration before the grand jury,[1] felony and a form of perjury, for the following testimony before the grand jury:

Q. The grand jury has heard evidence that the prosecutor, the state prosecutor, who eventually handled the case was an individual named Bud Holmes. Is he a friend of yours?

Judge NIXON. Very good friend of mine, long time friend, yes.

Q. Did he ever discuss the Drew Fairchild case with you?

Judge NIXON. No, not to the best of my recollection. I think I would recall if he had.

The jury also found Judge Nixon guilty of making a second false declaration based on the following grand jury testimony:

Q. All right. Judge, do you have anything you want to add?

The WITNESS. Yes, I do.

I want to say this. I—Here (indicating) are your notes too, copies of your instruments, rather.

I came here voluntarily and am very happy to cooperate with this grand jury and give them all the information that I have and that I could. And I have always thought everyone should do that, and that goes for the grand jury that's sitting at this time. I have nothing at all to—had nothing to hide or nothing to withhold and I brought everything that you asked me to bring.

And I want to say this. That I've been told and led to believe and read in the newspaper and heard on the news media so much about this is an investigation of the Drew Fairchild criminal case. Now, I have had nothing whatsoever officially or unofficially to do with the Drew Fairchild criminal case in federal court or state court. I don't need to reconstruct anything with reference to that. I've told you that from the beginning.

I have never talked to anyone about the case, any federal judge or state judge, federal prosecutor or state prosecutor, and I never handled any aspect of this case in federal court. As you said, Judge Cox handled it. I don't know where—someone told me maybe Judge Russell handled one of the other defendants also and—but I never handled any part of it, never had a thing to do with it at all, and never talked to anyone, state or federal, prosecutor or judge, in any

[1] 18 U.S.C. Section 1623 provides that "Whoever under oath in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration . . . shall be fined not more than $10,000 or imprisoned not more than five years, or both." In order to convict Judge Nixon of this form of perjury, the jury was required to find beyond a reasonable doubt that Judge Nixon's grand jury testimony was false, and that Judge Nixon knew his testimony was false. See *United States* v. *Nixon*, 816 F.2d 1022, 1029 (5th Cir. 1987). In addition, to establish this offense, the false statements must be material to the grand jury's investigation. At Judge Nixon's trial the question of materiality was resolved out of the presence of the jury by the trial judge. On appeal Judge Nixon did not challenge the correctness of the trial court's ruling that the subject matter of Judge Nixon's statements to the grand jury was, as a matter of law, material to the grand jury's investigation. 816 F.2d at 1029.

way influence anybody with respect to this case. Didn't know anything about it until I read that account in the newspaper. Didn't even know Mr. Fairchild had a son when I was dealing with him in the business transaction.

So I want to say that because I understand that's what this is all about. The investigation is apparently, if the news media is correct, and if I understand it correctly, that's what this is about, the Drew Fairchild criminal case.

The Committee learned, through its independent inquiry, that this closing statement to the grand jury was not spontaneous, but was prepared in writing by Judge Nixon prior to his grand jury appearance.

In addition to the foregoing grand jury testimony that was the focus of criminal charges and led to his convictions, Judge Nixon described to the grand jury his meetings with Wiley Fairchild as follows:

Q. If the first meeting [with Wiley Fairchild] produced the deal, what would the other meetings have been for?

Judge NIXON. I met with him several times. One time he told me that he thought he was over—maybe overcharging me for these and would maybe put me in another later. He mentioned something about the name of a well was—I don't know, remember when this was—it had something to do with the name School in the property. But he never did and there never was any mention of it.

And, as I say, I don't know of any reason I would have met with him after the transaction was finalized in the first part of 1981, but I can't say for sure. It's possible.

You're asking me about—I—don't like to keep repeating it—but three or four years ago, and I'm trying to reconstruct this to the best of my recollection and knowledge.

As he did in the interview, in his grand jury testimony Judge Nixon did not reveal his meeting with Wiley Fairchild in which Wiley complained he was being "blackmailed" in connection with Drew Fairchild's drug case. Nor did the Judge reveal his visit to Bud Holmes' farm, the telephone call from the farm to Wiley Fairchild about Drew's case, and his later conversation with Carroll Ingram about Drew Fairchild.

III. THE TESTIMONY OF WILEY FAIRCHILD, BUD HOLMES AND CARROLL INGRAM CONCERNING JUDGE NIXON'S KNOWLEDGE OF AND INVOLVEMENT IN THE DREW FAIRCHILD CASE

Drew Fairchild's drug prosecution generated a great deal of negative publicity in Hattiesburg. It was a source of embarrassment and humiliation to Wiley Fairchild, who was concerned about his family's reputation. Wiley Fairchild, heard rumors circulating in Hattiesburg that Drew's case had never been disposed of because his father had paid someone a bribe. In addition, Wiley Fairchild felt he was being extorted in connection with his son's case because of the treatment of Robert Royals, Drew's co-manager at the airport and a participant in the smuggling conspiracy. Wiley Fairchild testified that Mr. Royals told him that Bill Porter had said Wiley should "get off his money" to help Drew, who had his "tail in a crack."

Convinced that Bud Holmes and possibly others were "blackmailing" him in connection with his son's case, Wiley Fairchild sought help from Judge Nixon. Mr. Fairchild testified that he telephoned Judge Nixon and, when the Judge was unavailable, left a message asking the Judge to stop by the W.R. Fairchild Construction Company office in Hattiesburg. Wiley Fairchild specifically wanted Mr. Holmes to take care of his son's case as promised, and sought out Judge Nixon because of the Judge's previous offer of help—"If I can ever help you I will and if I can't, I'll just tell you I can't"—and because he knew Judge Nixon and Mr. Holmes were very good friends.

Judge Nixon visited Wiley Fairchild's office in Hattiesburg for a fifteen or twenty-minute meeting. Wiley Fairchild cannot recall when this meeting occurred, although he testified at Judge Nixon's trial that it occurred before he learned his son's case had been passed to the file. At the meeting, Wiley Fairchild told the Judge he was being blackmailed by Mr. Holmes and possibly Carroll Ingram concerning the handling of Drew's drug case. Mr. Fairchild emphasized the unfairness of his son's predicament compared to the treatment of Robert Royals. Wiley Fairchild told Judge Nixon, ". . . if they will go ahead and prosecute Bob Royals they won't hear a damn word out of me. He's guilty and my son's guilty, but I just don't like them picking on my son because I got money." Mr. Fairchild does not recall Judge Nixon's response to his blackmail allegations, other than that the Judge may have "grunted a little something or another."

Judge Nixon met with Bud Holmes shortly after hearing of Wiley Fairchild's complaints of blackmail in connection with Drew's case. Mr. Holmes believes that this occurred on May 14, 1982.

According to Mr. Holmes, he and Judge Nixon had a couple of drinks at the District Attorney's office and then drove to Mr. Holmes' farm outside Hattiesburg. Mr. Holmes testified that during the drive Judge Nixon said that Wiley Fairchild had "asked me [Nixon] if you [Holmes] and I weren't good friends, and I told him, yes, you know, we were. And he said, well, would you mind putting in a good word for my boy?" Mr. Holmes testified that Judge Nixon expressly said he did not want Mr. Holmes to do anything wrong, embarrassing, or against his oath of office, but that he [Nixon] was "just saying that Mr. Fairchild asked me to put in a good word."

Mr. Holmes testified that he reacted to these statements for his friend Judge Nixon by asking, "What is it you want? You want an apology? I don't know. What does the man want?" When Judge Nixon reiterated that he was simply "putting in a good word" and not asking Mr. Holmes to do anything, Mr. Holmes responded, ". . . hell, I'm District Attorney, I'll pass it to the files." Judge Nixon then told him, ". . . I'm not asking you to do that. Now I'm not asking you to do anything now."

Bud Holmes testified that after they arrived at the farm, he and Judge Nixon continued to talk about the Drew Fairchild case. Mr. Holmes told Judge Nixon about the oral pleas agreement already negotiated with Bill Porter, calling for probation and a fine in exchange for Drew's cooperation. Mr. Holmes testified that after hearing the terms of Drew's plea arrangement, Judge Nixon asked if Wiley Fairchild knew of the deal, and said he wished to telephone Mr. Fairchild and tell him about the arrangement. Mr. Holmes testified that Judge Nixon then telephoned Wiley Fairchild.

Wiley Fairchild confirmed that he received a telephone call from Judge Nixon around seven o'clock one night. Mr. Fairchild had been drinking that evening but remembers the call because of its significance. Mr. Fairchild testified that Judge Nixon said, "Wiley, you know that man we was talking to this evening? . . . I'm in his house, and everything (is) going to be taken care of to your satisfaction." Thereafter, according to Mr. Fairchild, Bud Holmes got on the line and said, "Wiley, when this man asks me to do something, I don't ask no questions, I just go ahead and do it."

In his trial testimony Wiley Fairchild specifically recalled that Judge Nixon was on the phone first. Mr. Fairchild testified that this call made him very happy because it meant that his son's case was "done away with once and for all." The next thing he recalled about his son's case was that it was passed to the file.

Mr. Holmes' recollection of the phone call in his trial testimony was similar to Wiley Fairchild's—that Judge Nixon placed the call and told Mr. Fairchild, "I'm out at his farm and he tells me your son isn't going to jail, and I just wanted to call and tell you that." According to Mr. Holmes, Judge Nixon then went on to thank Wiley Fairchild for the profitable oil investment opportunity. Mr. Holmes testified that he then took the phone and told Mr. Fairchild he would pass the case to the file, adding that Judge Nixon should get the credit for helping Drew.

Carroll Ingram learned of Judge Nixon's conversations with Bud Holmes and Wiley Fairchild concerning the Drew Fairchild case from all three participants—Wiley Fairchild, Bud Holmes and Judge Nixon himself. Mr. Ingram testified that in the fall of 1982, Wiley Fairchild told him that he (Fairchild) had asked Judge Nixon to talk to Bud Holmes about Drew's case, that Judge Nixon had talked to Mr. Holmes and that the results were "positive" such that "Drew Fairchild's case was going to be okay."

Mr. Ingram testified that Judge Nixon told him that he (Nixon) had talked to Bud Holmes about the Drew Fairchild case because Wiley Fairchild had asked him to do so. Judge Nixon told Mr. Ingram that Mr. Holmes said he would consider this request and that Drew's case "was okay, that there was not anything going to happen in Drew Fairchild's case."

Following his meeting with Judge Nixon and the telephone call to Wiley Fairchild from the farm, District Attorney Holmes let Drew Fairchild's case "just sit" until he passed the case to the file in late 1982 at the end of Judge Weldy's term. Mr. Holmes told the Subcommittee that he planned on sweeping Drew's case "under the rug" in part because of his discussion with Judge Nixon and promise to Wiley Fairchild. Mr. Holmes testified that while Judge Nixon did not specifically ask him to pass the case to the file, the Judge's "putting in a good word for Drew . . . caused enough influence on me to go ahead and do what I did." Mr. Holmes repeatedly testified, both at trial and before the Subcommittee, that but for Judge Nixon's intervention he would not have passed the case to the file in December 1982.

IV. JUDGE NIXON'S POST-INDICTMENT TESTIMONY

In both his April, 1984, interview with law enforcement authorities and his July, 1984, grand jury testimony under oath, Judge Nixon made no mention of his meeting with Wiley Fairchild where Wiley complained of being "blackmailed" in connection with Drew's case, his conversation with Bud Holmes concerning Drew's case, his subsequent telephone call to Wiley Fairchild from Mr. Holmes' farm, and his later conversation with Carroll Ingram concerning

Drew Fairchild. It was only during his testimony at his criminal trial, after Mr. Holmes, Mr. Ingram and Wiley Fairchild cooperated with the government, that Judge Nixon finally acknowledged his participation in these events.

Judge Nixon admits that he met with Wiley Fairchild at the offices of Fairchild Construction Company, although he claims to have done so not at Wiley's specific request. Rather, Judge Nixon contends that he simply stopped by the Fairchild office to "keep in touch" with Wiley Fairchild and to discuss the progress of his investment. Judge Nixon also concedes that Wiley Fairchild raised the subject of "blackmail" in connection with Drew's case, and complained about the disparate treatment between his son's case and the non-prosecution of Robert Royals, the co-conspirator. Judge Nixon claims that when confronted with Mr. Fairchild's allegation of "blackmail," he did not probe more deeply because he was "not a law enforcement officer" or Mr. Fairchild's attorney. According to Judge Nixon, Mr. Fairchild's complaints were "nonsense", but at the same time he was "shocked" by Mr. Fairchild's story.

Judge Nixon insists that Wiley Fairchild did not ask him to do anything in connection with Drew's case. Nevertheless, Judge Nixon admits that "he had the impression" Mr. Fairchild wanted the Judge to speak with Mr. Holmes, and Judge Nixon relayed Mr. Fairchild's complaints to Bud Holmes that very same day, purportedly because Mr. Fairchild's blackmail concerns were "weighing on my [Nixon's] mind."

Judge Nixon denies meeting Mr. Holmes at the District Attorney's office, and contends he did not drive with Mr. Holmes to the farm. However, the Judge admits meeting with Bud Holmes at the farm and speaking with Mr. Fairchild on the telephone. Judge Nixon contends that he did not "discuss" the facts of Drew's case and specifically told Mr. Holmes he did not want to discuss the case, but it is undisputed that Drew's case was the subject of his conversation with Mr. Holmes. Judge Nixon claims that Holmes was on the telephone, suddenly handed him the phone and said, "here, talk to Wiley Fairchild." Judge Nixon admits that during this telephone conversation Wiley Fairchild told him, "I'm glad you mentioned that matter to Bud . . . I'm satisfied."

Judge Nixon disputes the date of his meeting with Wiley Fairchild, his visit to Bud Holmes' farm and his telephone call with Mr. Fairchild. Both Bud Holmes and Wiley Fairchild have repeatedly placed these events as occurring before Drew's case was passed to the file, and Carroll Ingram testified that his conversation with Wiley Fairchild about these events took place before Drew's case was passed to the file. In contrast, Judge Nixon contends that these events took place in March 1983, after Drew's case was passed to the file, such that his dialogue with Bud Holmes and Wiley Fairchild could have played no role in the handling of the Drew Fairchild drug prosecution.

At trial, Judge Nixon vigorously and repeatedly denied having been in Hattiesburg on May 14, 1982, the date Mr. Holmes believes the phone call may have taken place. Judge Nixon claimed that he was in Biloxi preparing for an asbestos trial. However, Judge Nixon's testimony was proven to be false during post-trial proceedings. Dental records confirmed that the Judge received treatment in Hattiesburg on May 14, 1982. Judge Nixon urged the Subcommittee to accept his explanation that his testimony concerning May 14, 1982 was simply an "honest mistake" rather than deliberately false testimony.

□ 1500

Mr. BROOKS. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, both the Subcommittee on Civil and Constitutional Rights and the full Judiciary Committee unanimously adopted and reported out House Resolution 87. This overwhelming support for House Resolution 87 is indicative of the weight of evidence supporting the articles of impeachment against Judge Walter Nixon.

The subcommittee conducted 7 full days of hearings during which nine witnesses testified, admitted, and reviewed over 100 exhibits and also accepted proffers and affidavits of several other witnesses in lieu of live testimony. In addition, the subcommittee afforded Judge Nixon and his counsel unlimited opportunity to participate exhaustively in the hearings. After this thorough, objective, and definitive review of the facts, the weight of the evidence against Judge Nixon was substantial and it became quite obvious that he could not remain a Federal judge.

Articles I and II of the articles of impeachment reflect the false statements made by Judge Nixon to the grand jury and which were the basis for his conviction on two counts of perjury. In his appearance before the grand jury on July 18, 1984, Judge Nixon testified under oath that District Attorney "Bud" Holmes never discussed the Drew Fairchild case with him. Moreover, in a lengthy statement offered at the conclusion of his testimony, Judge Nixon told the grand jury that he "had nothing whatsoever, officially or unofficially, to do with the Drew Fairchild criminal case in Federal court or State court, * * * never talked to anyone about the case, any Federal judge or State judge, Federal prosecutor or State prosecutor," and "never talked to anyone, State or Federal, prosecutor or judge, to in any way influence anybody with respect to this case." However, in direct contrast to Judge Nixon's grand jury testimony, the evidence at trial established, through Nixon's own testimony, that he was, in fact, involved in the Drew Fairchild case through meetings first with Wiley Fairchild and then "Bud" Holmes, followed by a telephone conversation between Judge Nixon and Fairchild from Holmes' farm.

Article III is an omnibus article which incorporates most of the false or misleading statements made by Nixon to investigators and the grand jury, including the two false statements specified in articles I and II. It alleges that Nixon raised substantial doubt as to his judicial integrity, undermined confidence in the integrity and impartiality of the judiciary, betrayed the trust of the people of the United States, disobeyed the laws of the United States, and brought disrepute on the Federal courts by consistently concealing his conversations with Fairchild and Holmes. Our hearings have produced clear and convincing evidence that Judge Nixon lied to the law enforcement authorities during the investigation of the criminal case as well as to the Federal grand jury. By deliberately attempting to conceal his relationships with Wiley Fairchild and "Bud" Holmes, Judge Nixon thwarted the entire fact finding process by defining the "truth, the whole truth, and nothing but the truth" as only that which was convenient for Judge Nixon to disclose at that particular time.

Why did Judge Nixon lie? In order to understand the answer to that question, we must examine the impropriety of Nixon's financial dealings with Wiley Fairchild. And although the committee did not propose articles specifically alleging these dealings to be impeachable offenses, it does not mean we ignored their impropriety. It is necessary to examine those dealings in order to understand why Judge Nixon intentionally concealed and lied about his dealings with Wiley Fairchild.

First, we found Judge Nixon soliciting a lawyer who practiced before him to put him into a profitable oil deal with that lawyer's client. The resulting oil deal was extremely questionable and his conduct regarding it unethical. He received a sweetheart deal—not available to the public: Over $70,000 in oil royalties on an initial investment of only $9,500, with no cash up front; with favorable interest rates 5 percentage points lower than banks were charging; with oil deeds that were backdated and did not become effective until the wells actually produced; with a purchase price three times less than what the wells were worth in any arm's length transaction. Judge Nixon failed to report the transaction on his financial disclosure for 1980, even though he claims the agreement was reached then. Even when he mentioned oil royalties on his 1981 disclosure statement, he failed to disclose that the royalties and loans came from Wiley Fairchild. It wasn't until the Judicial Ethics Committee forced that disclosure and compelled him to disclose his relationship to Fairchild that any potential litigant would have even known of that relationship.

And what did Judge Nixon do in that regard? Did he recuse himself from cases where Wiley Fairchild was a party? No! He violated several canons of judicial ethics and continued to grant favorable rulings to Fairchild

in two civil cases during the time he was soliciting and participating in the oil deal with Wiley Fairchild.

Therefore, once we understood the shady nature of his deal with Fairchild, we began to see why Nixon lied in the interview and the grand jury about his conversations with Fairchild and "Bud" Holmes. Throughout both proceedings he consciously concealed his conversations with Fairchild and Holmes regarding the prosecution of Fairchild's son. Nixon did play a part in that case in acting as a go-between for his oil patron and the State prosecutor and, by his own admission, purposely concealed it.

Clearly, the judge is not fit to sit upon the Federal judiciary and we must perform our constitutional duty to impeach him. Once the Supreme Court denied certiorari on Judge Nixon's appeal, I sent him a letter requesting that he resign. He has refused to do so, leaving us with impeachment as the only alternative. Let us get on with this task before he returns to the bench.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I thank the chairman of my committee, the gentleman from Texas [Mr. BROOKS], for yielding me this time.

Mr. Speaker, I want to say that the preceding description given the Members about this case by the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], and by the chairman of the subcommittee who handled the subcommittee in terms of its deliberations all the way through, the gentleman from California [Mr. EDWARDS], and the gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking minority member on that subcommittee, as I am a member of that subcommittee, I can say that the foregoing was an accurate and fair description of this case.

Furthermore, I want to compliment the gentleman from California for his very careful, fair, deliberate, patient treatment of the case of the impeachment of Walter Nixon.

Mr. Speaker, I should make the observation, however, that it is the third judicial impeachment in less than 3 years. I handled the first one, that of Harry Claiborne, a judge in the State of Nevada, in 1986. Last year we had the impeachment of Alcee Hastings, a judge in the State of Florida, handled by the gentleman from Michigan [Mr. CONYERS]. The point I am trying to make is that we have had three impeachments of judicial personnel in just 2 or 3 years.

The burden on the other body is evident. They have not even had their evidentiary committee panels meeting and presume to do so, I believe, in the month of July even though that impeachment was sent over there last year, and whether they will have any difficulty at all with this particular proceeding remains to be seen.

The question I pose is that it is probably time that we look institutionally in terms of Federal discipline and removal of article III judges whether we can continue to rely on the process of impeachment.

□ 1600

I would propose, as I have in this particular bill, that we have a study for the purposes of the future of the removal process, whether we can change the process without constitutional amendment, and if a constitutional amendment is required, do we need to go that route. Is there any way in which we can provide disincentives or incentives in terms of retirement of these judges voluntarily.

These three cases are very much alike. All three of these judges have been subject to criminal trials, despite the case of one being exonerated. All three have declined to retire, to yield up their judgeship, forcing us into this situation; that is, a full-blown impeachment involving both the House of Representatives constitutionally and the Senate.

We have to find, I think, some answer, since the Federal Judiciary today is at nearly 900 article III judges and is growing. It is no longer a small community of a couple of hundred judges, it is a large community.

As I understand it, there may be one or two cases on the horizon which may even come to this particular standing for us as a challenge for us in the future. While I would hope not, there is a distinct possibility that we will again be importuned in the near future, and it would be our duty to consider this proceeding.

Therefore, I suggest to the membership in due course we would like a study commission on the future of impeachment under the Constitution.

Mr. BROOKS. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the distinguished ranking minority member, the gentleman from New York, Mr. HAMILTON FISH.

Mr. FISH. Mr. Speaker, I thank my friend, the chairman of the Judiciary Committee, for yielding time to me.

Mr. Speaker, I would like to commend the gentleman from California [Mr. EDWARDS] and the gentleman from Wisconsin [Mr. SENSENBRENNER], as well as the other members of the Subcommittee on Civil and Constitutional Rights for their capable direction of the investigation into the allegations against Chief Judge Walter L. Nixon, Jr. Through this distressing process, they worked closely together in a bipartisan effort to conduct a thorough, fair, and objective review of the facts.

I applaud the efforts by the subcommittee to provide Judge Nixon and his counsel with wide latitude to participate in the hearings. The 7 full days of hearings indicate the seriousness with which the subcommittee approached this matter.

In the recent letter sent by Judge Nixon's attorney to the Members of the House of Representatives, Judge Nixon requests that any action by the House of Representatives be postponed until the Fifth Circuit hears the argument concerning his section 2255 motion. It is this request that I wish to address.

My colleagues, let us remember that Judge Nixon was convicted on two counts of perjury on February 9, 1986, and sentenced to concurrent terms of 5 years imprisonment on each count. The conviction and sentence were affirmed on appeal to the Fifth Circuit, and a rehearing en banc was denied. The U.S. Supreme Court denied certiorari. Judge Nixon thereafter filed with the District Court a motion to vacate his conviction and sentence pursuant to 28 U.S.C. 2255.

The standard applied to section 2255 hearings is essentially the same as for hearings held on a writ of habeas corpus. The petitioner is entitled to postconviction relief only if he establishes a jurisdictional or constitutional error or an error of law which is so fundamental that it inherently results in a complete miscarriage of justice or in a proceeding inconsistent with the rudimentary demands of fair procedure. The petitioner has the burden of proof.

The five grounds raised by Judge Nixon in his section 2255 petition were as follows:

First, the Government's failure to disclose favorable materials before trial;

Second, the Government's knowing use of false testimony;

Third, the Government's failure to disclose statements of witnesses as required by the Jencks Act;

Fourth, the Government's creation of a perjury trial during the grand jury proceedings; and

Fifth, the Government's prosecutorial abuse and misconduct.

U.S. District Court Judge John F. Nangle conducted 2 days of hearings in August, 1988, during which he heard the actual testimony of Wiley Fairchild and other witnesses called by Nixon. On December 19, 1988, Judge Nangle issued a 59-page opinion in which he concluded Judge Nixon's motion was without merit. This decision has been appealed to the Fifth Circuit Court of Appeals. The Fifth Circuit has advised Judge Nixon that it will hear argument in June 1989.

Mr. Speaker, for the following reasons, I submit it is neither wise nor prudent to delay the impeachment

proceedings any further to await the Fifth Circuit's action on this matter.

First, the issues in the section 2255 proceeding simply are not dispositive of the substance of the Articles of Impeachment in H. Res. 87. For instance, whether a witness was given improper inducements by a prosecutor (such as is alleged by Judge Nixon but which Judge Nangle ruled was without merit) goes to the question of the fairness of the criminal trial. That is a question for the courts to resolve, not Congress. The only issue before Congress is whether, as alleged in the Articles, Judge Nixon lied to investigators and to the grand jury. The Articles of Impeachment are based on Judge Nixon's own words, not those of others—first before investigators and the grand jury and second in his own criminal trial. The Articles of Impeachment were crafted in such a way as to avoid reliance upon the other witnesses in the trial, such as Wiley Fairchild and Bud Holmes, and thus impeachment would still be appropriate whatever the ultimate result of the Fifth Circuit.

Second, the issue in the section 2255 proceeding concerning the recantation of Wiley Fairchild's testimony is also not dispositive of the Articles of Impeachment. Wiley Fairchild's testimony has changed concerning the date a conversation might have occurred between Wiley Fairchild and Judge Nixon. However, Judge Nixon is charged in the articles with lying about the fact of that conversation, not the date of it. Therefore, even if one accepts the recanted version of Wiley Fairchild's testimony, Nixon would still be guilty of lying about it occuring at all. He would be guilty of the false statements alleged in the articles of impeachment.

Third, the section 2255 petition filed by Judge Nixon is not an exclusive avenue of appeal. The statute allows for motions to be filed under section 2255 as long as the petitioner is incarcerated and so long as the petitioner alleges new grounds for relief. Thus, postponing action by the House now does not guarantee this would be the last section 2255 petition filed by Judge Nixon. Additionally, if the Fifth Circuit rules against the judge and affirms the district court, Judge Nixon will no doubt ask the House of Representatives for another delay while an appeal is pending before the Supreme Court.

In conclusion, Mr. Speaker, it is not in the interests of justice to postpone action on House Resolution 87 because of Judge Nixon's section 2255 petitions. The House Judiciary Committee has been excruciatingly patient in waiting not only for all the avenues of appeal to be exhausted, but also for the district court to rule in the section 2255 proceeding. Further delay serves no purpose. The House of Representatives needs to act on House Resolution 87 as soon as possible, especially to prevent Judge Nixon from returning to the bench in November 1989, when he will be eligible for parole.

As a convicted felon, Judge Nixon would be allowed to sit as a judge in a State which has forbidden him from practicing law. I urge my colleagues to prevent that incredible situation from occurring and urge you to vote for impeachment of Judge Nixon.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER], a member of the committee.

Mr. SCHUMER. Mr. Speaker, first, on this unhappy occasion, I think Members on both sides of the aisle want to commend the chairman of our subcommittee, the subcommittee on which I used to sit, the gentleman from California [Mr. EDWARDS] for his leadership on what proved to be a tremendously difficult issue for the subcommittee. He was judicious, he was careful, he was fair, he was thorough, he was really exemplary, and I think the gentleman from California [Mr. EDWARDS] deserves all of the credit in the world.

Our subcommittee held numerous hearings and spent hours and hours debating the issues before us. The decision that we have come to did not come lightly, and Chairman EDWARDS gave Judge Nixon every opportunity to present his version of the facts.

When I first reviewed the case I was not convinced that the judge's conviction was meritorious and, in fact, I had to spend days and days wrestling in my mind with what we should do by not impeaching a judge who had been convicted of crimes in our courts. But the subcommittee did not accept Judge Nixon's conviction on its face, my colleagues. In other words, we did not just look at the record and make our judgment.

□ 1610

The subcommittee reviewed the conviction de novo and what we found the deeper and deeper we looked, with the help of our able counsel, was that the article of impeachment was on all fours with the judge's misconduct.

In other words, ladies and gentleman, many of us started out extremely skeptical. It is a case where some of the charges were dropped and the only conviction was for perjury.

Perjury, of course, is a very difficult, difficult thing to decide; but as we looked and examined all of the records and in fact found many things that were not in the record it became very clear to us that this impeachment was meritorious.

My colleagues, in conclusion, impeachment is a grave issue. In this case it is deserved.

Mr. Speaker, I urge my colleagues to follow the thoughtful lead of the gentleman from California [Mr. EDWARDS], chairman of the subcommittee, and vote to impeach Judge Nixon.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, today the House of Representatives is being asked to take the required next step in removing Walter Nixon from his privileged position as a U.S. district judge. Judge Nixon is only the second Federal judge in U.S. history to be convicted of crimes while in office. The first, Harry Claiborne, was impeached by the House and removed from office by the Senate in 1986.

It's been well over a year since Judge Nixon exhausted his appeal to the U.S. Supreme Court and the Judicial Conference certified to this House that impeachment may be warranted. It is now time to move forward without any further delay.

Judge Nixon was convicted of perjury; he lied to a Federal grand jury. There is no crime more heinous to the integrity of the judicial process than perjury.

How can we expect the American people to have any trust in the honesty and impartiality of a judge who has been convicted of and imprisoned for perjury? They cannot. Judge Nixon must be impeached.

Since his indictment in 1985, Judge Nixon has not presided over any cases. Yet since his conviction in February 1986, he has received over $286,000 in salary which he continues to draw even while in prison.

As a result of his crime of deceit, he was suspended from the practice of law in Mississippi and Louisiana, yet he has told the Judiciary Subcommittee on Civil and Constitutional Rights that he intends to return to the bench when he is released from prison, which will be in just a few months. We cannot allow this to happen.

The articles of impeachment approved by the Judiciary Committee were carefully crafted and considered after many months of independent investigation, document review, and testimony. The committee intentionally crafted articles which deal only with actual false statements made by Judge Nixon. The falsity of these statements can be proven by simply reviewing what Judge Nixon told investigators and the grand jury prior to his indictment, and comparing it to his testimony at trial, and before the House Judiciary Subcommittee.

Let me provide an example: Judge Nixon told investigators in April 1984 that he knew of no reason he would have met with Wiley Fairchild after February 1981, and that Mr. Fairchild never brought up the subject of his son's drug-smuggling case. Yet when Judge Nixon testified at his trial and before the House Judiciary Subcom-

mittee on Civil and Constitutional Rights he said he did meet with Wiley Fairchild after February 1981, and Mr. Fairchild had brought up the subject of his son's case, claiming that "Bud" Holmes, and possibly others, were blackmailing Wiley Fairchild in the handling of the case.

Simply by comparing and contrasting Judge Nixon's own words, you can see that his statements are inconsistent. The case is as simple as that. Judge Nixon lied—and he lied repeatedly and intentionally. Although the process of impeaching a Federal judge is cumbersome and even distasteful, we must proceed with due haste. It is our constitutional duty.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the chairman of the Committee of the Judiciary for this opportunity to speak on this important issue.

To judge a judge or not to judge a judge, that is the question before us. The impeachment proceedings as outlined in the Constitution are the sole means by which America, our Nation, can look to the questions of the conduct of a Federal judge.

So that duty, falling upon us, is being exercised here today, but not isolatedly not without precedent, not without evidence but through a proceeding which allowed for the careful consideration of the issues as was outlined heretofore and was carried out by the subcommittee and the full Committee on the Judiciary.

But there is an aspect of this that the public should know that has been mentioned but should be made clear in the CONGRESSIONAL RECORD. That is this: That no matter what judicial proceedings, courts of law, or other methodologies in which the judge in this case or other judges in other impeachments were first considered, like a trial in criminal court, the subcommittee in this case, as in previous impeachments, was able to set aside the results of a judicial proceeding and begin to analyze this case and the facts therein on its own, as was mentioned, de novo from the beginning, as if a judicial proceeding had never occurred at all.

That is to the everlasting credit of the procedures that we follow here in the House in impeachment proceedings and to the everlasting credit of this particular subcommittee which saw its duty and did it notwithstanding the court's results.

That is important for the people of our Nation to recognize that we, in the following of our own guidelines, take pains to protect the rights of the person targeted for impeachment.

There is one other facet to all of this that must be recognized by the public, that we did not reach down into the circuit where this judge was plying his judgeship and bring him to our court, as it were, on our own. He was first judged by his peers, not only in a court of law, but judged by his judicial peers. It is their inquiry, their suggestion, their referral to the House of Representatives, to the Congress of the United States which resulted in this hour of impeachment here and now.

So he was judged by judges, his peers, and they said to us in the House of Representatives, "Do what you will under the constitutional duty that befalls upon you."

Judge Nixon must be impeached.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the distinguished chairman.

Mr. Speaker, I just listened with great interest to my subcommittee chairman, the gentleman from Wisconsin [Mr. KASTENMEIER], discuss quite properly the complexities and the cumbersomeness of having to impeach Federal judges, to remove them from the bench, in appropriate situations.

We have had three similar situations confront us in the space of the last couple of years.

I just have a benign suggestion to the upper chamber, the other body, which has the constitutional responsibility to provide advice and consent on these various nominees: I think, and I suggest this with great respect, if they would spend more time on the character of the nominees rather than their ideology perhaps the quality of justice might be improved.

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

Mr. BROOKS. Mr. Speaker, I move the previous question on the committee amendment in the nature of a substitute and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

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

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 50]

YEAS—417

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson

Ridge	Skaggs	Tauzin
Rinaldo	Skeen	Thomas (CA)
Ritter	Skelton	Thomas (GA)
Roberts	Slaughter (NY)	Thomas (WY)
Robinson	Slaughter (VA)	Torres
Roe	Smith (FL)	Towns
Rogers	Smith (IA)	Traficant
Rohrabacher	Smith (MS)	Traxler
Rose	Smith (NE)	Unsoeld
Rostenkowski	Smith (NJ)	Upton
Roth	Smith (TX)	Valentine
Roukema	Smith (VT)	Vander Jagt
Rowland (CT)	Smith, Denny (OR)	Vento
Rowland (GA)	Smith, Robert (NH)	Visclosky
Russo	Smith, Robert (OR)	Volkmer
Sabo	Snowe	Vucanovich
Saiki	Solarz	Walgren
Sangmeister	Solomon	Walker
Sarpalius	Spence	Walsh
Savage	Spratt	Watkins
Sawyer	Staggers	Waxman
Saxton	Stallings	Weber
Schaefer	Stangeland	Weiss
Scheuer	Stark	Weldon
Schiff	Stearns	Wheat
Schneider	Stenholm	Whittaker
Schroeder	Stokes	Whitten
Schuette	Studds	Williams
Schulze	Stump	Wilson
Schumer	Sundquist	Wise
Sensenbrenner	Swift	Wolf
Sharp	Synar	Wolpe
Shaw	Tallon	Wyden
Shays	Tanner	Wylie
Shumway	Tauke	Yates
Shuster		Yatron
Sikorski		Young (AK)
Sisisky		Young (FL)

NAYS—0

NOT VOTING—17

Barnard	Dymally	Pepper
Bateman	Florio	Roybal
Buechner	Frenzel	Slattery
Courter	Leath (TX)	Torricelli
DeLay	Molinari	Udall
Dorgan (ND)	Panetta	

□ 1638

Mr. BERMAN changed his vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. FRENZEL. Mr. Speaker, because of a conference on the budget I was obliged to miss the vote on rollcall No. 50. Had I been present, I would have voted "yea" to impeach Judge Nixon.

PERSONAL EXPLANATION

Mr. BUECHNER. Mr. Speaker, I also was in attendance at the joint House-Senate conference committee, and, had I been in attendance at rollcall No. 50, I, too, would have voted "yea" for impeachment.

PERSONAL EXPLANATION

Mr. SLATTERY. Mr. Speaker, on May 10, I was unavoidably absent for vote No. 50, adoption of the resolution to impeach Federal District Court Judge Walter L. Nixon of Mississippi. I was absent due to a meeting of the House-Senate conferees on the fiscal year 1990 budget resolution. Had I been present, I would have voted "yea," in favor of the impeachment of Judge Nixon.

APPOINTING MANAGERS AND PROVIDING CERTAIN AUTHORITIES AND PROCEDURES FOR THE TRIAL OF THE IMPEACHMENT OF WALTER L. NIXON, JR.

Mr. BROOKS. Mr. Speaker, I offer three privileged resolutions (H. Res. 150, H. Res. 151, and H. Res. 152), and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

H. Res. 150

Resolved, That Mr. Brooks, Mr. Edwards of California, Mr. Cardin, Mr. Sensenbrenner, and Mr. Dannemeyer, Members of the House of Representatives, are appointed managers to conduct the impeachment trial against Walter L. Nixon, Jr., a judge of the United States District Court for the Southern District of Mississippi.

H. RES. 151

Resolved, That the managers on the part of the House of Representatives in the matter of the impeachment of Walter L. Nixon, Jr., a judge of the United States District Court for the Southern District of Mississippi, are authorized to do the following in the preparation and conduct of the impeachment trial:

(1) To employ legal, clerical, and other necessary assistants and to incur such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under clause 5(f) of Rule XI of the Rules of the House of Representatives, House Resolution 103, One Hundred First Congress, agreed to March 21, 1989, or any other applicable expense resolution, on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) To send for persons and papers, and to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

(3) To take such other actions as are necessary to the preparation or conduct of the trial.

H. RES. 152

Resolved, That a message be sent to the Senate to inform the Senate that Mr. Brooks, Mr. Edwards of California, Mr. Cardin, Mr. Sensenbrenner, and Mr. Dannemeyer have been appointed managers for the trial of the impeachment of Walter L. Nixon, Jr., a judge of the United States District Court for the Southern District of Mississippi.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the resolutions be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 1 hour.

Mr. BROOKS. Mr. Speaker, these three resolutions are the customary resolutions necessary in order for the House to proceed with the impeachment trial of Judge Walter L. Nixon.

The House must appoint managers for the conduct of the impeachment trial in the Senate, advise the Senate of the appointment of those managers, and authorize those managers to expend funds, to employ staff, send for persons and papers, and to take such other actions as are necessary for the conduct of the trial. The managers for the trial will be DON EDWARDS, the chairman of the subcommittee that handled the matter, JIM SENSENBRENNER, the ranking minority member of the subcommittee, BILL DANNEMEYER, BEN CARDIN, and myself.

These three resolutions accomplish those objectives. I would point out to my colleagues that these are the resolutions which are customarily adopted by the House, subsequent to an impeachment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objective.

The resolutions were agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF CERTAIN EXPENSES FROM AMOUNTS AVAILABLE TO THE COMMITTEE ON THE JUDICIARY AND RELEASING CERTAIN MATERIALS RELATING TO COMPLAINTS AGAINST ALCEE L. HASTINGS

Mr. BROOKS. Mr. Speaker, I offer two privileged resolutions (H. Res. 153 and H. Res. 154) and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

H. RES. 153

Resolved, That expenses referred to in paragraph (1) of House Resolution 13, One Hundred First Congress, agreed to January 3, 1989, may be paid from amounts available to the Committee on the Judiciary under House Resolution 103, One Hundred First Congress, agreed to March 21, 1989, or any other applicable expense resolution for the One Hundred First Congress.

H. RES. 154

Resolved, That all papers, documents, and record of proceedings, relating to the matter of certain complaints against United States District Judge Alcee L. Hastings, and transmitted to the House of Representatives under section 372(c) of title 28, United States Code, but not previously released under section 372(c)(14) of such title, are, to the extent ordered by the Chairman of the Committee on the Judiciary, released under such section 372(c)(14).

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the resolutions be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary, is recognized for 1 hour.

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

Mr. Speaker, the first resolution relates to funding for the impeachment trial in the Senate of Judge Alcee Hastings. This resolution merely clarifies the managers' spending authority.

The second resolution provides authorization for the release of certain materials submitted to the House of Representatives pursuant to the judicial discipline statute. Under that law, materials submitted to the House are confidential unless the House specifically authorizes their release by resolution. The House passed such a resolution in the 100th Congress. This resolution provides the same authorization for the 101st Congress. The Senate committee charged with responsibility of receiving evidence in the Hastings impeachment has requested the conditional release of some of this material. The House managers have no objection to this.

Mr. Speaker, I move the previous question on the resolutions.

The previous question was ordered.

The resolutions were agreed to.

A motion to reconsider was laid on the table.

INTRODUCTION OF THE COOPERATIVE PRODUCTIVITY AND COMPETITIVENESS ACT OF 1989

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

Mr. FISH. Mr. Speaker, the Cooperative Productivity and Competitiveness Act of 1989—H.R. 2264, which I have introduced would allow American companies to jointly operate manufacturing and production facilities without fear of violating the Federal antitrust laws.

Since 1981, our Nation has suffered a net loss of 700,000 manufacturing jobs—many of them to foreign competitors. We cannot continue to allow the loss of 100,000 manufacturing jobs a year. Flexible, cooperative production facilities can help us regain those jobs.

My bill responds to the need for America to compete in the rapidly changing high technology marketplace, which includes such areas as superconductivity, high definition television, robotics, and computer-aided design and manufacturing.

In recent years, Congress has taken a series of legislative steps aimed at reforming the Federal antitrust laws to increase America's ability to compete with Japan and with the European Common Market. Joint production ventures would be a giant step in this important legislative evolution. The passage of the Export Trading Company Act in 1982 and the National Cooperative Research Act in 1984 encouraging joint research and development are earlier examples of this trend.

Joint production will allow American companies—both large and small—to pool their resources and talents in a more efficient way. American companies would be given the flexibility to cooperate along the lines of the Japanese corporate production model, without sacrificing American individuality of initiative. By allowing American companies to jointly manufacture products, but then separately distribute and market those products, the proconsumer aspects of the antitrust laws are preserved.

Relaxation of antitrust barriers to our competitiveness has been favorably commented on by our Secretary of Commerce and the Attorney General of the United States.

The text of H.R. 2264 follows:

H.R. 2264

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 "Cooperative Productivity and Competitiveness Act of 1989".

SEC. 2. AMENDMENTS.

(a) TERMINOLOGY.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301, et seq.) is amended by striking the term "joint research and development venture" each place it appears and inserting in lieu thereof "joint research, development, or production venture";

(b) DEFINITION.—Section 2(a)(6) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(a)(6)) is amended—

(1) in subparagraph (D) by striking "or",

(2) in subparagraph (E)—

(A) by striking "(E)" and inserting "(F)", and

(B) by striking "and (D)" and inserting "(D), and (E)",

(3) by inserting after subparagraph (D) the following:

"(E) the production or manufacture of any product or process in a jointly owned or operated facility, or", and

(4) in the matter following subparagraph (F), as so redesignated, by inserting "development, or production,", after "the conducting of research,".

(c) EXCLUSIONS.—Section 2(b) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(b)) is amended—

(1) in paragraph (1) by striking "conduct the research and development that is" and inserting "carry out",

(2) in paragraph (2)—

(A) by striking "production or" in each place it appears,

(B) by adding ", distribution, or sale" after the word "marketing" in each place it appears, and

(C) by inserting ", copyrighted work, know how," after "patents", and

(3) in paragraph (3) by striking "other research and development activities" and inserting "any other joint research, development, or production venture activity".

(d) TECHNICAL AMENDMENTS.—(1) Section 3 of the National Cooperative Research Act of 1984 (15 U.S.C. 4302) is amended by striking "research and development markets" and inserting in lieu thereof "research, development, or product markets", and

(2) Section 6 of the National Cooperative Research Act of 1984 (15 U.S.C. 4305) is amended—

(A) in the heading by striking "Research Development, or Production", and

(B) in subsection (a) by inserting "(or, with respect to a venture involving the production of any product or process, not later than 90 days after the effective date of the Cooperative Productivity and Competitiveness Act of 1989") after "Act".

ADVANTAGES OF COMBINED CHILD SURVIVAL FUND AND HEALTH ACCOUNT IN FOREIGN AID AUTHORIZATION

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

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a bill which will help streamline the Foreign Assistance Act of 1961 by combining the child survival fund and health accounts into one functional account. Joined by my colleagues, Congressmen TONY HALL and FRANK WOLF—leaders in the Congress on child survival activities—we are proposing an authorization level of $300 million for the combined functional account.

The low cost and effective child survival activities which have become known by the acronym of GOBI include growth monitoring of a child's development, oral rehydration therapy for victims of diarrhea, the promotion of breast feeding by mothers, and immunization of children against the common but preventable childhood diseases such as pertussis, diphtheria, tetanus, measles, polio, and tuberculosis. Child survival activities have a proven track record and, while we still have much work to do, the accomplishments to date are encouraging:

More than 50 percent of children in developing world are vaccinated against the major childhood diseases. This is up from less than 5 percent in

1974. Such immunizations have resulted in the saving of 1.5 million children's lives per year.

Twenty-five percent of the families in the developing world use oral rehydration therapy and an estimated 750,000 deaths from this common illness are prevented each year.

Mr. Speaker, as a matter of fact, I had the privilege of participating in two immunization days in Central America in 1985 and 1987. Remarkably, in 1985, a cease-fire in the civil war in El Salvador was accomplished and well over 200,000 children were immunized in 1 day. I have personally witnessed the phenomenal effects of ORT—a dose which can literally save the child's life in only a matter of hours and costs only pennies. A scientific combination of salts and minerals, ORT has become known as a miracle worker in the health field.

While the health account provides as much as 33 percent of funds for child survival activities, the health account helps fund primary health care, water and sanitation projects, and insect or organism-borne disease treatment and control, such as malaria. The health account has contributed much to the research and testing of vaccines for common diseases in the developing world and improved solutions for oral rehydration treatments.

In order to help our colleagues understand how the level of funding for the combined functional account was derived, Mr. Speaker, I would like to take a moment to "walk through" the figures for the two currently separate accounts. The high water mark for the international health and child survival spending was in fiscal year 1987 and I would like to start at that point.

Mr. Speaker, in fiscal year 1987, the Agency for International Development spent $184.5 million from numerous accounts on child survival activities and $100.9 million from the health account on nonchild survival activities, for a total of $285.4 million. In fiscal year 1988, the total spending level decreased to $266.9 million—$169.9 million in child survival activities, $73.6 million from the health account and $23.4 million from the Development Fund for Africa in nonchild survival health projects. The funding, unfortunately, has remained about the same since fiscal year 1988.

The $300 million level for a combined child survival and health account is derived from the fiscal year 1987 health spending at roughly $100 million and an increase from $184.5 million to $200 million for child survival activities. Congressman HALL has a bill, H.R. 1616, of which I am a cosponsor, which sets the global level of funding for child survival activities at no less than $200 million. We are reflecting that priority in this new bill.

My colleagues may be as surprised as I to learn that the global spending for child survival activities has actually decreased since fiscal year 1987 even though there has been overwhelming support for this project both in the Foreign Affairs Committee and the full House of Representatives. The funding for the activities has been spread over as many as seven accounts, making the accounting for spending levels very confusing and often misleading. The child survival fund itself has only provided 39 percent of the funds of the global activities, with the health account providing as much as 33 percent.

As you know, Mr. Speaker, the House Foreign Affairs Committee has been diligently working to rewrite, streamline and generally clean up the Foreign Assistance Act of 1961. During markup of the revised bill, I plan to offer an amendment similar to the bill we are introducing today. I believe a combined child survival/health account will help meet the objectives of the rewrite by reducing the number of functional accounts, cutting a number of earmarks, setting a priority for scarce foreign aid dollars and streamlining the funding for child survival activities.

During markup in the Subcommittee on Human Rights and International Organizations, my colleagues supported my amendments which delineated two of the basic authorities for economic assistance. Those amendments established as priorities assistance for improved health conditions, preventive care programs, and self-sustaining primary health care systems, and promotion of child survival activities.

These two priorities are essential to combating the most widespread killers of children and their mothers. It has been estimated that of the approximately 15 million deaths of children as much as half are due to preventable illnesses such as measles, polio, diphtheria, pertussis, tetanus, tuberculosis, and dehydration caused by diarrhea. In addition, up to one-half of all infant mortality in the developing world occurs in the first 28 day of life. These are lives which can be saved through effective primary maternal, prenatal, and neonatal health care systems.

Mr. Speaker, a combined child survival/health account will provide a coherent, clearly defined funding mechanism for these important life-saving interventions. I would ask that my colleagues support this legislation and work to incorporate this objective in the rewrite of the foreign assistance authorization bill.

INTRODUCTION OF LEGISLATION ADDRESSING INEQUITY IN MEDICARE PHYSICIAN REIMBURSEMENT

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

Mr. OWENS of Utah. Mr. Speaker, I am today introducing legislation which addresses a serious inequity in the system of Medicare physician reimbursement. Under the present formula, Medicare reimburses physicians a different amount, depending on their geographic location around the country. Studies have shown that Medicare makes substantial differences of payments for the same surgery and care, depending on where the physician lives, disparities which cannot be justified by differences in the cost of providing care. Our current system is completely out of whack, and doctors and their elderly patients in Utah in various regions around the country, are being discriminated against. As a result, quality care for senior citizens in Utah and in many other States is being jeopardized. We must do something, about that gross unfairness, and that something is, to pass my bill.

The 1988 Physician Payment Review Commission [PPRC] study showed that all of the prevailing charges in Utah are below the national mean. The data demonstrates that Medicare prevailing fees in Utah are substantially lower than in most areas of the country. In fact, for some services, Utah is dead last. Utah's Medicare allowable fees are extremely low for both surgical procedures and office visits. For example, the Utah payment for a pacemaker insertion is $680 while the national average is $1,228—almost double. Utah ranks 12th from the bottom out of 117 Medicare geographic localities that were surveyed. There is no rational explanation for these differences in reimbursement from State to State.

The PPRC has stated that approved charges vary extensively from one locality to another. Three- and four-fold differences in charges for particular procedures are common. It is difficult to believe that physicians in other parts of the country receive up to three times the Medicare reimbursment of Utah physicians for identical Medicare procedures. These differences extend far beyond justifiable differences in the cost of practice. The Utah Medical Association's data indicates that the actual costs of practice, including malpractices insurance, employee expenses, office rent, and supplies are not substantially lower in Utah. In some cases, Utah's costs are higher.

The greatest impact of these unrealistic Medicare payments is felt by our elderly and disabled citizens. The PPRC also concluded that Geographic variations in prevailing charges are substantial, and stated that wide variation in charges unrelated to difference in cost of practice could mean access

to care and beneficiary financial protection might be compromised in areas where prevailing charges are low. Access to quality health care is crucial and is being jeopardized in Utah because of the inequities in the national system. Reforms must be instituted to enhance the ability of Medicare to provide financial access to health services and financial protection for beneficiaries for the cost of those services. Payments to physicians are a means for achieving that objective. When provider payments are not adequate, the elderly can't get access to care, or the care they get is reduced in quality. There must be a special geographic adjustment based on the relative costs of practicing in different areas.

Medicare is a national health insurance program, and thus, physicians and their elderly patients should be provided equal protections. The present fee schedule is even more offensive to Medicare beneficiaries and taxpayers when we consider that every citizen in the United States contributes to Medicare. All Americans, regardless of their place of residence, are subject to the same Federal tax and Social Security payment schedules; all Medicare enrollees pay the same amounts for part B—physician—coverage. However, enrollees who live in certain parts of the country receive a disproportionate amount of Medicare money for the same services. Therefore, taxpayers in some parts of the country are subsidizing citizens living elsewhere. Utahns are exporting their tax dollars to pay for more expensive medical care in other States.

As Congress searches for ways to curb soaring health costs, and as we currently undergo a radical overhaul of the way the Federal Medicare Program pays physicians, measures must be taken to insure fairness to physicians practicing in areas such as Utah and access to quality health care for our elderly. We cannot allow these inequitable geographical disparities to continue; we must unlock Utahns from a system that threatens the availability of quality care.

I thank my colleagues in the House for their efforts to develop a Medicare system that is both rational and fair and urge my colleages as the debate on physician payment reform continues join with the Utah delegation in remedying the significant inequities that exist.

CONGRESSIONAL ETHICS

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

Mr. HOYER. Madam Speaker, I commend to everyone in this House one of the more trenchant statements you will read on the subject of ethics.

Last week, a former Member of this House, Otis Pike, delivered a statement before the bipartisan task force on ethics which is written with all his special wit and genius.

I am going to insert his testimony in the record for you all to read, but let me expound on Otis' point.

We all should be proud of our service in our institution. At every juncture, we should tell the public that.

This body is the most democratic legislative body in the world. It is large and unwieldy. But it is also representative of the American people and all that is good, and some that is bad, about them.

While the public's view of Congress may never be high, it seems to have sunk to historic lows lately.

Who is to blame? We are. Not because we are any less ethical than before. But we have repeatedly berated this body.

Mr. Speaker, I believe we are a group of talented people, from every part of America, every class, every ethnic group.

Congressman PIKE's observative are cogent, timely and well worth heeding.

TESTIMONY OF FORMER REPRESENTATIVE OTIS G. PIKE OF NEW YORK, 1961-79, BEFORE SPECIAL HOUSE TASK FORCE ON ETHICS, MAY 3, 1989

I expect my presence here today is a waste of your time and my own. You will not agree with what I have to say and if you did you wouldn't act on it for it would be politically unwise. Nevertheless, I appreciate the opportunity to get strong feelings long held off my chest.

"Ethics" has replaced mom, the flag and apple pie as something one must not only be for these days, but appear to be doing something about. We may not be able to define it: we aren't sure whether the word is singular or plural, but we know it when we see it. Ethics is, or are, "in" and must have their, or its, day. So did the pursuit of witches in New England and heretics in Spain, both embraced by gentlemen so positive that they were uniquely qualified to oversee the morals of others that they had no qualms about inflicting excruciating pain on those others. Always, of course, in order to make them better people and the world a better place.

In the book "Congress and the Nation" vol. 1, published by Congressional Quarterly and covering the years 1945-64, the word "ethics" can not be found in the index. It is not in the Constitution. That is not to say that the Government does not constitutionally regulate morals. It requires businesses to close on Sunday: then changes its mind. It decrees that booze is unlawful; then changes its mind. It establishes red light districts, moves them, then closes them. It makes gambling illegal—and conducts lotteries.

When you legislate ethics, then, you are shooting at a moving target. Any body that can spend 10 or 20 years pondering what to do about easy issues like acid rain or where to dump nuclear waste may not be able to give enough lead to targets that have puzzled all the religions of the world for millenia.

Take a concept like "conflict of interest". At one end of the spectrum it is easy. Pure black. You don't take bribes. You go to jail if you do. It has been a crime since before there was a Congress. It gets grayer. You don't take a political contribution in exchange for a promise to do something. The old "quid pro quo" test. How about a promise to consider something? To keep the door open? To answer the phone? Do you take political contributions from PACS that want something? They wouldn't exist if they didn't want something. At the other end of the spectrum it is almost pure white. Your job is conflicts of interest. Do you consider, first, on any given issue your conscience, your country, your district, your party, or the next election? The easy answer is that you never let self-interest interfere with the common good. Easy answers are best couched in elegant words that mean whatever you want them to.

If you have an account in a savings and loan, is it in your self-interest to bail them out? Yes. Should you vote on it? Yes. If you own stock in a savings and loan, should you vote for their bailout? I say "no", but I'm not sure. I would be surer if it were a 1,000 shares than if it were 10. If you had to paint a portrait of ethics, you would need many shades of gray.

So, to mix a couple of metaphors, you take this fast moving gray target and try to write rules that will hit it. That is the easy part.

Then, you ask an institution that was wholly designed to accommodate partisans to enforce those rules without being partisan, you are asking pigs to fly. On July 30, 1979, there was a recorded vote on a motion to table a resolution calling for the expulsion of Representative Charles C. Diggs, Jr. (D-Mich.). The vote was 205 to 197. The resolution to expel was partisan, the motion to table was partisan, the vote was partisan. In essence, Republicans voted 10 to 1 to expel, Democrats voted 3 to 1 not to. That's partisan.

In their proceedings against Jim Wright, I believe the ethics committee did the very best they could; did their darndest to be judicious. No one, however, can look at the pattern of votes on the various allegations without seeing some partisanship. If the matter ever reaches the floor of the House, anyone who believes that Democrats and Republicans will vote the same way believes that donkeys and elephants, at least, can fly.

I believe that the morals and ethics of Congress are high. Democratic ethics are no higher than Republican ethics and Republican ethics are not higher than Democratic ethics. A wholly political institution, however, will never make wholly non-political decisions in tough cases.

That is by no means the worst part. You were not sent here to peek through the windows of each other's private lives. You weren't even sent here to appear ethical. You were sent here to write laws and resolve problems. Your preoccupation with each other's ethics is preventing you from doing your jobs. It is taking too much of your time and worse, it is creating an atmosphere and an institution in which suspicion, bitterness, personal dislikes and private vendettas make cooperative efforts in writing laws increasingly difficult. That is serious.

The founding fathers didn't write into the Constitution any requirement that legislators, presidents or judges be ethical. They had enough faith in the people to elect good officials. They did write in provisions for removing bad ones. We have less faith in the people now, which is fair, for after a genera-

tion of legislating ethics they have a lot less faith in us. In 1965 a Lou Harris poll found that the public approved of Congress 64 to 25. In 1987 a poll by U.S. News and World Report showed that a majority of those polled believed that many or most Government officials took bribes.

Unhappy with our 64 to 25 favorable rating, we went to work. In 1968 the Congress broke with the system that had worked fairly well for 179 years and wrote its first financial disclosure law. We hoped the public would hold us in higher esteem if we stripped, financially, in public. We were rewarded by being held in the same lofty regard as other strippers and instead of applause heard only the ancient and endless cry of the voyeurs, "Take it all off."

1976 was a terrible year. Congressman Wayne Hayes (D-Ohio) put a girl friend of minimal secretarial skill on the payroll, married someone else, and the girl friend blew him away in the Washington Post. It was juicy. Andrew J. Hinshaw (R-Cal.) was convicted on two counts of bribery. Henry Helstoski (D-N.J.) was indicted for taking bribes to introduce immigration bills. Allan T. Howe (D-Utah) was found guilty of soliciting sex from two undercover policewomen posing as prostitutes. A steady dribble of leaks from the Justice Department named seven Congressmen as having gotten large gifts from a South Korean businessman named Tongsun Park. Former Representative Jim Hastings (R-N.Y.) was indicted for having taken kickbacks from his staff. The law enforcement authorities had acted in every one of those cases, but the outcry was loud. We had to get in the act too.

The Congress had passed a code of conduct for Federal employees in 1958. Charley Bennett wrote it and it was just grand. Eleven sentences. In 1977 a committee headed by David Obey (D-Wisc.) wrote infinitely more comprehensive rules of behavior that had only one salutory effect of which I am aware. They drove me out of Congress and enabled me to earn a refreshing amount of money. The key word is earn. Charley Bennett's 11 lines turned into a code so tangled that Mr. Obey recently referred to it as a "thicket" and so confusing that he recently accused the Ethics Committee of not understanding their own rules.

Have they made the House a more ethical place? They have not. In the 10 years before 1977, 12 Members of Congress were indicted and convicted or pleaded guilty to serious crimes. Three pleaded guilty to misdemeanors. In the 10 years after 1977, 17 Members of Congress pleaded guilty to or were convicted of serious crimes and two were allowed to take counseling on sex offenses. The charges against the 19 post-ethics transgressors ran the gamut from driving offenses through sex offenses to very serious charges of accepting bribes. They included members of both political parties. They had one thing in common. With one exception, every convicted criminal who had been here in 1977 had voted for the ethics code. The one exception was on the committee that wrote it. All of the charges were prosecuted by Federal or local prosecutors who are always delighted to bring charges against Republicans or Democrats alike with even-handed non-partisan fervor.

Are the rules ethical? Well, yes, but they are largely political in heritage. They were created because of public revulsion at the Watergate, Wayne Hays, and other congressional scandals. The concept that unearned income is ethical but earned income must be limited reverses the ethics of Horatio Alger and at least the Democratic Party. It was a political decision, made necessary by the fact that there were already so many millionaires in Congress that they couldn't have passed the bill if they had limited unearned income. They treated rich people better than poorer people, which is a peculiar ethical fixation.

For political reasons, proper loopholes were created for important people. The majority leader of the House and the chairman of the Rules Committee and some other mavens had written books, so book royalties were exempt. Since leaving Congress, undefeated and unindicted, I have made some money writing a syndicated column. Earned money, thus unethical. If I had taken the identical columns, bound them into a book and collected royalties on them I could have rendered the same words ethical. Nonsense.

Members of Congress should be able to write books or teach or farm or practice law or medicine or engage in any lawful activity in which they engaged before coming to Congress. They should disclose where their money comes from and trust the people to judge their behavior. You are not going to get, or deserve, the esteem of the public by treating yourselves as second class citizens or by treating wealthy Members better than non-wealthy Members.

There are very fundamental reasons for this. Your rules are not bad because they are political rules, politically enforced or because they are incomprehensible or because you are so preoccupied with them that you can't get around to doing your jobs. It is worse than that. All over America thousands of good and honorable people look at the environment you have created here and decide they would never be interested in entering that environment. They take pride in their own morals and ethics; they value their privacy; they do not undress in public.

There is a gentle book that has been on the best seller list for a long time. It is "All I Really Need To Know I Learned in Kindergarten", by Robert Fulgham. The title story reminds us that we learn the rules by which we conduct our lives very early. We bring them with us to Congress. We tell the truth about our allies and our opponents. We don't cheat or steal or take bribes or tolerate people who do. We serve our country when our country needs us and carry our ideals and loyalties and ethics in our hearts and not on our sleeves.

No one learns his ethics in Congress. No one needs to be told by his colleagues what is right and fair and honorable. There are more than enough criminal statutes by which to prosecute those who violate the standards of our society.

Ethics is not as great a problem with Congress as is courage. Your ethics rules have emasculated you. Not all of you: a few are still willing to stand up and say you deserve a pay raise or vote against a defense bill or for a tax increase or vote against Israel when you are convinced she is wrong or say "no" to any powerful lobby. But most of Congress. This was the inevitable result of the earned income limitation. When you cut a Member off from the honorable work he did before he came here, made him burn his bridges, made him have to keep his job to feed his family you sapped his courage. He has to get re-elected. This makes him less courageous—and less ethical.

This Nation was built by men who couldn't, and wouldn't have lived by your rules. They were terrible men who drank, caroused and gambled. Some kept mistresses; some were worse. They connived and made deals and some grew rich in office. Robert Morris of Pennsylvania, who the old text books called the financier of the Revolution was asked to get ammunition for Washington's Army. He did, through his own trading company and wrote, "There has never been so fair an opportunity for making a large fortune since I have been conversant in the world." Daniel Webster said the birthplace of the Revolution was a tavern in Boston. The marines were born in a tavern.

You can talk about ethics forever and pass more rules and reveal yourselves until all of your and your spouse's finances, food, drink, sex, religion, clothing, vacations and the hours and minutes and place of your arising and retiring are public records. You will never be held in high regard or deemed ethical while you say you can't balance a budget unless a constitutional amendment makes you; while you accept gloriously optimistic economic projections rather than deal with real ones; while you write a Gramm-Rudman bill and then spend days finding ways to get around it; while you let one man make $550 million a year while thousands sleep in the streets.

Former Ways and Means Committee Chairman Wilbur Mills (D-Ark,) could have been booted out of Congress. He was an alcoholic and he fell for a stripper named Fanne Foxe; he chased her right up on the stage. His ethics might have been deemed a trifle too shabby for a Member of this institution, but he would never have tolerated the fun and games and smoke and mirrors and moving costs off-budget and from year to year and annual deficits and growing debt that have transferred us from the biggest creditor to the biggest debtor nation in the world.

I will close with the words of Abigail Adams, who at the birth of our Nation said, "We have too many high sounding words, and too few actions that correspond with them."

HDTV

The SPEAKER pro tempore (Mr. TALLON) Under a previous order of the House. The gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, for the past several weeks, we have been hearing and reading about a new technology called HDTV. This technology, although difficult to develop, is quite simple to understand. HDTV is a television which will show high-resolution pictures on large, extra wide screens and will produce the crystal-clear sound of a compact disk.

The fact that this technology is possible should not surprise any of us. But what has gotten, and should get, our attention are two facts. HDTV was first developed in this country, but the United States is far behind Japan and Europe in developing a marketable set. I believe the people of this country have grown sick and tired of the same old story. The United States develops a new technology, and then for various reasons, mostly economic, fails to turn that technology into a marketable, exportable product. Instead, the Japanese use this technology and,

with private and public cooperation, turn it into a consumer product which is, in turn, imported by the United States. This has happened with the VCR and is now happening with HDTV.

The problem does not lie with the ingenuity, intelligence, or efforts of American scientists and engineers, but with American policy. The problem has been, and remains, that this country does not foster long-term development of new technology. For too long, our technology has been far ahead of our policy.

When will this change? Will it take the introduction of a working high-definition television set to the U.S. marketplace to make this administration realize that it has waited too long? That day may not be too far off, but I am afraid it will be a 10 o'clock wake-up call for an 8:30 appointment with reality.

As Members of Congress, we still fall prey to reacting to dramatic events and changes, and are sometimes slow to react to equally important, yet slowly building, problems. There is no denying that Japan has taken the lead in many high-technology fields. But when did this happen? Why didn't we realize Japan was surpassing us? In the area of high technology, there unfortunately was no *Sputnik*. However, the historical example of our space program illustrates the problem we face today and the policy steps we need to begin to take. In 1956, the United States had the technology to launch a satelite into space. Yet on October 4, 1957, the Soviet Union became the first country to do so. The reason we did not launch one earlier was because President Eisenhower did not want to use a military rocket to send a satellite into space. Obviously the realization that the Soviet Union also had the technology changed his mind and on January 30, 1958, we sent our first satellite into space using a military rocket; the same one that was available to us in 1956. In the space industry then, as in the HDTV industry today, our policy was far behind our technological abilities.

This country must begin to realize that the playing field will never be even. Our responsibility now is to ensure an environment that fosters long-term investments for all domestic industries. As a nation, we must decide which industries are vital to our continued well-being and growth, and we must proclaim to our competitors that we are in these industries, and we are going to stay. No company can make this statement, only a country can. Right now both Japan and Europe are supporting the HDTV industry. This cooperation between government and private business will give these industries the staying power needed to develop a successful product. I hope that this administration can follow Japan's and Europe's lead and support our own domestic HDTV industry. But more importantly, this country must begin to change its attitudes toward assisting private businesses in areas that are vital to this Nation. The antitrust laws in effect today once served an important purpose, and they still do when one domestic industry competes with another. But, with the global economy that exists today, these laws must be reevaluated.

HDTV may never become popular with consumers. If it will or not I do not know. But, I do know that the development of HDTV will also lead to advances in fields such as microcircutry and other enabling technology that this country cannot afford to miss. I hope my colleagues will join me in supporting all efforts aimed, not at protecting, but at fostering our vital industries.

□ 1650

ASIAN-PACIFIC AMERICAN HERITAGE WEEK

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

Mr. HORTON. Mr. Speaker, I would like to reflect for a few moments on "Asian/Pacific American Heritage Week." I feel it is important to mention that today, May 10, is Golden Spike Day, the anniversary of the completion of the Transcontinental Railroad which could not have been constructed without the contributions of Asian/Pacific Americans.

On June 30, 1977, I had the unique honor and pleasure as the chief sponsor to introduce House Joint Resolution 540 and later House Joint Resolution 1007, which for the first time in this Nation's history asked the Congress and the people in the United States to set aside a period in May as Asian/Pacific American Heritage Week. More than 12 years ago a woman came to my office and told my administrative assistant and me a very compelling and persuasive story. Today, I share the origin of this landmark bill:

The celebration of Asian/Pacific American Heritage Week each year has a very deep and personal place for Jeanie Jew and her family. Their story began sometime in the last century in the 1800's when a young man, M.Y. Lee, left Toishan, Canton, China, to find a better life in America. Mr. Lee was one of the first Chinese pioneers to build the Transcontinental Railroad. He later became a prominent California businessman. When the Chinese were having difficulties in Oregon, Mr. Lee traveled to Oregon and was killed during that period of unrest. It was a time of anti-Chinese and anti-Asian sentiments. The revelations about Mr. Lee and the story of Asian-Americans led this one woman to believe that not only should Asians understand their own heritage but that all Americans must know about the contributions and histories of the Asian/Pacific American experience in the United States. The creator of the idea for a heritage week is Jeanie Jew, the granddaughter of M.Y. Lee, that early pioneer.

The dates included in the original resolution was the week beginning May 4. After careful research, Mrs. Jew and Ruby Moy, my administrative assistant, selected May 10, "Golden Spike Day," the date celebrated as the joining of the Transcontinental Railroad and which is one of the inclusive dates celebrating Asian/Pacific American Heritage Week. The other date selected was May 7, 1843, which marked the first arrival of the Japanese in the United States. Mrs. Jew turned a personal tragedy in her family's history into a positive force. Asian/Pacific American Heritage Week is now celebrated by all Americans.

Ruby Moy, my administrative assistant, holds the highest professional position to a Member of Congress. She is a second generation Asian-American. I have taken steps to try to set an example by having a high representation of minorities in my congressional office.

In 1977, Ruby cofounded the Congressional Asian/Pacific Staff Caucus, an organization which collectively worked for the establishment of the first heritage proclamation and yearly supports efforts to perpetuate its recognition. The caucus, a group of professional staff members of Asian descent, discusses and reviews legislation and issues of concern to Asian/Pacific Americans from time to time.

Issues of special concern to the Asian-American community include hate-violence sentiment, imposition of ceilings in institutions of higher education, refugee assistance, and the need for high-level policy positions in Government among other matters. Members of Congress will in the future be working with groups to discuss these matters more fully.

Sometime ago, Jeanie Jew discussed another matter with Ruby and me—the idea of a commemorative stamp. After more than 10 years, this is a fitting occasion to request the U.S. Postal Service issue a postage stamp commemorating America's Asian/Pacific American heritage. These stamps may depict heritage week, individuals, events, subjects or places that are significant in Asian/Pacific American history in the United States. As a senior member of the House Post Office and Civil Service Committee, I plan to urge the Citizen Stamp Advisory Committee to consider issuing a stamp at the earliest possible date.

I hope my colleagues will join me in supporting this stamp and in recognizing the contributions of Asian/Pacific Americans especially during Asian/Pacific American Heritage Week.

EAST-WEST TRADE AND HUMAN RIGHTS ENHANCEMENT ACT OF 1989

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

Mr. PEASE. Mr. Speaker, today I am introducing the East-West Trade and Human Rights Enhancement Act of 1989. Generally, this bill would authorize the President to grant nondiscriminatory tariff treatment—most-favored-nation [MFN] status—to imports from cooperatives in Communist countries. This treatment would be contingent upon the co-ops abiding by internationally recognized worker rights provisions.

At the same time, my bill would retain our Jackson-Vanik leverage on freedom of emigration. By withholding MFN treatment on a countrywide basis, we maintain an effective stick, which we could use, for example, if the Soviet Union fails to meet emigration targets and refuses to abolish the exit visa requirements and other devices that prevent Soviet Jews and others from emigrating.

To date, the United States response to the substantial economic, political, and human rights changes taking place in nonmarket economies in general, and the Soviet Union in particular, has been marked by extreme caution and a wait-and-see attitude. This policy has been a prudent approach in dealing with an empire whose future development is best characterized by widespread uncertainty. However, excessive caution does not always imply prudence; on the contrary, missed opportunities may be the result of an overly cautious, nonevolving policy toward nonmarket economies. Nevertheless, any initiatives dealing with these countries must be based on a modest and incremental approach, not on grandiose schemes advocating vast changes. I believe that now is the time for the United States to begin to use its economic leverage—that is, prospects for expanded trade and improved access to the American marketplace—to test and stretch the practical parameters of perestroika and glasnost. For this reason, I have developed what I believe is a measured and appropriate response to the historical events now occurring in much of the Communist world.

Though currently only representing a very small fraction of GNP—approximately 1 percent in the Soviet Union—the cooperative movement in Communist countries, especially the Soviet Union, is one of the missed opportunities to which I am referring. Many Soviet economists predict that within 10 years cooperative production will account for 10 to 15 percent of Soviet national income.

Economically, the Soviet law on cooperatives, passed in May 1988, has been Mikhail Gorbachev's boldest piece of legislation to date, and certainly the most intriguing by Western standards. Soviet citizens are now free to join and leave cooperatives. They can be employed by both a state-run enterprise and a cooperative. Furthermore, cooperatives may actually own property and assets and lease or loan their assets at their discretion. There are no apparent ceilings on the earnings, profits, and size of cooperatives, and they are being encouraged to compete with state industries for government contracts. Also, foreign currency for export sales may be kept by the cooperatives to further their own development.

Most importantly, however, the Soviet co-op reforms go to the heart of what differentiates the East from the West—they allow for more personal freedom and they diversify and alter patterns of ownership in society. To say that such reforms transcend economics would certainly be an understatement. Economic freedom and private ownership often precede the establishment of political freedoms, civil liberties, respect for basic human rights, and even democracy. Hungary's economic and political development, which I have witnessed first hand on several occasions over the last decade, is beginning to bear this fact out. So too are the remarkable changes taking place in Poland.

Viewed in this light, a major goal of my legislation is to lend encouragement and tangible support, admittedly small at the outset, to cooperative reform movements occurring in the East and especially in the Soviet Union, where such reforms and enterprises are meeting substantial internal resistance. Provided that these co-ops protect the same worker rights we value in this country, and to which most Communist countries are bound under international law, it is in our interest to see such businesses succeed.

As the United States pursues new commerical possibilities with nonmarket economies, limited extension of favorable tariff treatment to be afforded under my bill is preferable to the extension of loan guarantees or commercial credit. America ought not subsidize economic development in Communist countries. To do so postpones the economic reckoning that Gorbachev and other proponents of perestroika-style changes must address squarely through price reform, greater productivity, and reduced military spending.

The recent sweep of surprising developments in the Soviet Union, in much of Eastern Europe, and China commands our attention and presents unprecedented opportunities to achieve a more stable, integrated global economy and a more peaceful planet. The fundamental challenge for America is to find policy instruments that allow the United States to tangibly reward Perestroika-style reforms while retaining substantial leverage for the United States to encourage additional economic, political, and foreign policy changes. U.S. policy tools for dealing with nonmarket economies should be geared interactively to regain flexibility, to retain basic human rights principles, and to restrain taxpayer obligations. I believe that the East-West Trade and Human Rights Enhancement Act of 1989 is a step in the right direction toward fulfilling these policy goals.

More specifically, the key aspects of this legislation are as follows:

First, the President would be given the discretionary authority to extend nondiscriminatory tariff treatment [MFN] to exports from the cooperative sector of any Communist country, provided that that sector of the economy adheres to basic internationally recognized worker rights.

Second, existing U.S. trade law defines internationally recognized worker rights as: Freedom of association; the right to organize and bargain collectively; the prohibition of forced or compulsory labor; the establishment of a minimum age for the employment of children; and acceptable conditions with respect to minimum wages, hours of work, and occupational safety and health—taking into account a country's level of economic development.

Third, after a 3-year grace period, adherence to worker rights provisions would be added to existing emigration practice conditionally, as defined in the Trade Act of 1974, for eligibility for MFN status on a countrywide basis for Communist countries. Thus, Communist countries that now enjoy MFN treatment—Yugoslavia, Poland, Hungary, and China—would have to meet worker rights requirements in order to continue receiving this treatment. Incidentally, Poland already seems to be making significant progress in this regard. Furthermore, those Communist countries currently not receiving MFN status would also have to abide by worker rights provisions within 3 years in order to obtain such favorable tariff treatment.

Fourth, compliance with the above conditions would be monitored by a nongovernmental organization, the U.S./Nonmarket Economy Cooperative Enterprise Foundation, consisting of U.S. cooperative and private sector experts and selected Government officials. More broadly, the functions and responsibilities of the foundation will include: Certifying whether or not

participating cooperatives in Communist countries are upholding internationally recognized worker rights as well as basic principles of democratic governance; encouraging the creation of economically viable cooperative enterprises in nonmarket economies; increasing the economic linkages between the U.S. private sector and cooperative enterprises within Communist countries; creating an ongoing exchange program between U.S. cooperatives and other private businesses and the cooperatives in Communist countries; and, fostering knowledge of the cooperative sectors both in the United States and in Communist countries by holding conferences and seminars on subjects of mutual importance.

Fifth, the Foundation would be funded by levying a 5- to 10-percent special duty—above the prevailing MFN rate, but much lower than existing schedule 2/Smoot-Hawley tariff rates—on all imports from certified cooperatives in Communist countries. After deducting a reasonable handling fee to U.S. Customs, the remaining duties would go into a trust fund to finance the operation of the Foundation.

Startup funding for the Foundation would come from a Federal loan not to exceed $1,750,000 to be repaid over time. Once this loan has been repaid, the future expenses of the Foundation would be paid out of its income. For example, foodstuffs from the Soviet Union currently enter the United States market at a 30-percent tariff—schedule 2/Smoot-Hawley—rate. Under my bill, the tariff rate could be reduced, say, to 10 percent—a 20-percent cut, but still 5 percent above prevailing MFN rates. A portion of the lower customs duties would then be earmarked for a trust fund to pay a handling fee of the U.S. Customs Service and to finance the operations of the Foundation.

These summary remarks highlight why I have introduced this legislation and how the procedural and administrative aspects of this bill will work. The issues surrounding East-West trade, however, and more specifically, Soviet-United States Trade, are unlike any other. Though small in terms of trade flows, the emotions and political significance surrounding U.S. trade relations with nonmarket economies are great. For many obviously important reasons, the Soviet-United States trade relationship substantially transcends and, in many ways, eclipses mere economic concerns. Recognizing this reality, I anticipate at least four common questions that will inevitably arise from the introduction of the East-West Trade and Human Rights Enhancement Act of 1989.

Question 1: Is this an attempt to foil a Jackson-Vanik waiver for this year?

Answer: Certainly not. However, it is an attempt to broaden the parameters of the debate surrounding United States-Soviet Trade and the Jackson-Vanik amendment, both in terms of the granting of MFN and human rights conditionally.

Historically, when trading with Communist countries, MFN treatment has been characterized by an all or nothing approach. My bill would give the President more flexibility in tailoring U.S. Trade and Human Rights policies to significant changes in nonmarket economies. Such flexibility is sorely needed if we are to incrementally respond to developments in the Soviet Union, Eastern Europe, and elsewhere. Furthermore, this bill emphasizes both a carrot and stick approach. Should positive changes continue to occur in nonmarket economies, carrots, while small for now, will be an increasingly important part of U.S. relations with such countries which have traditionally relied on the stick.

Question 2: Will this bill jeopardize United States grain sales to the Soviet Union and other nonmarket economies?

Answer: Absolutely not. My bill deals exclusively with imports produced by cooperative within the Soviet Union and other Communist countries. It would not affect U.S. exports to any Communist country.

Question 3: Why introduce this legislation now?

Answer: As the debate over a Jackson-Vanik waiver intensifies, some hard-line interest groups will deny any United States interest in expanding trade with the Soviets no matter what. Others will continue to argue that the Jackson-Vanik amendment properly makes the EBB and flow of Jewish emigration from the Soviet Union both the starting and ending point of any United States policy innovation. In contrast, my bill offers the President the opportunity to still respond, albeit in a small, incremental manner, to the striking changes taking place in many nonmarket economies while simultaneously lending tangible support to cooperative movements in Communist countries—which I believe is in our and their best interests—and keeping a stick with which to prod Soviet authorities on emigration practices should they they not live up to the expectations of codified reforms. Indeed, this legislation with the additional flexibility it provides should be welcomed by the President as he tackles such important and difficult issues. If this year passes without any serious and positive response from the United States with regard to United States-Soviet trade, we may be missing important and historic opportunities.

Question 4: Why shouldn't worker rights conditionally be applied to any exports from Communist countries, like the Soviet Union, and not just to exports from their cooperatives?

Answer: Although very recent developments in proposed labor legislation indicate that they are moving in the right direction, it is probably too much too soon to require the Soviet authorities, for example, to suddenly abandon long-established labor laws and practices in State-run enterprises and to accept free and independent trade unions. They need to see in the cooperative sector that with greater worker rights will come greater productivity and genuine economic growth, but that such changes need not require political suicide.

It is time to begin to reexamine and broaden the debate surrounding United States-Soviet trade, in particular, and United States trade with nonmarket economies in general. If anything, I hope that my bill contributes to a much-needed policy review and public discussion. Some will advocate no change, while others are perfectly comfortable, at this historic juncture, to largely cede official United States policy to a relative handful of United States companies that are racing in unbridled fashion to negotiate joint ventures in the Soviet Union and elsewhere.

The East-West Trade and Human Rights Enhancement Act of 1989 tempers our greatest hopes for an end to the cold war with reason and measured, positive action. It seeks to encourage and build upon what Gorbachev and other Communist reform leaders have begun. For this reason, it merits your attention and consideration.

□ 1700

AN INSULT TO THE UNITED STATES OF AMERICA

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

Mr. INHOFE. Mr. Speaker, I thought it would be very appropriate to call to the attention of this House an experience that I had recently. I served on the Select Committee on Narcotics and Drugs and recently went down to participate in a conference with the Andean Parliament in Quito, Ecuador. I think we all know the Andean Parliament and the five countries that are represented that are responsible for 100 percent of the growth of the coca leaf as well as the manufacturing and production of cocaine that is used in this country.

When we had our meetings, the drug committee with the five nations, I observed that the meeting was not held in the very famous Parliament building in Quito, Ecuador, but instead was up in the mountains some distance away. Upon inquiring, I found that they did not want to have it in the Parliament building because there was

a mural that was very controversial that had been placed in that Parliament building in Quito that was very insulting to the United States of America, and they did not want us to know that, No. 1, it was still there and, No. 2, what it was all about.

I made some inquiries and found that they had locked up the parliament building for the time of our visit down there, and prevailed upon a photographer and some one of the Marines in the detachment to go with me to try to get in and take a look at the very controversial mural. We were able to get in, and we took a picture.

To give everyone a little bit of history, I am not sure whether this is always the case, but up until last August, the President of Ecuador, Febres-Cordero, who was very pro-American, and is so pro-American, or was so pro-American, that he would not even allow Daniel Ortega or Fidel Castro to land an airplane in Ecuador. However, when he went out of office and they anticipated the inauguration of the new President, Rodrigo Borja, who is a leftist, they had him come in and prepare for the inauguration by painting a mural that is as high as the ceiling is in these Chambers. The mural was painted by Oswaldo Guayasamin, who is not just a leftist but a Communist who is a sympathizer and very close personal friend of Fidel Castro, and the mural that was painted depicted and characterized the United States of America as a skeleton in a Nazi helmet with the American flag and a swastika on the helmet. This is in the chambers of the parliamentary building. The building that is shown is the last thing that a young person in Ecuador will see before they turn off the television at night; there is the United States of America.

When Secretary of State Shultz went down to the inauguration, he refused to go in because it was so insulting to the American people.

I went and found at that time that in the previous year we had given Ecuador $33 million of foreign aid and that we are anticipating increasing that by over 10 percent to $37 million this coming year, and it seems to me that it is certainly inappropriate for us to be giving money with all the needs that we have here in the United States, with the shortfall we have in our budget, with the huge deficits that have been piling up, to be giving not just an increase but a sizable increase in foreign aid to a country that openly, willfully insults us every day of the year.

I would like to point out the portrait that we have over here on the far left, they did take off, as some type of a condescending effort, I suppose, the American flag, and replaced it with "CIA."

I want to read what Oswaldo Guayasamin said in defending his mural. He said, "Repression is represented by a German helmet with the word 'CIA' written on it, as the CIA is the executor of violence and repression in our countries. American intervention in Ecuador and Latin America particularly and throughout the world is violent. The mailed fist, the brutal hand of the American Government, is this institution called CIA."

I want to also show the House the actual picture that we took that was showing how America is characterized in this country that is dependent upon us for foreign aid. I noticed that we have here in the Chambers the gentleman from New York [Mr. SOLOMON], who served with distinction for a number of years on the Committee on Foreign Affairs, and I would like to ask him if such a change of presidency in countries very often results in this type of change in their policy toward us and, second, how many other countries are there out there that we are giving foreign aid to that are insulting us on a regular basis?

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

Mr. INHOFE. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman from Oklahoma [Mr. INHOFE] is to be commended for bringing this issue to the attention of the House. I might point out that the Foreign Affairs Committee will soon begin marking up the foreign aid bill for fiscal years 1990 and 1991, and we may well be dealing with the issues of Ecuador when that bill reaches the floor. I can think of any number of amendments that could be offered.

Mr. Speaker, our Congress and our Government, as well as every other government, function in a political atmosphere. And just as political parties have honest differences of opinion, so nations and governments will have honest disagreements over policies. It is the responsibility of diplomats to deal with those disagreements and to work out compromises. All of this is a normal part of life. But what has happened in Ecuador, is not normal—or acceptable.

Last summer, the new President of Ecuador was sworn into office in the legislative chamber of the Parliament building. That chamber was—and remains—dominated by a newly painted mural, which as the gentleman from Oklahoma has told us, contains a grotesque, skeletal face wearing a Nazi-like SS helmet, emblazoned "CIA."

Evidently the artist, who was commissioned by Parliament to do a mural depicting the history of Ecuador, at first painted an American flag on the helmet. Protests from our Embassy and State Department resulted in the artist replacing the flag with the "CIA" lettering. In diplomatic parlance, this kind of progress is hailed as a demonstration of maturity and restraint.

But the fact is that this gratuitous insult to America and the American people still remains in place. The American people wonder if this is the thanks we get after providing Ecuador with more than $800 million in foreign aid. The American people wonder if this is the thanks we get for welcoming 76,000 Ecuadorian immigrants over the past 20 years. The American people wonder if this is the thanks we get for being Ecuador's largest trading partner. We provide the largest markets for Ecuador's two largest export items: petroleum and seafood.

I am told that decisions about this mural are Parliament's call. The President of Ecuador can no more tell Parliament what to do than our President can come here and start telling us what to do. The law does not give the President arbitrary powers in either country.

And so I appeal to the Ecuadorian Parliament to get rid of this offensive and gratuitous insult to the American people. And I can assure the members of Parliament in Ecuador that if the United States Congress has to act on this matter, we will not be as polite as the United States Embassy in Quito or the State Department have been.

I am convinced the Ecuadorian people no more want this so-called modern art hanging in their Parliament Building than we do. And just as our Congress responds to the voice of the American people, I hope the Ecuadorian Parliament listens to the voice of the people it represents. This is something more than a diplomatic disagreement; it is a callous and calculated attempt by the Parliament of Ecuador to offend our country.

□ 1710

To answer the gentleman's question, no, it is not typical, because when we have a change of administration generally we all have our political beliefs, we all have our philosophy, but at least they contain it and we negotiate with each other over our feelings, and you do not put a display like this out there.

I will tell the gentleman one thing, there is a foreign aid bill coming before this House before too long. I will be glad, with the gentleman, to sponsor amendments to cut that $37 million perhaps to zero, and then let the Parliament in Ecuador think about that for a while. I will be glad to work with the gentleman, and I commend him for bringing it to our attention.

Mr. INHOFE. I appreciate that very much, and I plan to appear and I hope the gentleman will appear with me at the appropriate committees to accommodate this.

I think if the American people were aware of what we are doing, that people are insulting us, and even in the country of Ecuador you are probably not aware of this, but in the polling that has taken place only 40 percent of the people agree with the policy of the country. Here is what one of the largest newspapers said only in February of this year, and I am interpolating this now, "It is not appropriate for Congress to have permitted aggressive reference to a foreign country in its august halls. The President of Congress has chosen an inappropriate time to protest because he complains when his visa was denied."

That is an incident where our own Ambassador merely gave him a limited visa, and now they are saying that he did that as a protest gesture, as if we did not have the right to protest.

I appreciate the fact the gentleman will join with me, and I think we should not limit it to Ecuador, but any of the countries that openly insult us. They should not be entitled to our foreign aid.

PERSONAL EXPLANATION

The SPEAKER pro tempore. (Mr. TALLON). Under a previous order of the House, the gentleman from New York [Mr. ENGEL], is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I was unavoidably detained for rollcall vote No. 45 passage of H.R. 1385 to concur in the Senate amendment to the Martin Luther King, Jr., Federal Holiday Commission Extension Act due to an injury to my foot. Because of this problem, I am forced to use crutches and could not get from my office to the Capitol before the vote was closed. Had I been present, I would have voted "yea".

REELECTION RATES OF HOUSE INCUMBENTS

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

Mr. ANNUNZIO. Mr. Speaker, today I am placing in the RECORD immediately following my remarks an excerpt from a recent study by the scholars at the Congressional Research Service entitled "Reelection Rates of House Incumbents," by David Huckabee.

This study looks at elections going all the way back to the beginning of Congress in 1789. It effectively refutes the arguments, recently appearing in the press, that current Members of Congress have "stacked" the election system in their favor.

The CRS study concludes that turnover in the House, throughout our two centuries of existence, has depended more on deaths, resignations, and retirements than on defeat at the polls. There has also been a slow but steady growth in the percentage of Members seeking reelection over the years. Today, more Members make a career out of service in the House than they did in the early days when much of their time was devoted to their occupation of earning a living as private citizens.

Even so, in the election of 1790, 41 incumbents ran for reelection and 38 won—93 percent. In 1792, 45 Members ran and 45 were reelected—a remarkable 100 percent. In 1866, a year of political combat and intense division, 133 Members ran and 85 percent were reelected.

At the height of the Depression, in 1934, 388 Members ran, and 325 were reelected.

In the years after World War II, voters consistently reelected 85 to 90 percent of House Members running for reelection.

Mr. Speaker, the high percentage of reelected Members in this or any recent Congress is nothing new. It has been that way for 200 years.

REELECTION RATES OF HOUSE INCUMBENTS: 1790-1988

INTRODUCTION

The 98 percent rate of return for House incumbents seeking reelection in 1988, brings renewed interest in the topic of incumbent reelection success. David Broder, in the Washington Post, wrote soon after the 1988 election that "the Constitution envisaged the House as the most sensitive barometer of changes in political mood, but the 'incumbent lock' makes it no barometer at all." He attributed high incumbent return rates to non-competitive districts, the campaign finance system, and congressional rules and procedures that favor the majority party.[1] Julie Rovner observed in Congressional Quarterly after the 1988 election that the increasing success rate of incumbents could be explained in part by Members' great success in helping their constituents. Rovner quoted William A. Galston, a University of Maryland political scientist, who said there is an increasingly "perfect technology of constituent service" which, Rovner said, "has enabled incumbents to get themselves reelected by helping constituents navigate through an ever-more-complicated federal bureaucracy."[2] Stuart Rothenberg, noted in an article summarizing the 1988 election in Public Opinion, that "Members of the House are now less vulnerable politically than members of the Soviet Politburo."[3]

There have been numerous scholarly articles written to explain why incumbents are so successful in their reelection endeavors.[4] This report does not add to the literature seeking to explain why incumbents are so often reelected. Instead, it presents new data on incumbent reelection rates for the years prior to 1946, and supplements existing data sources for the post-1946 period. What emerges from this examination of data from the pre-1946 period is a refinement of our understanding of congressional turnover. Incumbents who have sought reelection apparently have always been relatively successful. More specifically, the proportion of incumbents running for reelection who were returned to office has rarely dropped below 70 percent (only seven times, 1842, 1854, 1862, 1874, 1890, 1894, 1932) and often has exceeded 80 percent (73 of 100). Incumbent return rates exceeding 90 percent were experienced in the early Congresses (every election from 1790-1810) and since 1968 (except for the post-Watergate 1974 election). Resignations, deaths, and retirements apparently account for much of the difference in return rates for the entire House between the 19th and 20th centuries.

What does appear to have changed over time is the percentage of incumbents seeking reelection. For most of the 19th century, this percentage was in the 60-70 percent range. With the trend towards careerism that emerged in the late 19th century and accelerated in the 20th century, this percentage rose to the 85-95 percent range.

Most sources of data on incumbent reelection rates base their figures on information from Congressional Quarterly and National Journal and do not report information prior to 1946. In this report, all the 1946-1984 data, except for the information pertaining to open seats, are from a table in Vital Statistics on Congress, 1987-1988.[5] The source for all data prior to 1946 is a computer file from the Inter-university Consortium for Political and Social Research entitled the "Roster of United States Congressional Office-holders and Biographical Characteristics of the United States Congress, 1789-1984 Merged Data" (hereafter referred to as the Roster file).[6] The Roster file was used for this report because it is a "machine readable" biographical source for data on all Members of Congress. There are other published sources of summary statistics on House incumbency on a Congress-by-Congress basis,[7] but the Roster file has the potential for producing detailed data that other sources cannot. Data for 1986 and 1988 were derived from Congressional Quarterly.[8]

Table 1 presents incumbency data in a form similar to that reported in "Vital Statistics on Congress: 1987-1988." The data, with some exceptions, are similar to data which can be derived from earlier Congress-by-Congress studies such as those of Morris Fiorina.[9]

FOOTNOTES

[1] Broder, David S. Three keys to "Incumbent Lock." Washington Post. Dec. 7, 1988, A21.

[2] Rovner, Julie. Turnover in Congress Hits an All-Time Low. Congressional Quarterly Weekly Report, v. 46, Washington, D.C. Nov. 19, 1988. p. 3363.

[3] Rothenberg, Stuart. The House and the Senate. Public Opinion, v. 11. January/February 1989. p. 11.

[4] For a review of the literature in this area see: Beth, Richard S. "Incumbency Advantage" and Incumbency Resources: Recent Articles. *Congress and the Presidency*, v. 9, Winter 1981-82. pp. 119-136; and, Beth, Recent Research on "Incumbency Advantage" in House Elections: Part II. *Congress and the Presidency*, v. 11, Autumn 1984. pp. 211-224.

[5] Ornstein, Norman J., Thomas E. Mann, and Michael J. Malbin. *Vital Statistics on Congress, 1987-1988*. Washington. Congressional Quarterly Inc., 1987. p. 56.

[6] McKibbin, Carroll and The Inter-university Consortium for Political and Social Research (ICPSR). *Roster of United States Congressional Officeholders and Biographical Characteristics of Members of the United States Congress, 1789-1984 Merged Data*. ICPSR. (ICPSR study number 7803) Ann Arbor, MI. This file was produced in large part by merging two existing files: ICPSR's *Roster of U.S. Congressional Officeholders, 1789-1979* (ICPSR study number 7557) and Carroll McKibbin's *Biographical Characteristics of Members of the United States Congress, 1789-1980*. McKibbin's data were primarily coded from the *Biographical Directory of the American Congress* (BDAC), 4th and 5th editions. Information for the period 1980-84 was added to the file by ICPSR staff.

[7] For Congress-by-Congress data on the percentage of House Members in their first term, see: Fiorina, Morris P., David W. Rohde, and Peter Wissel. Historical Change in House Turnover. In: Ornstein, Norman J. (ed.). *Congress in Change: Evolution and Reform*. New York. Praeger Publishers, 1975. pp. 29-31. For more general information see: Struble Jr., Robert, House Turnover and the Principle of Rotation. *Political Science Quarterly*. vol. 94 Winter 1979-80. pp. 649-667.

[8] Congressional Quarterly Weekly Report, v. 49, Nov. 12, 1988. p. 3270.

[9] Fiorina, Historical Change in House Turnover. The authors presented several sets of data derived from Polsby, Nelson W. The Institutionalization of the U.S. House of Representatives. *American Political Science Review*, vol. 68, March 1968. p. 146. Polsby's source for data from 1790–1924 is: Rice, Stuart A. *Quantitative Methods in Politics*. Alfred A. Knopf, Inc. Boston. 1928. pp. 296–297. Rice describes in detail the method used to compile his table (p. 294–302). It involved reading 12,000 biographies of Members in order to properly code them in each Congress, and then comparing the coding sheets Congress-by-Congress to determine the proportion of first term Members.

TABLE 1.—HOUSE INCUMBENTS REELECTED, NOT RENOMINATED, OR DEFEATED: 1790–1988

Election year [1]	Open seats [2]	Total (percent) who ran for reelection [3]	Not renominated	Defeated in general election	Won reelection	Percent winning reelection [4]	Percent of House reelected [4]
1790	24	41 (63.1)	0	3	38	92.7	58.5
1792	60	45 (69.2)	0	0	45	100.0	69.2
1794	37	68 (64.8)	0	2	66	97.1	62.9
1796	37	69 (65.1)	1	4	64	92.8	60.4
1798	37	69 (65.1)	0	4	65	94.2	61.3
1800	46	60 (56.6)	0	3	57	95.0	53.8
1802	68	74 (69.8)	0	4	70	94.6	66.0
1804	38	104 (73.2)	1	5	98	94.2	69.0
1806	43	99 (69.7)	0	2	97	98.0	68.3
1808	46	96 (67.6)	0	6	90	98.8	63.4
1810	52	90 (63.4)	0	6	84	93.8	59.1
1812	46	97 (67.8)	0	13	84	86.6	58.7
1814	69	113 (62.1)	0	15	99	87.6	54.4
1816	104	78 (42.7)	1	11	66	84.6	36.3
1818	72	111 (60.7)	3	7	101	91.0	55.2
1820	69	117 (62.9)	4	16	97	82.9	52.1
1822	86	127 (68.3)	0	12	115	90.5	61.8
1824	65	148 (69.5)	0	17	131	88.5	61.5
1826	61	152 (71.4)	0	16	136	89.5	63.8
1828	63	150 (70.4)	2	28	120	80.0	56.3
1830	68	145 (68.1)	0	15	130	89.7	61.0
1832	105	135 (63.4)	2	25	108	80.0	50.7
1834	64	176 (73.3)	1	33	141	80.1	58.8
1836	92	149 (61.8)	1	26	122	81.9	50.6
1838	83	159 (65.7)	1	38	120	75.5	49.6
1840	85	157 (64.9)	2	25	130	82.8	53.7
1842	133	90 (37.2)	1	31	58	64.4	24.0
1844	88	135 (60.5)	3	23	109	80.7	48.9
1846	107	116 (52.0)	0	15	101	87.1	45.3
1848	108	122 (53.0)	3	21	98	80.3	42.6
1850	102	130 (56.0)	4	29	97	74.6	41.8
1852	115	119 (51.3)	5	30	84	70.6	36.2
1854	97	137 (58.5)	2	47	89	65.0	38.0
1856	76	158 (67.5)	2	37	119	75.3	50.8
1858	78	156 (66.7)	4	34	118	75.6	50.4
1860	64	110 (63.2)	5	22	81	73.6	46.5
1862	79	103 (56.6)	4	29	70	68.0	38.5
1864	49	133 (73.1)	3	32	98	73.7	53.8
1866	50	133 (72.7)	8	12	113	85.0	61.8
1868	92	146 (61.3)	4	19	123	84.3	51.7
1870	78	165 (67.9)	9	36	120	72.7	49.4
1872	121	171 (70.4)	8	37	126	73.7	51.8
1874	93	199 (68.1)	12	71	115	57.8	39.4
1876	79	213 (72.9)	12	47	154	72.3	52.7
1878	90	203 (69.3)	9	32	162	79.8	55.3
1880	63	230 (78.5)	11	30	189	82.2	64.5
1882	118	207 (70.6)	15	43	149	72.0	50.8
1884	78	247 (76.0)	12	46	189	76.5	58.1
1886	79	246 (75.7)	21	28	197	80.1	60.6
1888	74	251 (77.2)	10	37	204	81.3	62.8
1890	71	260 (78.5)	18	63	179	68.8	54.1
1892	68	264 (79.5)	14	42	208	78.8	62.6
1894	86	270 (75.8)	20	71	180	66.7	50.6
1896	69	288 (80.7)	17	61	210	72.9	58.8
1898	55	302 (84.6)	14	38	250	82.8	70.0
1900	54	303 (84.9)	15	20	268	88.4	75.1
1902	89	297 (83.2)	12	28	257	86.5	72.0
1904	48	338 (87.6)	9	26	303	89.6	78.5
1906	51	335 (86.8)	13	31	291	86.9	75.4
1908	37	354 (90.5)	11	33	310	87.6	79.3
1910	53	338 (86.4)	20	52	266	78.7	68.0
1912	94	341 (78.4)	12	49	280	82.1	64.4
1914	61	374 (86.0)	8	67	299	79.9	68.7
1916	35	400 (91.9)	12	37	351	87.8	80.7
1918	46	389 (89.4)	13	47	329	84.6	75.6
1920	50	385 (88.5)	18	53	314	81.6	72.2
1922	51	384 (88.3)	12	68	304	79.2	69.9
1924	34	401 (92.2)	11	33	357	89.0	82.1
1926	30	405 (93.1)	13	16	376	92.8	86.4
1928	31	404 (92.9)	9	31	364	90.1	83.7
1930	28	407 (93.6)	14	43	350	86.0	80.5
1932	43	392 (90.1)	42	79	271	69.1	62.3
1934	47	388 (89.2)	23	40	325	83.8	74.7
1936	47	388 (89.2)	17	31	340	87.6	78.2
1938	33	402 (92.4)	15	69	318	79.1	73.1
1940	28	407 (93.6)	8	38	361	88.7	83.0
1942	40	395 (90.8)	20	47	328	83.0	75.4
1944	30	405 (93.1)	13	35	357	88.1	82.1
1946	35	398 (91.5)	18	52	328	82.4	75.4
1948	35	400 (91.9)	15	68	317	79.3	72.9
1950	35	400 (91.9)	6	32	362	90.5	84.2
1952	46	389 (88.0)	9	26	354	91.0	84.4
1954	28	407 (93.6)	6	22	379	93.1	87.1
1956	24	411 (94.3)	6	16	389	94.6	89.4
1958	39	396 (91.0)	3	37	356	89.9	81.8
1960	32	405 (92.7)	5	25	375	92.6	86.2
1962	33	402 (92.9)	12	22	368	91.5	84.6
1964	38	397 (91.3)	8	45	344	86.6	79.1
1966	24	411 (94.5)	8	41	362	88.1	83.2
1968	26	409 (94.0)	4	9	396	96.8	91.0
1970	34	401 (92.2)	10	12	379	94.5	87.1
1972	45	390 (89.7)	12	13	365	93.6	83.9
1974	44	391 (89.9)	8	40	343	87.7	78.9
1976	51	384 (88.3)	3	13	368	95.8	84.6

TABLE 1.—HOUSE INCUMBENTS REELECTED, NOT RENOMINATED, OR DEFEATED: 1790–1988—Continued

Election year [1]	Open seats [2]	Total (percent) who ran for reelection [3]	Not renominated	Defeated in general election	Won reelection	Percent winning reelection [4]	Percent of House reelected [4]
1978	53	382 (87.6)	5	19	358	93.7	82.3
1980	37	398 (91.5)	6	31	361	90.7	83.0
1982	42	393 (90.3)	10	29	354	90.1	81.4
1984	26	409 (94.0)	3	16	390	95.4	90.1
1986	42	393 (90.3)	3	6	385	98.0	88.5
1988	26	409 (94.0)	1	6	402	98.3	92.4

[1] Prior to 1900 several States held elections in odd years as well as even years. Odd year elections were combined with the next highest even year election in this report. (For example, elections held in 1885 were combined with those held in 1886 in this report.)

[2] The open seat category was derived by subtracting the number of Members who ran for reelection from the House size.

[3] The total running for reelection category includes those Members who sought renomination, but who were not renominated.

[4] For information about the denominators used in these calculations see the methodology section.

Sources: Prior to 1946, all the data were obtained from the Roster of United States Congressional Office-holders and Biographical Characteristics of Members of the United States Congress, 1789–1984 Merged Data. ("The Roster file"). The data were originally collected by Carroll McKibbin and the Inter-University Consortium for Political and Social Research. The Roster file is a machine readable computer data tape. The table was compiled from variables 44 and 83 of the Roster file.

For the period from 1946 to 1986, all data except the information pertaining to open seats were obtained from: Ornstein, Norman J., Thomas E. Mann, and Michael J. Malbin, Vital Statistics on Congress, 1987–1988. Table 2–7 House Incumbents Reelected, Defeated or Retired 1946–1986. Washington, Congressional Quarterly Inc., 1987. p. 56. Data for 1988 were obtained from Congressional Quarterly Weekly Report, v 46, Nov. 12, 1988, p. 3270.

AMERICA'S BEDTIME STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I have recently read some stories pertaining to the sale of more of America's assets, our movie studios—and also read of opportunities which can help America regain strength in the electronics market and training of our work force.

The items I read are linked together—so it brought the following story about "America's Bedtime Story" to mind.

The story goes: Once upon a time there was a magic tinsel town called "Hollywood, USA." All good young boys and girls dream of living there, making movies and playing roles of their heroes and acting out their dreams.

The grand masters of the town were the studio owners who searched and found the boys and girls everywhere, some at the famous Schwab Drug Store where starlets were discovered, and some driving trucks, but they were all found.

Their agents built them up so much—so famous that some boys and girls became beautiful like gods and goddesses—and seeing them become beautiful, more young boys and girls worked, and saved and found their way to "Hollywood, USA" so they too could act out their dreams.

Then one day the "Wicked Witch of the East" captured Hollywood—and the young boys and girls were told—you must dream my dream—do as you are told—you cannot be a god or goddess—you must be working class and owe allegiance to me, to the company—the "Wicked Witch of the East"—and not to America or your dreams.

Say what I say, act what I wish and if you obey and are good—you can be on our TV—perhaps even HDTV. And, if you are very very good, we will let you star on our home VCR's.

The tale ends—goodnight America—now it's time to turn out the lights.

I told you this apocryphal bedtime story to show how important the magic of Hollywood and films are to our lives and—how that special magic in turn affects our trade deficit and business life through our communications and electronics industry.

We literally will be turning out the lights for our industries if we passively let the studios and HDTV along with the double deck VCR slip through our fingers. Slip nothing. We are all but gift wrapping and handing it to them.

Jonathan Yardley assessed the importance of Hollywood in a recent review in the Washington Post called "Tinseltown Imagings." He said, a book he was reviewing by "focusing on how Hollywood not merely manufactures dreams but fixes them in the national psyche gets uncomfortably close to the American bone."

In 1964, Marshall McLuhan who is known as the spokesman for the electronic age, wrote that "the electronic media are subtly and constantly altering our perceptual sense."

He declared "that down through the ages the means by which man communicates have determined his thoughts, his actions, his life."

That statement has become familiar to anyone who is a television viewer or movie buff. It is because of this familiarity that we sometimes forget exactly how important the movies are to America. Hollywood is uniquely an American creation.

Hollywood played an important role in the national psyche as our stars and producers made films, and produced entertainment in support of our World War II effort.

As an early player in efforts to warn the American public on the dangers to our system from attack from hostile forces, Hollywood shaped our values and was literally the morale builder and propaganda apparatus for the war effort.

The film industry seared our national conscience with the movie about displaced people in "Grapes of Wrath," which showed the effects of the dust bowl on American lives. It has—and continues to be a primary force for change in this country.

Americans have traditionally been free to choose films to watch in their homes and films have driven the insatiable market for VCR's as they opened up a new vista of home entertainment.

Today those films are a change agent throughout home viewing on a TV network, or through renting a film from the nearest film store.

Approximately one-third of American homes have at least one VCR. In another 2 years the market should reach the saturation point of 73 percent.

Last year 13.6 million sets were sold to replace older VCR's in the United States and, the world market for VCR's is three or four times larger than the U.S. market.

The VCR's make a lot of movie viewing possible. If we sell the studios and their film libraries to foreign interests, particularly the Japanese who produce 97 percent of the VCR's, then we have ensured the need for their hardware and the entrance of their products into future markets to become a hardened fact.

Under these circumstances their hardware will be in the 73 percent of American homes owning VCR's and the VCR, which is Japan's way of keeping dollars flowing to Japan, will continue to be a channel for dollars to leave this country.

Remember the VCR is 50 percent of the electronics export market for Japan and the electronics market is one-third of their total exports. So VCR's are literally the "Sacred Cow" of Japanese electronics exports.

If we reduce that VCR market—we reduce our deficit and can open up the world markets for America. After all, the Americans first developed the VCR—and now we have a double deck VCR in our future—the one from Go Video.

That double deck VCR will interact with a computer becoming the long sought after personal computer TV. It will help our companies to develop on-the-spot training films to educate our work force—as well as many other

wonderful things in the next four generations of electronics.

It is essential to HDTV. Let me remind you Go Video has the patent on the double deck VCR.

Then why the interest in the American studios—is it just the entertainment market alone?

The films we now have are fine, but with the advent of HDTV, there will need to be another standard of film for the high resolutions of HDTV. That will come from Hollywood—the film studios. Some studios are already using HDTV production equipment.

Who will own the studios? Certainly not the Americans. The HDTV standards will be predicated upon Hollywood film standards. Whoever controls Hollywood controls the standards, and is the arbiter of our dreams—and the stories of our culture.

If they control the studios—what affect will they have on the TV networks, who mostly depend upon Hollywood for their films.

The film library for the VCR's is controlled by Hollywood. At present, there are seven or eight film libraries in the world which we own. We are selling them to foreign interests, and that is not in America's interest.

So, even the choice of films for Americans to watch—our classics, and "Oldies and Goldies" will be in the hands of foreigners.

One step more, is who decides what is made—who stars—and how it is played, how it is said? If something is objectionable, regardless of how slight it may appear, who decides whether or not to buy the story and to produce a film?

Another important question is—who will interpret our culture—Americans—or foreign owners of studios? Will they make classics such as "Yankee Doodle Dandy," "Gone With the Wind," or "The Sound of Music" with American fervor?

It is ironic that foreign owners have the rights to the songs that Americans have hummed and danced to, and the music that got us through our troubled times which include World War I, the Depression, and World War II.

It would seem to me that these films and music are part of our national culture, as is the recent film "War and Remembrance" which was shown on TV this week.

According to a New York Times story, "Hollywood Takes to the Global Stage," the business was "owned and operated by Americans primarily for audiences in the United States." Now, "Hollywood is going global."

It stated the reason for selling was the following:

"Driven by economic, technological, and cultural factors, movie and television studios are aggressively selling their products in fast-growing and increasingly profitable foreign markets."

"At the same time, foreign companies and investors, recognizing Hollywood's unrelenting international dominance of the industry, are starting to snap up studios and production companies in the United States. They believe that owning a piece of Hollywood is the best way to get in on the industry's growth—growth that has been strong internationally and in the United States, the world's largest entertainment market."

What is happening is "the foreign markets interest American producers and the U.S. market interests foreign companies."

Regardless of their interest, I believe the movie industry, which has the largest pool of talent in the world, should remain in American hands.

Buyers of the studios include the Australians who want to build a worldwide entertainment presence. They purchased United Artists, the movie studio founded by Charlie Chaplin, Douglas Fairbanks, and Mary Pickford.

I further question the selling of a studio to some of the other prospective buyers now in the market. C. Itoh, the big Japanese trading company, is involved in the business.

C. Itoh is the company which broke the Cocom agreement, and helped Toshiba sell our sensitive technology to the Soviets. It is one of the companies involved in the Libyan poison gas plant complex. How will this company interpret a film—and who will do its bidding in making a film?

Even Nippon Steel wants a studio.

There is an important point to this addition to the fact that the interpretation of our culture should be in our hands for editing and presentation.

The fact is that what we do with the studios affects the whole electronics industry through HDTV, television, VCR's, and camcorders.

People will be buying the double deck VCR for home editing of films taken on their camcorders—or for developing training films in industry.

The HDTV will affect our mobile phones and other electronic markets. This industry will be a major consumer of semiconductors, as will the VCR. In fact, they are known as the semiconductor hogs because they use so many.

Those products will affect the opportunity for us to once again be viable in the semiconductor industry. They will also affect the R&D to help revitalize the consumer electronics industry—and it will affect the applications for defense.

In recent testimony before the Committee on Science, Space, and Technology, Jules A. Bellisio, division manager of Digital Signal Processing Research, testified that "In the advertising industry, the electronic processing of HDTV signals is already replacing the editing of 35 mm films as a way to produce printed material because of the very significant productivity improvements, even though HDTV work stations cost hundreds of thousands of dollars.

The market for HDTV globally is estimated to be between $40 to $150 billion in 10 years.

It has been targeted by Japan as its next major consumer electronics push and is part of a complete system to provide information in an improved manner.

By the turn of the century it is estimated that at least 175,000 jobs will be created. Bellisio further pointed out that "technology will make possible universal communications highways."

Dr. Russell Means of MIT stated before the same committee that "Electronics communication is the fundamental economic infrastructure of the information age."

He compared the "communication highways" and what they will do in shaping America to the "national system of roads, rails and canals." He also stated that "with the use of the terminology 'high resolution systems' that we have an opportunity to leapfrog ahead of thinking of our competitors in Japan and in Europe."

So therein is the motivation for our bedtime story that our electronics industry, the film studios, HDTV, the television networks, our telephone system, and the VCR's are all locked into a communications highway.

Our electronics industry that employs 2.6 million people will be affected and the indirect employment is over 7 million people. Our film industry is a world leader and supplies the films for our home viewing, as well as the television networks. The VCR's allow us to extend films on television into our homes, to teach and to develop programs for education.

They all affect the semiconductor industry—and probably most of all, who will represent us in films, who will interpret our culture.

Should we turn out the lights as the bedtime story suggests—or should we move to maintain our culture? The studios are part of our communications industry—and they are certainly more than 50 percent of developing an American image.

We can either turn out the lights and end the story or we can reject this fairy tale—and once again be the proud producer of the products that America is known for. With our ingenuity and the spirit of the American people—we can do anything.

If we shaped an upstart nation to be the leader of the free world, we can do it again. The challenge is ours to accept. I will be first in line to sign up.

HOLLYWOOD TAKES TO THE GLOBAL STAGE

(By Richard W. Stevenson)

LOS ANGELES.—United Artists, the movie studio founded by Charlie Chaplin, Douglas

Fairbanks and Mary Pickford, is being acquired by Australia's Qintex Group. International receipts from "The Accused," the Paramount Pictures film for which Jodie Foster recently received an Academy Award, just surpassed domestic box-office revenues. Columbia Pictures Television is co-producing a pilot for a CBS science-fiction series with HTV, a British commercial broadcaster.

Once a business owned and operated by Americans primarily for audiences in the United States, Hollywood is going global.

Driven by economic, technological and cultural factors, movie and television studios are aggressively selling their products in fast-growing and increasingly profitable foreign markets. At the same time, foreign companies and investors, recognizing Hollywood's unrelenting international dominance of the industry, are starting to snap up studios and production companies in the United States. They believe that owning a piece of Hollywood is the best way to get in on the industry's growth—growth that has been strong internationally and in the United States, the world's largest entertainment market. In an illustration of its confidence in the growth of the business around the world, Gulf and Western said a week ago that it would sell its financial services subsidiary and concentrate on its Paramount Pictures and publishing subsidiaries.

"The foreign markets interest American producers and the U.S. market interests foreign companies," said Charles B. Slocum, an analyst at the Writers Guild of America/West, the union for screenwriters. "What you end up with is companies in all countries looking outside their borders."

The growth of foreign markets is changing some of the industry's economic equations and beginning to influence creative decisions. The international appeal of American television programming has become such an important financial consideration that many producers decide whether or not to make a show based on its potential foreign sales. And with increasing numbers of movies grossing more from foreign box-office revenues than domestic ones, studios are starting to cast stars based on their international visibility. Paramount, for example, cast Sean Connery as Harrison Ford's father in the upcoming "Indiana Jones and the Last Crusade" partly because he is a major box-office draw in Europe and other parts of the world.

Foreign acquisitions in Hollywood, for all the attention they generate, so far remain relatively limited in scope. But that could change if big Japanese companies decide to enter the business. The Sony Corporation, which came into the American entertainment market last year with its purchase of CBS Records and is distributing American-made films on a limited basis in this country, has made no secret of its interest in acquiring a studio. Other Japanese corporations, including the Nippon Steel Company, also see Hollywood as a potential area of expansion beyond their declining industrial businesses.

And acquisitions are by no means the only international relationships being forged. Foreign concerns and American producers are quietly linking up through financial deals, joint ventures and co-productions that are also contributing to Hollywood's increasingly international character.

The combination of foreign ownership and growing international markets is "arguably as fundamental a change for the industry as the advent of color," said Christopher Skase, the chairman of the Qintex Group of Australia, which has agreed to pay $600 million to acquire United Atists and its film library from the MGM/UA Communications Company. "It's a quantum leap in the nature and scale of the business."

The globalization of Hollywood is part of the broader worldwide consolidation of the media and entertainment industries. In an era when corporations in many industries believe biggest is best, media and entertainment companies are trying to expand by crossing national borders and becoming more integrated. Broadcasting companies, for example, want to own the production companies of the programs they show, and producers are buying television stations and movie theaters.

Globalization is also coming at a time when worldwide demand for entertainment programming—"software," to use the computer jargon now popular in Hollywood—is expected to rise rapidly.

"There is much more market potential worldwide," said Rupert Murdoch, who bought the 20th Century-Fox Film Corporation in 1985 as an Australian and later became an American citizen. "There are improvements in living standards, new developments in technology, increases in leisure time and deregulation of broadcasting."

For Hollywood, the emergence of new and larger foreign markets and the increased revenues they bring have been greeted with glee, even though the question of foreign ownership is viewed more warily. The entertainment industry has always welcomed financing from almost anyone willing to provide it. But in the last decade, many people in the creative community have been uneasy about the absorption of many studios and production companies into larger corporate entities; they fear that artistic considerations will be sacrificed on the altar of market research and net income. Those same people worry that control of production will be that much further removed from their hands by foreign owners.

"It is weighing heavily on a lot of people's minds," said one top Hollywood deal maker, who asked not to be named.

So far, the Australians have been the most aggressive in making acquisitions in the United States, although the British have not been far behind. It seems a natural fit: the common language and the rapid growth in those two nations' domestic media industries are spurring demands for more programming.

In addition to the Qintex Group's deal to acquire United Artists, the parent company of Australia's Network 10 broadcasting concern last month bought a controlling stake in Barris Industries. Once known as the maker of "The Gong Show," Barris has more recently been run by Jon Peters and Peter Guber, who made "Rain Man" and other hit films.

An Italian financier, Giancarlo Parretti, last year took control of the Cannon Group, once a high-flying maker of the low-budget films that has fallen on hard times. Mr. Parretti then acquired a French film company, Pathé Cinema, and wants to buy more entertainment companies. Earlier this year he bid unsuccessfully for New World Entertainment Ltd., the maker of the hit television show "The Wonder Years."

Britain's Television South P.L.C. last year bought MTM Entertainment, the production company co-founded by Mary Tyler Moore.

But it is the possible arrival of the Japanese that really has Hollywood buzzing. Rumors continue to sweep the industry that Sony wants to buy MCA Inc., the parent of Universal Studios, or Columbia Pictures. Nippon Steel, which is already building a theme park in Japan with MCA, has sent executives here to study the entertainment business.

Some of the Japan's largest companies, including C. Itoh & Company, the huge trading company, are financing American films for big studios and independent producers, while others, including Dentsu Inc., the advertising agency, are looking for ways to gain a toehold in the business.

The international deals most in favor now—and those that seem most likely to expand quickly—are agreements between American and foreign companies to co-produce television programs. While most of the action is with companies from Western Europe, the Soviet Union's state programming arm last week agreed with MGM/UA Television to make a four-hour mini-series about a joint Soviet-American flight to Mars. It is scheduled to be shown in this country on NBC in 1990 or 1991.

The growing pace of foreign investment in Hollywood is coming at a time when sweeping changes in European media, particularly television, are driving home the importance and financial potential of foreign markets. And demand for programming from the United States is up sharply.

The major change has come with the deregulation of broadcasting, which has allowed commercial television networks to spring up across Europe to compete with staterun outlets. Technology is also changing the European market; in Britain, for example, viewers can now receive a signal beamed directly to their home via satellite. All the new broadcasting outlets have created heavy demand for relatively inexpensive programming to fill the air waves, and American shows and movies are popular and cheaper than making original programming.

Although the French, in particular, have been pushing in European Community quotas on the importation of television programming, European trade ministers last week agreed on vaguely worded rules that require broadcasters to have a majority of European programming "when practicable." Most American producers do not believe that rule will have any significant effect on the market because of the vagueness of its wording.

And that would be welcomed because international considerations seem to become more compelling to Hollywood every day. International film distribution revenues are steadily catching up with demestic distribution revenues. Of total worldwide film distribution revenues. Of total worldwide film distribution revenues of $3 billion last year, $62.5 percent came from the United States, compared to 67 percent in 1985.

In television, sales of programming to foreign broadcasters last year were $1.3 billion, up 30 percent from 1967. That is expected to reach $2.3 billion next year, according to Security Pacific Merchant Bank.

The growing markets are all over the world, with new opportunities created by the spread of technology ranging from satellites to cable and videocassettes. And new geographical markets continue to open to American movies and television shows, particularly in Asia.

"There are more and more opportunities coming about because of the changes abroad," said Martin S. Davis, the chairman of Gulf and Western Inc., the parent of Paramount Pictures. "It's not just Western

Europe. You have to think about being anywhere there's a screen."

The changing environment is having an impact even on American companies not involved in foreign acquisitions. Spurred partially by worries of possible takeovers by foreign media and entertaiment concerns, Time Inc. and Warner Communications Inc., parent of the Warner Bros. Studio, agreed to merge and form a presumably takeover-proof communications giant.

Foreign media or entertainment companies wishing to join in what most think will be a worldwide boom in the sale of programming during the 1990's have little choice but to link up with Hollywood. That is because only Hollywood makes films and television programs that are consistently successful all over the world.

"Japanese films, for example, can be very artistic, but they don't have an international marketability," said Toshihiro Nagayama, the chief executive of the CST Communications Company, a joint venture of three large Japanese companies—C. Itoh, Suntory Ltd., and Tokyo Broadcasting Systems Inc.—that has invested in American films produced by MGM/UA. "There's a demand from every corner of the world, including Japan, for American products."

American film companies took in $1.13 billion in revenues from the distribution of films abroad last year, up from $800 million in 1985 and $1.05 billion in 1987.

Part of Hollywood's global advantage is obviously its uninterrupted reign as the industry's capital. The biggest and most experienced pool of creative and production talent is here and the world's most extensive technical facilities are here.

"Electronic communications can provide some geographic diversification, but a service industry such as the entertainment industry depends on people being able to perform their services in person," Mr. Slocum said. "There are more geographic constraints on developing a script, casting a movie and discussing set designs than on manufacturing cars, television sets or clothing."

Hollywood has some built-in economic advantages, too, when it comes to playing on the world stage. The very size of domestic market—box-office receipts in the United States last year were $4.46 billion, representing slightly more than one billion admissions—helps producers spread the cost of making a film over a much larger base than producers whose home markets are smaller. That means American producers, even if they never get a dime from foreign markets, can afford to spend more on production. And higher budgets mean more of the things that draw people to theaters: big stars, stunning sets and locations, special effects and strong writing and production talent.

American studios and production companies also have the world's most extensive film and televsion libraries, which can provide a steady steam of revenues even if current projects flop. And major American studios have powerful marketing and distribution systems to get films into theaters and on the air all over the globe.

"There are only seven major film libraries and studios in the world," Mr. Skase of Qintex said, referring to the Walt Disney Company, Paramount, MGM/UA, Warner Bros., 20th Century-Fox, Universal Studios and Columbia Pictures. "Because it has taken 50 or 60 or 70 years to create those companies, it is reasonable to assume that there won't be an eighth or a ninth or a tenth."

For most of the foreign companies that have made acquisitions in Hollywood, the allure has been both to find a vehicle for participating in industrywide growth and to own a source of programming for existing broadcast outlets. That was one reason why Northern Star Holdings Ltd., the parent company of Australia's Network 10, jointed forces with the Westfield Capital Corporation to buy a controlling stake in Barris last month. The price was $34.5 million.

Australia's Lowy Family, which controls Network 10's parent, "decided we ought to have a base in the U.S. and global entertainment business." said William A. Carrick, president of Network 10's United States operation.

"Building on the creative talents of Jon Peters and Peter Guber, we want to build a worldwide entertainment business in a rational and measured way," he said. Moreover, he added: "If you're in the television business, you need a steady supply of products. So it makes an enormous amount of sense to our Australian television network" to be linked with an American program producer.

As part of its deal to buy the Barris stake, Network 10 will be able to show all of Barris's movies and television programs, which Mr. Carrick said will expand to include more television movies and mini-series.

Many film makers can now command higher, prices in selling the international rights to show their movies on television. The foreign markets, are growing even more important economically to makers of American television programs.

The major American television networks, hurt by declining ratings and soft advertising demand, have been holding the line on the fees they pay producers for programming, even though production costs are up. Producers have also been hurt by weak demand for reruns, which generate the real money in television.

Increased revenues from abroad are allowing producers to reduce or eliminate the deficits they incur from the difference between the cost of production and what the network pays for the program. Some studios now have a policy of not making shows when foreign revenues will not cover all or most of the deficit.

"It's a very major part of the decision to make or not make a pilot or a series," said Colin P. Davis, the president of MCA TV International.

Twentieth Century-Fox decided two years ago not to make a series called "Rags to Riches" for economic reasons. New World Television later agreed to make the show for NBC, largely because it believed the show had more foreign potenital than Fox saw. (The show was later canceled by NBC.) Some industry executives see the day approaching when a show could be made in the United States primarily for distribution abroad, with sales in this country seondary.

For now, though, American tastes still call the tune in entertainment, a situation that is not likely to change in the near future.

"American culture is the only true mass world wide culture," said Sharon L. Patrick, head of the communications and entertainment practice at the consulting firm of McKinsey & Company.

BUYING A PIECE OF TINSEL TOWN—SOME HOLLYWOOD ACQUISITIONS BY FOREIGN INVESTORS

Studio	Buyer	Country	Price in millions	Year deal was completed
United Artists [1]	Qintex Group	Australia	$600.0	1989
20th Century-Fox	News Corporation	do	575.0	1985
MTM Entertainment	Televison South P.L.C.	Britain	320.0	1988
Cannon Group	Giancaro Parretti	Italy	200.0	1988
Barris Industries [2]	Westfield Capital/ North Star Holdings.	Australia	34.5	1989

[1] Announced but not completed.
[2] Controlling interests.
Source: Company reports.

□ 1730

SAVINGS AND LOAN BAILOUT

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

Mr. OWENS of New York. Mr. Speaker, the savings and loan association scandal is still very much an important item on the agenda of the decisionmakers here in Washington. If Members look at television or listen to the radio, they would not believe it was still an item proceeding through the decisionmaking processes.

I would like to associate myself with the remarks of the previous speaker in terms of the tremendous role that the media plays in shaping the thinking of the American people. Our culture, our values, our thinking is shaped by the media. The fact that the television stations choose not to deal in any great depth with the savings and loan scandal is of great concern to me. The fact tion radio talk show hosts are ignoring this matter of the expenditure of $157 billion, at a minimum, of the American taxpayers' money is of no concern. It does not arouse a great deal of interest and discussion. It is quite baffling. The Harris Poll shows that the majority of the American people do know something about the savings and loan association scandal. They do not want their taxes to be spent for this bailout. Maybe the American people really know some things that Congressmen do not know, because this Congress, the process is moving systematically, and in some cases much too rapidly.

The other body, the Senate, passed a bill with only 3 days of debate and, of course, it is now in the House. It has gone to the Subcommittee on Financial Institutions supervision, regulation and insurance, and the Committee on Banking, Finance, and Urban Affairs has now passed the President's bill with amendments, and that has now been referred to the Committee on Ways and Means and the Committee on the Judiciary, who I do not

think are going to spend that much time on it.

So we will have it on the floor of Congress probably by the end of this month or the first of next month. Yet there is very little discussion of this monumental bill. This is not just another bill. This is a bill which has an authorization proposed of $157 billion. I do not think there has been a single item in peacetime, ever, to have a price tag of $157 billion.

I am not here because I am a member of the Committee on Banking or a member of the Committee or of the Committee on the Judiciary. I am here because, first of all, I am a concerned taxpayer and I do not like the idea of $157 billion of the taxpayers' money being spent to bail out banks, providing welfare for the banks, subsidizing banks, intervening in the public sector. Never before has there been a proposal that the public sector be called upon to bail out the private sector, and certainly not in such great amount. I think the Chrysler bailout was less than $2 billion and that was a loan. That was supposed to be repaid, and the Chrysler loan was repaid. New York City was loaned money to bail out New York City at the time when they had a financial crisis. That was a loan even though it was to a public entity, it was a loan. New York City paid back the loan. Now we have a situation where more than 400 savings and loan banks have absconded with the money, dissipated the money in various ways. It is just not there. It is gone. The taxpayers are being asked to replace it. This is not a loan. It is a giveaway. It is a giveaway which will involve generations to come. Not just now, but people to come; $157 billion bailout in obligations the President is asking Members to assume, and they say much of that will be a matter of bonds that will be sold and they will be paid back. It is an obligation that has to be assumed. One thing we know, the interest on $157 billion in bonds must be paid by the taxpayers. What we do not know is how much of the principal will have to be paid because if the savings and loan banks continue to fail, they will not be able to pay back any of the money. If the liquidations of the assets do not produce any revenue, any money, then that money has to be made up by the taxpayer. We are talking a minimum of $157 billion, and the chairman of the Committee on Banking, Housing, and Urban Affairs [Mr. GONZALEZ] estimates it might go as high as $335 billion.

Are we going to let this proceed routinely? I am here not only as a concerned taxpayer, but I am here, an empty-handed Congressman. For 7 years I have been here in Congress. For 7 years I have had to go back to my constituency and tell them we cannot do anything about problems which are most important to the constituents, we cannot get help from the Federal Government because they have a deficit. The deficit is a primary preoccupation. We must not spend any more money for education, although education is really at the center of the Nation's national security effort. If we do not have educated people to run our complicated weapon systems then they will blow up on us. We will have more and more accidents like the ones we have been experiencing. If we do not have educated people to build the weapon systems, the B-1 bombers will continue to fall out of the sky the way they are. We will be calling on new appropriations to help fix the problem of the B-1 bomber; $2 billion some Member proposed. I think they should be junked because they are obsolete, but we continue to make the wrong decisions. If we do not have more educated people in the pipeline at every level, as technicians, mechanics, scientists, theoreticians, the space program will continue to bog down and have tremendous difficulties.

So we have been draining our resources that are directed at problems that are critical. Certainly education, I serve on the Committee on Education and Labor, I know of some of the problems most of the school systems in this country are either inadequate or they are collapsing totally. Our best school systems are inadequate when they compare to international systems, when they are held up to international standards. When we compare the performance of our best students in the area of science and biology, those students do not measure up to students in other industrialized nations. A recent math and science comparison showed that students in Korea were at the very top. Students in the United States were at the very bottom. Only two other countries were below the United States. When they make comparisons with respect to geography, we get the same kind of problem. Our students in the best schools, our best students are not able to meet international competition. Our students in the worst schools are getting absolutely no significant education. Students in the worst schools get no education relevant to the modern society.

There are systems, like the system in Chicago, on the verge of total collapse. There are systems like the system in New York which is a two-part system. We have some of the best schools in the Nation, about one-quarter of our schools, and the other 75 percent are in total disarray and collapse. States must do more. They are doing a great deal. I think our State has been very generous in helping. The city government is taxed to the point where it will not be able to do much more in education, and like entities across the country like local school boards across the country, the only way we will get help with modernizing our school systems is to look to the Federal Government for a tremendous imput of new capital and new expenditures.

We cannot have a modern system able to meet the modern standards and competition of this modern age without more help from the Federal Government for education. The government, Federal Government, now boasts that it spends only 6 percent of the total expenditure for education. When Members look at all the expenditures by the State governments and city governments and the Federal, our Federal expenditure is only 6 percent. We boast about that, and education is really a local responsibility. Why should the Federal Government get involved? I think that kind of thinking is quite obsolete, and only guarantees we will have more difficulty in our competitive area, competing in the industrial and commercial area, and only guarantees we will have more difficulty with the space program and more difficulty with military hardware also.

So instead of putting the money where it needs to go, we are about to put $157 billion into a proposition which buys nothing. What do we get out of it? Nothing. Even the Sergeant York gun, a bad investment, at least there was steel and some metal that could be melted down when the Sergeant York fiasco was over and they decided finally Sergeant York was no good, but there was something to see, and some dreamer's vision of a better weapon.

What do we have to show after we spend $157 billion to bail out the savings and loan banks? What do we have to show? Absolutely nothing. Even the B-1 bomber was a dream that went bad. The MX missiles that are obsolete, we can all at least quarrel about the wisdom of one weapon system or another, and have steel and hardware, that is bad enough when there are bad decisions made in those areas. Here we have a savings and loan association scandal, the biggest rip-off in the history of the Nation, and we will have nothing to show. No collateral for the American people. This process is going forward, and the House, as I said before, the Committee on Banking, Finance and Urban Affairs, is all finished up. It will be coming to the floor soon.

□ 1740

This will be coming to the floor soon. There are several dozen Members of the House who have signed a letter to the Speaker asking that a task force be set up composed of the chairman of the Committee on Ways and Means, the chairman of the Committee on the Judiciary, the chairman of the Committee on Energy and Commerce, and a few other Members to

take a hard look at this bill and this process, to slow it down. We say that we do not need to move so rapidly. We do not need a stampeding process.

The same Members have asked, when this comes to the floor, for a minimum of 10 hours of debate. In the past, the more important a bill is, the less time we have to debate it on this floor. We are not so much in need of time; we have not spent that much time on important matters in this House this year. We have plenty of time. We had 10 hours of debate on the base closings bill. We should have far more time on this. We should have a minimum of 10 hours of debate when we have to face the consideration of a $157 billion authorization.

Before we even get to the floor, where is the discussion? We should have far more discussion taking place. As I said before, the television and the radio have not discussed it fully, but even here in Washington, where is the public debate? Where are the conservatives on this very important issue with respect to an intervention by the Government into the private sector?

The Government is being asked to pour in enormous amounts of money to bail out the private sector. Where are the conservatives? Where are the experts at the Heritage Foundation and the Brookings Institute and the Hoover Institute? Where are the laissez faire economists? Where are all the economists who insist that the best thing to do with the economy is to leave private industry alone and not touch it? Where are all the people, now that we are about to pour in $157 billion of the taxpayers' money to bail out the private sector, to subsidize the banking industry? Where are all the people who call for laissez faire economics?

When it looks like we are going to have socialism through the back door, it seems we are always worried about socialized health care and other forms of socialism, but here we come through the back door, in the hallmark, the palaces, the tower of capitalism, and through the banks we are going to start socialism, we are going to have a national banking system buttressing the banks with taxpayers' money.

Where is the debate on this? Where is the discussion? I would like to hear an explanation from people who know about business and who know more about economics on what we are doing and where this is going to go.

Are we going to eventually end up in a situation where many of the corporations that were discussed by the previous speaker, corporations that are being bought by foreign governments, at some point will be bought back? Are we going to be here in the House with a bill proposing to buy them back? Are we going to buy them back from the foreign governments because it is our patriotic duty to do it?

Where is this intervention into the private sector going? Where are the authors of Gramm-Rudman-Hollings with respect to the fact that this bill that is proposed of $157 billion is going to be discussed and negotiated without any consideration of this year's budget?

They say it is off budget, so being off budget, we do not have to discuss it. Being off budget implies that it is going to come from some part of the money that is not in the U.S. Treasury. But it all comes from the U.S. Treasury, it all comes from the pockets of taxpayers. How can we not discuss a $157 billion commitment in the budget process?

Do we have some guarantee, or do we have some honest discussion about the impact of this year's budget, the budget that become effective on October 1, or are we going to have to pay interest on the bonds that are sold that early? Certainly by next year, when we consider the budget for the next fiscal year, we are going to have to discuss at least the impact of the interest payments. But there is no discussion because it is going to be off budget.

How are we going to deal with Gramm-Rudman-Hollings, seeking to put some kind of parameters or controls on spending? How do we deal with that when we have a $157 billion obligation and they call it off budget? Do they have a new kind of Gramm-Rudman-Hollings to apply off budget? What is the impact of this expenditure?

As we talk about the interest costs or some of the principal that will have to be absorbed as our plans go awry and we do not see the money being generated in any other way, is that going to come into the process and be applied against all the nondefense expenditures? When we get cuts in the fall, are we going to do as we do now with defense on one side and nondefense on the other side so that each one has to take a cut of 50 percent? The defense side seldom takes the same cut, but let us assume we have a 50-percent cut in the nondefense programs; will the S&L programs be thrown in with the nondefense programs so that the cut on all other existing programs, nondefense programs, is going to have to be greater to compensate for about $4 billion in interest costs per year that the S&Ls will take?

Are we ready to close down Washington? Are there no more decisions Congressmen can make after we make this kind of obligation? We proceed with this bill as if it was just another bill and yet it will set the parameters for everything we do that is important in the next 4 years at least, probably within the next 10 years. To take a $157 billion hit, to have the process endure that kind of absorbtion of a new obligation of that kind means that there will be no money for new initiatives. If the President wants to be the education president, as he says, where will he get the money for new initiatives in education? Certainly he did not propose any new funding for education this year.

Once we have had the impact of the scandal, once we have seen the impact of the savings and loan association bill out here, there will be no money for education initiatives or any other kind of initiatives unless we make drastic cuts somewhere else. Even if we are able to make cuts in defense as a result of the thaw in the cold war, as a result of our common sense beginning to prevail over the nonsense that has prevailed in decisionmaking about overseas bases, with $150 billion having been spent on overseas bases, we have to remember that most of those bases are located in Japan and Germany. Germany and Japan are our competitors in the commercial sector.

As the previous speaker said, large amounts of our country are being bought up by the Japanese. They have the money partially because we are paying for their defense. We have been doing this for quite a while. Any sophomore in high school can demonstrate the stupidity of continuing to pay for the defense of German and Japan while they are competing with us in the commercial sector.

□ 1750

However, Mr. Speaker, we go on doing it. Somebody is making a lot of money out of it somewhere. I do not know where or how, but we are locked into it, not by some kind of animal instinct. There must be something in it somewhere for somebody. I cannot understand it, but it continues to go on.

If we decide to come to our senses, and we stop spending that $150 billion unnecessarily and save money in the defense area, is that money going to be available to put into new initiatives in education? To make a better deal for catastrophic health care for senior citizens? Is it going to be available to take care of women, infants, and children's programs? Is it going to be available to increase the amount of money we spend on Head Start? Or are we going to have to take any savings made in the defense sector and move them over to cover the costs of the savings and loans bailout?

Mr. Speaker, these are critical questions, and nobody wants to duscuss them. Well, where are the conservatives? Now is the chance for the conservatives to come to the aid of their country it seems to me and defend us from this intervention which is so costly.

This is a very costly intervention. In the 7 years that I have been here I

have heard a lot about big spenders, about big spending. Here is the biggest spender of all. The President is the biggest spender of all in proposing this $157 billion bailout. The biggest piece of spending that is taking place yet, and where are the budget study groups and all the people who worry so much about extra pennies going into school lunches? Where are the people who debate endlessly about having cuts on welfare programs and welfare reform, where you squeeze people down to the point where they can barely survive? Where are all those people now that we are about to give welfare to the banks to the tune of $157 billion?

Mr. Speaker, I think it is important to note that this is a very complicated subject. It is a very complicated enterprise. It is easier to confuse people, and part of the problem may be that our people are confused to the point where they do not ask their Congressmen any questions, so we do not bother to bother ourselves about the situation.

There have been some developments which throw some light on what is going on, and I would like to share some of that tonight. I think that it is very important that several dozen Members are studying the situation closely. These are the persons, Members of Congress, who have called for a discussion in the Democratic Caucus. They have also called for the task force to be set up which goes across committees. These same Members have called for a minimum of 10 hours of debate when the bill comes to the floor. I think that is important.

I think it is important also that members of the Committee on Banking, Finance and Urban Affairs, like the chairman himself, have issued statements showing that they have great disagreement with the estimates that are being made by the President. Whereas the President's bill estimates the total obligation to be about $157 billion, the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ] estimates that it may be closer to $335 billion.

Another member of the Committee on Banking, Finance and Urban Affairs, the gentleman from New York [Mr. LAFALCE], recently issued a report which throws a great deal of light on the subject. This is as a result of deliberations in the subcommittee and, later on, his participation in the process of the markup at the committee level.

The gentleman from New York [Mr. LAFALCE] states that: "We are losing sight of what should be some of our primary goals in this legislation, and those goals are to minimize the taxpayer costs and to insure an equitable sharing of the burden. Judged by these two standards the President's plan simply does not measure up. The cost estimates in the President's plan," the gentleman from New York [Mr. LAFALCE] says, "the cost estimates for necessary case resolutions are deceptively low."

The gentleman from New York [Mr. LAFALCE] explains that, "While the administration maintains that the cost of its plan will be approximately $90 billion at that time, now it's 157, and the analysis of the Banking Committee staff indicates that the total cost before subtracting the estimated revenues will be approximately $335 billion including the costs of the financing of corporation bonds, Federal savings and loan corporation notes, assistance agreement guarantees, future assistance, and purchase of zero coupon bonds."

The gentleman from New York [Mr. LAFALCE] argued that the administration has not added into its picture; the picture of the cost interest, interest that will accrue over time on the additional debt that is being incurred. Additionally, the U.S. taxpayer is the ultimate backstop for costs associated with all of the past deals.

Mr. Speaker, there were great deals made in 1988, and the costs for all of those deals the U.S. taxpayer will have to take care of. The Bank Board acknowledge in 1988 that there were 515 insolvent thrifts. Losses they acknowledged at that time total $22 billion. Private economists estimated that it was about $60 billion. As the Bank Board raised its losses, of course we knew that the losses were even greater. At the year end in 1988 there was a flurry of deals where financiers and Wall Street investment bankers were given sweetheart deals and giveaways. It is estimated that the Bank Board, its proposed liquidations and selloff of these institutions, will obligate us to the tune of $40 billion in future payments.

Mr. Speaker, those payments must also be figured into the cost, which is what the gentleman from New York [Mr. LAFALCE] is saying. To continue with the statement of the gentleman from New York [Mr. LAFALCE]:

"The bonding mechanism that the President has proposed is both fiscally irresponsible and morally reprehensible." There are the words of the gentleman from New York [Mr. LAFALCE], a member of the Committee on Banking, Finance and Urban Affairs. "The bonding mechanism is both fiscally irresponsible and morally reprehensible and will significantly increase the cost to the American taxpayers."

What is he saying? He is saying that the President and the Congress are passing the costs on to our children and granchildren, and in the process they are crafting a plan with far higher costs than would otherwise be necessary. Essentially the gentleman from New York [Mr. LAFALCE] said that Congress, and the President have decided to use bonding to cover the cost of present and past expenditures even though the difference in costs between direct appropriations and bonding would amount to as much as $150 billion over 30 years.

Translated into lay English what the gentleman from New York [Mr. LAFALCE] is saying is that, if we were to go ahead this year and next year and take the responsibility, put the obligation on the budget, raise taxes to pay for it, pay it off, we can save $150 billion over a period of 30 years.

To continue with the statement of the gentleman from New York [Mr. LAFALCE]:

"Point three: The taxpayer contribution is significantly understated in the President's plan. Taxpayer contributions, significantly understated. The industry contribution is overstated, and other legitimate sources of income, such as the States, are not taxed."

The gentleman from New York [Mr. LAFALCE] charged that the plan is based on the idea that healthy thrifts will remain healthy and be able to refund the FSLIC, the Federal Savings and Loan Insurance Corporation, but the gentleman from New York [Mr. LAFALCE] says that a few of these institutions may make it. Further, he adds that, if interest rates are higher than the Bush administration now projects, our deposit growth in the S&Ls is lower. The taxpayer will fill in the void. Greater cost to the taxpayer.

Point four from Mr. LAFALCE's statement:

"Efforts to draw in private capital to help minimize the resort to taxpayer funds are inadequate. The President is not calling upon the private sector to bail out its own colleagues. The President is not calling on the private sector to keep capitalism healthy. He's not saying that we want to avoid socialism of the banking industry. He's not building into this plan incentives or some kind of mandates and obligations for private industry to take care of the problem."

After arguing for years against accounting gimmicks and sleight of hand capital standards, the gentleman from New York [Mr. LAFALCE] said, "The President is now in the anonymous position of warning that we cannot wipe the slate completely clean in one quick blow without doing unnecessary damage to viable institutions and increasing taxpayer costs."

He is saying we cannot wipe the slate clean in one quick blow without doing unnecessary damage. If we wipe the slate clean in one or two quick blows, we will eliminate a large part of the costs for the taxpayers.

The gentleman from New York [Mr. LAFALCE] also adds that it was primarily State-chartered institutions with

broad powers and lack of supervision that caused this crisis. Under the dual banking system the gentleman from New York [Mr. LAFALCE] insisted that States should have obligations as well as rights.

□ 1800

The whole issue of State responsibility is one that also is not being discussed and should be put on the table in fairness to the American people.

One article that appeared in USA Today on Wednesday, May 3d, is entitled, "S&L Bailout; Money Goes From the Rust Belt to the Sun Belt." It is a very short item. I am going to read the item, but I will ask that it appear in the RECORD.

[From USA Today, May 3, 1989]

S&L BAILOUT: MONEY GOES FROM RUST BELT TO SUN BELT

Northern taxpayers will foot most of the more than $100 billion bill for the nation's savings and loan bailout, although most failing S&Ls are in the Southwest.

Thirty-six states and the District of Columbia will pay more than they take in from the bailout, while 14 states will receive more than they pay.

This means the Rust Belt will subsidize the Sun Belt. The per-capita cost for Connecticut, for example, will be $479, while New Mexico will receive $2,728 per person. Washington, D.C., will lose $471 per person, and Arkansas will gain $2,357 per person.

How much some states will gain or lose:

Biggest winners:	*Billions*
Texas	$31.0
Arkansas	5.6
New Mexico	4.0
Louisiana	2.8
Arizona	2.5

The money will flow into their States to bail out their banks.

Biggest losers:	*Billions*
California	$7.6
New York	6.4
Michigan	3.2
Pennsylvania	3.2
Ohio	3.1

Source: Cleveland State University.

Now, these poor depressed Rust Belt States are going to be forced to bail out the Sun Belt States, just one other interesting phenomenon taking place from this historical bailout.

I think it is also hard for people to comprehend what happened when we had our leaders continuing to insist that this is not a matter of thievery. In most cases people did not steal the money. These are leaders who made those statements.

On the other hand, there are analyses that show that in 80 percent of the failing banks, fraud is the problem. Fraud is the major problem in 80 percent of the failing banks.

Why do we keep insisting that there are no crooked deals involved here? Why do we keep insisting that bookkeeping errors and sloppy management could result in a situation where billions and billions of dollars are lost? Why do we insult the intelligence of the American people by saying that banks hire people who do not know how to keep books? Banks do not hire people who do not know how to keep books. You do not get into a bank unless you know how to keep books. Banks do not hire accountants who do not know how to do accounting.

If the books are kept in a sloppy manner, if the books and records are inadequate, it is because somebody has prepared that setup. They have allowed it to happen in order to cover up something.

So the assumption is whenever a bank goes bad, whenever a bank fails, the first assumption should be that incompetence and fraud are the same. The first assumption should be that investigations should go forward.

The first assumption should be that the bank as an institution is guilty until proven innocent.

The first assumption should be to go in and as you look for the fraud, look for the crookedness, as you put the pressure on, you might find it possible to recover a much greater percentage of the money.

People do not understand how honest, forthright bankers in savings and loan associations, which are usually situated in communities where they have some connection with the local people, they are upstanding citizens, at least they seem so, they do not understand how we can have this massive fraud, this massive thievery. They do not understand what I mean when I say we are faced with a phenomenon where we have a network of racketeering enterprises, a network of racketeering enterprises that rip off the American people. They use the fact that the taxpayers' deposits up to $100,000 per person per institution are guaranteed by the Government. They use that fact. They abuse it. They misuse it and they rip off the American people, a network of racketeering enterprises.

If you read the New York Times, we should be grateful for the New York Times Sunday Magazine, April 23, 1989, there is an article by Alan Pusig. Alan Pusig was a star reporter at the Dallas Morning News. The title of the article is "Fast Money and Fraud, Bloated Deals on Condo Corridor Wreck a Dallas Savings and Loan Association."

If you read this, you will see how it was done in one place. You can see how a house painter, a man named D.L. Faulkner, a former house painter, in the article it says he could barely read and write, but he understood one thing. If you get control of the decisionmaking in a savings and loan association with millions of dollars, then you can use that control to become a multimillionaire, and Mr. Faulkner became a multimillionaire.

In the process, many people were involved, those who estimated the land at too high a cost, those who presided over the transaction, the title search companies, everybody along the way was in on the deal and many of them knew that they were doing things wrong, but as long as the ultimate product was going to be the production of a large amount of money to cover the deal, the ultimate product was the savings and loan that was going to make the loan, everybody chimed in. They got their cut, and not only Mr. Faulkner became a multimillionaire, a lot of other people became millionaires.

If you read the New York Times article by Mr. Alan Pusig and how they turned it over, how they used their influence, and then when they had milked one savings and loan association dry, they used the connections with savings and loan associations in other parts of the country to pull in from other parts of the country the money that they had and they also milked them and were the cause of their failure.

If you read the article, I think Mr. Pusig is a very clear writer. He makes a very complicated process clear to a layman, and you have some better understanding why this was not a problem created by incompetence, not a problem created by simple people who got overwhelmed by the collapse of the oil economy. It is a problem created by cold-blooded calculating racketeers. Racketeering enterprises have produced this crisis.

So I think the article, which I will not submit for the RECORD, I will just repeat that is the New York Times Sunday magazine of April 23, 1989. The title of the article is "Fast Money and Fraud, Bloated Deals on Condo Corridor Wreck a Dallas Savings and Loan Association."

As I said before, in closing, this is a monumental bill. There is nothing like it in the history of the country. I think Teapot Dome, the Watergate and a number other scandals are small stuff when you compare them with what is involved here.

We are assuming obligations which will go on and on for a long time. We are spending tremendous amounts of money, interjecting them into the private sector, taking them, literally highjacking the taxpayers, because the taxpayers have nothing to say about this, taking the money away from them and putting it into the hands of bankers who have not been made to pay.

If you had greater prosecution, all those owners of the savings and loan associations, all the people involved would be put on the spot and forced to make good, and the revelations would reveal who the guilty parties are, we could sue and get some of the money back. If we had greater investigations and prosecution, we could pinpoint where the independent accounting

agencies went wrong. You could pinpoint where the local accounting agencies or the staff went wrong. You could pinpoint guilt and force many of the people to pay back large sums of money, either through a civil suit process or a criminal prosecution process, and more money could be recovered.

Certainly if you read the article in the New York Times Sunday magazine, you will understand that poor people, the average American taxpayer was not in on the deal. They were not part of the criminal conspiracy.

□ 1810

They were not part of the racketeering enterprise. There are people and groups that can be identified as groups. Accountants ought to be made to pay more; independent accountants involved should be make to pay some part of this cost; as groups, the real estate dealers, as groups, the title search people, the people who gave the land estimates, the condo builders, and there are whole groups of people who still have millions of dollars as a result of what they made out of these racketeering enterprises, and they should be made to pay.

As we go forward and this bill is brought to the floor of the House, I hope that the debate will be enlarged. I hope that the conservatives will consider their responsibility to explain their position. I hope that the authors of Gramm-Rudman-Hollings will come and explain to us what the impact of this bill will be on their basic approach and philosophy, what they intend to do about the off-budget item, the $157 billion cost, and I hope that most of all the American people will have the help of radio and television to fully throw the spotlight on this monumental obligation of their taxpayer money.

Mr. Speaker, I hope that we will not be a part here in Washington of continuing an enterprise which has a great question mark over it, an enterprise a large part of which I consider to be a racketeering enterprise. We want no part of it. We must throw light on it. We must have the maximum debate here in Congress.

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

Mr. INHOFE, for 60 minutes, today.

Mr. HORTON, for 5 minutes, today.

Mr. SCHIFF, for 15 minutes, on May 11.

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

Mr. PEASE, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 60 minutes, on May 15, 16, 17, and 18.

EXTENSION OF REMARKS

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

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

Mr. CRANE.
Mr. YOUNG of Alaska.
Mr. MCDADE.
Mr. MICHEL.
Mr. SMITH of Vermont.
Mr. PORTER.
Mr. BUECHNER.
Mr. WHITTAKER.
Mr. HORTON.
Mr. DUNCAN.
Mr. MCEWEN.
Mr. GRADISON.
Mr. MARLENEE.
Mr. BARTON of Texas.
Mr. FRENZEL.

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

Mr. BONIOR.
Mr. FASCELL.
Mr. MAZZOLI.
Mr. HAMILTON.
Mr. DELLUMS.
Mr. COLEMAN of Texas.
Mr. RANGEL in two instances.
Mr. STALLINGS.
Mr. MATSUI in two instances.
Mrs. SCHROEDER.
Mr. TALLON.
Mr. ACKERMAN in three instances.
Mr. LAFALCE.
Mr. SKELTON.
Mr. MAVROULES.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 65. Joint resolution designating June 12, 1989, as "Anne Frank Day," to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.R. Res. 135. Joint resolution to designate the week beginning May 7, 1989, as "National Correctional Officers Week."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 68. Joint resolution to designate the month of May 1989, as "Trauma Awareness Month."

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p.m.) the House adjourned until tomorrow, Thursday, May 11, 1989, at 10 a.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1984 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

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

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members, Resident Commissioner, and Delegates of the 101st Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. CRAIG THOMAS, At-large, Wyoming.

EXECUTIVE COMMUNICATIONS, ETC.

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

1150. A communication from the President of the United States, transmitting amendments to the requests for appropriations for the Department of Defense—Military for fiscal year 1990, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-63); to the Committee on Appropriations and ordered to be printed.

1151. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1989, pursuant to 2 U.S.C. 685(e) (H. Doc.

No. 101-64); to the Committee on Appropriations and ordered to be printed.

1152. A letter from the Director, Defense Security Assistance Agency, transmitting the Army's proposed letter(s) of offer and acceptance [LOA] to Bahrain for defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

1153. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for lease a naval vessel to the Government of Mexico; pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

1154. A letter from the Secretary of Education, transmitting a copy of final regulations—fund for the improvement and reform of schools and teaching, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1155. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services estimated to cost $200 million (Transmittal No. 89-14); pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1156. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Bahrain for defense articles and services estimated to cost $93 million (Transmittal No. 89-12), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1157. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services estimated to cost $300 million (Transmittal No. 89-15), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1158. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services estimated to cost $51 million (Transmittal No. 89-16), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1159. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services estimated to cost $44 million (Transmittal No. 89-13), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1160. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Pakistan for defense articles and services estimated to cost $14 million or more (Transmittal No. 89-17), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1161. A communication from the President of the United States, transmitting a report on development since the last report of November 9, 1988, concerning the national emergency with respect to Nicaragua, pursuant to 50 U.S.C. 1641(c) and 1703(c) (H. Doc. No. 101-62); to the Committee on Foreign Affairs and ordered to be printed.

1162. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 18 of the Export Administration Act of 1979, as amended, to authorize appropriations for fiscal year 1990, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

1163. A letter from the Comptroller General, transmitting a report, "Actions Needed to Correct ADP Internal Control Weaknesses" (GAO/IMTEC-89-11); pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

1164. A letter from the Secretary of Interior, transmitting a copy of the onshore oil and gas leasing report, fiscal year 1988, pursuant to 30 U.S.C. 226 nt.; to the Committee on Interior and Insular Affairs.

1165. A letter from the President, Legal Services Corporation, transmitting copies of the Corporation's fact book for 1987-1988, pursuant to 42 U.S.C. 2996g(c); to the Committee on the Judiciary.

1166. A letter from the Chief Judge, U.S. Claims Court, transmitting a certified copy each of the report of the hearing officer and the report of the review panel (Re: "La Paz Enterprises, Ltd") pursuant to 28 U.S.C. 2509; to the Committee on the Judiciary.

1167. A letter from the Deputy Assistant Secretary of Defense (Environment), transmitting a report on the Department's environmental restoration program for fiscal year 1988, pursuant to 10 U.S.C. chapter 160, section 2706; jointly, to the Committees on Armed Services and Energy and Commerce.

1168. A letter from the Secretary of Transportation, transmitting the 10th annual report on administration of the offshore oil pollution compensation fund, pursuant to 43 U.S.C. 1824; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

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. AKAKA:

H.R. 2299. A bill to amend the Energy Policy and Conservation Act with respect to the strategic petroleum reserve; to the Committee on Energy and Commerce.

By Mr. DORNAN of California:

H.R. 2300. A bill to amend title 10, United States Code, to establish a more equitable method by which courts may treat the retired or retainer pay of a member of the Armed Forces as joint property for purposes of ordering the payment of a portion of that pay to spouse or former spouse of the member; to the Committee on Armed Services.

By Mr. FAUNTROY:

H.R. 2301. A bill to designate the Anthony Bowen Landmark Building—formerly the Anthony Bowen Y.M.C.A.—in Washington, the District of Columbia as a national historic site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GEKAS:

H.R. 2302. A bill to amend titles XVIII and XIX of the Social Security Act to repeal the requirement of nursing facilities to provide for training of nurse aides; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 2303. A bill to amend titles XVIII and XIX of the Social Security Act to waive the nurse aide training requirement for nurse aides employed before July 1, 1989; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HORTON:

H.R. 2304. A bill to amend the Immigration and Nationality Act to permit aliens who have served in the Armed Forces for at least 4 years after enlistment abroad to enter the United States for permanent residence as special immigrants; to the Committee on the Judiciary.

By Mr. MARTIN of New York:

H.R. 2305. A bill to require the Commissioner of Customs to provide certain facilities and equipment at the port of entry at Trout River, NY; to the Committee on Ways and Means.

By Mr. OWENS of Utah (for himself, Mr. BILIRAKIS, and Mr. WEISS):

H.R. 2306. A bill to provide that former Presidents shall be nonvoting members-at-large of the House of Representatives; to the Committee on the Judiciary.

By Mr. PEASE (for himself, Mr. ARMEY, Mr. VENTO, Mr. ATKINS, Mr. MORRISON of Connecticut, Mr. BUSTAMANTE, Mr. FAUNTROY, and Mr. LIPINSKI):

H.R. 2307. A bill to condition the granting of nondiscriminatory treatment—most-favored-nation-treatment—and other commercial benefits to nonmarket economy countries on the satisfactory implementation by those countries of internationally recognized worker rights, to provide special tariff treatment for products of cooperative enterprise in certain nonmarket economy countries, and for other purposes; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Ms. PELOSI (for herself, Mr. STARK, and Mr. WAXMAN):

H.R. 2308. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require that continuation of certain health insurance coverage for 29 months be offered to those with a disability at the time of termination of employment; to the Committee on Education and Labor.

H.R. 2309. A bill to amend title XXII of the Public Health Service Act to require that continuation of certain health insurance coverage for 29 months be offered to those with a disability at the time of termination of employment; to the Committee on Energy and Commerce.

H.R. 2310. A bill to amend the Internal Revenue Code of 1986 to require that continuation of certain health insurance coverage for 29 months be offered to those with a disability at the time of termination of employment; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mr. MARTIN of New York) (both by request):

H.R. 2311. A bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself, Mr. HALL of Ohio, and Mr. WOLF):

H.R. 2312. A bill to amend the Foreign Assistance Act of 1961 to authorize appropriations of $300,000,000 for each of the fiscal years 1990 and 1991 for development assistance for health and child survival activities; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. LEACH of Iowa, Mr. FALEOMAVAEGA, Mr. CLARKE, Mr. BLAZ, and Mr. LAGOMARSINO):

H.R. 2313. A bill to express the sense of the Congress with respect to the assassina-

tion of Colonel James Rowe in the Philippines, and to authorize the transfer to the Republic of the Philippines of two excess naval vessels; to the Committees on Foreign Affairs.

By Mr. SUNDQUIST:

H.R. 2314. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Ways and Means.

By Mr. WHITTAKER:

H.R. 2315. A bill to preserve rural rail service through improved procedures for abandonment and line sale proceedings before the Interstate Commerce Commission; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself and Mr. DEFAZIO):

H.R. 2316. A bill to amend the Internal Revenue Code of 1986 to provide for the early termination of the temporary increase in the Federal unemployment tax; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 2317. A bill to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions; to the Committee on Science, Space, and Technology.

By Mr. MARTIN of New York (for himself, Mr. BONIOR, Mr. ARMEY, Mr. BATES, Mr. BERMAN, Mr. BLILEY, Mr. BOEHLERT, Mr. BROOMFIELD, Mr. BUNNING, Mr. BUSTAMANTE, Mr. COMBEST, Mr. CRAIG, Mr. FAZIO, Mr. FISH, Mr. FRANK, Mr. GILMAN, Mr. HORTON, Mr. HYDE, Mr. INHOFE, Mr. LOWERY of California, Mr. MCCLOSKEY, Mr. MCEWEN, Mr. MCGRATH, Mr. MADIGAN, Mr. MOLINARI, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. ORTIZ, Mr. OXLEY, Mr. PASHAYAN, Mr. PORTER, Mr. QUILLEN, Mr. ROBERTS, Mr. ROGERS, Mr. SABO, Mr. SHAW, Mr. SKEEN, Mr. SOLOMON, Mr. SPENCE, Mr. STUMP, Mr. TALLON, Mr. WILSON, Mr. DORNAN of California, Mr. DICKS, Mr. SMITH of Texas, Mr. BLAZ, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. COLEMAN of Texas, Mr. DAVIS, Mr. DELAY, Mr. DEWINE, Mr. DREIER of California, Mr. EMERSON, Mr. GALLO, Mr. GIBBONS, Mr. GINGRICH, Mr. HASTERT, Mr. HUNTER, Mr. IRELAND, Mr. LAGOMARSINO, Mr. LENT, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MANTON, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MINETA, Mr. MORRISON of Washington, Mr. PAXON, Mr. ROWLAND of Connecticut, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SHUSTER, Mr. ROBERT F. SMITH, Mr. STANGELAND, Mr. SWIFT, Mr. UPTON, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WEBER, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. FIELDS, Mr. COELHO, Mr. HEFLEY, Mr. HERGER, Mr. HUTTO, Mr. KASICH, Mr. MCDADE, Mrs. MARTIN of Illinois, Mr. MURPHY, Mr. PACKARD, Mr. PARRIS, Mr. RITTER, Mr. ROBINSON, Mr. SCHAEFER, Mr. SHUMWAY, Mr. SKELTON, Mrs. SMITH of Nebraska, Mr. SOLARZ, Mr. WYLIE, Mr. SMITH of New Hampshire, Mrs. SAIKI, Mr. RICHARDSON, Mr. RIDGE, Mr. NEAL of North Carolina, Mr. MURTHA, Mr. SHAYS, Mr. RHODES, Mr. SCHUETTE, Mr. THOMAS of California, Mr. KYL, Mr. LEWIS of Florida, Mr. BEILENSON, Mr. MCMILLAN of North Carolina, and Mr. FASCELL):

H.J. Res. 264. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment thereto; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. JONES of North Carolina, Mr. DAVIS, Mr. WATKINS, Mr. SMITH of Florida, Mr. HEFNER, Mr. TRAXLER, Mr. LEHMAN of Florida, Mr. DYMALLY, Mr. FUSTER, Mr. FASCELL, Mr. CALLAHAN, Mr. COBLE, Mr. CONTE, Mr. HORTON, Mr. GRANT, Mr. MANTON, Mr. DE LUGO, Mr. KOLTER, Mr. FOGLIETTA, Mr. TALLON, Mr. HUGHES, Mr. STUDDS, Mr. AKAKA, Mrs. UNSOELD, Mr. DORNAN of California, Mr. CLEMENT, Mr. FAZIO, Mr. HUTTO, Mr. LIPINSKI, Mr. BORSKI, Mr. BOSCO, Mr. BRENNAN, Mr. HOCHBRUECKNER, Mr. LAUGHLIN, Mr. LAGOMARSINO, Mr. LENT, Mr. BATEMAN, Mr. SHUMWAY, Mr. WELDON, Mr. MILLER of Washington, Mr. YOUNG of Alaska, Mr. QUILLEN, Mrs. SAIKI, Mr. ENGLISH, Mrs. COLLINS, Mr. SOLARZ, Mr. THOMAS of Georgia, Mr. PICKETT, Mr. SAXTON, Mr. BAKER, Mr. HATCHER, Mr. GOSS, Mr. LANCASTER, Mrs. LOWEY of New York, Mr. HUBBARD, Mr. PALLONE, Mr. LEWIS of Georgia, Mr. AUCOIN, Mr. WILSON, Mr. ORTIZ, Mrs. BENTLEY, Mr. INHOFE, Mr. DYSON, Mr. CARPER, Mr. FIELDS, Mr. WYDEN, Mr. TOWNS, Mr. HERGER, and Mr. SISISKY):

H.J. Res. 265. Joint resolution designating the period of August 4, 1989 through August 4, 1990 in commemoration of the bicentennial of the U.S. Coast Guard; to the Committee on Post Office and Civil Service.

By Mrs. VUCANOVICH (for herself and Mr. BILBRAY);

H.J. Res. 266. Joint resolution to require the display of the POW/MIA flag at Federal buildings; to the Committee on Government Operations.

By Mr. DURBIN (for himself, Mr. LEACH of Iowa, Mr. SYNAR, Mrs. UNSOELD, and Mr. WALSH):

H. Con. Res. 115. Concurrent resolution expressing the sense of the Congress regarding the blockade of Nepal by India; to the Committee on Foreign Affairs.

By Mr. OWENS of Utah (for himself, Mr. NIELSON of Utah, and Mr. HANSEN):

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress regarding the problem of geographical variations under the current Medicare physician reimbursement system; jointly to the Committee on Ways and Means and Energy and Commerce.

By Mr. SKELTON:

H. Con. Res. 117. Concurrent resolution to commemorate the volunteers of the United States and the Hugh O'Brian Youth Foundation; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H. Con. Res. 118. Concurrent resolution expressing the sense of the Congress that the Panama Canal treaties be abrogated, and other matters; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. BROOKS:

H. Res. 150. Resolution appointing managers for the trial of the impeachment of Walter L. Nixon, Jr., a judge of the U.S. District Court for the Southern District of Mississippi; considered and agreed to.

H. Res. 151. Resolution providing certain authorities to the managers on the part of the House in the matter of the impeachment of Walter L. Nixon, Jr., a judge of the U.S. District Court for the Southern District of Mississippi; considered and agreed to.

H. Res. 152. Resolution providing that a message be sent to the Senate informing the Senate of the impeachment of Walter L. Nixon, Jr., a judge of the U.S. District Court for the Southern District of Mississippi; considered and agreed to.

H. Res. 153. Resolution authorizing the payment of certain expenses from amounts available to the Committee on the Judicary under any applicable expense resolution for the 101st Congress; considered and agreed to.

H. Res. 154. Resolution releasing certain papers, documents, and records of proceedings relating to the matter of certain complaints against U.S. District Judge Alcee L. Hastings; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

80. By the SPEAKER: Memorial of the Legislature of the State of Kansas, relative to apartheid in South Africa; to the Committee on Foreign Affairs.

81. Also, memorial of the Legislature of the State of Minnesota, relative to transportation of coal; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

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

H.R. 48: Ms. SCHNEIDER.

H.R. 109: Mr. LELAND and Mr. GINGRICH.

H.R. 118: Mr. IRELAND.

H.R. 145: Mrs. LLOYD and Mr. MORRISON of Connecticut.

H.R. 290: Mr. MCGRATH, Mr. LEWIS of Georgia, Mrs. LOWEY of New York, and Mr. POSHARD.

H.R. 418: Mr. BEILENSON.

H.R. 446: Mr. DOUGLAS, Mr. BRYANT, and Mr. SMITH of Mississippi.

H.R. 518: Mr. DOUGLAS.

H.R. 520: Mr. PERKINS and Mr. MCMILLEN of Maryland.

H.R. 521: Mr. PERKINS and Mr. MCMILLEN of Maryland.

H.R. 522: Mr. PERKINS and Mr. MCMILLEN of Maryland.

H.R. 523: Mr. PERKINS and Mr. MCMILLEN of Maryland.

H.R. 594: Mr. SAVAGE, Mr. SAWYER, and Mr. BEILENSON.

H.R. 624: Mr. FIELDS.

H.R. 628: Mr. LEWIS of Georgia.

H.R. 638: Mrs. COLLINS, Mr. DYMALLY, and Mr. MRAZEK.

H.R. 683: Mr. DYSON, Mr. HAMILTON, Mrs. SMITH of Nebraska, Mr. POSHARD.

H.R. 758: Mr. POSHARD, Mr. HERTEL, Mr. ATKINS, Mr. FAZIO, Mr. KOLTER, Mr. CHAPMAN, Mr. STAGGERS, Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. MFUME, Mr. ENGEL, Mr. ROYBAL, Mr. BEVILL, Mr. BATES, Mr. KILDEE, and Mr. FROST.

H.R. 773: Mr. ARMEY.

H.R. 916: Mr. GARCIA, Mr. GUARINI, Mr. COOPER, Mr. GREEN, Mr. HAYES of Illinois, Ms. PELOSI, Mr. MORRISON of Connecticut, Mr. NATCHER, and Mr. MRAZEK.

H.R. 979: Mr. COELHO, Mr. BATES, Mr. RAHALL, Mr. ENGLISH, Mr. KASTENMEIER, Mr. LIGHTFOOT, Mr. LEACH of Iowa, Mr. ANNUNZIO, Mr. PEASE, Mr. WOLF, Mr. COYNE, Mr. PENNY, Mrs. BOXER, Mr. COSTELLO, Mr. LEWIS of Florida, Mr. MONTGOMERY, Mr. ROBERTS, Mr. IRELAND, Mr. LAFALCE, Mr. DURBIN, Mr. HILER, Mr. COLEMAN of Missouri, Mr. CLINGER, Mr. OLIN, Mr. JACOBS, Mr. LENT, and Mr. MCNULTY.

H.R. 1095: Mr. BARNARD, Mr. CALLAHAN, and Mr. HUCKABY.

H.R. 1131: Mr. CLEMENT.

H.R. 1161: Mr. LENT, Mr. LIPINSKI, Mr. FLIPPO, Mr. FAUNTROY, Mr. WEBER, Mr. BEVILL, Mr. PARRIS, Mr. ARMEY, Mr. LANCASTER, Mr. HUTTO, Mr. LAGOMARSINO, and Mr. PANETTA.

H.R. 1166: Mr. ROGERS, Mr. HOUGHTON, and Mrs. LLOYD.

H.R. 1167: Mr. ROGERS, Mr. HOUGHTON, and Mrs. LLOYD.

H.R. 1190: Mr. STOKES.

H.R. 1279: Mr. SMITH of New Jersey and Mr. PARRIS.

H.R. 1283: Mr. LEWIS of Georgia.

H.R. 1383: Mr. NOWAK and Mr. RAHALL.

H.R. 1439: Mr. GUNDERSON, Mr. HERTEL, and Mr. LIPINSKI.

H.R. 1461: Mr. SOLOMON, Mr. DARDEN, Mr. DUNCAN, Mr. MOAKLEY, Mr. BEVILL, and Mr. JONES of Georgia.

H.R. 1499: Mrs. VUCANOVICH, Mr. SCHIFF, Mr. OWENS of Utah, Mr. ERDREICH, and Mr. QUILLEN.

H.R. 1515: Mr. HERGER.

H.R. 1619: Mrs. PATTERSON and Mr. QUILLEN.

H.R. 1666: Mr. BARNARD.

H.R. 1682: Mr. LAGOMARSINO.

H.R. 1748: Mr. MCEWEN.

H.R. 1751: Mr. MCEWEN.

H.R. 1752: Mr. MCEWEN.

H.R. 1776: Mr. LEHMAN of Florida, Mr. IRELAND, Mr. HUTTO, Mr. JOHNSTON of Florida, Mr. JAMES, and Mr. NELSON of Florida.

H.R. 1806: Mr. KOLTER, Mr. DELLUMS, and Mr. DONALD E. "BUZ" LUKENS.

H.R. 1823: Mr. SISISKY.

H.R. 2055: Mr. RITTER, Mr. JONES of North Carolina, Mr. MILLER of Washington, and Mr. SAXTON.

H.R. 2060: Mr. BATES, Mr. HOCHBRUECKNER, Mr. VALENTINE, and Mr. VENTO.

H.R. 2131: Mr. PARKER, Mr. FAZIO, and Mr. DWYER of New Jersey.

H.R. 2145: Mr. BERMAN, Mr. DEWINE, Mr. HUGHES, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LEHMAN of Florida, Mrs. LOWEY of New York, Mr. MCGRATH, Mr. PARKER, Mr. PAXON, and Mr. VOLKMER.

H.R. 2149: Mrs. VUCANOVICH, Mr. DANNEMEYER, Mr. PENNY, Mr. APPLEGATE, and Mr. LIGHTFOOT.

H.R. 2154: Mr. FAWELL.

H.R. 2181: Mr. SMITH of Mississippi.

H.R. 2189: Mr. FORD of Tennessee.

H.R. 2237: Mr. WATKINS and Mr. ROE.

H.R. 2241: Mrs. MORELLA, Mr. DORNAN of California, and Mr. BOEHLERT.

H.R. 2243: Mr. DOWNEY.

H.J. Res. 81: Mr. EDWARDS of Oklahoma and Mr. JONES of North Carolina.

H.J. Res. 106: Mr. OWENS of Utah, Mr. DE LUGO, Mr. CRAIG, Mrs. BENTLEY, Mr. YOUNG of Alaska, Mr. DORNAN of California, Mr. WOLF, Mr. HORTON, Mr. GILLMOR, Mr. MARTINEZ, Mr. DYMALLY, Mr. ROE, Mr. STUMP, Mr. BLAZ, Mrs. MEYERS of Kansas, Mr. WILSON, Mr. HUGHES, Mr. LEHMAN of California, Mrs. MARTIN of Illinois, Mr. FISH, Mr. COUGHLIN, Mr. STALLINGS, Mr. SOLOMON, Mr. GRANDY, and Mr. FALEOMAVAEGA.

H.J. Res. 140: Mr. LAFALCE.

H.J. Res. 141: Mr. CLEMENT, Mr. JOHNSON of South Dakota, Mr. MILLER of Washington, Mr. TAUZIN, Mr. HANCOCK, Mr. KASICH, Mrs. MEYERS of Kansas, Mr. BILIRAKIS, Mr. CARR, Mr. HAMILTON, Mr. DICKINSON, Mrs. VUCANOVICH, and Mr. DUNCAN.

H.J. Res. 160: Mr. TOWNS.

H.J. Res. 178: Mr. BALLENGER, Mr. DEWINE, Mrs. ROUKEMA, Mr. FOLEY, and Ms. SLAUGHTER of New York.

H.J. Res. 181: Mrs. VUCANOVICH and Mr. HERGER.

H.J. Res. 197: Mr. ACKERMAN, Mr. AKAKA, Mr. ANDERSON, Mr. APPLEGATE, Mr. ATKINS, Mr. AUCOIN, Mr. BATES, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BLAZ, Mrs. BOXER, Mr. BRENNAN, Mr. CHAPMAN, Mrs. COLLINS, Mr. COSTELLO, Mr. COURTER, Mr. DARDEN, Mr. DORNAN of California, Mr. DYMALLY, Mr. EARLY, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FOGLIETTA, Mr. FOLEY, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. GAYDOS, Mr. GINGRICH, Mr. GORDON, Mr. GRANDY, Mr. GREEN, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HARRIS, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HORTON, Mr. HUCKABY, Mr. HUGHES, Mr. JONES of North Carolina, Mr. JONTZ, Mrs. KENNELLY, Mr. KLECZKA, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MCGRATH, Mr. MFUME, Mr. MINETA, Mr. MONTGOMERY, Mrs. MORELLA, Mr. OWENS of New York, Mr. PICKLE, Mr. RICHARDSON, Mr. ROBINSON, Mr. ROE, Mr. ROYBAL, Mrs. SAIKI, Mr. SAXTON, Mr. SHUMWAY, Mr. SKELTON, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPRATT, Mr. STAGGERS, Mr. TALLON, Mr. TANNER, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. WALSH, Mr. WAXMAN, Mr. WHITTEN, and Mr. LANCASTER.

H.J. Res. 223: Mr. PAYNE of New Jersey, Mr. BUSTAMANTE, Mr. COSTELLO, Mr. HERTEL, Mr. LEHMAN of Florida, Mr. CARDIN, Mr. LEWIS of Florida, Mr. WOLPE, and Mr. GILMAN.

H.J. Res. 252: Mr. HAMMERSCHMIDT and Mr. LEWIS of Georgia.

H.J. Res. 254: Mr. MORRISON of Connecticut, Mr. MACHTLEY, Mr. CARR, Mr. GEJDENSON, Mr. THOMAS A. LUKEN, Mr. SABO, Mr. GUARINI, Mr. KANJORSKI, Mr. WHITTAKER, Mr. JAMES, Mr. INHOFE, Mr. NOWAK, Mr. CAMPBELL of Colorado, and Mr. WILLIAMS.

H. Con. Res. 39: Mr. SMITH of Texas, Mr. HANCOCK, Mr. DARDEN, Mr. LAGOMARSINO, Mr. VALENTINE, Mr. SHUMWAY, Mr. PRICE, Mr. EDWARDS of Oklahoma, and Mr. HALL of Texas.

H. Con. Res. 45: Mr. LEACH of Iowa and Mr. GUNDERSON.

H. Con. Res. 47: Mr. HOLLOWAY and Mr. DONALD E. LUKENS.

H. Con. Res. 60: Mrs. MEYERS of Kansas and Mr. CRANE.

H. Con. Res. 81: Mr. LEWIS of Georgia.

H. Con. Res. 84: Mrs. COLLINS, Mr. GUNDERSON, Mr. PORTER, and Mr. MRAZEK.

H. Con. Res. 92: Mr. OWENS of New York, Mr. LEWIS of Georgia, Mrs. MARTIN of Illinois, and Mr. NELSON of Florida.

H. Con. Res. 102: Mr. HUGHES, Mr. ERDREICH, and Mr. LEWIS of Georgia.

H. Con. Res. 105: Mrs. COLLINS.

H. Res. 106: Mrs. VUCANOVICH.

H. Res. 137: Mr. AKAKA.

H. Res. 144: Mr. BLILEY.

EXTENSIONS OF REMARKS

BLACKS IN THE FOREIGN SERVICE: AN HISTORICAL PERSPECTIVE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. RANGEL. Mr. Speaker, I want to share with you and the Members of the House an excellent review of blacks in the Foreign Service by Ambassador Terence A. Todman. Mr. Todman's remarks were made at an open forum during the celebration of "Black History Month." His account provides a brief but concise history of the contributions of black Americans to our Nation's Foreign Service. He concentrates on those diplomats who worked at the senior levels and had the highest visibility. I commend this speech for your perusal:

REMARKS BY AMBASSADOR TERENCE A. TODMAN ON BLACKS IN THE FOREIGN SERVICE: AN HISTORICAL PERSPECTIVE

In keeping with the objectives of Black History Month, I would like to give you a brief account of some of the Black American men and women who, through their work in the U.S. Foreign Service over the years, have contributed immeasurably to the accomplishment of American aims and the greatness of our country. All Americans particularly those of us engaged in foreign policy, should know of this group so that we can better appreciate how much our country has to gain when it draws more fully on the rich diversity of our people. The overall thrust of my remarks apply to other minorities and women as well but for this particular occasion, details about them will not be included.

Black Americans have been engaged at one time or another in all aspects and at all levels of work critical to our government's operation. Mostly they have as secretaries, clerks and support staff but in many cases as officers depending on what the system permitted. Quite a story could be told about how much each has contributed, whether in Civil Service or Foreign Service, to the functioning of our organization. But that would take more time than we have now. Therefore my remarks will focus on some of those diplomats who, working at the senior levels, have had the highest visibility and the best opportunities to influence American policy to a particular country or area at a given time.

Due to the particular circumstances in this country, there was little or no participation by Blacks in the American foreign policy machinery before the end of the civil war. However, following emancipation the situation changed. Blacks who had helped to get President Ulysses S. Grant elected exacted the right to have some influence on foreign policy. Frederick Douglass, the noted abolitionist, fought successfully for U.S. recognition of Haiti and to get President Grant to appoint Ebenezer Don Carlos Bassett, a Yale graduate and principal of the Colored High School of Philadelphia, to be the first Minister Resident and Consul General to Haiti in 1869. Bassett thus became the first Black truly in the United States Foreign Service. He was followed in that post by numerous distinguished American Blacks, including Frederick Douglass himself.

In response to further lobbying, President Grant appointed another Black, James Milton Turner, a Missouri educator and politician, as Minister Resident and Consul General to Liberia in 1871. Turner thus became the first black American to hold that position, starting a succession of appointments of Blacks to Liberia and Haiti.

Once the first steps had been taken successfully, other Blacks were appointed as Consuls and served throughout the world. For example, between the 1880s and the early 1900s, John E. W. Thompson served in charge of our mission in Santo Domingo; Richard T. Greener was Consul and Commercial Agent in Bombay and Vladivostok; William Henry Hunt served in Madagascar, France, Guadeloupe, the Azores, and Liberia; James Weldon Johnson the noted poet, teacher, lyricist and composer, served as Consul in Venezuela, Nicaragua, and the Azores. In 1908 there were 11 blacks serving, often in difficult places and successfully handling important issues on behalf of the U.S. Government. More were added until the 1920s. However, the number of Blacks in the Service declined dramatically after passage of the 1924 Rogers Act, which merged the consular and diplomatic services and required passing a special written examination to enter the Foreign Service, regardless of merit or abilities. Since the quality of Blacks certainly could not have changed to that degree, there must have been something wrong with the examination or the entrance process.

An important milestone was reached in 1925 when Clifton R. Wharton, a lawyer from Baltimore, became the first Black to pass the foreign sevice examination and enter the career directly as a Forreign Service Officer. Wharton served at various posts in Africa, the Canary Island, and Portugal before being appointed in 1958 as Minister to Romania. He thus became the first Black to head a mission at this level outside of Africa or Haiti. In 1961, President Kennedy appointed Wharton as Ambassador to Norway making him the first Black American to be an Ambassador to a non-black country.

Following the trail blazed by Wharton there were such persons as William C. George who served in Las Palmas, Copenhagen and Montreal; Benjamin C. Good who served in Kabul, New Delhi, Santiago, and Jakarta; Rupert Lloyd, who served in Paris, Budapest, Karachi and Lyon; and James Parker, who served, among other places, in Barcelona and La Paz. Prominent professionals in the state Department in those years were Clinton E. Knox who served as Chief of Research for Northern and Western Europe, later as First Secretary at USNATO in Paris, Deputy to the Ambassador in Honduras, Ambassador to Dahomey and Ambassador to Haiti. There was also Dr. Ralph J. Bunche who was Director of the Division of Trusteeship Affairs before going to the United Nations in 1947, to begin the outstanding work which won him a Nobel Prize. I joined the group in 1952 with an assignment on the India-Ceylon-Nepal desk followed by service in UN Affairs, then to India and later specialization as an Arabist and assignment to Tunisia before getting caught in the sub-Saharan Africa circuit for a while.

History was made in 1949 when President Truman raised the legation in Monrovia, Liberia to the rank of Embassy and appointed Edward R. Dudley, a New York lawyer and politician, as Ambassador. This was the first time that diplomatic relations were established at the embassy level with an African country and the first time a Black American was appointed as Ambassador. Since then six Blacks have served as ambassador to Liberia.

Other turning points came in 1958 when the position of the Assistant Secretary of State for African Affairs was created and, one year later, when John H. Murrow, a professor of Romance languages, was appointed as Ambassador to Guinea. This made Murrow the first Black ambassador to any country outside of Liberia. That appointment accentuated a tendency to send Black Americans primarily to Africa which continues to this day.

In the career service in those days, the picture was not bright. At the beginning of the 1960s there were only 17 blacks out of a total of 3,732 FSOs. That was changed under President Kennedy, with active intervention by Secretary of State Dean Rusk. The EEO Program was established and instructions were given to recruit blacks and other minorities. Blacks were named to the Board of Examiners and to Promotion Boards. In 1963 a Foreign Affairs Scholars Program was started through a Ford Foundation Grant to train black university students for foreign affairs. Of the 154 participants in the program, 17 passed the written foreign service examination, six joined the State Department and one entered USIA.

A 1964 Agreement between the State Department and USIA to include most USIA career officers as part of the foreign service brought the State Department such broad-gauged, experienced professionals as O. Rudolph Aggrey, W. Beverly Carter, John Reinhardt, Horace Dawson and Arthur Lewis, all of whom rendered brilliant service as Ambassadors and at other senior levels. It also brought many other officers who served outstandingly in non-ambassadorial positions. Several senior black AID officials also served with distinction as ambassadors including Samuel C. Adams, Charles J. Nelson, Charles A. James, and Robert W. Kitchen among others. Infusions like those from USIA and AID were vital since the State Department has consistently failed to recruit, train, and promote anywhere near a reasonable number of Blacks.

Under the Foreign Service Act of 1964, with its provisions for the appointment of FSRs, a program was started to recruit a minimum of 20 minority representatives at the junior level each year. Only a few were recruited in the first years and many of

those lasted only a short while. To compensate for this, another program was started in 1969 to recruit FSRs at the mid-career levels. However, the results so far have been minimal largely due to insufficient effort by those responsible for recruiting and to resistance within the Department.

As we entered the 1960s there were two serving Black Ambassadors: one in Liberia and the other in Guinea. That was also changed by President Kennedy. He made several appointments including Clifton Wharton to Norway, as mentioned earlier; Mercer Cook, a university professor, as Ambassador to Niger; and Carl T. Rowan, a distinguished journalist, as Ambassador to Finland.

President Lyndon Johnson followed with seven black ambassadorial appointments including Hugh Smythe, a sociologist and anthropologist, to Syria and later to Malta; Patricia Harris, noted lawyer, educator, and later cabinet member, as Ambassador to Luxembourg, making her the first black woman ambassador; Franklin Williams, lawyer and civil rights leader, to Ghana; and Elliot P. Skinner, a distinguished anthropologist, to Upper Volta.

President Richard Nixon continued along similar lines but at a reduced pace with the appointments of Samuel Westerfield to Liberia; Clarence Clyde Ferguson to Uganda; Jerome H. Holland to Sweden; Theodore R. Britton to Barbados and Grenada; David Bolen to Botswana, Lesotho, and Swaziland; and me first to Chad, later to Guinea and then to Costa Rica.

Very few blacks were appointed as Ambassadors by President Gerald R. Ford.

There was a major turn around under President Jimmy Carter, with strong inputs from Secretary of State Cyrus Vance. Three black women were named: Mabel Smythe, widow of former Ambassador Hugh Smythe and herself a distinguished educator, historian, and Africanist, to Cameroon; Ann Holloway, an educator and civil rights leader, to Mali; and Barbara Watson, Administrator of the State Department's Bureau of Security and Consular Affairs, to Malaysia. He appointed Andrew Young as Ambassador to the United Nations, and Donald McHenry as his deputy and later to succeed him as Ambassador. Ulric St. Clair Haynes, Jr., a lawyer with overseas experience in government and business, was appointed Ambassador to Algeria. Wilbert LeMelle, an educator, to Kenya; and Walter C. Carrington, a lawyer and Africanist, to Senegal. President Carter also made several non-African career appointments, including Rudolph Aggrey to Rumania; David Bolen to the German Democratic Republic; Maurice D. Bean to Burma; William B. Jones to Haiti; and Richard Fox Jr., to Trinadad and Tobago. He also appointed me first as Assistant Secretary of State for Latin American Affairs and later as Ambassador to Spain.

President Ronald Reagan's appointments of Blacks from the career service included; Ronald Palmer to Malaysia and then to Mauritius; Howard K. Walker to Togo; George E. Moose to Benin and later to Senegal; Irvin Hicks to The Seychelles; Edward R. Perkins to Liberia and more recently to South Africa; Arthur Lewis of USIA, to Sierra Leone; and me to Denmark. He also appointed Dr. Melvin Evans, former governor of the Virgin Islands and member of Congress, to Trinadad and Tobago, retired Rear Admiral Gerald Thomas to Guyana and later to Kenya; John A. Burroughs to Malawi and later to Uganda; Cynthia Perry, an educator and former Associate Peace Corps Director, to Sierra Leone; and Leonard Spearman, an educator, to Rwanda. Alan L. Keyes, a former FSO, was named Assistant Secretary for International Organizations Affairs.

The focus has been largely on ambassadorial appointments because that is the level at which one has the greatest possibility to influence policy. For example, there is no doubt that Ambassador Andrew Young's approach to issues, his style, actions, and public statements made an important difference in what our country did and how we were perceived worldwide. The outstanding background and keen intellect which Ambassador Ulric Haynes took to Algeria enabled him to play a key role there as an intermediary in the arrangements for the release of the American hostage who were held by Iran, although he has received little or no credit for his actions. It would not be immodest to say that I made some difference at critical moments in U.S. relations with Guinea, Costa Rica, the Caribbean Basin countries, our Latin American policy, Cuba, Spain, and Denmark in my various assignments.

Black ambassadors have served under extremely difficult and demanding situations and acquitted themselves admirably. Some examples are: Clinton E. Knox in Dahomey during uprisings and the overthrow of the government; Hugh Smythe in Syria during the "six-day war" and the surrounding events; Franklin Williams in Ghana with a *coup d' etat* occurring shortly after his arrival; Jerome Holland in Sweden during constant, violent demonstrations against U.S. actions in Vietnam; O. Rudolph Aggrey in Romania and David Bolen in East Germany during times of tension in our relations with those two communist countries. Other black Americans would serve equally well in critical situations and stand ready to do so. Unfortunately, far too few are ever given that opportunity.

At present in the State Department there are only 252 Blacks among the 4,166 Foreign Service Officers and only 17 Blacks among the 714 senior officers. There are just six Black American Ambassadors at posts, all in Africa; six DCM's similarly situated; and five Principal Officers with wide geographic assignments in their cases. In USIA, which has responsibility for telling America's story abroad, there are only six Blacks among the 166 at the executive or senior level and 54 among the 747 total commissioned FSIO's. In AID, which helps other countries along the path to progress, there are 142 Blacks among the 1823 officers in the Foreign Service and only 15 of the 280 at the senior level. The Foreign Commercial Service of the Department of Commerce has one Black among its 19 senior officers and three Blacks among its 181 total. In the Foreign Agricultural Service of the Department of Agriculture there are no Blacks among the 14 senior officers and only four among the 104 total. The record of other U.S. Government agencies with personnel assigned abroad is equally deplorable. Unfortunately, the figures are just as bad for other minorities and almost so for women.

It may well be that the situation described above derives less from hostility and negative attitudes than from neglect, unawareness or a simple lack of concern. Whatever the reason, the consequence is totally out of keeping with the noble ideals of our great country and our position as the leader of the free world. It is particularly unfitting for the State Department and other agencies involved in foreign affairs which should set the best examples. Worst of all, it deprives our country of the contributions which could be made by many who are now almost automatically excluded.

Here at the State Department, apart from the matter of numbers, there are serious problems regarding the perception and roles of Blacks, other minorities and women. Certainly as far as Blacks are concerned, many have the impression that they were not wanted in the first place; that they are not made to feel welcome; that they are not guided or trained in Foreign Service ways and work; that they are not given appropriate assignments; and that they do not have a fair chance for promotion. Whether these views are justified or not, they are part of the reality with which the Foreign Service must deal.

Notwithstanding the sympathetic attitudes of many of the top levels of management, the problem of under-representation can only arise from what must be considered largely as a failure to conduct well-targeted, serious, sustained recruitment of minorities for the career service at any level, combined with serious under utilization of those already in the service. Whatever excuses may have existed for this before, none can be justified now when so many Blacks, although victimized by an uncaring educational system, have shown outstanding ability and accomplishments in the professions, politics, economics, business, agriculture, trade, journalism, research, the military and all other areas of interest for foreign affairs purposes. They have demonstrated complete loyalty, integrity, industry and full commitment to our security and to human rights, equality, political freedom democracy and economic progress which are basic aims of American family policy. They know that American actions in foreign affairs affect their lives and they are ready, willing and able to serve our country in that area, as in others.

The figures mentioned and particularly the sentiments they produce, pose serious challenges to the top leadership, to the central personnel system, to the minorities and to the Department and the Foreign Service as a whole. There are challenges to the leadership of the Department, including at each bureau, not only to set forth sound principles and guidelines but also to establish and utilize a structure and procedure for regular follow-up to ensure that they are implemented. Without this, at best intentions are likely to produce little concrete results. Actions from the top can set the tone and help to create an understanding in the Department and outside that Blacks and other minorities are indeed welcome and appreciated.

There are challenges to those in the central personnel system to make extra efforts and devote additional resources to recruitment to bring more Blacks and other minorities from throughout our country into the Service at all levels. Once people from these groups are brought in, the systems should press all bureaus and all areas to help secure the kind of training and working assignments which will best utilize and develop their abilities without undue focus on ethnic considerations. As better use is made of those already in the Service, the job of recruiting will be greatly facilitated.

There are challenges to Blacks, as well as to other minorities and women to recognize that ours is a tough, competitive demanding Service which places special premiums on

hard work, dedication, initiative, creativity and good personal relations. For a minority, it is not enough to be as good as you are, they expect each member to carry a fair share of the burden and then a little more. At the same time it is comrprised of some of the finest, most considerable people I know. The fact that you are here shows that you have what it takes for exceptional performance. The fundamental interests of the United States, which you are engaged to protect and promote, demand and deserve no less than the very best.

There are challenges to all of us in the State Department and the Foreign Service, especially in the middle and upper ranks, to take time from our preoccupations and our extremely busy schedules and reach out to those who are new to the system. This applies, of course, to all new entrants, but is needed especially for minorities and women. We are called on to avoid the myths and stereotypes which can block real understanding. We must accept that clones of ourselves, if they can be found, are not necessarily the best for meeting the diverse and constantly changing needs of our times. It is up to us to extend a hand which all newcomers are looking for in the hope that it will clasp theirs; that it will point the way and guide them through difficult moments; and that it will give them a pat on the shoulder for a job well done.

There could be no more favorable climate for dealing with our challenge than that which is being created by the new administration. For example, when President George Bush was asked at his first news conference about the meaning of the recent Supreme Court decision on set-asides, he reaffirmed his belief in "affirmative action" and made clear that he "will not read into (the Courts decision, a mandate to stop trying . . . on equal employment and on affirmative action generally." Likewise, in his budget message to Congress the President pledged that he "will work to knock down the barriers left by past discrimination and to build a more tolerant society that will stop such barriers from ever being built again." Those words have been matched by his actions in a number of his senior appointments at the White House and elsewhere.

The direction set by the President's inspiring examples should give us the resolve and courage to meet the challenges ahead. The stakes are high, for as the President said, "while America has its eyes on the future, the world has its eyes on America." That places a special responsibility on us in the foreign policy establishment to put our own house in the condition that reflects the best of what our great country stands for. As we succeed in finding, welcoming and utilizing more of the enormous talent present in the black and other minority communities, we will also be making an important contribution to the achievement of our national objectives.

LEGISLATION TO MAKE FORMER U.S. PRESIDENTS EX-OFFICIO MEMBERS OF THE HOUSE OF REPRESENTATIVES

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. OWENS of Utah. Mr. Speaker, in order that our country might more effectively utilize the wisdom and unique experiences of our former Chief Executives in determining public issues of the day, I am introducing today a bill to make former U.S. Presidents ex-officio Members of the House of Representatives.

This bill would grant former Presidents all the rights and privileges of the House of Representatives except salary and the power to vote.

Due to the nature of their jobs, American Presidents gain special insights and experience in office. Senator CLAIBORNE PELL in introducing a similar bill stated:

At this time in our Nation's history when we find ourselves exercising the leadership of the free world, adoption of this resolution would be of special value because the wisdom and experience of those who have occupied our Presidency is unique to those few men who had this awesome responsibility.

After a President's term is over, we do not have an adequate mechanism to utilize their unique expertise. Some have gone off to the speakers circuit, while others have returned to the practice of law. Presidents Theodore Roosevelt and Calvin Coolidge, for example, became syndicated newspaper columnists.

I have discussed this proposal with Presidents Nixon, Ford, and Carter, and they have expressed support for it. When a somewhat similar bill was introduced in 1963, it had the support of then former Presidents Hoover and Truman, as well as noted Presidential scholars. In letters to Senator PELL, President Hoover wrote, "I think it would be an invaluable aid to legislation to utilize the services of our younger former Presidents," and President Truman wrote, "I had always hoped that some sort of an approach could be made to the situation set out in your bill."

Since 1789, there have been a number of bills and constitutional amendments in Congress to make former American Presidents ex-officio Members of the Senate. I have consulted a number of well-known constitutional authorities, including Laurence Tribe, Lloyd Cutler, and Philip Kurland, and they have been favorable to the proposal. In addition, they have offered their opinions that a statute is adequate; a constitutional amendment is not necessary since the former Presidents would have no power to vote.

A memorandum from CRS indicated that many other nations provide an official position for former heads of government. For example, in Great Britain, Prime Ministers, upon leaving office, return to the House of Commons or go to the House of Lords. A recent study comparing former Presidents and Prime Ministers notes:

The outgoing President has ordinarily concluded his political career while the typical Prime Minister continues in active involvement in the affairs of state, often for many years. The President does not, and is not expected to, aspire to further public office, while the Prime Minister is highly likely to have a seat in the House of Commons or to accept a peerage.

Since the House of Representatives is the place of the people, as Thomas Jefferson noted, it is only appropriate that we give former Presidents a forum to participate in ongoing consideration of many issues, to consult with us, and to give the country the benefits of their extraordinary experiences.

TRIBUTE TO SUICIDE PREVENTION SERVICES OF SACRAMENTO COUNTY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the Suicide Prevention Services of Sacramento County and to recognize May 7 through May 13, 1989 as Suicide Prevention Week.

It is shocking to note that suicide is the eighth leading cause of death in the country today and the second among our young people. The Suicide Prevention Services of Sacramento County [SPS] and other trained paraprofessional organizations like them, have proven to be an effective method of intervention for suicidal individuals.

Since 1968, SPS has been serving my community, staffing telephones around the clock, 24 hours a day, 7 days a week, to provide help for those in crisis. In 1988 alone, the SPS averaged 2,000 calls per month. This corps of trained volunteers are an exemplary role model for the value of voluntarism and the success of people helping people.

In addition to its crisis intervention hotline, the SPS provides professional and community education through a speaker's bureau, youth suicide prevention services, counseling for survivors of suicide and a data collection program. it is most laudable to note that the SPS is able to accomplish this variety of important services with only 4 full-time paid staff and a corps of 80-plus volunteers.

Mr. Speaker, I salute the staff and volunteers of the SPS and commend them for their outstanding services to the citizens of the city and county of Sacramento, the State of California, and the Nation. The SPS is a tribute to the spirit of voluntarism and I know my colleagues join me in wishing them a future of continued success.

PAYING TRIBUTE TO IVAN AND RHODA TANTLEFF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to honor two outstanding individuals of the

Seventh District in New York, Ivan and Rhoda Tantleff, and their tireless contributions to the Hollis Hills Jewish Center and the entire Hollis Hills community. On Saturday, May 13, 1989, the Hollis Hills Jewish Center will be holding its annual dinner dance, which will mark its 41st anniversary and pay tribute to Ivan and Rhoda Tantleff as the 1989 "Couple of the Year."

Ivan Tantleff has been a lifelong resident of the Hollis Hills community. He has attended the Hollis Hills Jewish Center since he was a child, taught by the Reverend Frank Strassfield. Ivan, along with his two sons, Alan and Edward, all were bar mitzvahs at the Hollis Hills Jewish Center. Ivan was a member of the first graduating class of Martin Van Buren High School in Hollis. He went onto New York University were he graduated in 1962 from the school of commerce, accounts, and finance. He was graduated from Brooklyn Law School in 1965 and followed in his father's footsteps as a practicing attorney.

Ivan is the current vice president of community affairs at the Hollis Hills Jewish Center. He previously served an important role as vice president of legal affairs, were he proved to be invaluable during the renovation of the HHJC. Ivan also has been the chairperson of the annual dinner dance for the past 3 years; therefore it is fitting that he be honored at this years event. He is also a member of the Center's Mens Club, and is active with Mercaz, an organization dedicated to conservative Judaism in Israel.

In the Hollis Hills community Ivan is similarly active. He volunteers as an arbitrator once a month at small claims court in Queens County. He also coaches the law team at Van Buren High School, which in 1986 won the State tournament for the first time in the school's history. He also is a board member of the Jamaica Estates-Holliswood Ambulance Corps.

Rhode Tantleff is also a native New Yorker. She attended Queens College, where she studied to become a paralegal. She has been working with Ivan as an office manager for over 10 years. Along with Ivan, she has been dedicated to serving her community and the Hollis Hills Jewish Center. She is a member of the HHJC Sisterhood and active with the Overseas Recruitment Training Program.

The Tantleffs have two wonderful sons, both of whom are continuing in their parents' commitment of community involvement. Alan is a recent graduate of Cornell University and now works for Prudential Life, and Edward is studying at Brooklyn Law School and will soon carry on the family tradition as a practicing attorney.

Mr. Speaker, it is always a pleasure to pay tribute to such fine citizens. Rhoda and Ivan Tantleff are shining examples for everyone throughout this great Nation to follow. I ask that all of my colleagues in the House of Representatives join me in congratulating Rhoda and Ivan on their past achievements and wishing them the best of luck in their future endeavors.

FATHER ROBERT F. DRINAN TALKS ON HUMAN RIGHTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. FASCELL. Mr. Speaker, our former colleague from Massachusetts, Robert F. Drinan, S.J., who is now a professor of law at the Georgetown University Law Center, published an eloquent treatise in last month's edition of America entitled, "International Human Rights and the Bush Administration." Father Drinan, who was a leading spokesman for human rights in the Congress and continues to be an active supporter of this noble cause, makes an excellent case for the need for the Bush administration—indeed, for any administration—to champion human rights as in integral element of our foreign policy.

I heartily concur with his recommendations and I want to take this opportunity to share the article with our colleagues.

The article follows:

INTERNATIONAL HUMAN RIGHTS AND THE BUSH ADMINISTRATION

(By Robert F. Drinan)

A new and dramatic dimension was added to U.S. foreign policy when President Gerald Ford signed a bill that withholds all economic and military aid from those nations that engage in a pattern of gross abuse of internationally recognized human rights. The Carter Administration used and emphasized that law in unprecedented—and possibly some unwise—ways.

The Reagan Administration tried at first to neglect the human-rights component added to U.S. foreign policy by the Congress over the objection of the State Department. But in the mid-1980's, the Reagan Administration came to like the law—at least as applied to Communist nations.

The Bush Administration inherits almost 15 years of theory and practice as to how strong the United States should be in making the observance of internationally recognized human rights a visible and even a dramatic part of the way the United States treats its friends and foes in the family of nations. George Bush has no track record in dealing with this issue, which played little if any role in the Presidential campaign. But international jurists and nongovernmental organizations specializing in human rights have an agenda and a consensus that is specific and solid.

On Dec. 8-10, 1988 academics and the major nongovernmental organizaions involved in human rights conducted a symposium on "The Next Administration and Human Rights" as part of the bicentennial of Georgetown University in Washington, D.C. The 200 conferees arrived at a list of recommendations with little controversy. This list expresses the consensus of the ever more numerous and influential groups of activists and academics working on behalf of those human rights that are now a part of customary international law

A parallel list of recommendations has been prepared by the Lawyers' Committee for Human Rights and a dozen law firms working *pro bono*. This 61-page document, along with the Georgetown statement, has been forwarded to the Bush Administration.

Among the firmest recommendations agreed upon by the human-rights communities here and abroad is the urgent necessity for ratification of the major human-rights treaties by the United States Senate. In 1979 President Jimmy Carter, alone among all Presidents, urged the ratification of four of the major treaties adopted by the United Nations, all of which have now entered into force as a part of international law. The U.S. Senate held extensive hearings on the treaties but did not vote on their ratification. Opposition to the treaties was almost nonexistent. Virtually all religious groups, including the U.S. Catholic Conference, urged adoption of the treaties, as did the American Bar Association and many civil rights groups.

The Reagan Administration never followed up on the initiative of the 1970's in the area of human rights. After years of procrastination the Reagan Administration did, however, cooperate with the Senate in the long-delayed ratification of the genocide treaty.

Specialists in international human rights are prepared to conduct a massive campaign of education on the treaties if the Bush Administration is interested. President Carter sent a package of four complicated treaties to the Senate for ratification accompanied by many reservations and understandings. The preparatory work done by the State Department under President Carter was excellent, but the Senate could have been overwhelmed at the immensity of the four treaties proposed for ratification: the international covenant on civil and political rights; the covenant on economic, social and cultural rights; the American Convention on Human Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination.

There is some feeling that perhaps the Bush Administration could select one treaty for ratification, such as the International Convention on the Elimination of All Forms of Racial Discrimination. If that goes well, the other major human-rights covenants could be proposed.

One of the major reasons for ratification is to prevent further embarrassment to U.S. officials. The United States is the only major nation that has not ratified the principal United Nations treaties on human rights. The Convention on the Elimination of All Forms of Racial Discrimination has now been ratified by 129 nations. The credibility of the United States in denouncing apartheid is seriously weakened by its failure to ratify this treaty, which emerged and became world law precisely because of the existence of apartheid.

There is some apprehension and fear in the Senate and elsewhere that ratification of United Nations treaties might subject U.S. citizens to trial in foreign nations, impose fines on the United States for its conduct in foreign nations and prompt embarrassing complaints around the world concerning the way in which the United States treats its blacks and minorities. There is a deep feeling of xenophobia in the U.S. psyche. That feeling was one of the many reasons why the Reagan Administration withdrew from the jurisdiction of the International Court of Justice after Nicaragua sued the United States in that tribunal for mining the harbors of Managua.

If the Bush Administration refuses to propose the ratification of any of the human-rights covenants, there is little that the Congress or the country can do about it. One of the deeper frustrations of human-rights academics and activists during the Reagan years was the deafness on the part

of the Reagan White House and State Department to any talk about ratifying the treaties.

Human-rights specialists have recommendations for the Bush Administration that are less comprehensive than the adoption of the four major covenants for human rights. On Dec. 10, 1979, the United Nations by a unanimous voice vote adopted the Convention Against Torture and other cruel, inhuman or degrading treatment or punishment. Although the Reagan Administration never committed itself to urge the ratification of this treaty, it did some useful work along those lines. The Treaty Against Torture could be ratified with a minimum of difficulty. Its provisions would have little if any impact on the United States since in the recent past torture has not been an evil in this country. But ratification of the document by the U.S. Senate would proclaim a message to those 40 nations where torture is still a serious problem.

Nongovernmental groups involved in human rights have multiplied in the last decade. Units such as Helsinki Watch, Asia Watch, Americas Watch and others have sensitized the world to the abuses in human rights in those nations to which the United States grants significant benefits. A coalition of these groups helped to defeat President Reagan's first nominee for the position of Assistant Secretary for Human Rights and Humanitarian Affairs, Dr. Ernest Lefever.

That same coalition, now greatly strengthened, is prepared to work for the confirmation of an articulate spokesperson for human rights in the Bush Administration. Ways to strengthen the machinery for human rights in the State Department and other Federal agencies are numerous in the agenda prepared for the White House by human-rights activists and academics. The annual reports on human rights required by Congress must be improved and separated from ideology. The Bureau of Human Rights should be upgraded, its work more publicized and its status made more independent.

Another recommendation on which there is little dissent is the generation-old proposal that there be created a United Nations High Commissioner for Human Rights. This idea, long pending in the United Nations, won the support of the Reagan Administration. The hope is that the United Nations High Commission on Human Rights, like the United Nations High Commissioner on Refugees, could focus world attention on actual or threatened violations of human rights—as in Cambodia, Chile or Zaire.

More important than any new initiatives in the area of human rights is the attitude and tone toward human rights that the Bush Administration will adopt. The Carter Administration spoke openly and often to the world about human rights. Some foreign governments probably resented the criticism, but the dissidents, refuseniks and human-rights activists everywhere agree that the emphasis on human rights by the Carter Administration made a difference. It put the United States almost for the first time on the side of the oppressed and not the oppressors. It helped to restore democracy in Argentina, Brazil and elsewhere. It added a new and welcome dimension to the United States' foreign policy.

That approach was generally lacking in the Reagan Administration. The White House in the 1980's tended to merge ideology with human rights: It protested abuses only when they were carried out by governments aligned with Moscow. Actions by Congress and by human-rights groups, however, often induced the Reagan White House to be more activist toward human rights than it might otherwise have been.

The potential for education and enforcement in the field of human rights in the Bush Administration is almost incalculable. Even if the White House takes little initiative, the energy and thrust of nongovernmental organizations here and abroad may be such that the new Administration will simply be required to go forward. The Congress and the country have become concerned in the last generation that the United States should not be aligned—or even appear to be aligned—with oppressors or dictators of the right or of the left. The U.S. public wants the Federal Government to protect its interests overseas, but it also desires that the United States' ideals be proclaimed and vindicated.

In many ways the advancement of human rights has always been a part of the United States' foreign policy. One could say the containment of Communism—the core of U.S. foreign policy since World War II—is a way of preserving and protecting the human rights of people who are or who may be subjected to totalitarian tyranny. In 1974, Congress institutionalized that policy and decreed in Section 502B of the Foreign Assistance Act that the United States shall not give aid to nations that flout those basic human rights whose protection became in 1976 a part of international law. The Carter Administration and the Reagan Administration differed in their approach to Section 502B. Despite those differences, however, there is a deep consensus in Congress and in the country that the United States should be in the business of defending and enforcing those human rights—and educating people about those rights—that are now, for the first time in the history of the world, under the protection of international or world law.

The new reverence given to human rights in international law was the creation, largely, of the United States. It was President Harry S. Truman who agreed to the United Nations Charter in 1945 in San Francisco and the U.S. Senate that ratified it by an overwhelming vote. The United States seems to have forgotten its commitment to international human rights in the controversy over racial segregation in the 1950's. This country was distracted in the 1960's by the struggles over civil rights and Vietnam. The United States rediscovered its devotion to international human rights in the 1970's. Now for 15 years the United States has sought—enthusiastically but sometimes erratically—to carry out what international law and U.S. aspirations expect of a nation whose very existence has been grounded for 200 years in a dedication to human rights.

What will the United States think and do about human rights in the 1990's? That depends to some extent on the Bush White House. But perhaps more importantly it depends on how Americans believe their country should deal with nations that withhold from their people those fundamental rights that, always inherent in every human being, are now recognized and guaranteed by international law.

The United States more than any other nation gave the leadership that led to the formation of the United Nations and the emergence of more than 20 major treaties on human rights from that organization. In a sense, the United States transmitted the moral and spiritual principles underlying its own institutions to the family of nations. Consequently, the United States has a daunting moral and political responsibility to enhance the transcendence of human rights. With the right leadership, the United States in the 1990's could make the observance of internationally recognized human rights a reality of the human family.

MILLS SET A STANDARD OF PARLIAMENTARY EXCELLENCE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. MAVROULES. Mr. Speaker, Tuesday, May 2, 1989, marked the first time in 24 years that the name of Francis E. Mills did not appear on the ballot for Town Moderator in the town of Danvers, MA, which is located in the Sixth Congressional District that I represent. I have had the privilege of working with Frank Mills through the years. Frank Mills is a longtime administrator at Boston College and a friend to many of us in the Massachusetts delegation. His retirement ends a 23-year political institution in our system of local government and I know the good people of Danvers will miss his service.

Mr. Speaker, I would like to include a recent editorial from the Danvers Herald, which also highlights this distinguished career of public service and dedication.

The editorial follows:

[From the Danvers Herald, Mar. 2, 1989]

MILLS SET A STANDARD OF PARLIAMENTARY EXCELLENCE

Danvers is 237 years old and Frank Mills has wielded the gavel at Town Meeting for the last 23 of those years. The venerable Town Moderator set a standard of parliamentary excellence for all who will follow.

Mills presided over his last Town Meeting Monday night in Michael Armento Auditorium at the high school. Few can remember when Mills was not moderator. His retirement at age 73 is a milestone in local government.

Frank Mills was a political activist before the term became trivialized. He didn't carry signs or march in protest. Mills' activism was rooted in the democratic process.

Mills is a true believer of the unique democracy born in Philadelphia when men named Jefferson, Adams and Franklin sat down to create a document that set a country free and created a fledgling world leader.

Few men respect the laws of nation, state and community as deeply and sincerely as Frank Mills. He is not a lawyer, but he has been a diligent practitioner and staunch defender of the laws that men have made to rule themselves by.

Mills ruled Danvers Town Meeting with a velvet gavel for nearly a quarter century. He conducted Town Meeting as the people's business, which it was intended to be.

An expert in parliamentary procedure, Mills ran a tight ship at Town Meeting. He rarely let the democratic process get out of hand. There were occasions when Mills would have preferred to let his heart rule his gavel, but he almost always resisted the temptation.

Meeting members ruled out of order by Mills did not always agree with his interpre-

tation of Roberts' Rules, but they usually found him to be right. And Mills prided himself in letting everyone participate in Town Meeting, but not to excess. His meetings were swift and tight. He left no room for demagoguery.

It was not apathy that permitted Mills to go unchallenged as moderator for the 22 years following his initial victory. He was knowledgeable, tough, compassionate and—above all—fair. An opponent would have been hard-pressed to make a credible case against Mills, so no one did.

Francis F. Mills was an exemplary public servant. He will be succeeded, but not soon replaced in the hearts and minds of Danversites who know and respect government as our forefathers in Philadelphia believed it should be practiced.

IN SUPPORT OF THE RADIATION VICTIM COMPENSATION BILL

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. OWENS of Utah. Mr. Speaker, today, together with six of my colleagues from involved Southwestern States, I am introducing the radiation victim compensation bill. This legislation would redress an outstanding national obligation to citizens in our region, who were unjustifiably and involuntarily sacrificed to advance our Nation's position during the cold war.

They are either the heirs of Colorado Plateau uranium miners who were unwittingly exposed to extraordinary levels of radiation in underground uranium mines, where ore for the Government's nuclear developments was mined during the 1950's, or they are the heirs and family members of fallout victims from the Government's nuclear testing in Nevada during this same era.

Both classes of victims have presented their cases to the judiciary system. In both cases court opinions were issued that the deaths and injuries were caused by the radiation exposures, and that Government officials knew of the risks and failed to act. However, because the courts also found that the Federal decisions to disregard these people's lives and safety were premeditated, Federal sovereign immunity laws were applied to bar their claims. Indeed it is because their deaths and injuries were deemed intended, or, in other words, a policy decision of the United States, that they have gone uncompensated.

They are the victims of the cold war who, unlike other war victims, could have chosen to live or work elsewhere had they been informed.

Both the Ninth and Tenth Circuit Courts of Appeals struggled in these cases with the unjust result imposed by applicable Federal sovereign immunity laws. The ninth circuit stated:

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

This legislation would respond to these judicial recommendations with a national apology and modest, but long overdue compassionate payments, similar to those provided for victims of the Texas City disaster and Japanese-Americans who were unjustly interned during World War II. I invite you, Mr. Speaker, and my colleagues in the House of Representatives to join in resolving this outstanding national obligation.

H.R. —

A bill to provide jurisdiction and procedures for claims for compassionate payments for injuries due to exposure to radiation from nuclear testing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radiation Exposure Compensation Act".

FINDINGS

SEC. 2. As a result of testimony received before various committees of the Senate and the House of Representatives, the Congress finds that—

(1) fallout emitted during the Government's above-ground nuclear tests in Nevada exposed civilians who lived in the downwind affected area in Nevada, Utah, and Arizona to radiation that generated an excess of cancers among these civilians;

(2) the health of the civilians who were unwitting participants in these tests was put at risk to serve national security interests of the United States;

(3) radiation released in underground uranium mines that were providing uranium for the sole use and benefit of the nuclear weapons program of the United States Government exposed miners to massive doses of radiation that produced an epidemic of lung cancer and respiratory diseases among these miners;

(4) the United States should recognize and assume equitable and compassionate responsibility for the damages sustained by these civilians and provides herewith a procedure to make partial restitution to these individuals for the burdens they have borne for the nation as a whole; and

(5) Congress recognizes that the lives and health of uranium miners and of innocent citizens who lived downwind from the Nevada tests were sacrificed to serve the national security interests of the United States, and Congress apologizes to these citizens and their families on behalf of the Nation.

TRUST FUND

SEC. 3. (a) There shall be established in the Treasury of the United States, a trust fund known as the "Atmospheric Nuclear Testing Compensation Trust Fund" (hereafter in this Act referred to as the "Trust Fund" or the "Fund"), which shall be administered by the Secretary of the Treasury, and shall consist of—

(1) the sum of $100,000,000, appropriated to the Fund under subsection (e), and

(2) any amount credited to such Fund under any other provision of law.

(b) Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code and any interest on, and proceeds from any such investment shall be credited to and become a part of such Fund.

(c) Amounts in the Fund shall be available only for disbursement by the Board under section 6.

(d) The Fund shall terminate not later than the earlier of the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund by subsection (e), and any income earned on such amount, or 15 years after the date of the enactment of this Act. If all of the amounts in the Fund have not been expended by the end of that 15-year period, investments of amounts in the Fund shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

(e) There are authorized to be appropriated to the Fund $100,000,000. Any amounts appropriated pursuant to this section are authorized to remain available until expended.

BOARD OF DIRECTORS OF THE FUND

SEC. 4. (a) There is established the Atmospheric Nuclear Testing Compensation Trust Fund Board of Directors (hereafter in this Act referred to as the "Board"), which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) The Board shall have exclusive jurisdiction to hear claims and make decisions concerning compassionate payments to be paid out of the Fund to claimants who present claims as provided pursuant to the provisions of this Act. Such claims shall be made against the United States for the personal injury or death of an individual, if such injury or death is due to exposure to radiation resulting from an above-ground nuclear test at the Nevada test site during the periods described in section 7 or as a result of employment as a uranium miner as described in section 8.

(c) The Board shall be composed of 7 members appointed by the President, 5 of whom shall be appointed upon the recommendations of several States as follows:

(1) one member shall be appointed upon the recommendation of the Governor of the State of Utah;

(2) one member shall be appointed upon the recommendation of the Governor of the State of Nevada;

(3) one member shall be appointed upon the recommendation of the Governor of the State of Arizona;

(4) one member shall be appointed upon the recommendation of the Governor of the State of Colorado; and

(5) one member shall be appointed upon the recommendation of the Governor of the State of New Mexico.

(d)(1) All recommendations to be made by the various States as specified in subsection (c) shall be made within 60 days after the date of enactment of this Act.

(2) All appointments to be made pursuant to this Act shall be made by the President within 90 days after the date of enactment of this Act.

(e) All members of the Board shall be appointed for terms of 3 years and may be reappointed.

(f) The first meeting of the Board shall be called by the President and shall be held within 120 days after the date of enactment of this Act.

(g) At the first meeting of the Board the Board shall select a chairman from among its members. The Chairman shall serve as such for his term and may be reselected as chairman if he is reappointed to the Board by the President.

(h) Four members of the Board shall constitute a quorum for voting purposes but a lesser number many conduct meetings.

(i)(1) A vacancy on the Board resulting from the death or resignation of a member prior to the expiration of the term for which such person was appointed shall be

filled in the same manner as the original appointment. A member appointed to fill such a vacancy shall be appointed only for the remainder of his predecessor's term but may be reappointed.

(2) All decisions to certify claims obligating funds must be made by a majority of the Board.

(j) The principal office of the Board shall be in the State of Utah. Whenever the Board deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place it deems necessary of appropriate.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Board is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(b) The Board is authorized to enter into agreements with the General Services Administration for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Board in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

(c) The Board is authorized to procure supplies, services, and property, and make contracts in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts.

(d) The Board is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) The Board or, on the authorization of the Board, any member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of books, records, memoranda, papers and documents as the Board or such member deems advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the Chairman, or any duly designated member, and may be served by any person designated by the Chairman or any such member. In case of the failure of any witness to comply with any subpena, or to testify when summoned under authority of this section, the provisions of section 102 through 104, inclusive, of the Revised Statutes (2 U.S.C. 192 et seq.), shall apply to the Board to the same extent as such provisions apply to the Congress.

(f) The Board, or on the authorization of the Board, any member thereof, may, for the purpose of carrying out this Act, have such printing and binding done, enter into contracts and other arrangements to such extent or in such amounts as are provided in appropriation Acts, and make such expenditures as the Board or such member deems advisable.

(g) The Board may acquire directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act. Each such department, bureau, agency, board, commission, office, establishment or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates and statistics directly to the Board, upon request by the Chairman.

(h) The Chairman of the Board is authorized to appoint, terminate, and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such personnel as he deems necessary, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title.

(i) Upon request of the Board, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Board or to detail any of the personnel of such agency to the Board, on a reimbursable basis, to assist the Board in carrying out its duties under this section, unless the head of such agency determines that urgent overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Board and so notifies the Chairman in writing.

(j) The Board may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(k) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such member.

(l) The Board may expend funds made available for purposes of this Act for printing and binding notwithstanding any other provision of law.

DUTIES OF THE BOARD

SEC. 6. (a) The Board shall make all decisions regarding awards to be made each year from the Trust Fund established pursuant to this Act and make certifications to request that the Treasury of the United States make disbursements from such Fund.

(b) Every official act of the Board shall be entered of record, and its hearings and records shall be open to the public. The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

(c) The Board shall hear specific claims made against the United States in accordance with the provisions of chapter 5 of title 5, United States Code, pursuant to the provisions of this Act, and the Board shall make specific findings and awards. Any such findings and awards shall be considered final actions subject to judicial review by the United States Claims Court. The court may reverse or modify the determination of the Board if the court finds that such action was clearly erroneous.

(d) The Board shall certify to the Treasury of the United States the awards be paid to claimants.

DETERMINATION OF COMPASSIONATE PAYMENTS FOR CERTAIN CLAIMS RELATING TO OPEN AIR NUCLEAR TESTING

SEC. 7. (a)(1) Any individual who resided in the affected area, as defined in this Act, for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958, or resided in the affected area during the period beginning on June 30, 1962, and ending on July 31, 1962, and contracted a specified disease, as defined in this Act, resulting in personal injury or death, shall receive a damage award in the amount of $50,000, or the heirs of such individual shall receive a damage award in the amount of $50,000 on behalf of the estate of any such deceased individual, by filing a claim against the United States for such personal injury or death. Such claim shall be filed with the Board in accordance with the provisions of this subsection by, or on behalf of individuals described in paragraph (2).

(2) Upon a finding by the Board that such claim meets the requirements of this Act, the United States shall be irrebuttably presumed to be liable for the individual's injury or death, as the case may be, and the Board shall award the amount of compasssionate payment described in paragraph (1).

(b) The Board shall complete its determination of an award on each claim under subsection (a) not later than 12 months after the date such claim is heard by such Board.

(c) For purposes of this section, the term—

(1) "affected area" means: in the State of Utah, the counties of Washington, Iron, Kane, Garfield, Sevier, Beaver, Millard, and Piute; in the State of Nevada, the counties of White Pine, Nye, Lander, and Lincoln; and that part of Arizona that is north of the Grand Canyon and west of the Colorado River; and

(2) "specified disease" means leukemia (other than chronic lymphatic leukemia), multiple myeloma, and cancers of the thyroid, lung, female breast, stomach, colon, esophagus, and urinary tract.

DETERMINATION OF COMPASSIONATE PAYMENTS FOR CLAIMS RELATING TO URANIUM MINING

SEC. 8. (a)(1) Any individual employed in a uranium mine located in Colorado, New Mexico, Arizona, or Utah during the period beginning January 1, 1947, and ending on December 31, 1961 who—

(A) was exposed to 100 or more working level months of radiation if the individual was a nonsmoker, or

(B) was exposed to 250 or more working level months of radiation if the individual was a smoker, and who developed lung cancer or other serious respiratory disease, shall receive a damage award in the amount of $100,000, or the survivors of such individual shall receive a damage award in the amount of $100,000 on behalf of the estate of any such individual, by filing a claim with the Board against the United States for such injury or death. Such claim shall be filed in accordance with the provisions of this subsection.

(2) Upon a finding by the Board that such claim meets the requirements of this Act, the United States shall be irrebuttably presumed to be liable for the individual's injury or death, as the case may be, and the Board shall award the amount of the compassionate payment described in paragraph (1).

(b) The Board shall complete its determination of the compassionate payment under subsection (a) not later than 12 months after the claim is heard by the Board.

CLAIMS NOT ASSIGNABLE OR TRANSFERABLE

SEC. 9. (a) No claim cognizable under this Act shall be assignable or transferable.

(b) Payments made to individual claimants pursuant to the provisions of this Act shall not be subject to any tax under of the Internal Revenue Code of 1986 or any other provision of law.

(c) Payments made pursuant to the provisions of this Act shall be considered to be in full settlement and discharge of all claims against the Government of the United States by the parties to such claim.

TIME FOR FILING CLAIMS

SEC. 10. A claim to which this Act applies shall be barred unless the claim is filed—

(1) within 2 years after the date of the enactment of this Act, or

(2) within 2 years after the date on which the specified disease is discovered, or should have been discovered,

whichever is later.

ATTORNEY FEES

SEC. 11. Any attorney or agent fees awarded shall be paid out of the awards hereunder, and no attorney or agent on account of services rendered in connections with each claim shall receive in excess of 10 per centum of the amount paid, any contract to the contrary notwithstanding. Whoever violates the provisions of this Act shall be fined a sum not to exceed $5,000.

INSURANCE CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES

SEC. 12. An award of damages made in accordance with this Act shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on any individual receiving such an award, on the basis of such receipt, to repay any insurance carrier; nor shall such an award or a claim to which this Act applies affect any claim against an insurance carrier.

FEDERAL TORT CLAIMS ACT NOT APPLICABLE

SEC. 13. The provisions of chapter 171 of title 28, United States Code, commonly referred to as the Federal Tort Claims Act, shall not be deemed to apply to any action brought pursuant to the provisions of this Act.

LIABILITY OF THE UNITED STATES

SEC. 14. Notwithstanding any other provision of law, respecting the provisions of this Act relating to claims, the United States—

(1) shall be liable in the same manner and to the same extent as a private individual under like circumstances, and

(2) shall not have any immunity or defense regarding a claim based upon an act or omission of an employee in the Government, exercising due care, in the execution of a statute or regulation, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty of the Government.

SEVERABILITY

SEC. 15. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act shall not be affected thereby.

CONGRESSIONAL SALUTE TO DARYL I. SALLADAY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding individual in my community who deserves to be recognized for his dedication and service to the public. May 1, 1989, marked the end of Daryl I. Salladay's 33 years of service as a Federal employee and it is an honor to share with you and my colleagues the stellar career of this remarkable public servant.

Mr. Salladay has spent the entire span of his career serving his country. After a short stint in military service, Daryl began his civil career working for the Sacramento District Corps of Engineers, serving the people of my home district with dedication and professionalism. Daryl has served in leadership positions for 21 years as a supervisory civil engineer with corps' engineering and planning divisions and has participated in planning for many major projects including the New Melones Dam and Reservoir, Merced County Streams, the Stockton Deep Water Ship Channel in California and the Little Dell Lake project in Utah.

In 1986, the citizens of Sacramento faced the disaster of flooding. However, thanks to the around-the-clock efforts of Daryl and the corps, our community was protected from this near calamity. Due to Daryl's expertise and experience in guiding the American River flood control studies, the groundwork has been laid toward building a consensus on the future of flood control in the Sacramento area. As the assistant chief of the planning division in the Sacramento District Corps of Engineers, Daryl continued to set an example of excellence. In recognition of his many achievements and devotion to the principles of responsible public service, Daryl was honored with the 1988 Meritorious Civilian Award.

Mr. Speaker, I, and all who have had the privilege of knowing Daryl I. Salladay, hold his technical expertise in water resources planning in the highest regard. Daryl I. Salladay is to be commended for his outstanding contribution to the city and county of Sacramento, the State of California and the Federal Government of the United States. I take great pride in saluting Mr. Salladay and know that my colleagues join me in extending best wishes to him in his retirement.

WARNINGS AND CHALLENGES FROM SENATOR BIRCH BAYH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. ACKERMAN. Mr. Speaker, I rise to lend my strongest support to the ideas of our able colleague, Birch Bayh, the former Senator from Indiana.

When Senator Bayh graced the other body, he was a champion for the Constitution. The thoughts he expresses today declare that his commitment to the never-ending causes in that noble document has not diminished.

Senator Bayh issues us both ominous warnings and vigorous challenges. I share his words with you so you may be stirred, as I was.

[From Newsweek magazine, Apr. 17, 1989]

LET'S TEAR OFF THEIR HOODS

(By Birch Bayh)

When the voters of Metairie elected David Duke to the Louisiana Legislature, they sent a shock wave across the country. Newspapers everywhere carried front-page stories expressing disbelief that the president of the National Association for the Advancement of White People and former imperial wizard of the Ku Klux Klan could actually win an election. It was almost as if the returns from the 81st District of Louisiana had resurrected the Klan, like Lazarus, from the dead. To those who are startled to hear that the KKK is alive and well, one can only ask, Where Have You Been?

Have no doubt about it, the Klan—which lynched helpless black Americans, murdered civil-rights workers, burned its crosses and spread its divisive venom of prejudice across the land—has not disappeared. It continues to hawk its poison to any one who will listen. To make matters worse, the Klan today has been joined by other harbingers of hate such as the Skinheads, the Aryan Nations, Posse Comitatus, The Covenant, the Sword, and the Arm of the Lord. White Aryan Resistance (WAR) and the strident right-wing political cult of Lyndon LaRouche. Although the legal ties which bind these seemingly disparate groups together may be somewhat tenuous, similarities are undeniable. Bigotry and prejudice based on religion, race, ethnicity and sexual orientation as well as transgressions upon basic constitutional rights guaranteed all Americans permeate the spectrum of today's right-wing extremism. And this philosophy of hate is having an impact in community after community across the country.

During the last five years, the National Institute Against Prejudice and Violence, a nonprofit watchdog group, has catalogued these hate-filled acts, provided counsel to communities confronted with such activities and tried to inform a complacent public of the evil which lurks in all too many neighborhoods. A collection of these isolated incidents, when viewed from a national perspective, presents a truly alarming picture:

Ridgedale, Mo.—State trooper slain by a member of The Order extremists.

San Francisco, Calif.—Community Holocaust Memorial desecrated.

Bull Shoals Lake, Ark.—Officials uncover huge military cache at camp of Covenant, Sword, Arm of the Lord.

Reno, Nev.—Black man allegedly shot to death by two adolescent Skinhead supporters.

Beverly, Mass.—Swatikas and Nazi slogans scrawled on Temple B'nai Abraham.

Houston, Texas—"Death to Arabs" spray-painted on Islamic mosque; attempted burning of cars.

Coeur d'Alene, Idaho—White supremacists bomb a federal building, a business and a home.

Similar incidents have occurred in hundreds of other communities across America. Last year the Anti-Defamation League reported a 41 percent increase in acts of anti-Semitic harassment, threats and assaults over 1987. The New York City Police Department recorded 550 incidents motivated by race, religion, ethnic background or sexual orientation in 1988, a 100 percent increase in two eyars.

These senseless acts are not the dying vestiges of discrimination perpetrated by older Americans. Many of the Skinheads are not old enough to vote. Duke himself is still in his 30s—hardly a graybeard. Surveys conducted by the institute disclose that similar acts of prejudice are occurring on the anion's campuses. Over 20 percent of all minority students interviewed reported being harassed on at least one occasion; many reported multiple experiences. Incidents were reported on 174 different campuses. Among them: the dorm room of five Asian women students was broken into and vandalized with the letters KKK painted on their door (Macalester College); the words "Death Nigger" were carved on the office door of a counselor (Purdue University); an anti-

apartheid shanty was doused with gasoline and set on fire while two students sat inside (Johns Hopkins University); arson destroyed a black fraternity house (University of Mississippi).

Some of those incidents are the result of hostile, organized group activity, and some result from the latent bigotry which lies in the souls of all too many human beings. Unfortunately, there has been perilously little leadership at the highest levels of government urging Americans to follow a higher road, to think more noble thoughts. Regardless of the motivating factors involved, the number of these incidents of violence and prejudice continues to increase throughout the country. This is a record of shame.

Perhaps some good can come from the Duke election if we stop treating David Duke as an isolated example, an aberration of our political process. Let us recognize that Duke is one of a large and growing number of Americans who espouse prejudice and bigotry and who, if left uncontested, will divide and destroy our nation. The David Dukes of America do not live only in Louisiana. They exist in every region of our republic.

Let us use the Duke election as a catalyst to stimulate vigilance from each of us. Let each of us vow to stand up and speak out against those purveyors of hate and prejudice. Let us expose these right-wing haters as traitors to the American cause. Let us tear off their hoods, eradicate their brotherhoods and leave them naked in the light of day. Then must Americans insist that they, together with their thoughts and values, be sent to the alley with the rest of the garbage, rather than to the state legislature as heroes.

A TRIBUTE IN MEMORY OF MILDRED E. DOYLE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. DUNCAN. Mr. Speaker, funeral services were held Tuesday in Knoxville for Mildred E. Doyle. Miss Doyle was the superintendent of Knox County Schools from 1946 to 1976.

Miss Doyle was one of the finest women I ever knew. She loved people, especially her children. She was active in politics and was a leading vote getter in Knox County at a time when few women were elected to high office. Mildred was a staunch Republican and was not afraid to let anyone know where she stood. She also was a great athlete and participated actively in sports for many years.

Mildred Doyle was a close personal friend and political ally of my father and the entire Duncan family. She was a great superintendent and a great lady, and she will be missed by many people.

The Knoxville News-Sentinel on Monday had a lead editorial and a column that I would like to have reprinted in the RECORD:

MILDRED E. DOYLE

An entire generation of adults educated in Knox County can associate their schooling with the name of Mildred E. Doyle.

Her death Saturday morning at age 84 is a personal loss for everyone educated under her tutelage as superintendent of Knox County Schools for 30 years as well as a loss to this community.

One can easily cite the accomplishments—and there were many—during her years in office. She presided over a system that was growing into its modern shape, from 17,000 students in 1946 to more than 27,000 in 1976, from one- and two-room schools to the construction of more than 40 new school buildings during her years in office. She was a driving force to get an alternative school, established in 1980, so suspended or expelled pupils from throughout East Tennessee could continue their education. During her tenure, 750,000 students passed through the county schools.

Doyle became head of the school system with little fanfare long before most women moved toward equality with men in executive positions. She also named other women to administrative positions, many for the first time in Knox County.

Yet, despite the successes, despite her hold on the superintendency and her heavy involvement in Knox County Republican politics, the one feature that stands out for those who walked the halls of the county's schools is an unmistakable style and personality: the red hair, the gravel voice, the frankness, the temper, the laughter, the warmth.

There also was the knowledge down deep that whatever differences one had with her, Mildred Doyle cared sincerely about children and their education. The 10-12 hour work days were routine. If she once admitted to being "a little bit autocratic," she was quick to take the unpopular stand for what she believed was best for the schools, whether it brought her into conflict with students and parents or members of the old Knox County Court.

Perhaps her finest compliment came from the man who defeated her in 1976 for reelection, Earl Hoffmeister, present superintendent of Knox County Schools. "Everyone's goal in education is to leave it better than we found it," Hoffmeister said, "and she certainly has done that."

One can add that education in Knox County is better because of Mildred E. Doyle.

MILDRED DOYLE'S CARING LEFT TOUCH ON THE LIVES OF HER MANY CHILDREN

(By Sam Venable)

According to newspaper accounts of her death, Mildred Doyle had no children.

That proves you shouldn't believe everything you read in newspapers.

Midred Doyle had thousands of children. Hundreds of thousands, actually. During the 30 years she served as superintendent of the Knox County school system, fully three-quarters of a million youngsters came under her care.

And you better believe we were "her" kids in the truest sense of the word.

She was the no-nonsense, quick-tongued mother hen who supervised our education, planned our meals, refereed our games, guarded our safety and guided our overall development from the moment we entered first grade till we exited with a high school diploma 12 years later.

Looking back on her life, which ended Saturday after 84 years, I found it difficult to imagine that virtually no one in today's student body has had contact, direct or otherwise, with this woman. Lord, I must be getting old myself.

But try this quiz on anyone who went through the county system between 1946 and 1976: Ask them to form the image of a signature in their mind. An important signature. A signature they associate with growing up and going to school.

A few—history buffs and insurance agents, I suspect—might recall the bold script of John Hancock on the Declaration of Independence. But the vast majority will remember the flowing "Mildred E. Doyle"—with the "E." and the "Doyle" connected—from the front of a report card, an attendance form, a certificate or any other piece of official school correspondence. It's one of those things you never forget.

Indeed, none of us will forget Miss Doyle.

Oh, and before some high-handed copy editor deletes the "Miss" from her name so my words conform to modern newspaper style, I caution against it. She was "Miss Doyle." Period. Some things are simply not meant to be changed.

In an era when female educators remained quietly in the classroom, Miss Doyle commanded the office of superintendent as none before her or since.

A politician? You better believe it. She was a master of the game, a staunch Republican to the soles of her feet. Mildred Doyle was comfortable and effective in any setting—an emotional public hearing, a heated school board meeting or a smoke-filled chamber behind some locked door at the courthouse.

But this was not politics for politics' sake. It was politics for the children of Knox County, a mission she guarded as nothing less than a sacred trust.

Mildred Doyle was to county schools what Andy Holt was to the University of Tennessee. Both were as plain as faded bib overalls, but their ability to extract dollars for education could make a riverboat gambler slink off in embarrassment.

Not every decision Miss Doyle reached was popular. Still, she rarely minced her words, no matter what the cost.

"The one thing you've got to do is say what's right," she once observed, "and not what the people want to hear."

One pronouncement a lot of children didn't want to hear was her order for Saturday classes. This was a decision she made in February 1960 after schools had been closed so many times because of snow. The only way to get back on schedule was double up on off-days.

Naturally, we kids protested.

Give up our Saturdays? No sleeping late? No cartoons? Aaaargh! The very thought was heresy. From Halls to Karns, Mount Olive to Mooreland Heights, the battle cry of "Mildred Doyle should be boiled in oil!" rang through the halls.

Oddly enough, we survived this cruel blow to our tender psyches. Even more amazing, we grew into adults—one might venture so far as to daresay educated adults—who learned to appreciate what a caring professional had touched our lives.

No children of her own? Baloney. She had us, all 750,000 of us, and we loved her for it.

Mildred Doyle was not boiled in oil. Thank God.

QUESTIONS CONCERNING FINANCIAL AID

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, May 10, 1989, into the CONGRESSIONAL RECORD:

QUESTIONS CONCERNING FINANCIAL AID

Federal student aid, the primary means by which the government helps low- and middle-income students afford higher education, is again under scrutiny. The financial aid program is designed to ensure all students the opportunity to pursue continued education after high school. As a country, we have a responsibility to provide a strong education to our children. Instituted in 1965 as part of the Higher Education Act, financial aid now provides postsecondary assistance to nearly six million students. The program is expensive, last year costing almost $9 billion.

Despite federal assistance, the rising cost of postsecondary education has made it increasingly difficult for many students to afford higher education. Since 1980, costs have risen 40% above inflation, while federal assistance has increased only 3% above inflation. The shift in emphasis from grants to loans has also hurt the students the government wants to help most. Grants awarded to students have stagnated while loans, once used mostly by middle-income people, are now often the only source of aid even for low-income students.

Many poorer students face large debts upon graduation and often cannot repay their loans. The default rate has risen dramatically, with the highest rates among students in schools traditionally serving low-income students, such as community colleges, trade schools, and historically black universities. In 1966, 7% of those receiving loans defaulted. Today, more than 14% default, at a cost to the government of $1.5 billion a year—over 40% of the annual budget for student loans.

An easy solution to these problems would be a dramatic increase in federal funding. Congress, however, has hesitated to increase financial assistance for several reasons. First, federal budget deficits have made it difficult to increase any spending program while others are being cut. Second, waste in student aid programs, both in overpayments and defaults, should be corrected before the program is increased. Finally, not everyone agrees on federal priorities in education, with some arguing that expanded programs for younger students would better benefit our students and our country.

Faced with these difficulties, Congress has attempted to curb waste and excess costs. Since 1985 the IRS has withheld tax refunds of defaulters. New rules have also been instituted to force banks and other lenders to make a greater effort to collect their student loans before collecting on the government guarantees. Although such efforts will help, more changes will be needed to address the long-term financial difficulties of the program.

Several proposals have been offered recently which would overhaul the student assistance program. Perhaps the most prominent, and most controversial, would link national service to student financial aid. Aid would be provided only to students who serve in the military, reserves, or a civilian "national service" corps. For two years of service, students would receive $20,000 for civilian duty and $24,000 for military duty (or $2,000 for every year spent in the reserves). This money would be provided to the students in the form of a voucher which could be used for postsecondary education or a down payment on a first home.

Advocates of this program argue that it would provide a pool of motivated, low-cost workers for the country, while instilling in them a sense of civic responsibility. Critics, however, question the overall costs of such a program—students would receive at least $20,000 as opposed to the average financial assistance today of about $12,000 over four years. The Pentagon also is concerned that such a program would drain off recruits after only two years of service, hindering military preparedness.

Another proposal would exclude from the student assistance program schools which have student loan default rates higher than 20%. Over one-fourth of participating schools have rates at 20% or higher, and the majority of them are for-profit vocational and trade schools. Advocates argue that many such schools are established simply to take advantage of students and the government. Yet caution is needed before changes are made that could prevent lower-income students from pursuing higher education opportunities.

A third proposal is based on social insurance. Students would receive financial assistance and, in return, a small portion of each paycheck a student received after graduation would be automatically placed in a trust to finance future assistance to other needy students. Paycheck deductions would continue until retirement, and the amount taken from each paycheck would be based on the ability to pay. This would allow students greater leeway in determining what career they pursue after graduation, and the program could include debt forgiveness for students who become teachers or work in social benefit efforts. The largest drawback of this proposal is its large start-up cost of several billion dollars.

A final proposal would make financial student assistance a federal-state matching aid program. The state would cover higher education costs beyond federal assistance for needy high school graduates who attended state-run schools. Students in private institutions would receive an equivalent sum. Once again, the main problem is cost. Total state costs each year could exceed $1 billion.

Federal student aid today is complex, costly, and confusing. Congress should work to find a way to decrease the default rate in order to free up funds for student aid. Grants to college students could be increased on the theory that the mix of aid has been allowed to swing too far toward loans in recent years. Debt repayments should be made more manageable, by basing repayment on income and allowing debts to be paid over extended periods. Other alternatives for reforming the student aid program need to be explored, although I am wary of changes such as national service that would significantly alter the structure of this popular program. Student aid is not cheap, but I do not know of a better social investment than that of the education of ambitious young people.

COMMUNITY IS UNDER ATTACK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. STOKES. Mr. Speaker, I would like to bring to my colleagues' attention the following article entitled, "Community Is Under Attack." The article was published in the Cleveland Call and Post and written by a highly respected minister and a longtime friend, Dr. Otis Moss, pastor of Olivet Institutional Baptist Church.

Dr. Moss is an outstanding minister and Black leader in Cleveland. Dr. Moss has devoted over 20 years of direct involvement in the Civil Rights Movement, as a religious leader and community activist. During his career, he has also been a consultant to Government officials on moral and social issues facing the Nation.

"Community Is Under Attack" focuses on recent incidents involving the black community in Cleveland. The tragic images of which Dr. Moss refers are indicative of other scenarios taking place in every community all across our Nation. Black communities in every city in America are suffering from the ravages of drugs, violence, and poverty.

Mr. Speaker, I strongly urge my colleagues to read Dr. Moss' timely and thought-provoking commentary.

The article follows:

COMMUNITY IS UNDER ATTACK

(By Dr. Otis Moss)

The African American Community is under multiple attack but there is hope.

There are the attacks of historic systematic racism dating from 1619 (first slave ship) to the present. There is the internal attack of African Americans killing African Americans. This viciousness, violent, aggressive and homicidal process within our community is an ever present threat to our survival. The easy access to guns and drugs has released a "killer squad" of young men and women who make the risks of being killed in our own community greater than Vietnam over a decade ago.

There is the attack of multiple external invasions. Examples: 1. Indictments of Black officials and leaders. 2. Indictments of two Black male educators. 3. The focused news article series on one of the foremost business leaders of the Black Community. 4. The Feckner Case with its colossal blunders pain and high costs to the Black community. 5. The volatile politicization of school transportation (busing). 6. The violent racists attacks on the homes and lives of African Americans. 7. Fire bombings, shootings and vandalizing on an increasing basis. 8. The purging of thousands from the voter rolls. 9. The "legal dismantling of Affirmative Actions plans from state to state. 10. The loss of political gains in Chicago. 11. The inability to focus properly on the mayor's race in Cleveland. 12. The vicious attack on Dr. Julian Earls. 13. The 7.2% decline of male enrollment in higher education. 14. The gigantic increase of Black males in the prison population. 15. The subtle and not so subtle calls for the deratification of home rule and the refederalization of Washington, D.C. This is not a com-

prehensive list of the incessant attacks on African Americans.

How can an individual, group, organization or group of organizations respond effectively, forcefully, morally and spiritually to these type of jack hammer blows? How can any individual or group manage or master this kind of reign of multiple terrors without committing countless errors? How can we respond to each specific attack without being shallow, flippant and irresponsible? How can we respond to vitriolic attacks without becoming bitter? How can we respond to ugly violence without becoming ugly like it or worse? This is our profound moral challenge.

First, in the words of a Black leader some three score and ten years ago, "We must close ranks." When Mable Gant was burned, when Feckner sold drugs, when the home of Mr./Mrs. White was vandalized with all types of racist graffiti, when those young men were shot without provocation, no one asked the victims if they were Baptist, A.M.E., Pentecostal, Protestant, Catholic, Muslim, Democrats or Republicans. They were all African Americans, human beings and children of God. We must close ranks for God's sake, for our sake, for our children's sake and for the sake of our community, Black and white. The last three decades of daily struggles, deaths, assassinations, abandonment and disillusionment have left their scars and stress but also their stars, heroes, heroines, strengths and promises. Let us close rank around our strength, our hope, legacy, promises and our future.

Secondly, we face a greater threat of becoming traumatized and morally frozen, with everyone seeking his or her own election returns in an atmosphere of diminishing hope, service, commitment, sacrifice and spirituality. We need a series of meeting focusing on the the need for non-violence, drug-free homes, work places, schools and housing units. In short we need a moment of spiritual regeneration and racial reconciliation.

Thirdly, we must show special concern, support and compassion for those among us under serious and dangerous attack. We do not have such surplus of genius in any age group or race that we can dismiss it with the slight of hand like Adolph Eichmann sending his victims to the gas chambers with the slight movement of his hand. The most vicious form of slavery is the celebration of the wounding of our sisters and brothers. We must practice praying for and with each other. We need a revivial of renewal of values. Former president, Lyndon Johnson, after more than 30 years in Washington, D.C. and the agonies of Vietnam, said he was going back to his home community in Texas where people "know when you are sick and care when you die." If we do not care about each other in our suffering, we are an "endangered species."

In conclusion, I have a colleague in the ministry who played high school basketball. The coach sent him in a game to replace an injured teammate. The ball was passed to him in a fast action maneuver after he was shaken up by two players from the opposite team, he caught the ball and started dribbling rapidly toward the "wrong" goal, the crowd started yelling no! no! but he thought they were saying go! go! and rushed toward the goal and "scored" a shot in the wrong basket, helping his opponents win the game! More than 30 years later he still takes a little "heat" for scoring in the wrong hoop.

We are being hit from so many directions in the African American community that we find ourselves in a blinding state of semi-consciousness, politically and economically scoring points for the opposing team. Every time crack, cocaine, heroin and other drugs are bought and sold in our community we score a point for the "other" team and reduce our own options. Every time we practice political and economic homicide on a brother or sister we score a point for those who are enemies to our own progress.

VALLEY HIGH SCHOOL REPRESENTS NEVADA IN NATIONAL BICENTENNIAL COMPETITION

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. BILBRAY. Mr. Speaker, this week, in our Nation's Capital, over 950 young people from 44 States have gathered to participate in the National Bicentennial Competition on the Constitution and Bill of Rights. I am proud to announce that a team from Valley High School, Las Vegas, in my congressional district is representing Nevada. These young scholars have worked hard to reach the national finals by winning the district and the State competitions and I would like to wish them the best as they compete for the national title.

The members of the Nevada team are: Dustin Ackerman, Brad Allen, Travis Anderson, April Anstett, Chad Antrim, Shonna Clutters, Jane Conn, Daniella Eilat, Robin Evans, Hoberigh Fischer, Garet Griffin, Tylla Gudim, Holly Hyte, Gideon Jolley, Steve Kim, Debbie Mannino, John Michaelson, Niurka Oquendo, Andrea Prather, Elyse Pressler, Marjorie Sarmiento, Keren Speck, David Stein, Robert Vandorick, and Heidi Weber.

Along with the students, their teacher, Ms. Celile Rizzo, deserves much of the credit for the success of the team to date. As well, Ruth Joseph, the district coordinator, and Phyllis Darling, the State coordinator have worked hard to help their team reach the finals.

The National Bicentennial Competition on the Constitution and Bill of Rights is the most extensive educational program in the country developed to educate young people about the Constitution and Bill of Rights. With the support of Congress, the active involvement of Representatives and Senators, and the efforts of thousands of civic and education leaders, the program achievements over the past 2 years have been dramatic: 1,022,320 students have studied the curriculum; 14,381 teachers are teaching the course; 420 congressional districts and the 5 territories have fully functioning programs; 393 U.S. Representatives are participating in their districts; and 92 U.S. Senators are supporting the program in their States.

The program provides students with a specially designed 6-week course of study designated to provide upper elementary, middle, and high school students with a fundamental understanding of the Constitution and Bill of Rights and the principles and values they embody. Students complete the instructional portion of the program with a test designated to measure their constitutional literacy and receive a certificate of achievement signed by their U.S. Representative.

High school participants then enter a nationwide series of competitions at the congressional district, State, and national levels. Students testify before a panel of experts at a simulated congressional hearing designed to measure understanding and capacity to apply principles being learned to historical and contemporary events. Each year, the National Bicentennial Competition culminates in 3 days of intensive competition among classes from almost every State in the Union.

Mr. Speaker, the need to educate our young people about the Constitution and bill of rights is well documented. Studies have found that only slightly more than half of students surveyed were able to identify the original purpose of the Constitution. Nearly one-third thought he could adjourn Congress when he saw fit. Indeed, another survey conducted on behalf of the Hearst Corp. suggested that over half of Americans thought that the Marxist credo "from each according to his ability, to each according to his need" can be found in the Constitution. Most alarming was the finding that a greater proportion of today's students display antidemocratic attitudes than did students in 1952.

The benefits of this educational program are clear and it is making a difference among the over 1 million students who have studied the program. A recent study has shown that the National Bicentennial Competition Program has increased the constitutional literacy of our young citizens. Students in classrooms all over the country are debating the issues that concerned the Founding Fathers and demonstrating how the Constitution's basic principles apply to them today with an extraordinary level of understanding.

The preservation of our freedom and our Nation depends upon our young people, the decisionmakers of tomorrow. We have much to gain from educating them about the Constitution, the Congress, and the continuing responsibilities of citizenship. I am proud to have students from my congressional district in the national finals and I commend each of them and their teacher for their hard work.

TRIBUTE TO NATIONAL DRINKING WATER WEEK, MAY 1-7, 1989

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. RANGEL. Mr. Speaker, I rise to speak on the occasion of National Drinking Water Week. In this age of increased environmental awareness and concern for the safeguarding of our natural resources it is important that we the American public be cognizant of the need to conserve one of our most precious resources, our drinking water. Too often we take something like water for granted. Like the old saying goes "you don't miss your water til your well runs dry," you don't miss your water til there is a water crisis such as a drought or an environmental disaster like the Alaska oil-spill.

Currently the city of New York is experiencing a drought emergency which highlights the need to make people aware of conservation efforts. I want to strongly encourage my fellow New Yorkers to take part in the activities that the city and State have planned for National Drinking Water Week. They should also exercise diligence in efforts to conserve our ever scarce resource, drinking water. By each of us doing our part individually to conserve water usage and by avoiding wasteful water practices, we will be able to ensure an adequate supply of drinking water for all.

PERSONAL EXPLANATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. ACKERMAN. Mr. Speaker, I regret that a family commitment prevented me from being present Tuesday evening, May 9, 1989. Had I been present, I would have voted "no" on rollcall 47, the Dannemeyer amendment; and "yes" on rollcall 48, final passage of H.R. 7, the Perkins Act amendments.

THE MEXICAN DEBT NEGOTIATIONS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. COLEMAN of Texas. Mr. Speaker, the largest commercial banks in this country are the largest private creditors of Mexico. They have also been the slowest to act in negotiating debt reduction packages with that country—our neighbor.

It is not bank-bashing to suggest that these banks have a responsibility to the American taxpayer to negotiate in good faith with the Mexicans. Many if not all of the major creditor banks have already set aside reserves against at least a 25-percent discount on their bad loans. This House should insist on putting bank shareholders ahead of publicly funded contributions to the multilateral banks in looking for a solution to this problem.

Last year, Mexico paid foreign bankers $6.5 billion in interest. Mexico simply cannot bankrupt its economy to raise a similar amount of funds this year. The banks can afford such a write-down, and we should insist on it. I am submitting three articles on recent trends in these negotiations, from the Economist, the New York Times, and the Wall Street Journal, and commend them to your attention.

[From the Economist, Apr. 29, 1989]

OF BANKS, BORROWERS AND BRADY

Commercial banks must be encouraged to take the pain of reducing third-world debt. They can afford it.

When the debtors in Latin America have suffered, their creditors have prospered. The big provisions that many international banks made against their sovereign debts in 1987 have barely touched dividends or careers. But real incomes in the most heavily indebted Latin American countries are now lower than at the start of the decade. Their political fabrics are fragile. The danger is that steps taken towards democracy could all too easily be violently reversed if banks keep thinking that their debt problem will work itself out painlessly.

The banks, anyway, are no longer in a position of command, as they have been in the endless reschedulings since 1982, when Mexico first ran out of money. The new debt field-marshal is the International Monetary Fund. The Fund showed its primacy earlier this month, when it promised Mexico a loan of $3.6 billion. This happened before the country started talks with its bankers, which it did only this week. The IMF's move broke a tradition that it should make its loans conditional on an agreement between the debtor country and its banks. The break suggested that the Fund might lend to countries, such as Mexico and Costa Rica, which have met its targets but still cannot raise money from banks.

The debt-reduction ideas sketched out by the American treasury secretary, Mr. Nicholas Brady, will put more pressure on the banks. He suggested that the IMF and World Bank should lend to indebted countries to help them buy back their bank debts at a discount, and also guarantee interest and principal on long-dated bonds that banks could accept in lieu of such debts. This idea needs tightening up. The guarantees should be available only the envisaged debt swaps will cut deeply into the debtor's interest bill, thus leaving little chance that the guarantees would be called.

There are two reasons for this proviso. One is that the World Bank's AAA credit rating would take a knock if its guarantees were ever used—thus making the financing of new development projects more expensive. The others is that western taxpayers should not have, effectively, to bail out banks by paying the interest on World-Bank-guaranteed bonds that their borrowers are still too cash-strapped to service.

MEXICAN BARGAINING

In 1988 Mexico paid its foreign bankers around $6.5 billion in interest—or an almost unsustainable 30% of its export earnings. The figure must fall by at least $2.5 billion if foreign banks are not to be paid more than 20% of Mexico's export revenue this year. Mexico is now trying to get this relief by way of debt-reduction rather than by raising an extra $2.5 billion of new money.

In most past reschedulings, banks have lent fresh, short-term money in order to get repaid the interest on their existing (often overdue) loans, thus preserving their book value. If Mexico gets its way, this practice will stop. It wants banks to lend it new money for five or six years, rather than for one or two years as in the past. The extra risk involved in lending for so long will deter banks from lending enough to pay themselves all the interest due to them. So they will no longer be able to kid themselves and their accountants that their Mexican loans are worth their face value.

These tough Mexican terms on accepting new money should make the idea of swapping discounted bank loans for World-Bank-guaranteed bonds that much more attractive to the lending banks. However, to reduce Mexico's debt to a sustainable level, they will have to accept discounts of around 40% on their Mexican loans—compared with a discount of almost 60% in the secondary market at present. That will mean income losses both for British and for American banks: the discounts will go beyond the provisions they have already made against these loans. They should take such losses in their stride: with rare exceptions, they are strong enough to do so. The alternative, if Mexico fails to clinch a deal, will be much less interest: for a time, perhaps, none at all.

The Bank of England currently recommends provisions of at least 20% against Mexican loans for British banks. The way the tax system works in the United States means that American banks with provisions against Mexican loans of 35% could accept discounts of around 30% before they lost income, provided they have large offsetting foreign earnings.

If the banks go for debt reduction in a big way in Mexico, they cannot be expected to cover Mexico's (and other countries') external deficits, or even to provide much project finance. The World Bank and, with luck, the equity markets will have to be the main sources of development money. Provided they are seen to be lending to an economically virtuous Mexico, other heavily indebted countries should conclude that they are better off with an official IMF and World Bank debt-reduction scheme than with unilateral default.

[From the New York Times, May 5, 1989]

TALKS ON MEXICAN DEBT GET OFF TO A SLOW START

(By Jonathan Fuerbringer)

The crucial negotiations between Mexico and its commercial bankers on debt reduction have started slowly, according to participants, because the bankers have objected to the size of Mexico's proposal and are still uncertain about what incentives they will get from the International Monetary Fund and the World Bank.

And the commercial banks have rejected Mexico's request for interim financing until there is agreement on a broad debt package, Treasury Under Secretary-designate David Mulford said yesterday in testimony before the Senate Finance Committee.

The Mexican talks are the first since the United States and its allies endorsed a new third-world debt strategy, proposed by Treasury Secretary Nicholas F. Brady, that emphasizes debt reduction along with new lending. The outcome of these talks, which began in mid-April, will give the first indication of how successful debt reduction can be.

The Administration goal is to reduce the developing nations' bank debt of $350 billion by $70 billion, or 20 percent, over three years.

$4 BILLION PROPOSAL

Participants in the talks say Mexico has asked for a total package of new loans and debt reduction of $4 billion a year over six years.

Under the Mexican proposal, there would be two forms of debt reduction: First, the principal would be reduced through the swap of existing loans for new securities at around 50 percent of the face value. The interest on these securities would be at market levels. Second, the interest would be reduced through a similar swap of loans for securities in which the interest rate would be cut in half.

The Mexicans also want new loans from the banks and would like to have some of the interest they now owe added to their outstanding principal, which reduce annual payments.

"The Mexicans want a lot of money and the banks think they are asking for more

than they need," said one banker involved in the negotiations.

$100 BILLION DEBT

Mexico is negotiating with a bank advisory committee that includes 15 of the more than 300 banks with loans to that country. Mexico's outstanding debt is about $100 billion, of which about 75 percent is owed to banks.

The meetings are being held at the law offices of Shearman & Sterling in New York and are led by William R. Rhodes, a Citibank executive.

"Its a very tedious process," one banker said, referring to the numbing details that must be worked out.

"The conceptions are simple, the execution isn't," another banker said.

John S. Reed, the chairman of Citicorp, which is the lead banking company in the negotiations, convened a special meeting in New York on Tuesday to work on a formal response to Mexico. Although not unusual, his involvement signals the importance of the negotiations. The regular negotiating meetings continued yesterday.

Even reaching an agreement among the commercial bankers will be difficult because of the differing interests involved. Some banks, for example, just want to want to get rid of their Mexican loans. Others are interested in reducing size of the loans outstanding, while still others want to reduce the annual interest payments.

Some bankers think that the pace of the talks so far bodes ill for the Brady plan. But one banker was not as worried about the progress of the talks. "This is the normal kind of procedure of an negotiation," he said.

The important factor in any final package will be the guarantees the I.M.F. and the World Bank offer to help assure the continued payments of principal and interest if the banks accept the debt reduction. These guarantees, in effect, are incentives for debt reduction.

But one problem is that the banks involved in the talks are not clear what these incentives will be.

"Nobody knows," one banker said. "Mexico, the World Bank, the I.M.F.—they can't tell you what you can do."

[From the Wall Street Journal, May 3, 1989]

CRUCIAL TALKS ON LATIN DEBT BOG DOWN, DIMMING OUTLOOK FOR BRADY'S STRATEGY

(By Peter Truell)

WASHINGTON.—Mexico and Venezuela are slipping into a familiar, slow pattern in talks with bank creditors, dimming the outlook for Treasury Secretary Nicholas Brady's Third World debt strategy.

Even the Treasury seems eager to scale back expectations for the strategy, which emphasizes debt- and debt-service reduction over continued lending. Mexico and Venzuela are widely regarded as the two leading candidates for the new approach.

This week, Treasury Undersecretary-designate David Mulford acknowledged in a speech here that debtor countries and commercial banks don't appear close to any agreement regarding debt reduction. "The parties appear rather far apart," he said.

Some bankers are much gloomier. "The [Brady] strategy isn't going anywhere," said a senior officer at a large New York bank who is closely involved in the management of billions of dollars of loans to Latin America. Many such bankers say debt- and debt-service reduction can't easily meet Latin American countries' credit needs, and that new loans will remain the key to dealing with Third World debt problems.

RECONVENING TALKS

Today, Mexican officials are expected to reconvene in New York with the committee of bank creditors with whom Mexico negotiates debt arrangements. The banks will be responding to Mexico's debt-restructuring proposals. The chairmen of several big U.S. banks were set to meet late yesterday in New York to discuss the Mexican talks.

The banks say that Mexico is asking for too much in seeking about $4 billion—either in loans or reduced interest payments through debt reduction—for this year.

Last week, senior U.S. bankers involved in the Mexican negotiations visited the Treasury to make their case, bankers said. The bankers also don't like Mexico's request for an advance before the negotiations are completed. A Treasury spokesman wouldn't comment on the meeting.

Several big banks have aproached the Mexicans privately, outside the creditors' committee, to seek their own deals with the country, according to sources on both sides of the negotiations. Meanwhile, the banks are engaging in a sustained campaign to wear down Mexico's demands. They contend that Mexico's economic projections—and particularly its oil-price forecasts—are too conservative, and have led to overblown demands for money.

SCALING BACK

Citicorp Chairman John S. Reed and his chief debt negotiator, William Rhodes, flew to Washington late Monday to talk with Mexican Finance Minister Pedro Aspe. Their apparent mission was to get him to scale back his propsoals. Citicorp declined to comment on the meeting.

Mr. Aspe said in a speech here Monday that his country seeks to foster private investment. He listed steps it has taken to improve its economy, including liberalizing trade regulations, bringing down inflation, improving tax collection, and turning a 7% budget deficit in 1982 to a projected 7% budget surplus in 1989 despite falling prices for oil, Mexico's largest export.

"Now, it is time for the [industrialized country] governments to recognize their promises" to ease the debt burdens of countries such as Mexico, Mr. Aspe said, "and for banks to recognize losses that are already recognized by the market."

The banks, united behind Citcorp in the Mexican negotiations, are in no mood to do so. They are eager to push Mexico into accepting a settlement similar to one they negotiated with Brazil last year.

SWAPPING DEBT

In the Brazil settlement, banks agreed to swap billions of dollars of debt for equity in Brazilian companies. The swaps—in which banks would trade outstanding debt for local currency that was then used to buy into local companies—helped spur that country's soaring inflation rate.

But Mr. Aspe argued here Monday that Mexico only will agree to swaps if they involve privatizing publicly-owned concerns, because such arrangements wouldn't involve printing new local currency or issuing more domestic debt.

Venezuela also is making little progress with its banks. It met with its bankers Friday in New York. It still is discussing with them a proposed $600 million bank loan originally proposed months ago. * * *

THE RURAL RAIL SERVICE PRESERVATION ACT OF 1989

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. WHITTAKER. Mr. Speaker, virtually every American school child learns in history class that the railroads were the sinews that literally bound this Nation together as it expanded across the continent. Having seen maps of the Nation's rail system over time, from about 1830 to 1890, I can say that the system went from a few strands of steel along the eastern seaboard to a veritable spaghetti bowl of rail lines covering virtually the entire Nation. All of this was accomplished in barely over 50 years, a period that included the national upheaval of a civil war.

Proud and indeed awed as we should be by this amazing achievement, we also have to recognize that in the 20th century, and most particularly in the last two decades, the Nation's rail system has suffered such a severe shrinkage that it might be called an implosion. In my own State of Kansas, for example, roughly one-third of the lines that were in service at the end of the 1970's are now abandoned.

Part of this destruction of our infrastructure was the direct result of heavy-handed Federal regulation, principally by the Interstate Commerce Commission. Most of that particular problem was cured by enactment of the Staggers Rail Act in 1980. But giving the railroads the chance to price their services in a more market-oriented fashion could not undo the past destruction caused by long-term disinvestment. In fact, in the near term, the pace of rail abandonments actually accelerated after the passage of the Staggers Act, due to the reduced regulatory obstacles to showing a financial need for abandonment of a particular line.

But after several years of restructuring, the railroad industry seemed to be headed for an equilibrium of sorts. Although there were still a number of lines being shed by major carriers, an increasing number of those were being bought by short line or regional railroad entrepreneurs. These new operators, who generally had lower operating costs, and were more closely tied to and aware of community needs, helped keep rail service alive in many areas where it would have died. From the early 1980's until late 1987, the rise of these smaller railroads was one of the success stories of American industry.

Part of the financial underpinning for the new smaller railroads was the ability of major rail carriers to sell lines without having to pay the very high labor protection or severance benefits required in some types of transactions that are subject to ICC regulatory approval. But in late 1987, a Federal court ruled that the refusal of the selling railroad to pay labor protection could be considered to give rise to a so-called major dispute under the Railway Labor Act. In everyday terms, this meant that the work force of the selling railroad could hold the proposed line sale hostage to their own demand for labor protection,

and threaten a strike if that demand went unmet.

Since 1987, a number of court rulings have been issued on this subject, not all of them favoring the same side. And just a few weeks ago, the original case was argued before the U.S. Supreme Court. But the litigation has produced enough uncertainty to hamper if not totally prevent proposed line sales. As a result, the pace of abandonments has quickened. For example, more rail lines were abandoned in the first 8 months after the first court decision than in all of the previous year.

The areas hardest hit by these abandonments are rural and smalltown America. Often, rail service is a community's last hope for maintaining an existing industrial base or attracting new business. As we focus increasingly on rural development in the United States, it simply does not make sense to waste this precious and irreplaceable asset—the rail infrastructure built up at great cost and sacrifice during one of the most productive eras of our Nation's history.

While the railroad industry awaits a Supreme Court decision, on the legal standards governing line sales, the Nation continues to lose more of its rail infrastructure—rail lines that cannot be replicated in today's economic environment. To forestall this continuing attrition in an irreplaceable resource, I am today introducing the Rural Rail Service Preservation Act. This bill seeks to break the current line sale stalemate by assuring rail labor fair and immediate bargaining rights with the buyer of a rail line, as well as a generous severance benefit and hiring preference for displaced employees. On the other hand, the management of both the buying and selling railroads will be assured that the transaction will not be hamstrung by prolonged labor disputes over the effect of the transaction on employees.

The bill also seeks to correct some procedural abuses in the abandonment process—abuses that have arisen through regulatory short cuts sometimes taken by railroads and condoned by the ICC. First, the bill triples the current 30-day protest period now allowed to local communities who might wish to oppose an abandonment application. This provides a reasonable opportunity to evaluate the carrier's justification for the proposed abandonment and to decide whether a formal protest to the ICC is warranted.

Next, the bill reins in the regulatory laxness that has crept in through the ICC's overuse of the exemption process. The bill forbids the use of exemptions in abandonment matters. This is intended to halt the practice of some railroads—the habit of not complying with certain ICC requirements—such as advance notice of possible abandonments on system maps—on the assumption that the ICC will merely waive or exempt the transaction from such a requirement after the fact. Of course, a local community may never know that the exemption even existed, but its right to be heard on the proposed abandonment may nevertheless have been effectively eliminated by this procedure.

To allow more effective participation by local shippers and communities in the abandonment process, the bill makes a local hearing on the abandonment a matter of right in all cases involving lines 15 or more miles long, unless there is good cause for the ICC's dispensing with the hearing. The bill also addresses another abuse of the abandonment process—the application for an ICC abandonment certificate on a contingency basis, that is, as a carrier option to be exercised or not as the carrier may later decide. This produces tremendous uncertainty in the local communities affected, as they try to make alternative plans for transportation and land use. In at least one case where the carrier received a certificate but then changed its mind, a community's entire redevelopment plan was disrupted. To avoid this kind of situation in the future, this bill sets a 2-year lifetime on abandonment certificates issued by the ICC. A railroad must use or lose a certificate in that period, unless the case is prolonged by judicial review of the Commission's decision.

The bill also addresses the need for long-term local planning when an abandonment is threatened. It strengthens the current requirement in ICC regulations for advance notice of abandonments through the so-called system diagram maintained for each carrier's lines at the ICC. In this way, shippers and communities will be protected from short notice or exempt filings that undercut the regulations and the affected parties' entitlement to due process.

Finally, the bill addresses an abuse of the ICC's jurisdiction in railroad restructuring matters. In some instances, trackage rights or leases of lines among related rail carriers have been used to defeat the legitimate collective bargaining rights of the affected employees. Of course, some trackage or lease arrangements have legitimate business purposes. For that reason, the bill does not impair the ICC's authority to approve such transactions, but under this legislation, the Commission must first find that avoidance of collective bargaining agreements is not the principal purpose of the transaction. In this way, railroad employees can be protected against abuses of the regulatory process.

Through its comprehensive approach to the substantive standards and the regulatory procedures governing railroad line sales and abandonments, the Rural Rail Service Preservation Act will help maintain as much of our dwindling rail infrastructure as possible. I urge my colleagues to support the prompt enactment of this much needed legislation.

SUPER 301

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. CRANE. Mr. Speaker, last year when Congress considered the Omnibus Trade and Competitiveness Act of 1988, you may recall that I, along with several of my colleagues, fought to defeat its passage.

Although there are a number of problems with the new trade law, the Super 301 mechanism is potentially the most dangerous. For the United States to demand that other countries remove their trade barriers when we refuse to remove our own is truly a recipe for disaster. In effect, it is an attempt to force our trading partners, our best customers, to help us cure our deficit problems, when in fact, our own irresponsible overspending is the real cause of our fiscal dilemma. While inciting the ire of our trading partners, I am convinced that Super 301 will not achieve improved access for U.S. business.

I commend to the attention of my colleagues, the following article by Claude Barfield, which questions the wisdom of the Super 301 amendment.

WRONGHEADED U.S. TRADE POLICY

(By Claude Barfield)

Over the next few months, under a mandate from Congress, the Bush administration will be forced to conduct an exercise in futility and folly in the trade policy area.

The impetus for this misguided action is the Super 301 amendment to the 1988 trade act, which deals with unfair trade practices. Super 301 requires the U.S. trade representative by April 30 to identify, and thereby indict, a group of "priority" countries that "maintain a consistent pattern of import barriers and market distorting practices." The trade representative then must quantify the impact of the individual major barriers on U.S. exports and open negotiations with these countries to force them to eliminate all of the barriers within three years or face U.S. retaliation.

More than any other single provision of the 1988 Omnibus Trade Act, the Super 301 amendment symbolizes the perverse wrongheadedness of the trade act. It highlights the persistent refusal of Congress to admit that our trade problems and deficit stem from internal macroeconomic failures and the emergence of new economic competitors, not from the unfair trade practices of our rivals.

Defending their action at the time, Reagan administration officials noted the president retained the discretion at the end of the Super 301 process not to retaliate if he found that such action would adversely impact the U.S. economy or jeopardize national security. What this defense ignored is that the Super 301 process itself is likely to harm relations with some of our major trading partners.

There is both hypocrisy and gall in the Super 301 directive that the trade representative drag other nations to the negotiating table with a set of terms and deadlines unilaterally dictated by the United States.

The provision is hypocritical because the United States, with its steel, automobile, sugar, textile and machine tool quotas, its huge agricultural subsidies, and its leaky semiconductor cartel with the Japanese, is itself now vying for top honors in "maintaining a consistent pattern of import barriers and trade distorting practices."

And it is galling because, by expecting other nations supinely to submit to our demands, the Super 301 process makes no provision for the United States to place its own trade distorting practices on the bilateral negotiating table.

Moreover, the 1988 act expands the list of U.S.-defined unfair practices to include such hopelessly vague matters as export targeting, violations of workers' rights and the "toleration" by other governments of anticompetitive practices by private corporations.

Compounding the problem is that the document upon which the trade barriers are to be based, the National Trade Estimate Report, is without economic or statistical

foundation. The truth is that it is impossible to calculate with any accuracy the impact of individual barriers on U.S. exports.

In the unlikely event that a nation submits to the demands of Super 301, it will face another trap. Burried inside this provision is the economic nonsense of the Gephardt amendment. For a nation to prove that its alleged barriers are being removed, it must show an increase in U.S. imports annually over a three-year period—a stipulation that belies the fact that trade flows are determined overwhelmingly by macroeconomic policies and currency values, not differential trade barriers.

Finally, aggressive implementation of Super 301 will badly undercut U.S. leadership in the Uruguay Round of the General Agreement on Tariffs and Trade just as the negotiations are entering their most crucial period.

What should be done? The best and boldest course is for the president to announce that while bilateral talks will be undertaken, no nation would be under the dictates of Super 301. He should assure them publicly that he stands ready to invoke the escape clause if negotiations proceed in good faith.

The president also could take advantage of a "safety in numbers" strategy and publish the entire list of 40-odd nations now identified in the trade barriers report, stating that detailed prioritizing is impossible. Bilateral negotiations then could proceed as needed, just as they do today when differences must be ironed out.

The worst course would be to identify a small number of countries and launch full-scale Super 301 actions. This extraterritorial assertion of the authority of U.S. law is likely to trigger both nationalist defiance and an increase in protection all around.

The United States is in a difficult position, but it has only itself to blame. We can only hope that the Bush administration and Congress will not risk major disruption of the international trading system merely to demonstrate that the United States is the Rambo of international trade.

BLACKFOOT HIGH SCHOOL REPRESENTS IDAHO IN NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. STALLINGS. Mr. Speaker, from May 1 through May 3, in our Nation's Capital, over 950 young people from 44 States have gathered to participate in the National Bicentennial Competition on the Constitution and Bill of Rights. I am proud to announce that a team from Blackfoot High School in my congressional district represented Idaho. These young scholars worked hard to reach the national finals by winning the district and the State competitions and I would like to congratulate them on a fine performance.

The members of the Idaho team are as follows: Tyler Anderson, Holly Barrett, Becky Bendixen, Kollette, Bowman, Kevin Briggs, Sandy Case, Kristi England, Tricia Evans, Jeff Haddock, Darren Hall, Brett Hamm, Wayne Hamon, Brandi Hawley, Tim Hong, Robert Jones, Janis Manwaring, Pam Mecham, Brady Mickelsen, Rakael Pope, Axel Roos, Sheri Slater, Bryce Stoutmeyer, Kevin Tanner, Brendon Taylor, and Rebecca Wadsworth.

Along with the students, their teacher, Joan Thompson, deserves much of the credit for the success of the team. In addition, Dr. Particia T. Whitefield, the district coordinator, and Dr. George D. Gates, the State coordinator, have worked hard to help their team reach the finals.

The National Bicentennial Competition on the Constitution and Bill of Rights is the most extensive educational program in the country developed to educate young people about the Constitution and Bill of Rights. With the support of Congress, the active involvement of Representatives and Senators, and the efforts of thousands of civic and education leaders, dramatic program achievements over the past 2 years have come to include the following: 1,022,320 students have studied the curriculum; 14,381 teachers are teaching the course; 420 congressional districts and the five territories have fully functioning programs; 393 U.S. Representatives are participating in their districts; and, 92 U.S. Senators are supporting the program in their States.

The program provides students with a 6-week course of study designed to provide upper elementary, middle, and high school students with a fundamental understanding of the Constitution and Bill of Rights and the principles and values they embody. Students complete the instructional portion of the program with a test designed to measure their constitutional literacy.

High school participants then enter a nationwide series of competitions at the congressional district, State, and national levels. Students testify before a panel of experts at a simulated congressional hearing designed to measure understanding and capacity to apply principles being learned to historical and contemporary events. Each year, the National Bicentennial Competition culminates in 3 days of intensive competition among classes from almost every State in the Union.

Mr. Speaker, the need to educate our young people about the Constitution and Bill of Rights is well documented. Studies have found that only slightly more than half of students surveyed were able to identify the original purpose of the Constitution. Nearly half of those surveyed thought the President could appoint Members of Congress and one-third thought he could adjourn Congress when he saw fit. Indeed, another survey conducted on behalf of the Hearst Corp., suggested that over half of Americans thought that the Marxist credo "from each according to his ability, to each according to his need" can be found in the Constitution. Most alarming was the finding that a greater proportion of today's students display antidemocratic attitudes than did students in 1952.

The benefits of this educational program are clear and it is making a difference among the over 1,000,000 students who have studied the program. A recent study has shown that the National Bicentennial Competition Program has increased the constitutional literacy of our young citizens. Students in classrooms all over the country are debating the issues that concerned the Founding Fathers and demonstrating how the Constitution's basic principles apply to them today with an extraordinary level of understanding.

The preservation of our freedom and our Nation depends upon our young people, the decisionmakers of tomorrow. We have much to gain from educating them about the Constitution, the Congress, and the continuing responsibilities of citizenship. I am proud that students from my congressional district participated in the national finals and I commend each of them and their teacher for their hard work.

INTRODUCTION OF A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. HORTON. Mr. Speaker, since the days of the great Roman Empire, there has been an almost universal belief that, if an individual serves honorably in the armed forces of a nation, they should have the right to live in that nation. I am sure my colleagues in the House will be shocked to realize that this is not always the case when it concerns the United States.

The provisions of this legislation are simple. After an individual serves honorably in the Armed Forces of the United States for 4 or more years, they and their families will be granted special immigrant status upon the recommendation of the executive department under which they served.

This bill is directed primarily toward nationals of the Republic of the Philippines who are today treated differently than other enlisted personnel. This is due to the fact that Filipino nationals often enlist in the United States Navy within the territorial jurisdiction of the Philippines. These enlistments are usually carried out under the terms of the military base agreement entered into between the United States and the Republic of the Philippines on March 14, 1947. All other aliens who want to serve in this country's Armed Forces must enlist in the United States after being admitted for lawful permanent residence. Filipinos enlisting under the military base agreement, however, are enlisted without having acquired an immigrant visa and obtain no immigrant status of any kind. This bill would simply treat Filipino's fairly for their dedicated service in the United States Armed Forces.

I remind my colleagues that one of the brave Marines who sacrificed his life in the Marine barracks in Beirut was a Filipino national who was not eligible for permanent residence status in our country. Mr. Speaker, our Filipino comrades in arms are worthy enough to live and serve with our American Armed Forces abroad—they are certainly worthy of living in our Nation after their service. I urge my colleagues in the House to join me in support of this legislation.

TRIBUTE TO DR. JOHN MADER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. BONIOR. Mr. Speaker, it is a great pleasure for me to rise today to bring to the attention of my colleagues the accomplishments of Dr. John Mader, an outstanding educator and friend, on the occasion of his retirement as superintendent of the St. Clair County Intermediate School District [ISD].

After earning his various degrees from Western Michigan University, Florida State University, and Michigan State University, John spent several years teaching at the collegiate level in Alabama, Mississippi, and Michigan. He spent 6 years as the director of special education for Washtenaw County, MI, and then took over the position of hospital schools director for the University of Michigan Hospital in Ann Arbor.

It was this vast talent and experience both as an educator and an administrator that John brought to his current position as superintendent of the St. Clair County ISD 20 years ago.

Under his direction, the ISD has grown to meet the needs of an expanding community, and today includes 28 elementary schools, 23 secondary schools, and St. Clair Community College. The total enrollment at all levels currently exceeds 31,000 students. Twenty years later, John still takes a personal interest in every student and makes sure each one has the facilities and the attention needed to realize his or her potential. It is no surprise that his schools have consistently ranked among the top in the Nation.

Mr. Speaker, even though Dr. John Mader plans to retire this summer, I am sure he will continue to be one of our community's outstanding leaders. In the past he has served as president of both the Mississippi Speech and Hearing Association and the Michigan Council for Exceptional Children. His active participation in such community groups as the YMCA, DARES, the United Way, Port Huron schools advisory board, the criminal justice advisory board, and many others, exemplifies his firm commitment to serving others.

In fact, I have learned that his commitment to education will be carried on for years to come by four of his children who have entered the education field and are currently teaching their own classes across the country and in Michigan. His fifth child has shown a firm commitment to our Nation by currently serving in the U.S. military. I am sure that John and his wife Patricia are very proud of them all.

Mr. Speaker, Dr. John Mader has made a difference to thousands of young men and women throughout the Nation and at home in St. Clair County, MI. Thus, it is an honor for me to pay tribute to one of our State's most outstanding citizens and to wish him and his family the best in the years to come.

HONORING CARL F. GERDS, JR.

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. HERTEL. Mr. Speaker, I rise today to honor the retirement of a great public servant, Carl F. Gerds, Jr. Carl's retirement from 38 years of full-time fire service with the East Detroit Fire Department is being celebrated on May 12 in East Detroit.

Carl has dedicated himself to protecting the citizens of the community through his service with the East Detroit Fire Department. He joined the volunteer fire department in July 1948 and began as a regular firefighter in March 1951. Carl served in that capacity until 1959 when he was promoted to sergeant at the East Detroit department. His courageous commitment to firefighting led to the following series of promotions: lieutenant—1966; captain—1974; fire marshal—1976; acting chief—1977; fire chief—1978. Carl Gerds, Jr., honorably served as the East Detroit fire chief for more than 11 years, from February 6, 1978 until his official retirement on April 14, 1989.

Chief Gerds has donated much energy and time to the people of Michigan through his participation in many other community organizations. He has been a life member of St. Peter's Lutheran Church in East Detroit and has been actively involved in its activities. Carl was president of St. Peter's Church, member of the board of education of St. Peter's School, and has served on various church committees. He has led organizational efforts for many church fundraising activities.

Carl has been often recognized for his church and civic contributions by the National Lutheran Fraternities of America, of which he is a past president.

Carl is a truly special person. In addition to his public service and charitable activities, Carl has been strongly committed to his family. He and his wife Dorothy raised three children, Cathy, Carl III, and Gordon.

Carl F. Gerds, Jr., has served the citizens of our Detroit community with distinction. He is known by his coworkers and those who have had the opportunity to serve with him as a man of great integrity and courage. Few public servants dedicate their time to charitable activities with such enthusiasm as Carl.

My dear colleagues, I ask that you join me in congratulating Carl F. Gerds, Jr., for his many years of extraordinary service to East Detroit. On behalf of the citizens of the State of Michigan, I thank Carl for his public leadership as chief of the East Detroit Fire Department and his continued commitment to community service.

RABBI ZOBERMAN REFLECTS ON ISRAEL AT 41

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. PICKETT. Mr. Speaker, today, as we celebrate the 41st anniversary of the State of Israel, all Americans share with the Israelis a common hope for peace. Tragically, that has been an elusive goal throughout Israel's existence, but with greater understanding on all sides, history teaches us that progress can be made.

Recently, I read an essay by Rabbi Israel Zoberman of Virginia Beach that dealt with this theme very well. Rabbi Zoberman is the spiritual leader of Congregation Beth Chaverim and the president of the Virginia Beach Clergy Association. I think today is an appropriate time for it to be included in the RECORD.

ON THE ISRAELI-PALESTINIAN EQUATION

Is the gap between the Israeli and Palestinian as wide as we are led to believe? Is there no common ground that can possibly transcend the abyss of pain, alienation, and dehumanization separating the two? I submit that both sides to the long-standing and tormenting conflict share more than they are willing to admit, more than what divides them. Any workable political solution to the crisis, leading hopefully to regional peace, depends on concurring with this optimistic premise and promise.

The Israelis, in spite of four decades of independent experience, are not as secure as they appear. An outpost of Jewish life in a vast stretch of Arab-Moslem sovereignty, they know that the odds do not favor them; that is not a new Jewish condition though the devastating European Holocaust has sharpened its edges, convincing them that the impossible is tragically possible. While Israel rightfully prides itself on being a haven to a people marked by insecurity, it is to learn that true security lies in overcoming distrust and apprehension as much as acknowledging them. As Israel still struggles to survive in an inhospitable environment and given a traumatic past, it finds it difficult to internalize its own newly acquired relative prowess and the fact that it wields influence over the future of another people. It needs to confront an ideological as well as a psychological barrier, not without roots in reality, that regards the Palestinians as deadly rivals for the inheritance of the Land of Israel; all the descendants of Abraham, whether the children of Isaac or Yishmael, ought to find fulfillment and peace within the historical boundaries of a land that for too long has suffered the curse of strife despite its biblical yearning for the blessing of harmony.

The Palestinians too have not been spared history's harsh winds, dispersed as they are. Manipulated, exploited, and abused by colonial rulers and those who should have acted as the Arab brothers they were, rather than turning them into pawns in an all-consuming scheme to deny in word and deed Israel's presence in the matrix of Middle East life. Israel's control, benevolent as it was, of the West Bank and Gaza Strip following the victorious 1967 War which had been imposed on it, served to heighten the Palestinian sense of national identity and raise its expectation for self-rule. No doubt, the continuing uprising, the painful Intifadah, raging now for a second year, has placed Palestinian plight in a world focus with an urgency and sympathy that were priorily lacking, prodding, I believe, the United States to act, cognizant of and contributing to the PLO's emerging proclaimed modified posture that yet need be sustained in action, proving indeed a radical departure from its traditional, vehemently noncompromising stance vis-a-vis Israel.

Israel is challenged to adjust its perspective accordingly and not be blind to developments of immense consequence bearing fresh opportunities not to be missed while properly assessing the risks. But are the Palestinians, who also possess a tenacious will, ready to hear and believe that there is a vulnerable side to those who have a measure of power over their destiny and require reassurance that the outburst of Palestinian vigor and purpose would not be expressed at Israel's mortal expense? It is of critical impact to the eagerly awaited rapprochement process for the Palestinians to draw into a climate of dialog and negotiation the rest of the Arab camp that has failed to respond constructively to the breakthrough precedent set by the 1979 Israeli-Egyptian Peace Treaty that has begged to be the harbinger of a transformed Middle East, once again the birthplace of eternal vision, hope and shalom for humankind.

TRIBUTE TO DR. FRANZ E. HERKT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. McDADE. Mr. Speaker, today I am pleased to join many of my friends in congratulating Dr. Franz E. Herkt on his years of service to Schott Glass Technologies, Inc. On the occasion of his retirement, Dr. Herkt will be showered with many expressions of the affection and high regard from the people—on both sides of the Atlantic—that have been privileged to work with him.

Our Nation owes a great debt to Franz Herkt. Although a citizen of the Federal Republic of Germany, Dr. Herkt served in the U.S. Navy for over 5 years during which time he demonstrated moral and professional qualities which led to promotions from an enlisted rank to that of lieutenant. His language skill won him many commendations, but it was his initiative, energy, and enthusiasm that set him apart from his colleagues.

I am very pleased that he chose to bring that initiative, energy, and enthusiasm to northeastern Pennsylvania after winning his doctorate degree. Since 1975, Dr. Herkt has been president and CEO and a member of the board of directors of Schott Glass Technologies, Inc. in Duryea, PA.

Schott is a dynamic company which employs over 500 workers and is planning a work force expansion. In 1967 when Schott first started production in our area, the work force totaled fewer than 100. Dr. Herkt has been instrumental in greatly expanding Schott's sales. He is also responsible for establishing a full-fledged research and development facility which will further enhance Schott's ability to manufacture materials used in medicine, aerospace, laser, and fiber optics.

During Dr. Herkt's tenure at Schott, his community service record has also been distinguished. He has supported economic development in northeastern Pennsylvania and has been a significant force in bringing technology into our area.

Dr. Herkt will certainly be missed, and I am pleased to wish him all the best. I am confident that the coming years will be happy ones and hope that he will always remember that he has many, many friends in Pennsylvania.

TRIBUTE TO THE INTERNATIONAL ROTARY CLUB FOR THEIR POLIO PLUS PROGRAM

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. BUECHNER. Mr. Speaker, I rise today to applaud the efforts of the International Rotary Club in their Polio Plus Program which is designed to remove polio from the face of the Earth. The Rotarians' dedication to this cause manifested itself in my home State of Missouri, as the Florissant Rotary held its first annual World Invitational Fishing Tournament

For centuries, polio was a seemingly insurmountable scourge upon the human race, killing many and crippling many more. Like some diseases today, it was, by most people, dismissed as a fact of life. But for the efforts of a courageous few, it would probably still be stealing our children's lives. Fortunately for all of us however, Jonas Salk and others like him refused to accept the inevitably of this disease. Instead of cursing it, or bemoaning it, or praying for it to pass, they fought polio, and in the end, found the means to defeat it.

I find it heartening that this spirit is still alive today, in the form of groups like the Rotarians, who find it unacceptable that this curable disease still afflicts humanity so many years after the advent of its cure. The Rotary Club has sworn to eradicate polio completely by the year 2000, and have already vaccinated 135 million children.

To paraphrase an old Chinese proverb, "many will curse the darkness, but only an insightful few will choose to strike a match." We should all be grateful for people like the Rotarians who have the courage to rise up against the problems of humanity, in the hope that one day all diseases might be vanquished.

The motto of the Rotary Club is "Service Above Self." Mr. Speaker, I enjoin the Members of this assembly to congratulate the Florissant Rotary Club for personifying that motto.

A HOLLOW ACCORD IN AFGHANISTAN?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. MICHEL. Mr. Speaker, Americans have a tendency to forget about a problem once the television cameras have departed from the scene. Nowhere has the truth been more evident than in Afghanistan. We were told that Soviet troops had departed and we quickly lost interest. But have all Soviet troops departed in fact? Our colleague BILL MCCOLLUM says "no," and I believe our colleagues deserve to know what BILL has found out. We just have to get out of the habit of forgetting about a problem once media attention has been directed elsewhere. BILL does a great service in reminding us that the Soviet Union is still playing a role in Afghanistan.

At this point I wish to include in the RECORD, "A Hollow Accord in Afghanistan?" by BILL MCCOLLUM, published in the Washington Times, May 8, 1989.

[From the Washington Times, May 8, 1989]

A HOLLOW ACCORD IN AFGHANISTAN?

(By Bill McCollum)

(Bill McCollum is a Republican member of the House of Representatives from Florida)

It appears U.S. policy-makers have looked the other way, ignoring Soviet involvement in Afghanistan after the "official" Soviet withdrawal.

Conventional wisdom aside, Soviet forces in Afghanistan have not been completely withdrawn. In fact, reliable sources say more than 50,000 Soviet and Soviet-controlled troops remain there. By the autumn of 1988, 6,000 to 7,000 Soviet Uzbek, Tajik and Turkomen elite troops—known as Jowzjanis—had been secretly enrolled in the Afghan army.

Because Uzbeks, Tajiks and Turkomen live on both sides of the Soviet-Afghan border, they are indistinguishable from Afghans. In December, another 4,000 Jowzjanis were brought in, and most of them remain in the Kabul area. Some 20,000 Soviet elite forces—known as the Mongols by the rebels—operated in unmarked KGB uniforms in late 1988. These troops are also Soviet citizens from the Far East who were secretly "donated" by the Soviet Union to the Afghan army.

Since late 1988, they were also reinforced, although the exact number is not known. Another group of Soviet-controlled troops, the DRA, consists of some 20,000 young Afghan males who were taken from their villages in the early 1980s and then trained in the U.S.S.R. In other words, as the "official" Soviet army left Afghanistan, the clandestine Soviet army—better trained and more reliable—tiptoed into Afghanistan with supplies and new equipment awaiting them.

Just last week, sources from the battlefield said that three border guard brigades have reinforced the communist forces in Jalalabad. This is obviously a blatant violation of the accord, because these brigades consist of Soviet-controlled troops, including Jowzjanis and Mongols. The Soviets have also brought in two brigades of special palace guards that include Jowzjanis, Mongols and militia units from neighboring provinces.

Meanwhile, startling new information from mujahideen sources indicate that the Soviet-backed communists may unleash chemical gas attacks once again. They report that full gas protective outfits have been issued to all the communist troops in Jalalabad, and a communist army unit trained in decontamination has been deployed there, where a fierce battle now rages.

Also, sources indicate that the communists are using a new missile or artillery weapon that contains a deadly fuel/air explosive. High altitude bombing continues around the clock, thanks to supplies from Russia and India that land at least 25 times a day in Kabul. The Kabul puppet government is well-fed with Soviet weapons and supervision, due to the loopholes in the accord and U.S. policy-makers' peculiar reluctance to accept the Afghanistan reality.

Some critics blame America for prolonging the fighting because we gave arms to the freedom fighters. Actually, the mujahi-

deen need more weapons, not fewer. After all, the Soviets have "donated" mammoth stockpiles of weapons to the Kabul government, enough to last several Soviet divisions a few years.

The Soviet Union appears to be right on track in its long-term plan of dominating Afghanistan, and thus South Asia. The belief that nations alter their long-range goals when they merely change their short-term tactics is naive.

Revisions of such goals are deep, complex matters, and should be viewed cautiously if they are voiced so readily. A "good" Soviet-American relationship is meaningless if the Soviets don't display "real world" changes in their goal of determination. Soviet President Mikhail Gorbachev's soothing rhetoric just disguises the same foreign policy goals of earlier Russian leaders. Instead of the oafish Russian bear stumbling about, the Soviet Union is more like a sly cat on the prowl.

We need to work with all mujahideen factions to formulate a workable war plan. Sending supplies and equipment and leaving it to the Pakistanis to "advise" the freedom fighters is not enough. We must face the reality of continued Soviet presence, the vicious tactics they are employing, as well as the difficulties posed by current policies within parts of the government of Pakistan.

Pakistan worked in close alliance with the United States to aid the Afghan resistance prior to the fraudulent Soviet withdrawal, but some parts of the Pakistan government now appear interested in achieving hegemony over the region. These elements favor some resistance factions over others, thereby putting the entire resistance effort in grave danger. Furthermore, they have encouraged the use of tactics that preclude quick success in the face of the continued but unrecognized Soviet presence. U.S. policy-makers—in light of these Pakistani manipulations—should make it known that the United States will not tolerate any nation seeking hegemony over the region.

Until the mujahideen totally defeat the Soviet puppet government regime and drive the Soviets out of Afghanistan, no victory for freedom can be claimed.

As long as U.S. policy-makers ignore the reality of the situation, many more freedom fighters will die, and Soviet interests will prevail.

SHOULD THE POSTAL SERVICE RECEIVE OFF-BUDGET TREATMENT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. GRADISON. Mr. Speaker, in recent years, there has been considerable debate about whether to move the Postal Service off budget. Until now, except for the Social Security trust fund, Congress has resisted the temptation to embark on a course that would render the unified budget meaningless.

Unfortunately, the bipartisan budget agreement, as well as the House and Senate versions of the budget resolution, would take us one more step down this road. As part of the agreement, the President and the leadership agreed to take the Postal Service off budget. In exchange for escaping direct budgetary oversight by Congress, the Postal Service would be expected to absorb $500 million in costs and adopt several unspecified reforms.

Additionally, the Federal deficit would appear to be reduced by roughly $2 billion, but that is only because this entity currently runs a deficit. This raises an interesting question; do we move the agency back on budget when it runs a surplus?

Supporters of off-budget status argue that the agency was once off budget and that, in any event, it does not rely on appropriations from the Treasury. In my view, whether the Postal Service was previously off budget is irrelevant to the issue of whether it should be. The fact is that the Postal Service has always been an agency of the Federal Government and it continues to receive Federal subsidies. Because of the budget agreement, we are now on the verge of granting budgetary independence to an agency of the Federal Government, thereby diluting congressional oversight, while continuing significant Federal subsidies to it.

For $500 million in annual savings, off-budget treatment, with all of its implications, apparently comes cheap. If the budget agreement is implemented, the Postal Service will be a semi-independent Federal agency. It will continue to hold a quasi-monopoly position in its industry as well as complete authority to enforce the private express statutes. It will be largely outside the budgetary supervision of Congress, yet will continue to draw on the taxpayers' pocketbook.

Postmaster General Anthony Frank, writing in the May 2 edition of the Washington Post, argues that all the Postal Service wants "is a fair chance to manage our own affairs." Fair enough, but if the Postal Service wants to operate outside the budgetary supervision of Congress, and it is the judgment of the President and the leadership that this is appropriate, it is only reasonable to eliminate all of its subsidies and statutorily mandated competitive advantages. The price for escaping from budgetary control ought to be complete privatization.

Complete independence for the Postal Service, eliminating all Federal subsidies including those laws that confer monopoly or near-monopoly benefits, would realize substantially more than $500 million in savings. Here are some of the potential savings:

First. Eliminate personnel subsidies: The Federal Government pays all COLA's and most health benefits for postal retirees. A truly independent Postal Service should be responsible for these personnel costs. In 1990, this would save taxpayers approximately $1 billion and would rise to over $2 billion by 1994.

Second. Eliminate revenue forgone: If Congress chose to eliminate preferential mail rates, nearly $500 million in savings could be realized in 1990. If Congress decides to continue to subsidize preferred mailers, at the very least competitive forces ought to be introduced to the process.

Third. Eliminate additional authorizations: The Postal Service has the authority to receive other subsidies through transitional and public service appropriations. Since 1970, when the Post Office Department was transformed into a Government corporation, the Postal Service has had authority to request appropriations to ease its transition to its new status. Although the Postal Service has never tapped this source of potential revenue, it remains on the books. A nearly 20 year transition period is probably sufficient—even for a Government agency. The Postal Service also has authority to request public service appropriations to support post offices in areas that are not self-sustaining—for example, where the salary of the postmaster is in excess of the revenue generated by the post office branch. The Postal Service has not requested these appropriations since 1982 and there is no need to continue their legal authority.

Fourth. Eliminate access to Treasury's credit window: The Postal Service has a $10 billion line of credit to FFB and a $2 billion line to Treasury for emergency purposes. Currently, the Postal Service has approximately $2 billion remaining on its FFB line of credit. A truly independent Postal Service should go to the private credit markets without any Federal guarantee.

Quite clearly, more than $500 million in savings could be realized by fundamentally altering the agency's status. In addition, without being encumbered by the demands accompanying Federal subsidies, the Postal Service would be in a much better position to carry out, in the Postmaster General's words, its "businesslike public service" in an "increasingly competitive communications marketplace."

In an editorial in its April 25 edition, the Washington Post argued cogently against the off-budget scheme:

> The budget is supposed to reflect the government's full impact upon the economy. Taking functions off budget masks that, and exempting some functions from the burden of reducing the deficit only increases the burden on the rest. The postal service says its operations are too vast and at the same time too intricate to be subject to such intrusions. But every agency says the same thing; why not also set up a trust fund and exempt the Pentagon?

Why not, indeed? If we are to reach back to the precedents of off-budget treatment to help solve the deficit problem, why stop there? One could, for example, also argue that because the Government must pay the interest on the public debt, about $169 billion in 1989, that it ought to be off budget as well. After all, interest on the debt is not a discretionary expense and is not subject to the appropriations process.

The potential gimmicks are endless and off-budget treatment for the Postal Service is one of the worst. We will fool no one by this action and Congress will damage once more what little credibility it has left as an honest budgeter. More importantly, the real deficit will not be reduced and Congress will inevitably lose some control over this Government agency. In my view, the costs clearly outweigh any conceivable gain.

For a long time, it has been assumed that the Postal Service performs a function that inherently is a function of Government. Perhaps it is time to test that assumption.

NEWARK'S CAPITAL READING PROJECT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, it is with great pride that I share with my colleagues in Congress the story of an exciting and ambitious project being undertaken by the schoolchildren of Newark, NJ.

When the Library of Congress designated 1989 as the Year of the Young Reader, our students in the Newark School District responded with youthful eagerness and determination. As part of the year-long celebration, they have pledged to read over 1 million books. Our students have embarked on a long, adventurous journey, placed side-by-side, the books would form a path stretching 215 miles from Newark, NJ, to Washington, DC.

Enthusiasm for our hometown venture, known as Newark's capital reading project, is shared by our entire community. Parents, teachers, school administrators, and students are all working together to attain this impressive goal.

Mr. Speaker, we frequently hear about the serious problems facing our urban areas, problems like drugs, crime, and illiteracy. Too often we overlook the many positive and innovative activities going on in our cities today. The capital reading project is an excellent example of a grassroots effort to enhance the lives of our children.

The multitude of books these students read will open up new worlds to their young and impressionable minds. During the Year of the Young Reader, it is important that we convey to our children the joy, magic, and lifetime rewards that reading brings. Books spark the imagination; they carry us back into history and propel us into the future. Books inspire us, teach us, entertain us and sometimes comfort us.

Mr. Speaker, I know my colleagues join me in offering best wishes to the students of Newark as they pursue the challenge before them.

INTRODUCTION OF COBRA EXTENSION LEGISLATION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Ms. PELOSI. Mr. Speaker, today I am introducing legislation that will assist disabled Americans in obtaining health insurance coverage at group rates.

The Consolidated Omnibus Budget Reconciliation Act [COBRA] of 1985 required that continuation of certain health insurance coverage be offered to employees who would otherwise lose coverage in an employer's group health plan due to termination of employment or other qualifying events. For most eligible beneficiaries the minimum continuation period is 18 months; for certain other situations, the minimum period is 36 months.

When a worker becomes disabled under provisions of title II of the Social Security Act, he or she is eligible for financial support 5 months after the onset of disability. Health coverage under Medicare is available after another 24 month waiting period. Thus, an individual who is disabled by a severe medical condition faces a 29-month waiting period from the date of onset of disability to the date of becoming eligible for coverage under Medicare.

This legislation would extend the minimum continuation period from 18 to 29 months for individuals who are disabled under title II of the Social Security Act.

This legislation will help improve access to health services and also help protect family financial resources. I urge my colleagues to support this proposal.

UNIVERSITY OF COLORADO SCIENTISTS HONORED FOR INVENTIONS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mrs. SCHROEDER. Mr. Speaker, I would like to bring to the attention of my colleagues a special Colorado connection with last month's Inventor of the Year Awards, hosted by the Intellectual Property Owners Foundation, April 13, in the Cannon caucus.

One of the four scientists sharing the top award as Inventor of the Year is a University of Colorado graduate, and two medical doctors honored as distinguished inventors of 1989 collaborated while on the faculty of the University of Colorado Medical Center.

David Goeddel, a 1977 Ph.D. in biochemistry graduate of the University of Colorado, was one of four scientists at Genentech, Inc., who shared the $4,000 prize as Inventor of the Year for their creation of t-PA, tissue plasminogen activator, which dissolves blood clots in arteries, a major cause of heart attacks. The invention of t-PA is a good example of how biotechnology can be applied to everyday health care.

The University of Colorado should also be proud of the accomplishments of Drs. Charles A. Chidsey III and Guinter Kahn, who were honored as distinguished inventors of 1989 for their work in developing rogaine topical solution, a baldness treatment that was approved for sale last year by the Food and Drug Administration. Rogaine, like so many discoveries, was the spinoff of an unrelated study into hypertension drugs.

I salute Drs. Chidsey, Kahn, and Goeddel and I salute the Intellectual Property Owners Foundation for honoring their work.

PRESIDENT JIMMY CARTER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute the fine work of President Jimmy Carter. He has become a one-man traveling White House years after his departure from office. His familiarity with the situation in Panama, his willingness to travel to that country, observe the elections, and to return to brief this indecisive administration is a testament to President Carter's abilities and dedication.

The Republicans have been running against Jimmy Carter for 9 years. Now, in a time of crisis, they run to him. It is to his credit that he has responded to the calls of a candidate who vilified him and who continues to blame him for every problem for which the administration does not have an answer.

Jimmy Carter implemented vital and long-lasting foreign and domestic policies and hammered out historic agreements. The Camp David accords continue to be a model for settlement in the Middle East. The SALT II Treaty has served as a vital check on the arms race and helped lead the way to the historic INF Treaty. The Panama Canal Treaty will help protect the canal from the likes of Noreiga. Jimmy Carter was far-sighted on the issue of energy. In the aftermath of the Exxon oil spill and the rising dependence of our Nation on imported fossil fuels it is clear we need his leadership on energy conservation and renewable energy.

Jimmy Carter understood that the United States must lead the world on human rights and support for democracy. Leadership does not mean policy review and indecision. It is a relief and it is an honor to have President Carter on the job for the White House and the United States of America.

THE PHILADELPHIA MOUNTED PATROL: 100 YEARS OF SERVICE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the mounted police patrol, who, this year, celebrate 100 years of service to the people of Philadelphia.

In 1858 Mayor Richard Vaux first experimented with the use of mounted officers in an attempt to combat civil disturbances and pursue criminals on horseback. His attempt failed, but just 31 years later it became apparent, again, that a mounted police patrol was needed. The mounted police patrol was originally made up of 98 officers, all formerly cavalrymen. For 60 years, they were a major force; effectively patrolling downtown Philadelphia, its parks and residential districts.

By the mid-1950's, however, many people began to question their effectiveness. One of their bleakest hours may have come in 1952, when the Philadelphia Police Department terminated the mounted patrols on the recommendation of the city government.

But the era of horse patrol did not end here. The Fairmont Park Guard, a division created in 1967, continued to patrol city parks on horseback. Eventually, the police department realized they had made a mistake and reestablished the mounted patrol in 1972.

Today, the mounted police patrol are a small yet highly visible division of the police force dedicated to serving the citizens of Philadelphia. Their major function is to assist other police officers in controlling crowds and escorting officials in parades. They also patrol the 8,700 acres of Fairmont Park, one of the largest urban parks in the world, and serve to expedite traffic in heavily congested areas of the city. The reputation of the force has prompted other cities to extend invitations to train their mounted police on numerous occasions.

This year marks the centennial of the establishment of the mounted patrol, and the Atwater Kent Museum is presenting an exhibit in celebration of 100 years of valued service. Mr. Speaker, I rise to salute the mounted police patrol's hard work and dedication, and wish them at least another century of success in their efforts.

TRIBUTE TO DALE POLLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. SKELTON. Mr. Speaker, there are many heroic acts performed in an instant which call deserved attention to those who perform them. It is uncommon however, that deserved attention is given to those among us who are exceptional citizens simply because of the example they set and the leadership they provide in the way they live their everyday lives. Dale Pollard, a resident of Lexington, MO, is such an exceptional citizen. Deserved recognition has been bestowed upon Dale with the naming of Dale Pollard Drive at the Lake City Army Ammunition Plant in Independence, MO. Few people have streets named after them, it is an honor fitting Dale Pollard. The following summary about the dedicated life of Dale Pollard has been extracted from the Lake City Tracer:

Dale Pollard Drive * * * a special tribute to a special man whose ties to Lake City date all the way back to April 1941 when he began his career here as an Assistant to the Chief Timekeeper for Remington. After fulfilling his military obligation from September 1942 until January 1946, he returned immediately (three days after his discharge) to Lake City on January 21, 1946 as a Grade 2, Government Clerk. Today he is the Civilian Executive Assistant * * * always directly, always leading * * * and always showing us the way! That crisp walk, stern face and tassel of white hair are a familiar sight to all at Lake City, and those who know him best know that beind that stern face there's a twinkle in those eyes. The years have served him and this community well, as he has gone about his business of assisting in the operation of Lake City. Dale Pollard Drive stands as a reminder of 46 years of dedication!"

FRANK GEHRY: WINNER OF PRITZKER PRIZE, HONORED BY UNIVERSITY OF JUDAISM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. LEVINE of California. Mr. Speaker, I rise today to congratulate my friend and constituent Frank Gehry who was recently awarded the prestigious Pritzker Prize for his outstanding architectural talents. His work will also be recognized by the University Women of the University of Judaism's 23d Annual Author-Artist Luncheon on June 13.

Many of the best examples of Frank Gehry's work may be found in the Los Angeles area. Over the past 25 years, he has left his mark on a wide variety of buildings, from private homes, to skyscrapers, and from museums to factories. His unique style is particularly notable for its artistic, rather than purely functional, treatment of those structures, and shows the strong influences of contemporary artists. Indeed, as the award itself put it, his work "emphasizes the art of architecture."

Christopher Knight's Los Angeles Herald Examiner article which announced Frank Gehry's selection for the 1989 Pritzker Prize, describes both the award and his work in greater detail. I commend it to my colleagues' attention.

The article follows:

FRANK GEHRY WINS 1989 PRITZKER PRIZE

(By Christopher Knight)

Among the manifold pleasures of living in the heart of Hollywood is having the Frances Howard Goldwyn Regional Branch Library as my neighborhood biblioteca.

You see, the Frances Howard Goldwyn Regional Branch Library was designed in 1983-84 by the architect Frank O. Gehry, he of chain-link fencing fame. To those like myself, for whom art is a habit of more than passing fancy, Gehry operates as an artist's architect, which adds distinctive charms to the abundant pleasures of using his buildings.

It's hard to say whether Gehry is exactly thought of as an artist's architect by the six jurors who had the great and good wisdom to bestow upon him the weighty Pritzker Architecture Prize, which is being announced today in Chicago by the Hyatt Foundation, sponsors of the accolade. I suspect he is. The 60-year-old architect, who was born in Toronto but who became a U.S. citizen in 1950 while a student at USC, has never been shy about declaring the importance to his work of contemporary art and artists.

They've helped shape his thinking about how building forms should arise. From the celebrated sculptors Donald Judd and Claes Oldenburg, to any number of artists in the burgeoning milieu of Los Angeles, where Gehry has long based his architectual practice, he has gleaned much insight about space, imagery and visual language.

The Pritzker Prize citation—which will be presented to Gehry at formal ceremonies in Japan later this month, along with a handsome bronze medallion and an even more attractive check for $100,000—is notable for an almost total absence of commentary about the influence of other architecture on his work and for the plethora of references to the visual arts.

As reported by the estimable Bill N. Lacy, secretary to the jury, the citation is rather pointed in its declarations:

Gehry's is "a sophisticated and adventurous asethetic that emphasizes the art of architecture."

His body of work "reflects his keen appreciation for the same social forces that have informed the work of outstanding artists throughout history, including many contemporaries . . ."

His buildings are "juxtaposed collages of spaces and materials . . ."

He works with "a sureness and maturity that resists, in the same way as Picasso did, being bound either by critical acceptance or his successes."

The italics are mine, but the sentiment seems clear. It may be too much to suggest that the jury was trying to send a larger message through its selection of this particular architect, who emphasizes a cross-disciplinary approach. Still, at a time when a high priority is being given to the difficult question of collaboration between architects and artists, the jury has singled out for applause a supremely gifted architect who for 25 years has been happy to raid the minds of artists.

(This year's jury, incidentally, was composed of Giovanni Agnelli, chairman of Fiat in Torino, Italy; J. Carter Brown, director of the National Gallery of Art in Washington, D.C.; Ada Louise Huxtable, former architecture critic of the New York Times; architect Ricardo Legorreta of Mexico City; 1982 Pritzker laureate Kevin Roche of Hamden, Conn.; and Jacob Rothschild, chairman of the board of trustees at London's National Gallery of Art.)

What has Frank Gehry learned from art and artists? I'm not so sure about Picasso, but some things are obvious.

The 1964 Danziger Studio on Melrose Avenue, which was Gehry's first important building, is a sculptural, stripped-down, minimalist form that seems fully of its moment. The hardware store materials for which he is famous—chain-link fence, corrugated sheet metal, plain old two-by-fours—arise from a network of impulses shared by assemblage and pop art. The row of false classical columns that march in front of the "mock court" on the campus of his much-lauded Loyola Law School (1981-84) are a witty popism. The huddled clauster of independent rooms, which collectively make up the celebrated Winton Guest House (1983) in Wayzeta, Minn., forms a tender composition reminiscent of nothing so much as a still-life painting by Giorgio Morandi.

Other relationships to art and artists are more difficult to describe, because more profound. Gehry's own house in Santa Monica—a notorious structure in which the architect started with an ordinary bungalow from the '20s, then built a second structure around it, much to the dismay of certain neighbors—is a case in point.

The kitchen/dining room of the house, an open-plan format that Gehry added on to the original bungalow, stands where the driveway sued to be. (Its floor is asphalt, reminding you of the recent history of the place; you can clean it with a garden hose.) One interior wall of this long room, which is still covered in clapboards, was formerly the exterior wall of the house. So, the living-room window now looks out onto the kitchen/dining room, and vice versa.

I once sat in this disarming room for a very long while before it finally occurred to

me why the place exerted such an extraordinarily vivid presence. Suddenly, I realized I was sitting outdoors and indoors at one and the same time.

Particularly in its domestic spin, this unnerving yet viscerally understandable experience owes a clear debt to Oldenburg-ian wit. Meanwhile, the simultaneity of inside-and-outside space arrives from a deep understanding of the radically disruptive sculpture of Donald Judd, in which the traditional separation is replaced by a seamless unity of interior and exterior.

I see I have managed to ensnare Gehry completely within a web of visual art here. Certainly, had pop art and minimalism never been, his architecture would be rather different than it is. But Gehry is an artist's architect, not an architect's artist. Even though it's hardly my area of expertise, at least a nod must go to architectural precedent and practice in understanding the fundamental importance of his work, and of its worthiness for the highest acclaim.

For what is Frank Gehry's house in Santa Monica but the architectural apotheosis of California's vaunted indoor-outdoor living? To be there is to physically inhabit a disjunctive image, which is neatly framed by the suburban picture window. It may not look it at first, but the Gehry House stands on a firm foundation whose bricks include historic haciendas and suburban tract housing, as well as the rather loftier aspirations of Richard Neutra and Rudolph Schindler.

The house also stands on principles derived from Russian constructivist sculpture and architecture early in the 20th century. But, let's not get into that, except to note that it represents a moment when heady attempts were being made to dismantle barriers between supposedly independent disciplines.

Instead, let's look forward with blissful anticipation to the building of his design for the $100 million Disney Concert Hall on Bunker Hill. And, let's gladly add Frank O. Gehry's name to the distinguished list of 11 previous Pritzker laureates, among them Philip Johnson, Luis Barragan, James Stirling, I.M. Pei and Richard Meier. It fits.

WHERE TO SEE GEHRY'S ART

As Frank O. Gehry's reputation has grown in the last 25 years, he's designed a wide variety of buildings in a diverse geographic area. He's built houses, restaurants, shopping centers, schools, museums, factories, and skyscrapers in cities as far-flung as Ames, Iowa, and Kobe, Japan.

Still, much of Gehry's best work is in L.A. Here is a list of a dozen structures Gehry has designed in the past quarter-century, including renovations of existing buildings:

Danziger Studio and Residence, 7001 Melrose Ave. (1964).

Faith Plating Co., 7141 Santa Monica Blvd. (1964).

Hollywood Bowl Renovation, 2300 N. Highland Ave. (1970-82).

Santa Monica Place, Colorado Avenue at Fourth Street (1973-80).

Gemini G.E.L., 8365 Melrose Ave. (1976-79).

Cabrillo Marine Museum, 3720 Stephen White Drive, San Pedro (1979).

World Savings Bank, 10064 Riverside Drive, North Hollywood (1980).

Loyola Law School, 1441 W. Olympic Blvd. (1981-84).

California Aerospace Museum, Exposition Park (1982-84).

The Temporary Contemporary at the Museum of Contemporary Art, 152 N. Central Ave. (1983).

Frances Howard Goldwyn Regional Branch Library, 1623 Ivar Ave. (1983-84).

Edgemar Shopping Center, 2437 Main St., Santa Monica (1988).

Mr. Speaker, I would like to ask my colleagues to join me in recognizing Frank Gehry's fine work, and congratulating him for being selected for this year's Pritzker Prize.

THE FSX DEAL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. SMITH of Florida. Mr. Speaker, I take this opportunity to voice the deep reservations I have about the proposed plan to codevelop a fighter plane with Japan, the FSX deal.

While it is true that in the past we have had "kit-form" coproduction with Japan for other weapons systems, we have never taken it to the point of research and development, especially the latter. I honestly believe that we are rushing into this deal before we have had ample opportunity to totally evaluate the cost/benefit ratio.

Some involved in this debate mention the economic benefits that we will derive. As the deal stands presently, United States firms involved in the project stand to gain 40 percent of the economic benefits derived from the program, or approximately $2 billion of the $5.2 billion that Japan is putting into the production end of the project and $480 million of the $1.2 billion that Japan is putting into the development stage of the program. I fail to see how big a dent this $2.480 billion will have in our trade deficit with Japan, a deficit that is upward of $50 billion annually. The bottom line is that this deal does not represent as large a piece of the total economic pie as some would believe.

I am further troubled by certain technology issues associated with this deal. First, I have to question what amount of technology we will receive from the Japanese that we do not already possess. Second, should the Japanese develop some new form of technology, I am troubled by what flowback mechanisms are in existence to ensure that we will benefit from this technology. Finally, I am greatly distressed at the possibility that Japan will gain the technology to threaten the lead that the United States has in the commercial and military aerospace industry.

Until these questions are sufficiently researched and answered, I will continue to harbor the doubts I have expressed. I urge my colleagues to exercise the most careful discretion in trying to reach a decision about the FSX. There is too great a risk to the United States economically and militarily to be hasty in our decision.

TRIBUTE TO THE UNITED BLACK FUND 17TH ANNUAL VICTORY LUNCHEON "EMPOWERING OUR COMMUNITY: TAKING CONTROL"

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. DELLUMS. Mr. Speaker, I once again rise to enthusiastically salute the excellent service provided by the United Black Fund. On June 2, 1989, the United Black Fund will sponsor the 17th Annual Victory Luncheon which celebrates the successful United Way/United Black Fund Partnership Campaign. This year's theme "Empowering Our Community: Taking Control" is not only appropriate, but also timely.

The United Black Fund under the leadership of my good friend, Dr. Calvin W. Rolark, has become a beacon of hope for the citizenry of Washington, DC. The United Black Fund not only funds badly needed programs, but also offers guidance for today's concerns through the workshops offered at the luncheon. I am particularly impressed with the topic selection of this year's workshops, which gives hope to the future.

As we know, substance abuse is a major problem facing our community and the Nation. We, as leaders, are looked upon to stimulate discussion and facilitate answers to the burning questions of today. Therefore, I definitely see the need to examine society's contribution toward substance abuse. Over 20 years ago, the Kerner Commission predicted that as a result of our Nation's policy of benign neglect, our communities would suffer greatly. Our communities are indeed suffering.

It is imperative that we continue the present dialog and continue the actions in ridding our communities of the deadly menace called drugs. It has only been through collective action that we as a people have been able to overcome insurmountable odds in the past. We must continue to be vigilant. To the guests at the luncheon—we have a responsibility to ensure a better nation for our children and their children. I applaud your presence at the luncheon, but also ask that you not give up the struggle—I join you in making this a better world.

EDUCATION: RAISING AMERICA'S GRADE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. PORTER. Mr. Speaker, Secretary Cavazos recently released the Department of Education's State education performance chart.

Despite greater financial commitment to elementary and secondary education, we are making almost no progress in student performance. Although we spent close to $200 billion last year, graduation rates improved less than 2 percent over 1982.

I was surprised to learn that between 1982 and 1988, teacher salaries increased by over 20 percent in real terms. Per pupil expenditures, which are higher here than in Germany or Japan, increased by over 26 percent in real terms. But I wasn't surprised to learn that for that same period, SAT scores improved by only 11 points, and ACT scores improved by 0.4 of a point.

These statistics suggest that more money is not the answer. The answer is accountability. Teachers, administrators, students, parents, and communities must all participate in the educational process. Goals must be set, progress measures, and individuals held accountable.

Mr. Speaker, the Secretary of Education tells us that, "as a nation our educational performance is merely average." I am not willing to settle for average, and neither should this Congress, nor the American people.

CELEBRATING THE 100TH ANNIVERSARY OF GRANT ELEMENTARY SCHOOL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. BROWN of California. Mr. Speaker, on May 10, 1989, Grant Elementary School in Riverside, CA, is celebrating its 100th anniversary. I ask my colleagues to join me today in saluting the administration, teachers, students, and parents of Grant Elementary on the school's centennial.

The original Grant School was built from the first bond money voted in its district. Six acres were purchased at the corner of 14th Street and Walnut in Riverside for the princely sum of $7,500. The school itself was built for $53,295 and opened in 1889 as Riverside's first major school. The school opened with 400 students, accommodating both elementary and high school students. It was Riverside's first high school and first junior high school. In June 1890, the first Grant School graduates received their high school diplomas. This class consisted of seven students: four girls and three boys.

Grant School's structural design was considered the most outstanding of its time in California. Unfortunately, an earthquake in 1933 resulted in so much damage to the original building that it had to be torn down. The present structure, designed by G. Stanley Wilson, one of the architects of Riverside's historic Mission Inn, was built in 1935 with the help of Work Project Administration funds. Grant School was designated a cultural heritage landmark in 1978, in recognition of its historical significance.

In the past 100 years Grant School has brought pride to its graduates and to the community of Riverside. I join our community in saluting a century of excellence at Grant School.

LEGISLATION AMENDING THE ARCTIC RESEARCH AND POLICY ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. YOUNG of Alaska. Mr. Speaker, I rise today before my colleagues in the House of Representatives to introduce legislation amending the Arctic Research and Policy Act of 1984. The bill is designed to improve and clarify provisions within the act.

For the past 5 years, the Arctic Research and Policy Act [ARPA] has proved to be an extremely valuable mechanism by which scientists and scholars can analyze the growing strategic, economic, and scientific issues unique to the Arctic region. The exploration and development of natural resources along with advancements in military technology during the mid-1980's has clearly transformed the Arctic region into one of the world's most active and vital areas of scientific research for both the United States and the Soviet Union.

Recent events within Alaska have dramatically underscored the need for greater knowledge of the Arctic ecosystem. For example, the Arctic provides the greatest single concentration of food harvested for public consumption; the fishery resources of the North Pacific, North Atlantic, and the Bering Sea. This is merely one of many critical issues which deserve greater attention and analysis.

Since the implementation of the ARPA, significant recommendations have been made by the U.S. Arctic Research Commission, the National Science Board, and the Polar Research Board of the National Academy of Sciences. However, some technical and administrative modifications to the current act are needed to improve its effectiveness. For instance, this legislation offers amendments to the ARPA in order to expand the Arctic Research Commission from five to seven members, and require Federal agencies to actively respond to recommendations put forth by the Commission.

TRIBUTE TO NICOLE SMITH

HON. PETER SMITH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. SMITH of Vermont. Mr. Speaker, it is with great pleasure that I rise today to recognize a very outstanding citizen of Rutland, VT. I am referring to 14-year-old Nicole Smith, whose alert actions may have saved the life of an elderly woman. Nicole, a very admirable community member, has been selected as the first recipient of my Outstanding Citizen of the Month Congressional Award for the State of Vermont.

Nicole is a student at Rutland Junior High School and she holds a job as a newspaper delivery girl as well. It was during one of her usual early morning deliveries when Nicole noticed that 86-year-old Ruth Conlon had not picked up her newspapers or mail. There are some people who might not have noticed anything out of the ordinary, but Nicole sensed that something was wrong and notified her mother, who in turn informed the police of a possible problem. When the police arrived they found Ruth Conlon on the floor, semiconscious, bruised, and nearly dehydrated. Apparently, she must have fallen, and it is believed that she had been in this condition for about 2 days. If Nicole had not acted as quickly as she did, there is a strong possibility that Mrs. Conlon may have died.

Mr. Speaker, I initiated the Good Citizen of the Month Award to honor those Vermonters whose selfless deeds prove inspirational to society, and I can't think of a more fitting person than Nicole Smith to be the very first recipient of this award. On behalf of the citizens of the State of Vermont, I invite you and my fellow colleagues, to thank Nicole and wish her the best of luck for a bright future.

THE CONDITION OF INTERNATIONAL AVIATION

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. McEWEN. Mr. Speaker, today I would like to share with my colleagues a recent speech which Bob Crandall, chairman and CEO of American Airlines, gave at the American Enterprise Institute Conference. Mr. Crandall discusses the condition of international aviation today, as well as its prospects for the future—he offers criticisms of the problems that may be encountered and possible alternatives to achieve a more dynamic industry. I include Mr. Crandall's entire address for the RECORD:

LET THE MARKETPLACE PREVAIL

Good afternoon, ladies and gentlemen. I'm sorry I wasn't with you earlier today—Dan Kasper tells me some of the discussion was pretty lively. Hopefully, the subject of international aviation will be the basis for a good dialogue this afternoon.

To get that dialogue under way, let me offer this proposition—the international aviation system is in chaos, and it's getting worse! Today, I'd like to suggest some alternative approaches which—utopian as they may sound—are in my judgment perfectly practical and would offer all of us—and the world's travelers—a far brighter future than today's policies seem likely to yield.

In one respect, at least, the aviation story is a good-news tale: Demand for airline seats is strong—very strong! All over the world, more and more people want to fly.

In a service-oriented world hungry for growth, jobs and wealth, you'd think governments would be going all out to exploit that demand by promoting aviation growth—but just the opposite is true. Around the world, aviation is hobbled. Capacity is short. Competition is constrained—and growth is stunted.

There's a distinct similarity between where we are today in international aviation and where we were a dozen or so years ago in domestic aviation. I'm sure many of you remember that world—before we got the regulation monkey off our backs. Carriers would send the CAB pound after pound of specious exhibits, diligently argue points of

minutia—and hope against hope they'd win a little something.

Eventually—sometimes—the omnipotent regulators would actually make a decision, most often a minuscule decision—and the chosen carrier would treat it like a major victory!

Like Des Moines. It took American Airlines 10 years get the right to fly to Des Moines—back in 1976! Since then, we've exited and entered twice—without anyone in Washington even noticing!

International aviation is still in what I call the Des Moines mode. Despite the fact that on many of the world's air routes load factors run in the 70's and 80's, new competitors can't add service. Governments tell airlines where they can fly, when they can fly, what equipment they can use and what they can charge. And more often than not, they say "no" to any new idea!

In today's international aviation world, the really intense issues of competition are things like—

Whether we will or will not put teeny TV's in each seatback;

Whether we will or will not use X or Y brand of caviar;

Whether we should or should not put after shave in the amenities kit;

And, whether our business-class seat is or is not two inches wider than yours!

More and more we are falling into the old airline habit of competing for the right to charge our customers $200 for $100 worth of goods—and cloaking the masquerade in the guise of quality service!

Our Government says it likes competition—but those things, ladies and gentlemen, do not constitute competition! Competition is frequency—competition is price—competition is daily service, everywhere. Competition drives the market, overcomes restraints, tests the limits of the possible—and creates opportunities galore!

If all this is true—and I think it is—how did we get into this mess? And how do we get out of it?

To some considerable extent, we are in a mess because the world's political leaders do not understand aviation's immense economic promise—and have failed to provide the physical environment needed to accommodate growth. Few, if any, governments—including our own—have carefully thought-out aviation policies. The United States of America, ladies and gentlemen, has no national aviation policy. That ought to be a high priority for the Bush administration—and I'm glad Sam Skinner has gone to work on it.

This lack of government policy—around the world—has had many adverse consequences, not the least of which is an acute—and growing—shortage of aviation infrastructure. Take the issue of air traffic control.

The U.S. has had, until recent years, a first-class air traffic control system—it doesn't anymore! Ours is still better than most, but it's woefully inadequate for today's traffic demands—and certainly inadequate for future growth. Abroad the problem is far worse. In Europe, there's Eurocontrol—and lots of country-specific air traffic control systems—together constituting a limited system often crippled by work stoppages about which governments seem unwilling to take decisive action.

There are lots of other constraints as well. There are far too few airports and runways—and the result is that slot controls, and rationing, are in place at many airports around the world.

And that's not all. Huge areas of the Southwest are off limits to civilian aircraft—to accommodate a very few military planes whose use of the space is non-intensive to say the least. In West Germany, our military's extensive use of Frankfurt International Airport is a terrible hindrance to civil aviation, is dangerous, and is a growing diplomatic concern.

With these and other problems so seemingly blatant, have the world's political leaders ever sat down to discuss—let alone solve—the aviation infrastructure crisis? Not to my knowledge. Indeed, most senior political leaders seem blissfully ignorant of the entire subject—which can only mean they haven't focused on aviation's growth potential—and the lost opportunities that untapped potential represents! I'd like to see the Bush administration take the lead in opening their eyes—by acknowledging the critical contribution that aviation makes to the global economy, and by according to the international aviation negotiating process the high-level attention it deserves.

Our problems are also partially a consequence of the fact that international aviation still operates under the terms of a complex web of agreements stemming from the International Civil Aviation Conference at Chicago in 1944—and I think we all must admit that 45 years ago, no one could possibly imagine the world of the 1990's.

Some argue that many old agreements are heavily weighted in favor of the U.S. Since all have been updated many times and since U.S. market shares are underwhelming by any measure, I would disagree. And if the original agreements did favor the U.S., it was because they reflected the economic realities of the times.

There are lots of other agreements which are anything but in U.S. interests—which are, in fact, heavily weighted in favor of our trading partners.

These latter agreements date from the late '70's, when the U.S. government—to its credit—bought into the gospel of deregulation. Washington decided it was so great that we should export it—whether the other guys wanted it or not. The U.S. was right to push liberalization—but wrong to attempt to implement it via agreements which swapped hard rights for soft ones. It would have been better to gain a consensus in favor of greater liberality before giving too much away.

Like it or not, today's agreements are there—and if we want change, we must start from the base they represent. We can neither sweep away the past—nor declare existing agreements irrelevant. Instead, we must find a way to reach new agreements—and we must have a new policy framework to hang them on.

As a first step toward creating that new framework, the U.S. should launch a real effort to achieve a consensus among our aviation partners—a new consensus tipped toward liberalization—and growth! Such a consensus is—first—in everyone's long-term interest, and—second—consistent with the competitive orientation of the deregulated aviation marketplace we advocate domestically.

As a first step, we must find a better way to measure the overall economic impact of civil aviation. We need an economic model that will enable all parties to an aviation negotiation to understand the macro-economic impact of proposed changes.

Consider, if you will, just one of many current discussions. Alitalia would like new U.S. routes, but is unwilling to let any U.S. carrier compete with its monopoly between Chicago and Rome/Milan—despite the fact that our bilateral explicitly permits it. The Italian Government is taking its advice from Alitalia and is clearly worrying more about its flag carrier than about the vigor of the Italian economy. If more people could conveniently travel to Italy, more dresses and shoes would be sold, more hotels would open, more restaurants would spring up, more gondoliers would be employed—and the entire Italian economy would benefit.

And if the Italians want to fly to Miami, to Atlanta—even to DFW—why not let them? What are we worried about? More competition?

In my opinion, we can't get agreement because neither side understands the overall impact of more service between Italy and the United States. Creating such an analytical model is not a trivial task—but neither is it impossible. The impacts are known—it's time they were quantified.

If governments were able to do accurate cost/benefit assessments, I think they would all see that while liberalization will inevitably disgruntle some existing interests, it will—in the long run—do far more good for far more people than today's protectionism. It's called free-market economics.

Second, we should urge all governments—our own included—to worry less about achieving perfectly "balanced" agreements. In any good business deal, all parties are winners—but not necessarily equal winners. The trick is to be sure that no one loses. We ought to stop worrying about a perfect balance of direct aviation benefits in every negotiation. In my view, if economic studies show that both countries will benefit—the deal ought to be done!

We also need to worry more about results and less about principles. For example, some of our trading partners argue that the U.S. should allow cabotage as a way of balancing fifth freedom rights granted—and paid for—long ago. Some U.S. interests, at the other extreme, take the view that cabotage is sacrosanct.

Neither view is realistic. Neither focuses on results. Both are long on principle and short on logic.

Those who argue that cabotage should be granted as a way of redressing ancient wrongs would be unlikely, in their personal lives, to make a voluntary second payment for an asset acquired years ago. And those who argue that cabotage—or any other subject—is non-negotiable—have clearly forgotten that the best way to end a discussion is to begin with the word "never."

The point is that by either making unrealistic demands or starting with an automatic "no," aviation leaders preclude progress.

Let's consider two current situations. First, if we are ever to have a fully developed North American aviation market, we must give the Canadian carriers broader competitive opportunities. Would some limited form of cabotage really be worse than the absurd limitations which constrain us today?

Second, we cannot seem to make any progress in the long-running U.S.-U.K. discussions—the two sets of negotiators say they can't find a balanced agreement. Yet what we have today is anything but balanced. British Airways is getting substantial benefits by using its many points of entry in combination with a code-sharing deal with United—but since it refuses to bless entry by U.S. carriers, and since the U.K. Government takes its cues from BA, U.S. carriers

aspiring to serve Britain are left with no recourse.

Wouldn't we be better off to prohibit code sharing—which is a consumer subterfuge at best—and trade limited cabotage rights . . . which BA wants and would clearly be good for it and for its country . . . for broader entry into the U.K.—which would be good for U.S. carriers, the U.S. and the U.K.?

These are obviously complex questions—and since I have neither perfect insight nor the model needed to evaluate the economic trade-offs, I can't even say precisely what terms I'd be willing to accept. I do know this: We must find some way to break the endless deadlocks that characterize today's environment. We must look at broader measures of gain than we consider today.

There is another step I think the U.S. should take which is of a fundamentally different character—and that's to insist that other governments honor the agreements they've already made.

Again, let me offer an example. Two years ago the U.S. made a deal which gave Swissair access to Atlanta in exchange for the Swiss Government's agreement that U.S. carriers would have the right to do their own ground handling and have their own customer service counters at Zurich and Geneva. Last year, the U.S. promised the Swiss an additional gateway in exchange for a number of things. One of those things, strangely enough—once again—was Swiss Government agreement to let U.S. carriers do their own ground handling and have their own customer service counters at Zurich and Geneva. Swissair hopes to launch service to its new gateway—which is Los Angeles—on November 1—despite the fact that we still don't have our own people or counters in Geneva . . . and won't have by November 1!

The past masters of this game are the Japanese. You've all heard a great deal about how new U.S. carriers can't get authority to serve Japan. The irony is that the original 1952 agreement between Japan and the U.S. permitted either side to designate multiple airlines. But when Washington certified United for Seattle-Tokyo Service in 1978—it took 4 years for the Japanese Government to accept it.

Since then, the U.S. Government has tacitly recognized that Japan will only permit new service in return for new concessions. So in 1985, in exchange for very limited Tokyo authority for American and Delta, the U.S. gave Japan additional routes—as well as permission for all Nippon and Nippon cargo to begin U.S. service.

My complaint is not that we gave so much—but that we got so little! Why not, now that both countries have multiple carriers, create open skies for all the airlines of both countries?

The failure of foreign governments to honor existing agreements puts the U.S. Government in the position of actively sustaining, abroad, the monopolies and duopolies it denounces here at home. It is ludicrous, for example, to get all lathered up about a hub monopoly in Detroit—to pick just one out of the air—while actively sustaining a much more important, much bigger, far more lucrative and vastly more anti-competitive U.S. duopoly in Tokyo.

Competition—a free marketplace—creates far more opportunities—for all—than monopoly ever will. To maximize those opportunities, the Bush administration must convince other countries to live up to the aviation agreements already on the books—and to accept its leadership in working toward a far more liberal international aviation regime.

In that effort, the U.S. faces two special problems. The first is that we will probably have to be among the first to accept win-win agreements in which the other side gets more than we do—because in many cases, others have little left to give. The Scandinavians, for instance, seek additional U.S. rights. since they have little with which to barter, there is little question but that they will get more routes out of any new agreement than we will.

Washington's second leadership problem stems from one of our great strengths—our highly competitive airline industry. What other Government gets so much conflicting advice from its own aviation community?

While these difficulties are real, they are political—and can thus be overcome if those who lead the Bush administration's aviation efforts have both clarity of vision and strength of will—and if the aviation industry will look beyond the end of the next quarter in deciding what to support and what to oppose.

As I said at the outset, airline seats are in great demand—but our marketplace is out of kilter. The aviation industry has far more to offer than it now provides. If the world wants what we can give, the system simply must change—and change dramatically.

To summarize: the Bush administration should take the lead:

First, to create the air traffic control, runway and airport capacity we need to accommodate a truly competitive system.

Second, to revise—slowly but surely—today's constraining agreements in favor of a broadly liberal regime built on a framework of macro-economic analysis . . . balanced but not necessarily equal agreements . . . and practical rather than theoretical underpinnings—in short, a market-driven, deregulated international aviation system.

And finally, to assure strict compliance—by every government—with both the letter and the intent of existing and future aviation agreements.

These steps will, over time, create new opportunities for all. An Optimized international aviation system is essential to world economic growth. We should all do everything we can to free aviation from the fetters of economic protectionism—and the perils of diplomatic dithering! Let the marketplace prevail!

Our country—our industry—and the world—deserve no less!

A TRIBUTE TO CHARLES CLAYBAUGH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. CARDIN. Mr. Speaker, I would like to call to the attention of my colleagues an outstanding citizen of Baltimore, Mr. Charles Claybaugh.

Mr. Claybaugh has dedicated himself to serving mature citizens in the Baltimore area. With his wife Leona at his side, he has worked tirelessly on behalf of our seniors to make their lives easier and more joyful.

He has been recognized as a leader in the community. Mr. Claybaugh is currently president of the Maryland Senior Citizens Hall of Fame, Inc., and a past president of the Maryland chapter of AARP, as well as past president of the Baltimore County Association of Senior Citizens Organizations [BCASCO].

Chuck Claybaugh has received many honors and accolades for outstanding service to his fellow seniors. I would like to add my voice to theirs, and offer my sincere appreciation and respect for a job well done. I urge my colleagues to join me today in honoring Charles Claybaugh.

VIEWS ON SECTION 89

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. LAFALCE. Mr. Speaker, I recently received a thoughtful letter from Robert P. Fine, Esq., concerning section 89 of the Internal Revenue Code and its impact on employers.

I believe that Mr. Fine's points warrant careful consideration as we seek to find workable solutions to the problems which employers have been having with section 89.

Accordingly, I ask that the letter be printed in the CONGRESSIONAL RECORD. I hope that our colleagues will have an opportunity to read Mr. Fine's remarks as they contemplate this important issue.

Mr. Fine's letter follows:

HURWITZ & FINE, P.C.,
ATTORNEYS AT LAW,
Buffalo, NY., April 24, 1989.

Congressman JOHN J. LAFALCE,
Chairman, Small Business Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN LAFALCE: Hurwitz & Fine, P.C. represents a significant number of business entities of varying sizes. We have researched Section 89 of the Internal Revenue Code and urge the repeal of this Code provision.

We commend you on your efforts to address the problems created by this onerous tax measure. For the reasons set forth in this letter, we continue to believe that Section 89, even if simplified by current compromise proposals, will remain burdensome for employers and counterproductive to the achievement of its intended goals.

The currently suggested compromise measure would replace the complex multi-tiered discrimination test in the current law with a "simple" but still multi-tiered structure. While the current law's difficult scheme of "benefit valuation" will be abandoned under the compromise proposal in favor of a test tied to employer-paid premiums, businesses will still be faced with difficult testing concepts making compliance excessively burdensome. Employers will be forced to deal with complicated regulations governing the definitions of highly and non-highly compensated employees, the definition of what will constitute a plan for testing purposes, the treatment of "leased" and "former" employees, and the concept of aggregation where a business operates from more than one location. Employers nonetheless must continue to satisfy the complex, detailed qualification rules governing plan documentation. This is a significant burden for employers in the area of health and group term life insurance, an area in which costs already have escalated dramatically because of rising insurance premiums.

The implementation of discrimination testing and compliance with plan documentation rules will contine to be a costly, time-consuming process even under the compromise proposal. Based upon discussions with our clients and others in the businesss community, we believe that many employers simply will elect the less burdensome alternative of including the excess benefits in income of highly compensated employees rather than extending equivalent benefits to non-highly compensated employees. The proposed revisions, therefore, will not foster the law's goal of facilitating the extension of benefits to previously uninsured members of the labor force.

The compromise proposal apparently contemplates retention of the plan documentation rules. These rules alone constitute an incentive for many small employers to eliminate company-wide health and group term life insurance plans. Since highly-compensated employees will generally be in a better position to demand compensation for the loss of fringe benefits, the retention of Section 89, even in modified form, will result in an increase in discrimination in many businesses.

We have witnessed, over the past several years, a trend of increasingly restrictive nondiscrimination provisions in other areas of employee benefit programs, such as qualified retirement plans. Frequently, we find the employer's response to be an elimination of the benefit program entirely. Thus, the rank-and-file employees actually lose what they most seek.

Finally, those employers who continue to provide group plans may be forced to seek assistance from outside professional advisors to assure compliance. We believe that the cost of complying with Section 89 may outweigh the additional revenue obtained by the IRS. Even if Section 89 is modified, it may be a misallocation of societal resources.

We hope that these views will receive full consideration at the House Ways and Means Committee hearing to be held on May 2, 1989, and at the Senate hearings on May 9, 1989. We urge full repeal of Section 89.

Very truly yours,

ROBERT P. FINE.

JUST SAY NO—TO THE FSX DEAL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. GAYDOS. Mr. Speaker, last week, the Christian Science Monitor ran a cartoon, showing President Bush, after signing the FSX deal with stars-and-stripes-clad Japanese, saying "Don't worry. We still have our secret decoder ring."

Well, that's about all we have left and it's time we started worrying. Because, Mr. Bush, everything is not "okey-dokey."

We're preparing to give away vital American technology. The F-16 technology that cost the American taxpayers $7 billion will be Japan's for $480 million—one-eighth—of that amount. Now, I have to give credit where credit is due: The Japanese are "smart shoppers."

But we're losing too many markets to Japanese industry in critical areas. We almost lost our steel industry, and our automobile and machinery industries have suffered greatly.

Today, only one American company makes televisions, and I don't have to ask anyone where we are getting our VCR's and stereos.

We've also lost ground in the semiconductor and computer chips industries.

And, here we go again selling our economic future and national security for a night out on the town.

The Japanese say they want the best possible aircraft now for their defense, but the earliest they'll have the FSX is 1997.

They could buy the best fighters in the world, the F-16, today at roughly one-third the cost of developing the FSX, even with our help.

We need to know where to draw the line in agreeing to the demands of our trading partners. At some point, we have to say no more. We must say no to the FSX deal. Because if the FSX deal goes through, there won't be any industry left for the Japanese to conquer.

HONORING ALEX BODNARIUK

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. HERTEL. Mr. Speaker, I would like my colleagues to join me in acknowledging the retirement of Alex Bodnariuk, business manager of the the Roofers' Union, local 149. His wife Delores, and two children, Alex Jr., and Andrew, along with much of the labor community join us in paying tribute to Mr. Bodnariuk.

Having begun his long union career in 1952, Mr. Bodnariuk has been heard saying that he is retiring where most roofers spend their lives, on top. He began his administrative post with local 149 in 1971 and has proceeded to influence many individuals with the local. His peers have described him as a stalwart and stabilizing force in the building trades. He has also been noted as a rare individual in the sense that once his decision is made, after a thorough review, he will not amend the decision. With this strength, Mr. Bodnariuk lets his audience know where he stands.

Through a strong sense of dedication, Mr. Bodnariuk has served as an integral participant of many local councils. Both the Michigan and Detroit Building Trades Councils along with the Michigan Maritime Trades Port Council have benefited as a result of Mr. Bodnariuk's persistence.

Mr. Bodnariuk has made many lives better through his professional efforts. I am sure his retirement will be as rewarding as his career has been.

VOCATIONAL EDUCATION

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. MARLENEE. Mr. Speaker, I was pleased yesterday to join over 400 of my colleagues in passing H.R. 7, the reauthorization of the Applied Technology Act, which will provide $1.4 billion in vocational education funding for the next 5 years. As a strong advocate of vocational education, I was delighted to see this strong bipartisan vote of support for H.R. 7.

H.R. 7 was a positive major rewrite of Federal vocational education programs, which streamlines Federal aid and gives more power to the State to allocate the funds according to its needs. The legislation reorganizes the formula under which funds are allocated to school districts and community colleges to focus and target Federal aid to serve the poor, the handicapped, and students with limited English speaking skills.

The bill also provides a new "tech-prep" program in which the Federal Government will provide matching funds to support coordination of applied-technology programs between secondary schools and community colleges. The intent of Congress is to encourage traditional vocational education programs to modernize and become more competitive in the international marketplace.

With the pressing need for deficit reduction, I also commend the leadership of the Education and Labor Committee which had the courage to streamline several programs and agencies that deal with vocational education. Every Federal program deserves strict scrunity, even those with overwelming popular support. Included in H.R. 7 are plans to eliminate most set-aside programs, and to establish a new formula to target the most needy students.

This formula allocates grants to secondary schools according to the following priorities: 70 percent based on the number of poor students; 20 percent based on the number of handicapped; and 10 percent based on the total number of students. For postsecondary schools the priorities are: 70 percent of funds are tied to the number of Pell grant and Bureau of Indian Affairs assistance recipients; 20 percent to the number of vocational-rehabilitation students; and 10 percent to the number of students.

To prevent a major disruption of Federal vocational education funds over the next 5 years, I supported the amendment offered by Republican Representative MARGE ROUKEMA of New Jersey that would extend the "hold harmless" provisions to guarantee local education agencies [LEA's] 80 percent of the previous year's funding for next 3 years. In other words, Mr. Speaker, the Roukema amendment protects schools that experience a drop in student enrollment from losing their vocational education funds over the next 3 years. This amendment provides an adequate safety net for many rural school districts that have a dwindling student body.

In addition, H.R. 7 merges the current five State human resources councils, which were required under a variety of Federal education programs, into one, and consolidates the plan and application requirements, which will reduce paperwork hassles. I'm all for efficiency and eliminating redtape, and I was pleased to see the committee adopt these commonsense measures.

Mr. Speaker, we have created a world in which high school diploma no longer prepares a student for today's job market. The Applied Technology Act recognizes the complex

nature of education today and will go a long way toward improving our vocational technology system. I encourage my colleagues to continue to strongly support vocational education, and I hope that my friends in the other body will endorse this legislation.

HONORING STANLEY I. MINCH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. CARDIN. Mr. Speaker, on May 24, 1989, Stanley I. Minch will be honored by the Chizuk Amuno Congregation for his outstanding contributions to the Chizuk Amuno Congregation in Baltimore, MD.

Stanley Minch has been executive director of the congregation for 23 years. Under his leadership, Chizuk Amuno has grown into one of the most active synagogues in the area. Thanks to his foresight and vision, the Solomon Schechter Day School was founded.

Stanley Minch is one of the lights of the Baltimore Jewish community. No matter how busy, he will always make time for a friend or a congregant with a problem or question. His understanding, consideration, and respect for his fellow man is well-known, admired and deeply appreciated.

I would like to add my voice to the Congregation of Chizuk Amuno when they honor Stanley Minch for all he has done. Thank you, Stanley.

ANNIVERSARY OF THE STATE OF ISRAEL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. SCHEUER. Mr. Speaker, after 41 years, Theodore Herzl's vision of the Jewish people reunited in Israel continues to flourish.

The realization of Herzl's dream was a miraculous accomplishment.

No other nation in history has returned to its homeland to renew its language and culture after a separation of 2,000 years.

The State of Israel has brought together the heart, soul, and the aspirations of the Jewish people, and provided a safe haven for persecuted Jews throughout the world.

A citadel of freedom and democracy in the Middle East, Israel offers equal citizenship to Arabs, Jews and Christians alike, and has raised the standard of living for all its citizens.

During Israel's short modern day history, Israel has turned her deserts green and developed high tech industries that compete successfully in markets around the world.

This year was also special for Israel because it marked the 10th anniversary of the Camp David accords and the final phase of Israel's return of Egyptian territory.

Although the Arab world has prevented relations between Israel and Egypt from flourishing, the Camp David accords have ended war between Israel and Egypt and planted the seeds of peace.

In addition, Israel's territorial accommodation with Egypt clearly has demonstrated that Israel can and will negotiate in good faith and follow through with her commitments.

All of the concerned parties agree that the status quo in the West Bank and Gaza is painfully undesirable in the short term and totally unacceptable in the long term.

There is no question, however, that an independent Palestinian State, to which the PLO is committed, would be a destabilizing threat to Israel, where only 20 miles stand between Israel's safety and its destruction.

Prime Minister Shamir's recent peace initiative offers the Palestinians in the West Bank and Gaza free democratic elections to produce a delegation for negotiating with Israel.

If the PLO is committed to peace, then they must state this commitment clearly, allow the bulwark of democracy to work in the West Bank and Gaza and offer their hands of help in changing 41 years of Arab rejectionism to clear recognition of Israel.

In advance of such commitments Israel would be foolish to make major concessions which would threaten her security. Israel actions alone cannot deliver peace.

I look forward to the day when there is peace in the West Bank and Gaza and when Israel will be able not only to coexist with her Arab neighbors but also work with them to solve the problems of the region; to clean up the pollution in the Red Sea, to develop a regional water management plan, and to transform much more of the desert into fertile land for peace.

Israel has made miraculous accomplishments as a young nation of 41 years. To all those in Israel and in the Diaspora who help build the land of Israel, congratulations!

CENTENNIAL CELEBRATION OF SAN DIEGO TRUST & SAVINGS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. LOWERY of California. Mr. Speaker, it gives me great pleasure in recognizing the centennial celebration of San Diego Trust & Savings. I applaud their outstanding contributions to the growth and development of the city of San Diego. Under the guidance of Mr. Thomas Sefton, San Diego Trust & Savings has been recognized as one of the most charitable businesses in San Diego. This kind arm of generosity not only extends to the needy but also to the San Diego Police Department. Today, it can be said that San Diego and San Diego Trust & Savings have both grown to their positions of prominence together.

In 1889, on May 15, Joseph Sefton opened the doors to the State-approved incorporation, San Diego Savings Bank. Sefton's bank rapidly grew with the city of San Diego and our developing Nation. The panic of 1893 soon swept the country closing multitudes of banks; however, San Diego Savings Bank remained open. It is said that Sefton met the throngs head-on and masterfully turned the tides. In 1923, San Diego Savings Bank added a trust department.

Mr. Speaker, please join me in recognizing San Diego Trust & Savings as they celebrate this historic and well deserved event. They exemplify a fine example of what a business can do for a community. With constant support and involvement, they have assisted in making San Diego, America's finest city.

HEALTH CARE FOR VETERANS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, eastern Long Island veterans concerned about the decline in their health care services may rest a little easier now that the House of Representatives has voted for a $216 million funding increase. The Bush administration budget contained no real growth for the newly established Department of Veterans' Affairs [DVA]. The DVA was honored with Cabinet status, but no real growth to offset inflation would have resulted in a significant cut for the DVA. Its precursor organization, the Veterans' Administration, had suffered a decade of neglect that had left it standing in a hole at the beginning of each new budget cycle.

Local vets may also take some comfort in knowing that the decision to close building 11 at the VA Medical Center [VAMC] in Northport has been put on hold. In fact, a congressional hearing will be held there on May 15 to consider health care services to our veterans on Long Island.

The United States has 27 million veterans of the Armed Forces. Of the nearly 2 million veterans residing in New York State, there are 155,410 in Suffolk County, and 177,530 in Nassau County, ranking fourth and second respectively in the State. I share the concern of many Long Islanders that difficult times may be ahead for VA hospitals and the veterans who use them. I am working to prevent any further decline in their health care services.

The House of Representatives on May 4 approved a fiscal year 1990 budget which contains a $216 million increase in spending for veterans' health care programs, a $264 million increase in DVA funding. In fact, the DVA was the only agency to receive an increase above levels reported by the House Budget Committee last week. The House budget resolution calls for a $31.2 billion DVA budget with $11.6 billion for DVA medical services.

I am pleased that the House unanimously approved this budget amendment. Through this vote we in Congress recognize and reverse the previous years of budget-cutting on the backs of veterans. In the past decade—through the Reagan years—health care funding for veterans has fallen by the wayside in several rounds of budget cuts, which caused staffing cuts, restricted eligibility for services, and closed medical centers and hospital wards. This deterioration of veterans' health programs must end. We owe a debt of gratitude to our veterans. With these past budget cuts, the administration reneged on the prom-

ise to provide for the health and dignity of veterans.

In real terms, the DVA budget has remained level since 1977, while demand for DVA health care has increased dramatically. This demand promises to continue rising as the veterans population ages. Moreover, medical costs have risen faster than the general pace of inflation, and the DVA has taken on new responsibilities, such as homeless veterans, and veterans with AIDS.

By October of this year, a severe shortfall in VA health-care funding may occur, according to predictions by the House Veterans' Affairs Committee and DVA officials. The committee estimates a $635 million shortfall for the remainder of fiscal year 1989. This shortfall could reach $1 billion to $1.5 billion in fiscal year 1990 without supplemental funds.

The current DVA funding shortfall has affected virtually every one of the 172 DVA hospitals, 226 outpatient clinics, and 119 nursing homes in the Nation, including the VAMC in Northport. The DVA VMAC has 744 beds, a medical staff of 214, nursing personnel numbering 613, and a total work force of 2,000. In 1988, it had 8,582 admissions and 200,000 outpatient visits. As you may know, the VMAC has reported plans to reduce its operating costs to deal with its share of the DVA budget shortfall by closing building 11.

Currently, Congress is considering the dire emergency supplemental appropriation bill for fiscal year 1989. This bill will provide additional funding for those programs which have depleted their funds before the end of the current fiscal year. Included in this bill is $340 million for veterans' medical services for the remainder of fiscal year 1989.

Mr. Speaker, President Bush's proposed budget for fiscal year 1990 for the DVA raises great concerns about the future availability of veterans' medical services. The Reagan administration's final budget proposal and President Bush's budget proposal for fiscal year 1990 both call for deep cuts in funding for health care employees, medical facility construction, and in the number of veterans who may receive DVA health care. In addition, the Reagan/Bush fiscal year 1990 budget proposals requested no new funding for nursing home construction, even though the number of veterans in need of nursing home care is increasing at an alarming rate. In fact, the DVA's top two priorities for hospital construction-renovation were deleted by President Reagan, and President Bush chose not to correct this shortsighted decision.

With veterans accounting for two-thirds of the American male population over age 65 by the turn of the century—over 9 million veterans—I believe that it is imperative that construction of veterans' nursing homes continues to be a top DVA priority.

I urge my colleagues to approve a full supplemental appropriation for the remainder of fiscal year 1989 to address immediate medical needs and to provide adequate funding for DVA medical services for next year's budget. We must oppose the Bush administration proposed DVA cuts to ensure quality medical services for those who served this Nation.

PERSONAL EXPLANATION

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. McGRATH. Mr. Speaker, I was absent due to illness, yesterday, May 9, 1989, hence missing votes taken in the House of Representatives. However, I would like to go on record that on rollcall votes No. 45 and 48, I would have voted in the affirmative on both occasions.

A SALUTE TO PROFESSOR CHARLES GABRIELE, COMPOSER OF THE "CHRISTOPHER COLUMBUS SUITE"

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. JAMES. Mr. Speaker, a noted published and recorded composer, Prof. Charles Gabriele, a resident of Palm Coast, FL, has composed "Christopher Columbus Suite," a musical composition to commemorate the Quincentenary Jubilee, the 500th anniversary of Christopher Columbus' journey to the New World.

This beautiful suite of music contains three parts which can be performed separately or together, as a suite. The segments include: "Queen Isabella Pasodoble," a salute to the historical Queen; "New World Natives," vignettes honoring the natives who Columbus found upon his arrival in the New World; and "Christopher Columbus March," a parade march with words.

Professor Gabriele composed "Christopher Columbus March" in 1976 for inclusion in the American Bicentennial parades and to restore the image and history of Columbus in our classrooms nationwide. He composed the additional segments to create a piece suitable for concerts and Columbus Quincentenary Jubilee events.

This beautiful suite can be mastered by high school and community bands, both here and abroad. Excerpts have been previewed in Italy, Spain, and the United States. The full suite will be world premiered in October 1989.

Professor Gabriele is internationally renowned for his "Concertina for Clarinet" and "Ave Maria for Band and Chorus." His patriotic compositions include "Vietnam Veterans March" and "John Paul Jones March."

The 500th anniversary of Columbus' discovery of the New World will be commemorated in 1992. But the festivities will commence in October of this year and continue through October 1993 as part of the largest worldwide celebration in history.

Although all nations were impacted by Columbus' journey, the impact for Italy, Spain, and the United States was far-reaching and everlasting. Events ranging from school pageants to world fairs will take place across the globe as our world pauses to commemorate Columbus' discovery of America.

I salute Professor Gabriele for his beautiful musical creation; a lasting musical tribute to Christopher Columbus and the discovery of the New World.

HONORING RHODE ISLAND'S SMALL BUSINESS PERSON OF THE YEAR

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. MACHTLEY. Mr. Speaker, I would like to take this time to acknowledge an outstanding citizen in my State of Rhode Island, Mr. William Black.

Mr. William Black has been recognized by the U.S. Small Business Administration as Rhode Island's Small Business Person of the Year. In a State where over 97 percent of the commercial activity is performed by small businesses employing 500 individuals or less, to rise from such competition is quite an achievement.

William Black was educated in Rhode Island, at the University of Rhode Island, for which he received a dual BS/BA degree. As the president of JF Moran Co., based in Warwick, RI, William Black has put his education into making his business a lucrative and lasting career.

The kind of commitment that William Black has thrown into his business has made an impact on small business throughout my State. His understanding of international trade, and the potential of Rhode Island's small businesses to participate in that broader market, has had a marked effect upon the growth of Rhode Island industry.

Small business is essential to Rhode Island. In a State where virtually all of the merchant activity is based in small firms, Rhode Island jobs depend upon the success of the individual entrepreneur.

And as it can be seen from the work of individuals like William Black, the Rhode Island entrepreneur is doing pretty well. In fact, our small businessmen and women are doing remarkably well. In comparison with a national unemployment rate which hovered around 5.4 percent last year, almost 97 percent of the population in my State was employed.

As the newest member of the House Small Business Committee, I am proud to have the opportunity to represent William Black, and the many other talented individuals who have involved themselves with small firms in my State.

As Small Business Week—May 7-13—draws to a close, I hope that Americans will continue to remind themselves of the important contribution the American entrepreneur makes toward the growth and productivity of a strong U.S. economy. It is my hope that we will continue to applaud the efforts of people like William Black who have worked toward the development of independent, competitive, self-made firms.

FSX AGREEMENT WITH JAPAN

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. ESPY. Mr. Speaker, under the FSX fighter aircraft agreement with Japan, we are selling America short and sacrificing our long-term competitiveness in the industry.

Japan is a competitive and aggressive country. We should not be subsidizing its development costs for the FSX and, as a result, helping them possibly beat us in research and development of materials, avionics, and system integration.

With the passage of the Omnibus Trade Act in the 100th Congress, we sent a strong message to foreign countries that we would no longer tolerate unfair trade practices. Under this agreement, we are encouraging just that.

We build the best aircraft fighters. We offer the best price. To sell this advantage away to Japan is not in the country's best interest.

We have no guarantee that U.S. companies will receive any of the more lucrative production work. The $480 million that our industries will receive is not a fair price for the technology. Japan needs the aircraft now. It will take them 8 years to build the first FSX. Why not buy from us?

We should push Japan for direct purchase of the United States aircraft or for the extension of coproduction of F-15's, thereby strengthening our bilateral relationship and reducing our annual $55 billion trade deficit with Japan.

If we want America to continue to grow, we must not be so willing to take actions which could damage our long-term competitiveness. Our industries have invested millions of dollars in research and development and will run the high risk of giving away those investment dollars with the production monopoly of the FSX.

We must get serious about these types of trade issues, and we must put the issue of competitiveness at the top of our agenda if we are to have a secure economic future in this country.

HONORING SERVICE TO COUNTRY: DR. EDWARD KRASS

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1989

Mr. COX. Mr. Speaker, it is my privilege today to recognize a man whose entire life has been dedicated to service to community and country. Dr. Edward Krass, who will be honored on Saturday for his contributions as superintendent of the Santa Ana Unified School District, has contributed to our national well-being in countless ways: as a decorated veteran, a beloved teacher, and an admired education executive.

An officer of the U.S. Marine Corps, Dr. Krass was awarded the Silver Star, the Bronze Star, the Vietnamese Medal of Valor and the Purple Heart. While stationed at Camp Pendleton, one of the most important Marine Corps installations in the Nation, he was instrumental in developing procedures to enhance our national security.

An educator in the Santa Ana district, Dr. Krass' career culminated in his appointment as superintendent in 1985. Under his outstanding leadership, the school district has earned more California School Board Association Golden Bell Awards than any other district in the State. He coordinated the district's effort to cope with a burgeoning student population, successfully led the battle to build the district's first new high school in many years, and worked to foster a healthy relationship between the school district and the community. Recognizing the need for total community support, he expanded the relationship between business and education, a relationship that many consider to be the key to improving educational achievement.

But most importantly, throughout his career as superintendent, assistant superintendent, school principal, activities director, teacher and coach, Dr. Krass has helped shape and improve the lives of thousands of young people. In this, he has helped shape and improve our future.

Mr. Speaker, as Dr. Krass' friends and colleagues recognize his contributions upon his retirement from the Santa Ana Unified School District, so too should our Nation recognize him. I ask my colleagues to do so today. Dr. Krass is truly a public servant in the finest American tradition.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 11, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 12

9:00 a.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To resume open and closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense.

SR-222

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of David Campbell Mulford, of Illinois, to be an Under Secretary of the Treasury, and Robert R. Glauber, of Massachusetts, to be an Under Secretary of the Treasury.

SD-538

Commerce, Science, and Transportation

To hold hearings on the nominations of Phillip D. Brady, of Virginia, to be General Counsel, Department of Transportation, Galen J. Reser, of Virginia, to be Assistant Secretary of Transportation for Government Affairs, and David P. Prosperi, of the District of Columbia, to be Assistant Secretary of Transportation for Public Affairs.

SR-253

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-192

Rules and Administration

To hold joint hearings with the Select Committee on Indian Affairs on proposed legislation to establish a National Museum of the American Indian within the Smithsonian Institution.

SR-301

Select on Indian Affairs

To hold joint hearings with the Committee on Rules and Administration on proposed legislation to establish a National Museum of the American Indian within the Smithsonian Institution.

SR-301

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Charles E. Hess, of California, to be Assistant Secretary of Agriculture, Franklin E. Bailey, of Virginia, to be Assistant Secretary of Agriculture, and Alan C. Raul, of New York, to be General Counsel, U.S. Department of Agriculture.

SR-332

Finance

International Trade Subcommittee

To hold hearings to explore the problem of industrialized countries manipulating the value of their currencies to maintain a trade surplus, and to discuss the U.S. response to this practice.

SD-215

Foreign Relations

To hold hearings on the nomination of Donald Phinney Gregg, of Maryland, to be Ambassador to the Republic of Korea.

SD-419

Select on Indian Affairs

Investigations Subcommittee

To continue hearings to examine various matters relating to Indian affairs.

SD-628

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Michael R. Darby, of Texas, to be Under Secretary of Commerce, and Thomas J. Collamore, of the District

of Columbia, to be Assistant Secretary of Commerce.
SR-253

2:00 p.m.
Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SD-628

3:00 p.m.
Foreign Relations
To hold hearings on the nomination of John Cameron Monjo, of Maryland, to be Ambassador to the Republic of Indonesia.
SD-419

MAY 15

9:30 a.m.
Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to review procedures relating to the use of chemicals in food crops.
SD-406

Governmental Affairs
Government Information and Regulation Subcommittee
To hold oversight hearings to review Federal policies relevant to information collection, analysis, and dissemination.
SD-342

10:00 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings to review proposed regulations to implement the Family Support Act of 1988.
SD-215

Judiciary
Technology and the Law Subcommittee
To hold hearings on computer viruses.
SD-226

Select on Indian Affairs
Investigations Subcommittee
To resume hearings to examine various matters relating to Indian affairs.
SD-628

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on aircraft carrier force structure management.
SR-232A

Foreign Relations
To hold hearings on the nomination of Ivan Selin, of the District of Columbia, to be Under Secretary of State for Management.
SD-419

Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SD-628

MAY 16

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development and Rural Electrification Subcommittee
To resume hearings on rural development.
SR-332

Commerce, Science, and Transportation
Business meeting, to consider the nominations of Phillip D. Brady, of Virginia, to be General Counsel, Department of Transportation; Galen J. Reser, of Virginia, to be an Assistant Secretary of Transportation; and David P. Prosperi, of the District of Columbia, to be an Assistant Secretary of Transportation.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the use of off-the-shelf items by the Department of Defense.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.
SD-138

Foreign Relations
Business meeting, to resume mark up of S. 928, authorizing funds for fiscal years 1990 and 1991 for the Department of State, U.S. Information Agency, and the Board for International Broadcasting.
SD-419

Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SD-628

11:00 a.m.
Armed Services
To hold hearings on the nomination of General Robert T. Herres, U.S. Air Force, for reappointment as Vice Chairman of the Joint Chiefs of Staff.
SR-222

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on issues relating to high definition television.
SR-253

Foreign Relations
Business meeting, to continue mark up of S. 928, authorizing funds for fiscal years 1990 and 1991 for the Department of State, U.S. Information Agency, and the Board for International Broadcasting.
SD-419

Labor and Human Resources
Handicapped Subcommittee
To resume hearings on S. 933, to establish a clear and comprehensive prohibition of discrimination on the basis of disability.
SD-430

Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SD-628

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Office of the Inspector General, Office of Disaster Assistance, and American Schools and Hospitals Abroad.
SD-138

Select on Indian Affairs
Business meeting, to mark up S. 321, establishes certain preferences for Indians under Federal grants to Indian organizations, S. 402, to provide for the settlement of land claims of Puyallup Tribe of Indians in the State of Washington, S. 611, to establish administrative procedures to determine the status of certain Indian groups, and proposed legislation to establish an Indian museum in the District of Columbia.
SR-485

MAY 17

9:30 a.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on the defense industrial base.
SR-222

Commerce, Science, and Transportation
To hold oversight hearings in conjunction with the National Ocean Policy Study on marine fisheries management.
SR-253

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on space commercialization.
SH-216

Energy and Natural Resources
Business meeting, to mark up S. 783, to eliminate wellhead price and non-price controls on the first sale of natural gas and make certain technical and conforming amendments to the Natural Gas Policy Act of 1978 and other pending calendar business.
SD-366

Governmental Affairs
To hold hearings on biological weapons proliferation.
SD-342

Rules and Administration
Business meeting, to mark up S. 136, to establish a single poll closing time in the continental United States for Presidential general elections, S. 377, to establish a series of five Presidential primaries, S. 874, to establish national voter registration procedures for Presidential and Congressional elections, S. 326, to repeal a provision of the Federal Election Campaign Act allowing use of excess contributions, and S.J. Res.

98, to establish separate appropriation accounts for the Senate and the House of Representatives for the payment of official mail costs.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on trading practices in the commodity futures markets.
SR-332

Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the government of the District of Columbia, focusing on the Department of Corrections.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Communications Commission.
SR-232A

Foreign Relations
Business meeting, to continue mark up of S. 928, authorizing funds for fiscal years 1990 and 1991 for the Department of State, U.S. Information Agency, and the Board for International Broadcasting.
SD-419

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 497, to provide that States be subject to suit in Federal court for infringement of copyright material.
SD-226

1:00 p.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Army posture.
SD-192

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for defense programs of the Department of Energy.
SR-222

Foreign Relations
Business meeting, to continue mark up of S. 928, authorizing funds for fiscal years 1990 and 1991 for the Department of State, U.S. Information Agency, and the Board for International Broadcasting.
SD-419

MAY 18

8:00 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 165, S. 573, S. 574, S. 748, S. 900, and S. 947, bills to strengthen and improve Veterans' health care programs.
SR-418

9:00 a.m.
Commerce, Science, and Transportation
To continue oversight hearings in conjunction with the National Ocean Policy Study on marine fisheries management.
SR-253

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public land measures, including S. 737, S. 267, S. 319, S. 393, and H.R. 310.
SD-366

Special on Aging
To hold hearings to examine the role of the Health Care Financing Administration in implementing the nursing home reform provisions that were included in the Omnibus Budget Reconciliation Act of 1987.
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To continue open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on space programs.
SD-192

Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the government of the District of Columbia, focusing on the court system and school board.
SD-124

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for the Federal Communications Commission
S-146, Capitol

Banking, Housing and Urban Affairs
Securities Subcommittee
To resume hearings on S. 648, the Market Reform Act of 1989.
SD-538

Foreign Relations
Business meeting, to continue mark up of S. 928, authorizing funds for fiscal years 1990 and 1991 for the Department of State, U.S. Information Agency, and the Board for International Broadcasting.
SD-419

Governmental Affairs
To hold hearings on nuclear and missile proliferation.
SD-342

Select on Indian Affairs
Investigations Subcommittee
To resume hearings to examine various matters relating to Indian affairs.
SD-628

1:30 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on the U.S. Forest Service appeals process.
SR-332

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Peace Corps, African Development Foundation, Inter-American Foundation, Overseas Private Investment Corporation, and Export-Import Bank.
SD-138

Select on Indian Affairs
Investigations Subcommittee
To continue hearings to examine various matters relating to Indian affairs.
SD-628

MAY 19

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on the U.S. Civil Rights Commission's effects on the White Mountain Apache Tribe.
SR-485

10:00 a.m.
Appropriations
VA, HUD, and Independent Aencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.
SD-116

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on proposed legislation to control the manufacture, use, and disposal of ozone depleting substances.
SD-406

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to examine approaches to modify or change Medicare policies to improve the health care system in rural America.
SD-215

MAY 31

2:00 p.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on seapower.
SD-192

JUNE 1

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1990 for the Department of Transportation and Federal Maritime Commission.
SR-253

Energy and Natural Resources
To hold hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the use of off-the-shelf items by the Department of Defense.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Navy posture.
SD-192

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 804, to conserve North American wetland ecosystems and waterfowl and other migratory birds and fish and wildlife that depend on such habitat.
SD-406

1:30 p.m.
Governmental Affairs
To hold hearings on alcohol abuse prevention.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.
SD-138

Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

JUNE 2

9:30 a.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

2:00 p.m.
Energy and Natural Resources
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.
SH-216

JUNE 6

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on tactical airpower.
SD-192

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the status of current and future use of alternative motor vehicle fuels in the United States.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan, and Afghanistan.
SD-138

JUNE 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline concentration.
SR-301

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Governmental Affairs
To resume hearings on alcohol abuse prevention.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Air Force posture.
SD-192

JUNE 8

8:35 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13 and S. 564, bills to provide for Veterans' health care benefits and other related measures.
SR-418

9:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget, estimates for fiscal year 1990 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

JUNE 12

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 13

9:00 a.m.
Appropriations
Defense Subcommittee
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.
SD-138

JUNE 14

9:00 a.m.
Veterans' Affairs
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.
SR-418

JUNE 15

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.
SD-192

JUNE 16

9:30 a.m.
Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.
SD-342

JUNE 22

8:00 a.m.
Veterans' Affairs
To hold hearings on S. 404, H.R. 1415, and S. 898, to extend certain Department of Veterans' Affairs home loan guaranty provisions, and related measures.
SR-418

JULY 20

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.
SR-418

POSTPONEMENTS

MAY 11

9:30 a.m.
Governmental Affairs
To resume hearings on export controls over chemical biological materials.
SD-342

MAY 18

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline concentration.
SR-301