HOUSE OF REPRESENTATIVES—*Wednesday, June 28, 1989*

The House met at 10 a.m.

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

Teach us, O God, to speak our words with sincerity of heart and to hear the words of another with the same sincerity. As our thoughts and admonitions flow from our hearts, may they not be used in pretense to cover the pressure of any moment, but freely express our common aspirations and our shared humanity, so that what we say will reflect the good will that is nurtured always by Your loving spirit. This we pray. Amen.

THE JOURNAL

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

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

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 100, not voting 33, as follows:

[Roll No. 112]

YEAS—299

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Bartlett
Bateman
Beilenson
Bennett
Bereuter
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chapman
Clarke
Clement
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Costello
Coyne
Craig
Crockett
Darden
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Gallo
Garcia
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (LA)
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Roe
Rohrabacher
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Weldon
Whitten
Wise
Wolpe
Wright
Wyden
Wylie
Yates
Yatron

NAYS—100

Armey
Baker
Ballenger
Barton
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Clay
Clinger
Coble
Coughlin
Courter
Cox
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Duncan
Fields
Gallegly
Gekas
Goss
Grandy
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Herger
Hiler
Holloway
Hopkins
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
McCandless
McCrath
McMillan (NC)
Miller (OH)
Molinari
Moorhead
Murphy
Oxley
Parris
Pashayan
Paxon
Rhodes
Ridge
Roberts
Rogers
Roukema
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (MS)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—33

Atkins
Bates
Bentley
Berman
Boucher
Bryant
Carr
Collins
DeFazio
Fawell
Flake
Florio
Frenzel
Frost
Gaydos
Gejdenson
Goodling
Hall (OH)
Hefner
Hunter
Jenkins
Kyl
Leland
Lowery (CA)
Mfume
Neal (NC)
Nielson
Smith (IA)
Studds
Towns
Weber
Williams
Wilson

□ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas [Mr. DELAY] lead the House in the Pledge of Allegiance?

Mr. DELAY 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 a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 633. An act to promote the development of technologies which will enable fuel cells to use alternative fuel sources;

S.J. Res. 19. Joint resolution to designate November 8, 1989, as "Montana Centennial Day"; and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S.J. Res. 155. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day."

The message also announced that pursuant to Public Law 100-480, the Chair announces the designation of Mr. THURMOND to represent the Republican leader on the Commission for the Judiciary Office Building.

PERSONAL EXPLANATION

Mr. ARCHER. Mr. Speaker, on rollcall No. 111 last night I was not present and I missed the vote on House Resolution 186 expressing the sense of the House in concern over the Supreme Court decision on the flag.

Mr. Speaker, I was at the time with the President in the White House. Had I been here, I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my remarks appear immediately following the rollcall in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LIMITING THE LENGTH OF TIME AN INDIVIDUAL MAY BE INCARCERATED FOR CIVIL CONTEMPT IN A CHILD CUSTODY CASE IN THE DISTRICT OF COLUMBIA SUPERIOR COURT

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question of the passage of the bill, H.R. 2136, on which further proceedings were postponed on Tuesday, June 27, 1989.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 34, not voting 22, as follows:

[Roll No. 113]

YEAS—376

Ackerman, Akaka, Alexander, Anderson, Andrews, Annunzio, Anthony, Applegate, Archer, Armey, Aspin, Atkins, AuCoin, Baker, Ballenger, Barnard, Bartlett, Barton, Bates, Beilenson, Bennett, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Boehlert, Boggs, Bonior, Borski, Bosco, Boxer, Brennan, Brooks, Broomfield, Browder, Brown (CA), Brown (CO), Bruce, Buechner, Bunning, Burton, Bustamante, Byron, Callahan, Campbell (CA), Campbell (CO), Cardin, Carper, Chandler, Clarke, Clay, Clement, Clinger, Coble, Coleman (MO), Coleman (TX), Combest, Conte, Conyers, Cooper, Costello, Coughlin, Courter, Cox, Coyne, Craig, Crane, Crockett, Dannemeyer, Darden, Davis, de la Garza, DeFazio, DeLay, Dellums, Derrick, DeWine, Dickinson, Dicks, Dingell, Dixon, Donnelly, Dornan (CA), Douglas, Downey, Dreier, Dwyer, Dyson, Eckart, Edwards (CA), Edwards (OK), Emerson, Engel, English, Erdreich, Espy, Evans, Fascell, Fazio, Feighan, Fields, Fish, Flippo, Foglietta, Ford (TN), Frank, Frenzel, Gallegly, Gallo, Garcia, Gaydos, Gejdenson, Gekas, Gephardt, Gibbons, Gillmor, Gilman, Gingrich, Glickman, Gonzalez, Gordon, Goss, Gradison, Grandy, Grant, Gray, Green, Guarini, Gunderson, Hall (TX), Hamilton, Hammerschmidt, Hancock, Hansen, Harris, Hastert, Hatcher, Hawkins, Hayes (IL), Hayes (LA), Hefley, Henry, Herger, Hiler, Hoagland, Hochbrueckner, Holloway, Hopkins, Horton, Houghton, Hubbard, Huckaby, Hughes, Hutto, Hyde, Inhofe, Ireland, Jacobs, James, Jenkins, Johnson (CT), Johnston, Jones (GA), Jones (NC), Jontz, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kleczka, Kolbe, Kolter, Kostmayer, Kyl, LaFalce, Lagomarsino, Lancaster, Lantos, 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), Matsui, Mavroules, McCloskey, McCollum, McCrery, McDade, McDermott, McEwen, McHugh, McMillan (NC), McMillen (MD), McNulty, Meyers, Mfume, Michel, Miller (CA), Miller (OH), Miller (WA), Mineta, Moakley, Molinari, Mollohan, Montgomery, Moody, Moorhead, Morella, Morrison (CT), Morrison (WA), Mrazek, Murphy, Murtha, Nagle, Natcher, Neal (MA), Nelson, Nielson, Nowak, Oakar, Oberstar, Obey, Olin, Ortiz, Owens (NY), Oxley, Packard, Pallone, Panetta, Parker, Parris, Pashayan, Patterson, Paxon, Payne (NJ), Payne (VA), Pease, Pelosi, Penny, Petri, Pickett, Pickle, Poshard, Price, Purcell, Quillen, Rahall, Rangel, Ravenel, Ray, Regula, Rhodes, Richardson, Ridge, Rinaldo, Ritter, Roberts, Robinson, Roe, Rogers, Rohrabacher, Rose, Rostenkowski, Roth, Roukema, Rowland (CT), Rowland (GA), Roybal, Russo, Sabo, Saiki, Savage, Saxton, Schaefer, Scheuer, Schiff, Schneider, Schroeder, Schuette, Schulze, Schumer, Sensenbrenner, Sharp, Shaw, Shays, Shumway, Shuster, Sikorski, Sisisky, Skaggs, Skeen, Skelton, Slattery, Slaughter (NY), Slaughter (VA), Smith (FL), Smith (MS), Smith (NE), Smith (NJ), Smith (TX), Smith (VT), Smith, Denny (OR), Smith, Robert (NH), Smith, Robert (OR), Snowe, Solarz, Solomon, Spratt, Staggers, Stangeland, Stark, Stearns, Stenholm, Stokes, Studds, Sundquist, Swift, Tallon, Tanner, Tauke, Tauzin, Thomas (CA), Thomas (GA), Thomas (WY), Torres, Traficant, Unsoeld, Upton, Valentine, Vander Jagt, Vento, Vucanovich, Walgren, Walker, Walsh, Watkins, Weber, Weiss, Weldon, Wheat, Whittaker, Whitten, Williams, Wise, Wolf, Wolpe, Wyden, Wylie, Yatron, Young (AK), Young (FL)

NAYS—34

Bateman, Carr, Chapman, Dorgan (ND), Duncan, Durbin, Dymally, Early, Ford (MI), Hertel, Hoyer, Johnson (SD), Kastenmeier, Laughlin, Mazzoli, McCandless, McCurdy, McGrath, Myers, Perkins, Porter, Sangmeister, Sarpalius, Sawyer, Spence, Stallings, Stump, Synar, Traxler, Udall, Visclosky, Volkmer, Waxman, Yates

NOT VOTING—22

Bentley, Berman, Boucher, Bryant, Collins, Fawell, Flake, Florio, Frost, Goodling, Hall (OH), Hefner, Hunter, Leath (TX), Martinez, Neal (NC), Owens (UT), Smith (IA), Torricelli, Towns, Wilson, Wright

□ 1044

Mr. PORTER changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE EXCHANGE OF CERTAIN FEDERAL PUBLIC LAND IN MADISON COUNTY, IL

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2119) to authorize the exchange of certain Federal public land in Madison County, IL, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, strike out lines 4 to 9, and insert:

(a) EXCHANGE OF LAND.—Subject to section 2, at such time as the Blue Tee Corporation conveys all rights, title, and interest in and to the land described in subsection (b)(1) to the United States of America, the Secretary of the Army (hereinafter "Secretary") shall convey all rights, title, and interest in and to the land described in subsection (b)(2) to the Blue Tee Corporation.

Page 3, strike out lines 3 to 11, and insert:

(2) REMOVAL OF IMPROVEMENTS.—The Blue Tee Corporation may remove any improvements on the land described in section 1(b)(1). Furthermore, the Secretary, at his discretion, may require the Blue Tee Corporation to remove any improvements on the land described in section 1(b)(1). In either case, the Blue Tee Corporation shall hold the United States harmless from liability, and the United States shall not incur any cost associated with the removal or relocation of such improvements.

Page 3, after line 18, insert:

SEC. 3. VALUE OF PROPERTIES.

If the appraised fair market value, as determined by the Secretary, of the land conveyed to the Blue Tee Corporation by the Secretary under section 1(a) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the

United States by the Blue Tee Corporation under section 1(a), the Blue Tee Corporation shall pay the difference to the United States.

Mr. ANDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and under my reservation, I yield to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. ANDERSON], to explain his request.

Mr. ANDERSON. Mr. Speaker, H.R. 2119 would authorize the United States to convey its interest in a parcel of land in Madison County, IL, to the Blue Tee Corp. in exchange for the conveyance to the United States of the corporation's interest in another parcel of land in that county.

The land owned by the United States was acquired in connection with the construction of the Melvin Price Locks and Dam project on the Mississippi River at Alton, IL. The land will be under water when the pool behind the locks and dam is raised. This is expected to happen in September.

Local interests wish to develop a boating dock and marina in the area, and have determined that the land scheduled to be inundated would be the best location for the boating facilities if its elevation is raised by the placement of fill material.

The bill, as amended by the Senate, provides that if the fair market value, as determined by the Secretary, conveyed to the Blue Tee Corp. exceeds the fair market value of the land to be conveyed to the United States, the Blue Tee Corp. shall pay the difference to the United States.

Enactment of this legislation at an early date is necessary so that the land to be used for boating facilities can be raised prior to its inundation. I urge enactment of the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. COSTELLO], the author of the bill.

Mr. COSTELLO. Mr. Speaker, I thank the ranking minority member of the Committee on Public Works and Transportation, and I thank the chairman of the Committee on Public Works and Transportation. The gentleman from California [Mr. ANDERSON], the chairman of the committee, and the ranking minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], have been very supportive of this legislation, which passed the House May 11 with no objection under a unanimous-consent order.

The amendment, as the distinguished chairman of the Committee on Public Works and Transportation stated, calls for no cost to the Federal Government. All costs involved will be handled by the Blue Tee Corp. This is an enormous benefit to the people of my congressional district, and I thank the chairman of the committee and the ranking minority member for their support.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, let me just state that we support the bill in question and we have no objection to the amendments of the Senate.

The bill would allow an exchange of two adjoining parcels of land near the Melvin Price Lock in Alton, IL, and is supported by all parties concerned. The amendments adopted by the Senate are primarily technical in nature and ensure that the exchange would be on terms which fully protect the interests of the United States. The bill, as amended, has our full support on this side of the aisle.

Mr. NOWAK. Mr. Speaker, I rise in support of the bill, H.R. 2119, a bill to authorize an exchange of lands between the United States and the Azcon Scrap Co. of Alton, IL, a subsidiary of Blue Tee Corp.

The parcel of land presently owned by the United States was acquired in connection with the Melvin Price Lock and Dam and will be under water when the pool behind the dam is raised. This land, if elevated to a height above the pool level, would be a desirable site for a boat dock and marina. Local interests wish to develop the land in this manner and are seeking the exchange of lands for the purpose. There is a need for early passage of this legislation so that the parcel now owned by the Government can be filled to the required level before it is inundated by the pool this September.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE CONVEYANCE OF A PARCEL OF LAND IN WHITNEY LAKE, TX

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 2749) to authorize the conveyance of a parcel of land in Whitney Lake, TX, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

□ 1050

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. ANDERSON] to explain his request.

Mr. ANDERSON. Mr. Speaker, H.R. 2749 would authorize the Secretary of the Army to convey to the city of Whitney, TX, approximately 45 acres of land located at Whitney Lake, TX. This land is needed for the construction of a new wastewater treatment facility, which must be located at this site because of the topography and the location of existing sewage mains. The need for early passage of the necessary authorizing legislation results from the city's impending fines for failure to comply with Federal treatment requirements.

The city must pay fair market value for the land, and the conveyance is subject to the condition that the property be used for the construction of a treatment plant.

Mr. Speaker, I urge passage of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, we have reviewed the bill on this side of the aisle and found it to be very meritorious. As Chairman ANDERSON has described, the bill would allow the Corps of Engineers to sell approximately 45 acres of land to the city of Whitney, TX, at fair market value. The land would be used by the city to construct a wastewater treatment facility consisting primarily of an artificially constructed wetland. The wetland would provide a low cost, effective treatment alternative to a small community of 2,000 which is under an EPA enforcement order to expand their currently inadequate wastewater treatment facility.

The EPA and the State of Texas have looked at this technology and are very supportive. The proposal, which has been employed elsewhere in the country with great success, would be the first artificial wetland used for municipal wastewater treatment in the State of Texas. The Corps of Engineers has also reviewed the legislation. Their recommendations have been incorporated into the bill and they have advised us that they have no objection to the sale of this land as provided for in this bill. In closing, let me commend the gentleman from Texas [Mr. BARTON] for his hard work and cooperation in bringing this to the attention of the committee.

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Texas [Mr. BARTON], the author of the bill.

Mr. BARTON of Texas. Mr. Speaker, I would like to thank the chairman of the Public Works and Transportation Committee, Mr. ANDERSON, and the vice chairman, Mr. HAMMERSCHMIDT, for their diligent efforts in expediting House consideration of H.R. 2749, legislation which will greatly benefit the city of Whitney, TX. The city of Whitney, which is in Hill County, TX, in my congressional district, is caught between a rock and a hard place. They were ordered by the Environmental Protection Agency [EPA] on May 5, 1989, to build a new wastewater treatment facility as soon as possible. The current wastewater treatment plant is adjacent to land which is owned by the U.S. Army Corps of Engineers for flood control on Lake Whitney. The corps originally purchased land right up to the city limits, and up to the boundary of the current wastewater treatment facility. The city needs to build the new facility next to the old one because of the layout of the sewer mains and the gravitational flow. There is no other feasible alternative.

When the city approached the corps about the possibility of selling the land, the city was informed that the corps did not have the authority to do so because by law the corps is allowed to use this land for flood control, water conservation, development of hydroelectric power, and public recreation purposes only. The corps stated in a May 22 letter to me that they also could not lease the land for the same reasons.

This legislation will authorize the Secretary of the Army to sell 45 acres of land currently owned by the Corps of Engineers to the city of Whitney for the purpose of building a new sewage treatment plant. The land is on the highest part of the 100 year flood plain, and it is unlikely that it would ever be needed for flood control.

My bill will result in no outlays of funds, and will actually bring in revenue from the land that is sold. I have received assurance from Col. John Schaufelberger, the commanding district engineer, that he would support this sale if he had authorization to do so. This sale is also supported by the city government of Whitney.

The city has proposed to build a new rock-reed filter type facility, which will be the first of its kind in the State of Texas. Both the city and the EPA are very excited about this proposed facility, as it utilizes a new generation of environmentally compatible technology by combining modern treatment techniques with age-old waste treatment processes found in nature. It is envisioned that this facility will become a model for future waste treatment facilities in Texas and throughout the world. The House Public Works and Transportation Committee has also expressed great interest in this promising new technology as an economically and environmentally sound alternative to standard wastewater treatment facilities in rural areas.

The city could be fined up to $25,000 per day for the condition of their current facility, but have not been to this point. This legislation will eliminate the bureaucratic barrier which is keeping the city of Whitney from complying with Federal environmental law.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, let me commend the gentleman from Texas [Mr. BARTON], for his hard work and his cooperation in bringing this to the attention of the committee.

Mr. NOWAK. Mr. Speaker, I rise in support of the bill H.R. 2749. This bill will authorize the Secretary of the Army to convey land acquired for a Corps of Engineers' flood control project to the city of Whitney, TX. The city needs this particular parcel of land for construction of a wastewater treatment plant. If the plant is not constructed, the city will face large fines for not complying with the requirements of the Federal Water Pollution Control Act.

The interests of the United States are protected through a number of conditions that must be met. The city must pay fair market value for the land. If the land is not used for a treatment plant, title reverts to the United States. Also, the Secretary of the Army may require such other terms and conditions as the Secretary considers appropriate to protect the interest of the United States. Under this requirement, for example, excavation of an area to provide flood control storage to replace that lost to the treatment plant may be required so that there is no reduction in the effectiveness of the flood control project.

Mr. Speaker, I urge passage of the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2749

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

SECTION 1. LAND CONVEYANCE, WHITNEY LAKE, TEXAS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized and encouraged to sell and convey to the city of Whitney, Texas, all right, title, and interest of the United States in and to approximately 45 acres of land located at Whitney Lake, Texas.

(b) CONDITIONS.—(1) In consideration for the sale and conveyance, the city of Whitney shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(2) The conveyance authorized by subsection (a) shall be subject to the condition that the property conveyed by the Secretary be used by the city for the purposes of a water treatment plant.

(3) If the property conveyed pursuant to subsection (a) is not used for the purposes described in paragraph (2), all right, title, and interest in and to such property shall revert at no cost to the United States, which shall have the right of immediate entry thereon.

(4) The conveyance authorized by subsection (a) shall be made only if the Secretary determines that the Secretary does not need fee simple title to such real property for the flood control project on Lake Whitney.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the city of Whitney.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ANDERSON: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. LAND CONVEYANCE, WHITNEY LAKE, TEXAS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to sell and convey to the city of Whitney, Texas, all right, title, and interest of the United States in and to approximately 45 acres of land located at Whitney Lake, Texas.

(b) CONDITIONS.—(1) In consideration for the sale and conveyance, the city of Whitney shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(2) The conveyance authorized by subsection (a) shall be subject to the condition that the property conveyed by the Secretary be used by the city for the purposes of a wastewater treatment plant.

(3) The conveyance authorized by subsection (a) shall be made only if the Secretary determines that the Secretary does not need fee simple title to such real property for the flood control project on Lake Whitney.

(c) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the city of Whitney.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions (including any limitation relating to the operation of the Lake Whitney flood control project) with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Mr. HAMMERSCHMIDT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be consid-

ered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. ANDERSON].

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELBERT P. TUTTLE COURT OF APPEALS BUILDING

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 801) to designate the U.S. Court of Appeals Building at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle Court of Appeals Building."

The Clerk read the title of the bill.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield to our distinguished chairman, the gentleman from California [Mr. ANDERSON] to explain his request.

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding, and also thank him for his cooperation on this bill.

Mr. Speaker, there are few judges who have had the impact on the law that Judge Tuttle has had and continues to have.

Judge Elbert P. Tuttle, now 92, was born on July 17, 1897, in Pasadena, CA. His family lived in Hawaii from 1906 to 1914. He graduated there from Punahou Academy in 1914. He then attended college at Cornell University, graduating in 1918 with an A.B. degree. He served as a second lieutenant in World War I. After the war, he returned to Cornell and earned his law degree there in 1923.

Judge Tuttle then moved to Atlanta, GA, and went into private practice as a tax lawyer. This legal career was interrupted by World War II. He served as commander of the 304th Field Artillery, 77th Infantry Division and saw action in Guam, Okinawa, Leyte, and Ryukyus. He won several medals for his war service, including the Purple Heart with Oak Leaf Cluster and the Bronze Star. Following the war, he returned to private practice until 1953. From 1953 to 1954, he served as general counsel to the Treasury Department.

President Eisenhower appointed Judge Tuttle to the Fifth Circuit U.S. Court of Appeals in 1954. The fifth circuit then had jurisdiction over appeals from Federal courts in Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, and the Canal Zone.

Judge Tuttle became chief justice of the court in 1961 and served in that capacity until 1967. During his tenure, the court put itself in the forefront of the civil rights movement during a very turbulent time. That this was done by a southern court had a significant positive impact on improving civil rights in the South. This was because it allowed an outsider, the Supreme Court, to affirm southern court decisions that expanded civil rights, instead of the Supreme Court imposing new civil rights decisions on the South.

Judge Tuttle's leadership as chief justice and his opinions have had a significant impact on ending racial discrimination in voting, jury selection, and education. He has also issued decisions that resulted in improvement of education at all levels in the South. The Tuttle court was a leader in the use of injunctions to persuade State and Federal courts to act more expeditiously to provide individuals with their constitutional rights.

Throughout Judge Tuttle's career, both on and off the bench, he has stood for a humane approach to law, one that focuses on the parties involved and the human issues they represent, for Judge Tuttle, the law is the complex embodiment of human attempts to resolve human problems. It is his focus on the human dimensions of a case that explains why in some instances, he believes the law must change. It is also his focus on the human dimensions of a case that explains why cases do not linger in Judge Tuttle's office. His decisions are rendered with care and dispatch. They are clear, logical, and sensitive.

Judge Tuttle retired as chief judge in 1967 when he reached the mandatory retirement age of 70. However, he remained on the court in senior status until 1981. At that time he was assigned to the eleventh circuit, where he continues to serve.

In tribute to Judge Tuttle's important contributions to Georgia, the South, and the Nation, it is appropriate to honor Elbert P. Tuttle by naming the U.S. Court of Appeals Building located at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle United States Court of Appeals Building."

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I commend the gentleman from Georgia [Mr. LEWIS] for introducing this legislation which recognizes the contributions of Judge Tuttle to the country.

Mr. Speaker, H.R. 801 would name the court of appeals building in Atlanta, GA, in honor of Judge Elbert P. Tuttle.

Judge Tuttle has had a long and distinguished career serving on the Federal bench, including serving as chief judge of the fifth circuit from 1960 to 1967. During that time, Judge Tuttle became known for his court's decisions and opinions on cases concerning such civil rights issues as voting rights and equal education.

I commend Congressman JOHN LEWIS for introducing this legislation which will recognize the contributions Judge Tuttle has made to this country by designating the Atlanta Court of Appeals Building as the "Elbert P. Tuttle United States Court of Appeals Building."

Mr. Speaker, I yield to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member for yielding, and thank him for helping with the chairman and the subcommittee chairman and the ranking minority member to move this legislation with dispatch.

Mr. Speaker. I rise to urge my colleagues to support H.R. 801, legislation to designate the U.S. Court of Appeals Building at 56 Forsyth Street in Atlanta, GA as the "Elbert P. Tuttle United States Court of Appeals Building." I cannot think of a more fitting tribute to this 92-year-old American hero than to name this building after him. I cannot think of a more fitting tribute to the important work of the Fifth Circuit of the U.S. Court of Appeals than to name this building after him.

Judge Elbert P. Tuttle was key to weaving a new and more durable legal and social fabric for our nation. As Chief Judge of the U.S. Court of Appeals for the Fifth Circuit from 1960 to 1967, Judge Tuttle boldly led the South's Federal appellate court through the most turbulent times of our Nation's history, the Civil Rights Movement.

Most of the major civil and constitutional rights cases—particularly those involving African-Americans—came out of the South. They were decided by the Tuttle court.

Judge Tuttle's decisions were not popular. But, they were right, just, fair and sound. They led to progress—not only in the South, but throughout our Nation . . . not only for African-Americans, but for all Americans. They changed the social and legal landscape of our country. They helped to make our Nation great.

Mr. Speaker, it is not often that we have an opportunity to honor those men and women who have created legacies during their lifetimes. This is one such opportunity.

Judge Tuttle set the course for social change in America in the 60's, in the decades that followed and in many years to come. For that, America shall be forever thankful.

Again, I urge my colleagues to support H.R. 801. Thank you, Mr. Speaker.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

H.R. 801

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

SECTION 1. DESIGNATION.

The United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, shall be known and designated as the "Elbert P. Tuttle Court of Appeals Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Elbert P. Tuttle Court of Appeals Building".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. 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 enacting clause and insert:

SECTION 1. DESIGNATION.

The United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, shall be known and designated as the "Elbert P. Tuttle United States Court of Appeals Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Elbert P. Tuttle United States Court of Appeals Building".

The SPEAKER. 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 bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to designate the United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, as the 'Elbert P. Tuttle United States Court of Appeals Building'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2749 and H.R. 801, the two bills just passed, and on the Senate amendments to H.R. 2119 just concurred in.

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

There was no objection.

CORRECTION IN APPOINTMENT OF CONFEREES ON H.R. 1278, FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT OF 1989.

The SPEAKER. The Chair, under the authority granted by the House on June 22, 1989, makes the following corrections in the appointment of conferees on H.R. 1278, Financial Institutions Reform, Recovery and Enforcement Act of 1989:

First. For the second panel from the Committee on Banking, Finance, and Urban Affairs, delete section 223 of the House bill from the sections under consideration.

Second. For the first panel from the Committee on Ways and Means, add section 1412 of the Senate amendment as a section for consideration.

Third. For the second panel from the Committee on Ways and Means, delete section 503 of the Senate amendment from the sections under consideration.

The Clerk will notify the Senate of the change in conferees.

TRANSFER OF OBSOLETE DESTROYER U.S. SHIP "EDSON" TO INTREPID SEA-AIR-SPACE MUSEUM IN NEW YORK

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 1184) to allow the obsolete destroyer U.S. ship *Edson* (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. SPENCE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, S. 1184 would waive the 60-day waiting period incident to transfer of the obsolete destroyer *Edson* to the Intrepid Sea-Air-Space Museum in New York City. Navy has no need for the ship and has requested the transfer.

Mr. Speaker, this has been considered in the subcommittee and in the full committee and approved by both.

Mr. SPENCE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete destroyer United States ship Edson (DD 946) to the Intrepid Sea-Air-Space Museum, a nonprofit corporation organized under the laws of the State of New York.

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

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1184, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1990

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 187 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 187

Resolved, That during the consideration of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 10 through page 16, line 22; beginning on page 17, line 19 through page 20, line 23; beginning on page 21, line 15 through page 22, line 3; beginning on page 27, line 11 through page 32, line 16; beginning on page 34, lines 13 through 24; beginning on page 39, line 4 through page 52, line 3; beginning on page 53, line 1 through page 55, line 9; beginning on page 55, line 20 through page 57, line 6; beginning on page 57, line 15 through page 58, line 2; beginning on page 58, line 6 through page 59, line 24; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6 or rule XXI are hereby waived: beginning on page 2, line 10 through page 15, line 5; beginning on page 17, line 19 through page 20, line 23; beginning on page 21, line 15 through page 22, line 3; beginning on page 28, line 5 through page 32, line 16; beginning on page 34, lines 13 through 24; beginning on page 46, line 10 through page 47, line 15; and beginning on page 49, line 20 through page 50, line 10. It shall be

in order to consider the following amendments printed in the report ot the Committee on Rules accompanying this resolution; (1) the amendment, if offered by Representative Mrazek of New York and (2) the amendment, if offered by Representative Owens of Utah, and all points of order against said amendments for failure to comply with the provisions of clause 7 of rule XVI and with clause 2 of rule XXI are hereby waived; (3) the amendment, if offered by Representative Martin of Illinois, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; and (4) the amendments, if offered by Representative Roe of New Jersey, or his designee, said amendments may be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

□ 1100

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 187 waives points of order against certain provisions of H.R. 2696, the energy and water development appropriations bill for fiscal year 1990. This rule does not provide for the bill's consideration since general appropriation bills are privileged under the rules of the House. The rule also does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

House Resolution 187 waives clause 2, rule XXI against specified provisions in H.R. 2696. This clause prohibits unauthorized appropriations or legislative provisions in general appropriations bills. This rule also waives clause 6 of rule XXI against specified provisions, a clause prohibiting reappropriations or transfers in general appropriations bills.

The provisions for which these waivers are provided are detailed in the rule by reference to page and line in the energy and water appropriations bill. Generally, certain provisions in titles I, II, and III have been granted waivers for clauses 2 and/or 6 of rule XXI, and specific provisions in titles IV and V have been granted waivers against clause 2 of rule XXI.

Finally, Mr. Speaker, this rule makes in order the amendments printed in Report No. 101-115 accompanying this resolution and waives certain points of order against three of these amendments. Provisions against clause 2 of rule XXI, and clause 7 of rule XVI, for germaneness, are waived against amendments to be introduced by Representatives MRAZEK of New York and OWENS of Utah. All points of order against clause 2 of rule XXI are waived for an amendment to be introduced by Representative MARTIN of Illinois. Amendments offered by Representative ROE of New Jersey or his designee may be considered en bloc and are not subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. Speaker, H.R. 2696 appropriates $18.5 billion in new budget authority for the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and several independent agencies. Approximately one-half of the appropriations in this bill are allocated to the Department of Energy's defense nuclear programs and another one-fifth is provided for planning, construction, and maintenance of water projects.

H.R. 2696 is an important bill. Some of the programs provided for in this bill are literally vital for our Nation and I commend the appropriations committee for a job well done. I am especially delighted that this bill provides $304 million for the building of new tritium production facilities and provides a substantial increase in funding for the cleanup of our Nation's nuclear materials production complex. It is absolutely essential that we move ahead with these projects; the health, safety, and security of our Nation depend on it.

I believe this rule will allow for expeditious consideration of H.R. 2696. I urge its adoption.

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

Mr. Speaker, I would like to commend the subcommittee chairman, the gentleman from Alabama [Mr. BEVILL], and the subcommittee ranking Republican, the gentleman from Indiana [Mr. MYERS], for their hard work in putting together this piece of legislation. As we found in the Rules Committee hearing on this bill yesterday, it is not possible to please everyone with the limited resources available. But the gentleman from Alabama and the gentleman from Indiana have done an excellent job in carrying out a difficult assignment.

This is the first of the 13 general appropriation bills to come to the floor in the first session of the 101st Congress. I would like to remind my colleagues that general appropriations bills are privileged on the floor where they are considered in the Committee of the Whole under an open amending process. The reason they come to the Rules Committee is for waivers of points of order. In this case waivers are required because some of the appropriations in the bill have not been authorized, there is legislation on this appropriation, and the bill reappropriates some previously appropriated funds. In addition, the rule provides waivers to protect several amendments which would otherwise be subject to a point of order.

Mr. Speaker, this bill provides funding for important projects across the Nation. The administration has expressed its support for provisions to fund the initial construction of the superconducting super collider. The bill provides funding for items of interest in my own region as well, such as the Tennessee Valley Authority, the Appalachian Regional Commission, and operation and maintenance of Corps of Engineers' projects.

I support this rule so that the House may get down to the business of debating and amending this important legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed out of order for 2 minutes and to revise and extend his remarks.)

CRIME ON CAPITOL HILL

Mr. BURTON of Indiana. Mr. Speaker, I take this 2-minute special to bring to the attention of the body a terrible tragedy that happened just a couple of nights ago. We all think that we are safe on Capitol Hill and that the crime problem we have in Washington, DC, occurs just off the Hill, so we are safe up here.

A couple of days ago, a young lady outside the Hart Building had a gun stuck to her at 8:45 in the morning on the way to work, and was mugged. Four of my colleagues on the other side of the aisle that room together, somebody broke into their apartment and stole a television set half a block from Anton's, just recently. Night before last, one of my staff members was working in her kitchen in the evening, and a fellow broke into her apartment, put a 4-inch knife through her hand, bit her severely several times in a violent struggle. She struggled, fell down a flight of stairs and got a door open and the fellow fled. But he was about to kill her, two blocks from my office at the Cannon Building.

We are not safe on Capitol Hill. It took 30 minutes for the D.C. police to get there, even though an ambulance was there in 3 to 5 minutes. It took several hours before an investigator got there because he was on the other side of the town dealing with other problems. I do not know why they do not have more investigators. Nevertheless, it took several hours. The next morning my staff person, who was injured, found three articles that the assailant left during the struggle. The policeman did not even find that.

The reason I bring this up is because we have a terrible problem here in Washington, DC. There are 1,300 uniformed policemen, I understand, and they are not able to cope with the situ-

ation. Now, if the city of Washington cannot deal with the crime problem, then we are going to have to do something about it, because it is not just the people off the Hill at risk, it is Members and our staff people. It is happening time and again. I submit to members on the Committee on the District of Columbia should deal with this, and if they cannot we as a body should deal with it. If we cannot protect the people in this city, how are we going to protect them across the country? The drug problem and the murder problem is terrible, we all know that. We must come to grips with it.

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

□ 1110

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, with regard to the budget issues involved with this appropriation bill, we have provided a "Dear Colleague" to all Members. There are no Budget Act waivers that are required under this rule, and the prinicipal reason for that is that the bill meets and actually provides additional savings below the targets that were established under the 302 subdivision that was assigned to this subcommittee of the Committee on Appropriations.

Under the 302(b), approximately $18.979 billion in budget authority was provided. The bill contains $18.584 billion in budget authority, which is a savings of $395 million below the 302(b) target.

With regard to outlays, the outlay figure that was in the 302(b) was $17.905 billion. The bill actually reflects an outlay number of $17.867 billion, which is a savings of $38 million. The bill, therefore, is well within the requirements, not only of the budget resolution but of the budget agreement worked out with the White House. For those reasons, there are no budget problems.

This subcommittee, the first subcommittee reporting an appropriations bill to the floor, has, I think, done an outstanding job in meeting the targets that were established under the budget resolution. We congratulate them, and we are pleased to bring the information to the attention of the Members.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 26, 1989.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2696, Energy and Water Development Appropriations bill for Fiscal Year 1990. This bill is scheduled for floor consideration on Wednesday, June 28, subject to a rule being adopted.

This is the first appropriations bill for fiscal year 1990 and is below the Appropriations Committee 302(b) subdivision for this subcommittee.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Fact Sheet]

H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 1990 (H. REPT. 101-96)

The House Appropriations Committee reported the Energy and Water Development Appropriations bill for fiscal year 1990 on Tuesday, June 20, 1989. This bill is scheduled for floor action on Wednesday, June 28, subject to a rule being adopted.

COMPARISON TO THE 302(b) SUBDIVISION

The bill provides $18,584 million of discretionary budget authority, $395 million less than the appropriations subdivision for this subcommittee. The bill is under the estimated discretionary outlay subdivision by $38 million. A detailed comparison of the bill to the spending and credit subdivisions follows:

COMPARISON TO SPENDING ALLOCATION

[In millions of dollars]

	Energy and water development appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+)/under (−) 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	18,584	17,867	18,979	17,905	−395	−38
Mandatory [1]						
Total	18,584	17,867	18,979	17,905	−395	−38

[1] Conforms to budget resolution estimates of existing law.

Note:—BA, new budget authority; O, estimated outlays.

The direct loan levels in the bill equal the discretionary subdivision for this subcommittee. A detailed comparison follows:

COMPARISON TO CREDIT ALLOCATION

[In millions of dollars]

	Energy and water development appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+)/under (−) 302(b) subdivision	
	DL	LG	DL	LG	DL	LG
Discretionary	32		32			
Mandatory	32		32			
Total	32		32			

Note:—DL, new direct loan obligations; LG, new loan guarantee commitments.

Pursuant to Section 302(b) of the 1974 Budget Act as amended by P.L 99-177 (Gramm-Rudman-Hollings), the Committees of the House are required to subdivide the spending authority and credit authority allocated to them in the Budget Resolution for Fiscal Year 1990 (shown in H. Rept. 101-50). The Appropriations Committee reported its 302(b) subdivisions on June 21, 1989 (H. Rept 101-97). These subdivisions are the official scorekeeping targets for appropriations subcommittees.

The following are the major program highlights for the Energy and Water Development Appropriations Bill for FY 1990, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget Authority	New Outlays
Atomic energy defense programs [1]	9,687	6,009
Army Corps of Engineers	3,172	2,172
Bureau of Reclamation	973	797
DOE general science	1,062	752
(Superconducting super collider—SSC)	(200)	(142)
Energy supply R&D	2,115	1,058
Uranium enrichment (gross)	1,445	1,257
Nuclear waste fund (civilian)	450	225
Appalachian Regional Commission [ARC]	110	31
Nuclear Regulatory Commission (gross)	442	332
Tennessee Valley Authority [TVA]	121	30

[1] The atomic energy defense program funds are part of function 050, national defense, and count against the bipartisan budget agreement defense target. The other accounts shown above count against the domestic discretionary target.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise in support of this rule and the $200 million provided by the fiscal year 1990 energy and water appropriations bill to begin construction of the superconducting super collider.

The SSC represents an unparalleled opportunity for the United States to lead the way in advancing mankind's knowledge of matter and energy at its most fundamental level. Our Nation has always been at the forefront of scientific discovery, and the SSC offers the prospect of continued leadership in this area.

Of course, while it's difficult to predict now where the SSC will lead us, we do know that past scientific and technological breakthroughs have had enormous impact on our daily lives. Major advances in medicine, agriculture, computers, and lasers have come about because of our Nation's commitment to basic scientific research. It's reasonable to believe that the SSC will also lead to now unforeseen discoveries that will profoundly affect the way we live.

Twenty years ago, man set foot upon the Moon for the first time, realizing the dreams of a generation of Americans dedicated to leading the way in scientific research, exploration, and technical innnovation. Today, we can embark on a new journey with the SSC, continuing the American tradition of exploring new frontiers and making discoveries benefiting our Nation and all mankind.

I urge my colleagues to support the $200 million appropriation for construction of the SSC.

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

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 47, not voting 21, as follows:

[Roll No. 114]

YEAS—364

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
AuCoin
Baker
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Coyne
Crockett
Darden
Davis
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Henry
Herger
Hertel
Hoagland
Hochbrueckner
Holloway
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
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Kostmayer
LaFalce
Lagomarsino
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Laughlin
Leath (TX)
Lehman (CA)
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Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
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Owens (NY)
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Oxley
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Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
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Wolpe
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Wyden
Wylie
Yates
Yatron
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Young (FL)

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Ballenger
Buechner
Bunning
Burton
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Coble
Cox
Craig
Crane
Dannemeyer
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Frenzel
Gekas
Grandy
Hastert
Hefley
Hiler
Hopkins
Hunter
Hyde
Kyl
Leach (IA)
Lightfoot
Livingston
Marlenee
McCandless
McCollum
Nielson
Paxon
Petri
Porter
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Sensenbrenner
Shumway
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Stump
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Bosco
Clarke
Collins
de la Garza
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Florio
Gingrich
Goodling
Hall (OH)
Hefner
Jacobs
Johnston
Miller (CA)
Neal (NC)
Slaughter (VA)
Smith (IA)
Towns
Weber

□ 1133

Mr. GRANDY and Mr. COX changed their vote from "yea" to "nay."

Mr. PACKARD changed his vote from "nay" to "yea."

So the resolution 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. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2696, and that I be permitted to include extraneous material.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1990

Mr. BEVILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2696, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

PARLIAMENTARY INQUIRY

Mr. HAMMERSCHMIDT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMERSCHMIDT. Mr. Chairman, would this be the proper time to raise a point of order on section 110 and section 112 of the bill?

The CHAIRMAN. It would not be the proper time. The proper time would be when those sections are read under the 5-minute rule.

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to you today for your favorable consideration the energy and water development appropriation bill for 1990. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana [Mr. MYERS]. As in years past, he and I have worked together with the subcommittee without any trace of partisanship to fashion a bill that meets the present and future needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentlelady from Louisiana [Mrs. BOGGS], the gentleman from California [Mr. FAZIO], the gentleman from Oklahoma [Mr. WATKINS], the gentleman from Georgia [Mr. THOMAS], the gentleman from Texas [Mr. CHAPMAN], the gentlelady from Nebraska [Mrs. SMITH], the gentleman from Michigan [Mr. PURSELL]. This is Mr. CHAPMAN'S first year on the subcommittee, and he has proven to be a valuable addition to the subcommittee. I want to also thank Mr. WHITTEN, a member of the subcommittee, and Mr. CONTE for their assistance.

Mr. Chairman, at the outset, I want to point out to Members of the House that this bill is within the section 302(b) allocation for both new budget authority and outlays. The bill is also within the summit agreement for domestic and defense program levels. I caution Members that any amendments offered to increase appropriations for the domestic programs in this bill will put it over our allocation amount as it applies to outlays.

Mr. Chairman, the bill before the committee today would provide $18,527,710,000 in new budget authority to the Army Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and nine independent agencies and commissions. The bill includes $9,687,000,000 for defense activities and $8,840,710,000 for domestic programs. The amount for defense is $300 million greater than the budget request, and the amount for domestic programs is $150,663,000 less than the administration's request.

TITLES I AND II—WATER RESOURCE DEVELOPMENT

Mr. Chairman, the committee is committed to a policy of development of the vital water supply, navigation, flood control, irrigation, and hydroelectric projects that are necessary to the well-being and economic growth of the entire Nation. No part of this country is immune from the problems of water—too little or too much—and all States of the Union must join together to cooperatively foster a truly national water policy which responds to the unique needs of each State and region.

Title I includes $3,172,218,000 for the Corps of Engineers which provides for 546 water resource projects in the planning or construction phases.

Title II includes $976,130,000 for the Bureau of Reclamation which provides for 122 water resources projects in the planning or construction phases.

Titles I and II also provide for studies and projects in the operation and maintenance category. Within the available funds, the subcommittee has attempted to accommodate the most critical needs, within budget constraints, identified through the extensive hearings conducted with administration witnesses, the public, State and local officials, and Members of Congress.

In spite of budget outlay constraints, the committee has provided for new construction starts for both the Corps of Engineers and the Bureau of Reclamation.

TITLE III—DEPARTMENT OF ENERGY

In title III, for the Department of Energy, the recommendation provides a total of $13,835,077,000. In this title, we are recommending $9,677,000,000 for the national security programs, $290 million above the budget request, and $4,158,077,000 for all other energy programs, $274,749,000 below the budget request. The amount recommended for energy research programs maintains a balanced energy research program and a healthy scientific research effort. The recommendations include numerous changes in the request which are summarized in the report. I will mention a few.

In the energy programs of the Department of Energy, several changes are worth mentioning:

For solar and renewable energy programs, we are recommending $94,996,000 compared to the budget request of $71,156,000.

For magnetic fusion, the recommendation provides $280,450,000, a decrease of $68,800,000 below the requested level of $349,250,000. The decrease reflects the severe budget constraints imposed on the committee.

The committee continues to support the program activities included in the nuclear waste disposal fund. The bill includes $450 million, a reduction of $50 million. This reduction does not withdraw support but is a response to severe funding restraints.

For general science and research, the committee recommendation provides a total of $1,062,431,000. The recommendation includes funds to initiate construction of the superconducting super collider. The committee included $200 million for this project, of which $110 million is for construction. This is a $50 million reduction from the budget request, but an increase of $100 million over last year's amount. The administration is pushing hard for this project. While the committee is very supportive of the project because of the new knowledge and understanding that will be brought about by constructing it, construction funding in future years will be a challenge. Hopefully, cost sharing from Texas and from foreign countries will enable this project to move forward.

The recommendation for defense programs of $9,677 million is $1,577 million above the current appropriations and is $290 million above the budget request. The recommended level includes increased funds for defense waste cleanup and is generally consistent with the expected defense authorization bill soon to be brought to the floor.

TITLE IV—INDEPENDENT AGENCIES

Title IV of the bill includes $544,285,000 for nine independent agencies. This is $98,284,000 above last year's level.

We have provided $110 million for the Appalachian Regional Commission; $121 million for the Tennessee Valley Authority; and $1,135,000 for three river basin commissions.

The committee recommendation provides $445 million for the Nuclear Regulatory Commission, an increase of $25 million from last year's level. In addition, the bill includes language which would permit NRC to use up to $146,850,000 in revenues from licensing and other activities to offset part of the appropriations.

The committee recommendation includes three new agencies for 1990. The committee provides $10 million for the Defense Nuclear Facilities Safety Board, $2 million for the Nuclear Waste Technical Review Board, and $2 million for the Office of the Nuclear Waste Negotiator.

GENERAL PROVISIONS

The bill contains the customary general provisions carried in prior years to permit the agencies funded in this bill certain flexibility and to limit other activities.

COMMITTEE REPORT

The report accompanying the bill provides a good explanation of the recommendations reflected in the bill. I would encourage the Members to look through it.

This is a good bill. I recommend its adoption.

□ 1140

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

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and colleagues and Committee of the Whole today, I join my chairman in, first, endorsing this bill as a very good bill. This one is mean and lean, particularly lean.

□ 1150

I join my chairman in complimenting and thanking the other members of the subcommittee who have done an excellent job spending hours, weeks, and months in listening to witnesses. We have over 12,000 pages of testimony involving about 100 Members of Congress who testified in person. Over half of the Members of this House of Representatives did appear before this subcommittee either in person or in written statements to support certain items. We heard a number of Governors, State legislators, and a great many concerned citizens around the country.

So I do thank the members of the committee for sitting through those hearings, and also the staff who once again did an excellent job. I join my chairman in thanking all of the individuals who contributed to bringing this bill to the floor today.

Back years ago when the chairman and I came to this subcommittee, when this particular bill from this subcommittee was then known as the Public Works Subcommittee on Appropriations, it was frequently called the all-American bill. Some people who were critics of our bill were critical of the "all-American" because they thought that there was something in the bill for every Member of Congress and every area of the country, particularly those Members who said this is pork barrel legislation. I have learned since then what pork barrel really is. Pork barrel is a program or project that does not affect my district.

But this bill does help a great many people. I think it is called all-American because it touches everyone of us. It supports more than 25,000 miles of inland waterways, and the ports of our country, making them navigable so that the products of industry and American agriculture can be exported around the world at competitive prices. The things that make this possible are in the bill.

Then in recent years we have come into a new area of research and development of new sources of energy, things that we take for granted like electric energy. This morning when we woke up to the alarm clock that probably was electric, and go out and open the garage door electronically, had toast, had coffee using electricity, all of these things which most of us in recent years take for granted. But it is because we have research that those things have been created and developed. This committee has had the insight through the years to make many of these things possible. That work continues to be very, very necessary.

So yes, I still think this is the all-American bill. It may not be the largest appropriation bill to come before this House this year, but it does have an impact on every one of us as Members and our constituency back home, regardless of whether they come from one of the most metropolitan areas of the country or they come from one of the most rural areas. The things that we create in this bill and provide for serve our constituencies.

Again, years ago I thought by the time we had been here this many years that we would be able to take care of all of the requests from Members of Congress around the country. Because of the budget impact, however, it has become more difficult through the years for this committee to help the Members of this House who have some very high priorities. So it was necessary for us to hold down some of the spending. I know I have heard some complaints from Members who say we either did not put their program or project in or we cut it too low.

But every appropriation subcommittee will share this year with the tightening down. I certainly support it. It was necessary to cut many of the programs, and even not include some of the very high-priority programs.

But for the first time in the years that I have been on this subcommittee, defense programs within the Department of Energy will have more money provided than the domestic programs. Again, back years ago defense was not part of this bill. But our research into new weapons systems, in new reactors in the Defense Department, and new technology that is provided through the Department of Energy is in this bill. That particular part exceeds our domestic spending for the first time since I have been on this committee. It is the first time ever that this committee has come to the floor with a defense section larger than the domestic.

As has already been stated, we have some waivers in the bill that are necessary. The important thing is to remember we have not waived the Budget Act. We are not over the budget. We are slightly over the President's request. We were over last year. But we have not waived the Budget Act, and that is very important.

But some of the waivers that were necessary are legislative in nature. There are amendments, modifications of programs and projects that have to be made where the authorizing committees have not had the opportunity to pass these amendments. Some that the House has already acted upon and the Senate has not acted upon yet. These legislative refinements are absolutely necessary. If we are to meet our requirements by the rules of this House to come forth with our appropriation bills, I think we are going to hear this same argument from almost every appropriation subcommittee on their bill. That it is not because the Appropriation Committee likes to legislate, but if we are to move forward in a timely fashion. If we are to modify the programs as they are needed to be modified, it is necessary to do it through this route.

So the legislative modifications that are required in this bill are minor in nature. There are no major unauthorized new programs started in this bill.

The administration is uncertain about their support. We have heard from the Office of Management and Budget, as we always have in the years I have been on the committee, about the new starts we have put in. The administration requested 11 new starts in the Corps of Engineers. We have included those 11, and in prioritizing, we have added 19 others that this body decided are very important. There are no very large ones, but we have included 19 plus the administration's 11.

Naturally the administration, both Democrat and Republican, always oppose our new starts. They support their 11. If we were to surrender, however, and say only the administration has the right to decide which new starts, then we might as well not have the Appropriations Committee, or even this body, for that matter. We could call all get a rubber stamp and approve it.

So I do not think the adminstration is going to be opposed to it, but they do question the new starts.

This is good bill and I hope it will get the support of every Member here. There will be a few minor amendments offered today some the committee will support and some we will not be able to support, but it is a good bill. It is the best bill I believe we have ever come to the floor with. It is lean, even more lean than we would like to see it, but it is one that I hope each Member can support.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] has consumed 8 minutes.

Mr. BEVILL. Mr. Chairman, I yield 2½ minutes to our colleague and friend, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I rise in support of the energy and water appropriations bill, and urge my colleagues to vote for the bill.

This bill provides funding for a wide variety of projects and services that are important to our Nation. I want to mention just one of these that is particularly important to me and to the State of Colorado—funds to cleanup our Nation's nuclear weapons plants.

I am very heartened that the bill provides a significant increase in the Department of Energy's [DOE] waste management and cleanup program. The bill would literally quadruple current-year funding for cleanup activities at DOE nuclear weapons plants. In addition, the bill almost doubles the resources for waste research and development, that is, it doubles the money the Department will have to

find better and cheaper solutions to waste problems at weapons sites.

These increases are absolutely necessary to restoring some credibility to the management of our Nation's weapons complex. I believe strongly that if we do not attack these waste issues aggressively, the future of our entire weapons complex and our nuclear deterrent could be cast into doubt. The truth of the matter is that Americans today will no longer tolerate threats to their safety and health from our nuclear weapons plants in order to ward off the threat posed by Mr. Gorbachev.

I want to commend and thank Chairman BEVILL and his subcommittee for their leadership on this very difficult issue. It was very troubling to me that President Bush's budget recommended we spend more than three times as much on weapons plant modernization as on cleanup in 1990—even though cleanup will cost us more in the long run. Mr. BEVILL's bill does a far better job of balancing our national needs.

People in my State of Colorado understand the importance of this cleanup because of the situation at Rocky Flats. The Department of Energy has called ground water contamination at Rocky Flats the number one potential health hazard at any of its plants nationwide. And there are other potential hazards at the plant—such as plutonium in the soil and poisonous chemicals in old evaporation ponds—that in the near future could become immediate threats to our health in Colorado if cleanup work is not carried out quickly and thoroughly.

Funds in this bill will accelerate cleanup at the Rocky Flats plant, and help the Department meet its cleanup obligations under the agreement it recently signed with the State of Colorado.

At this point, I would greatly appreciate the opportunity to engage the distinguished chairman from Alabama in a colloquy.

As the chairman is aware, the Department of Defense authorization bill being prepared by the Armed Services Committee includes a section that would authorize and earmark funding for the Department of Energy to carry out its responsibilities under the June 16, 1989, agreement it signed with the State of Colorado.

The section would also authorize and earmark funding for the DOE to help the State of Colorado assist those Colorado communities whose water supply is affected by the Rocky Flats plant to ensure the safety of their drinking water. Because of recent events at the Rocky Flats plant, these communities have had to undertake extraordinary water testing and related activities, and this section is to alleviate these extraordinary costs.

As I understand it, Mr. Chairman, nothing in this bill would keep the DOE from using funds in the Defense Waste and Environmental Restoration Program for the purpose of carrying out either of the activities of the section in the DOD authorization bill I have described. I would appreciate the chairman's view on whether this understanding is correct.

Also, the appropriations bill before us today includes an increase of $661 million over current year funding for DOE's Defense Waste and Environmental Restoration Program. Does the chairman agree there are sufficient funds for the activities in the DOD authorization bill I have described?

Mr. BEVILL. If the gentleman will yield, Mr. Chairman, the gentleman from Colorado is correct in his understanding of the bill. DOE would be able to use funds in the Defense Waste and Environmental Restoration Program to carry out the activities he has described. Sufficient funds have been included for these activities.

Mr. SKAGGS. I thank the chairman for engaging in this colloquy with me. And I again want to express the great thanks of the people of Colorado for the chairman's and his committee's leadership in moving aggressively to provide the substantial increase in funding so desperately needed to expedite cleanup at the country's nuclear weapons facilities.

□ 1200

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to a very valuable member of the subcommittee, the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I will be brief today because I know we are going to have a long evening.

Mr. Chairman, I want to congratulate the gentleman from Alabama [Mr. BEVILL], and the gentleman from Indiana [Mr. MYERS], for an outstanding bill, and I congratulate the staff, working in a very bipartisan spirit for, I think, the best interests of the country.

I put it that way, Mr. Chairman, because I think that we did look at all the projects in the Nation and made decisions that sometimes were unpopular but, I think, correct in the long term.

The programs funded by this legislation represent a major component of this country's science and technology effort. The United States is the world leader in science and in the application of that science to commercial use. To maintain that preeminence, however, the Federal Government must continue to nurture and stimulate knowledge in biomedical research, biotechnology, superconductivity, and other emerging technologies. That is what this legislation and other appropriations bills supporting basic and applied science aim to do.

I commend the committee for the continuing support of the University Research Program in Robotics for Advanced Reactors and University Nuclear Engineering Programs. In fiscal year 1987 the Department of Energy initiated an innovative, long-range program to develop advanced robotic systems capable of performing tasks that are hazardous to humans or more appropriately performed by automated systems. I feel that continued support is justified based upon the significant long-term economic, technical, and human safety benefits.

In order to preserve the Nation's energy options, nuclear engineering must continue to attract a reasonable number of outstanding graduate students. I am glad the committee recommended that moneys be made available for graduate fellowships, direct research support, and educational support programs in the field of nuclear engineering.

I would like to thank the committee for including funding for the superconducting super collider.

The proposed superconducting super collider provides America the opportunity to build a premier research facility and retain preeminence in the world's scientific community.

Like the Apollo Moon landing project, the super collider will inspire and encourage many young people to point their lives toward careers in science and engineering. Those who do meet the challenges of this unprecedented search for scientific knowledge will become our future leaders in universities, industry, and government.

Also, I want to commend the subcommittee for their work with the Corps of Engineers. Of special interest to me, is the St. Lawrence Seaway, the fourth seacoast. There are now serious constraints to efficient use of the St. Lawrence Seaway system. Because the international fleet has undergone profound changes in total capacity, size, character, organization, and cost of transport, modernization of the St. Lawrence Seaway is paramount.

Accordingly, the committee has directed the Secretary of Army to initiate and complete a study to identify alternative financing methods and cost recovery options and potential local sponsors for constructing major navigational improvements.

Again, I commend our subcommittee and staff for the expert job done in writing this bill. I strongly support it and urge my colleagues to vote for it.

Mr. Chairman, I would like to tell you of the superconducting super collider's importance to education and how universities across the country will benefit from this investment in science.

The super collider will be managed and operated by the prestigious Universities Research Association [URA], an organization comprising 73 of our Nation's universities. The Southeastern Universities Research Association [SURA], which has a membership of 39 universities, has endorsed the super collider as an important educational research facility. These groups share my interest in seeing our finest scientists and students conduct advanced scientific research here, instead of overseas.

Over 100 universities eventually could participate in research at the facility. This would inspire our youth to pursue careers in science, engineering, computers, and related fields. Building the super collider will send a strong signal to our children that America believes in and supports education, science, and technology. It will give American students the opportunity to participate in experiments working side by side with some of the world's brightest physicists.

While the super collider promises numerous future benefits to our students, many universities are already conducting research and development on this project. This year, $8 million has been allocated to 28 universities for research and development on the detectors, the heart of the machine which will record the particle collisions. Over $110 million is being spent at 82 universities across the country in fiscal year 1989 to conduct further research in this area of high-energy physics. Such "cutting edge" research is not only educationally valuable, but could help form the foundation for new industries and technologies.

With European countries and the Soviet Union building accelerators that soon will surpass our current facilities, timely construction of the super collider is vital to our maintaining the lead in this important scientific area and in helping keep new American industry and education competitive well into the 21st century. The super collider is a top priority for this administration and I urge your support for construction funding for the superconducting super collider.

Mr. BEVILL. Mr. Chairman, I yield 1 minute to our friend and colleague, the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the committee has strongly supported the flood control project at Salyersville, KY, known as the cut-thru project. As I understand the situation, the gentleman from Alabama did not include actual funding for this project in the fiscal year 1990 bill because the Corps of Engineers has assured the gentleman that they have more than sufficient funds to continue this project during fiscal year 1990, and it is my further understanding that the committee strongly supports this much-needed project and my efforts to get it under construction at the earliest possible date.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. PERKINS. Mr. Chairman, I thank the gentleman.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. ROGERS], another member of the Committee on Appropriations.

Mr. ROGERS. I thank the gentleman for yielding this time.

Mr. Chairman, I take this time to congratulate the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking member, the gentleman from Indiana [Mr. MYERS], and all the subcommittee members for an extremely well-crafted bill.

The subcommittee as a whole this year is faced with very tight fiscal restraints, and the bill before the House lives within these very strict parameters, while providing, I think for many of the Nation's needs. This subcommittee has one of the most difficult jobs in the Congress. It has to decide which projects go forward and which ones do not given the very, very limited amount of money allocated for energy and water development in the country.

And these members must act with the wisdom of Solomon, and I believe that this bill is in that spirit.

This is a fiscally responsible bill. It is below the 302(b) allocation in both budget authority and outlays.

At the same time it adequately addresses a number of major areas, including funding for the Appalachian Regional Commission, our extremely serious nuclear production waste problems, initial construction funding for the superconducting super collider, and flood control projects, all of them vital. Flood control projects save lives, save homes, churches, communities, even ways of life. I am very grateful to the subcommittee for including vital flood control work on the Cumberland River in my district and State. This flood-ravaged area in Harlan, Bell, and Knox Counties and other counties even today is drying out from another flood of a couple of weekends ago. This area welcomes this bill, as you can never know.

I want to thank the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for hearing our pleas on the matter of the recreational area closings.

I want to especially commend the subcommittee for rejecting the proposed closure of our numerous recreational areas managed by the corps across the country. Among the 600 sites proposed for partial or complete closure were several in my district and throughout the State of Kentucky; top-grade camp sites, boat ramps, picnic areas, all of which draw hundreds of thousands of tourists to our areas would have been closed and the investment lost. Neither the State nor local governments could have picked up the tab for these operating expenses.

These closures would have dealt a severe blow to my tourist-dependent State and would have deprived tourists, as well as local residents, of some of the finest recreational opportunities in the country.

This bill provides the funds necessary to operate these recreational areas next year and I thank the subcommittee deeply for its action.

Again, Mr. Chairman, to the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] our deep appreciation for, I think, a good bill.

Mr. BEVILL. Mr. Chairman, I yield 1½ minutes to our good friend and colleague, the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I would like clarification on one point regarding the maintenance dredging of a recreational harbor which is essential to the economy of the village of Mamaroneck in my district. The harbor in question was scheduled for dredging this year, fiscal year 1989.

Unfortunately, the Army Corps of Engineers was unable to proceed with the dredging because the county, in compliance with the Clean Water Act, is constructing a sewer pipe through the harbor. The construction hindered the Army corps' ability both to accurately assess the work that needed to be done and to begin the dredging. The dredging operation was further confounded by the closing of the usual dump site, in response to a court order. An alternative site was found. However, no dumping was permitted from May 15 through October 1. All of this precluded dredging the harbor during fiscal year 1989.

Mr. Chairman, when a recreational harbor of great economic importance to a town is unable to access dredging funds that had been reserved for their use, but were subsequently reprogrammed when the work couldn't be completed, do you agree that that harbor should receive high priority for reprogramming of funds back into the project the following fiscal year?

Mr. BEVILL. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY of New York. I yield to the gentleman from Alabama, the chairman of the subcommittee.

Mr. BEVILL. I thank the gentlewoman for yielding.

Mr. Chairman, yes, I agree with the gentlewoman from New York. Certainly funds should be made available for projects such as the one she has described.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MORRISON] with whom we work very closely in this subcommittee.

□ 1210

Mr. MORRISON of Washington. Mr. Chairman, I want to take this opportunity to applaud Chairman BEVILL, my friend JOHN MYERS, the Appropriations Subcommittee on Energy and Water Development and the entire Appropriations Committee for a job well done.

Crafting an appropriations bill is not an easy chore. With limited dollars and a wide range of competing interests, the pressure to piece together something that is acceptable to everyone—or least a sizable majority—is formidable. Chairman BEVILL and his team rise to the occasion annually, and I want to thank them particularly for agreeing to administration-requested funding for the many important programs at the Department of Energy Hanford Reservation.

A centerpiece of the reservation is the fast flux test facility, a multipurpose machine that is DOE's most modern, versatile, and reliable reactor. Full funding for this reactor in fiscal year 1990 is critical to preserving the long-term mission it so desperately deserves: production of the nonweapon isotope plutonium-238 for use in our Nation's space program. DOE has yet to name a site for the Pu-237 mission, but Hanford is considered the frontrunner, and less than the $100.4 million needed to meet full FFTF funding in 1990 would result in technical and personnel problems that would undermine our space and defense future.

In addition, the bill includes funding for a host of other programs and projects of tremendous importance to Hanford and, indeed, the entire Nation. Among them:

Defense waste cleanup;

Tritium target development for the 63-percent complete Washington Public Power Supply System Plant No. 1;

Construction of the Hanford Waste Vitrification Plant;

Contined work on the SP-100 space-reactor program; and

Development of the Environmental Center of Excellence and the Molecular Science Research Center.

The bill also contains funding for several other projects that are important to my central Washington district. They include:

An evaluation of the 21st century requirements for the levees separating the Columbia River from the Tri-Cities;

Continued modernization of the Oroville-Tonasket irrigation system;

Study of water enhancement possibilities in the Yakima River Basin;

Completion of the Columbia Basin project environmental impact statement; and

Implementation of the Lower Snake River fish and wildlife compensation plan.

Mr. BEVILL. Mr. Chairman, I yield 4 minutes to our good friend and colleague, the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 2696 and I commend Chairman BEVILL and his subcommittee for their work on this bill.

The energy and water development appropriations bill represents to me the essence of why we are here. It provides money for the infrastructure that is necessary to improve and maintain America's quality of life such as the West Memphis flood control target and the Helena Harbor in Arkansas, and such wonderful projects as the committee has in its great wisdom decided to support. It also provides funds for both research and development initiatives that will improve the quality of life for the future.

There are two items in the bill on which I would particularly like to comment.

First of all, I am pleased that the committee has recommended a $4 million increase for biofuels research and development. The Federal Government does not come close to spending what it should on alternative motor fuels research. However, after 8 years of neglect by an administration that just wasn't interested in the subject, it is refreshing to see an increase.

This increase will allow researchers at the Solar Energy Research Institute in Colorado to go forward with efforts to develop a new ethanol production process that could lead to 60-cent-per-gallon ethanol by the turn of the century.

It will also allow scientists at the Oak Ridge National Laboratory in Tennessee to proceed with efforts to develop new, genetically engineered biotech energy crops that, if all goes well, will someday be grown by farmers and foresters in Arkansas and around the Nation as feedstock for that cheap ethanol.

President Bush has set the Nation on the path to cleaner air through clean auto fuels. For consumers to accept and even demand clean fuels, the fuels must be cost-competitive with gasoline; and to realize the full air quality potential of clean fuels, production of ethanol, methanol, and compressed natural gas must be greatly expanded.

To achieve these goals, both industry and Government must make a strong commitment to alternative fuels research and development, and I expect this to occur over the next decade. This year's energy and water appropriations bill marks that first step toward this commitment, but we should also commend Mr. Roger Smith, of General Motors, for his commitment, and Mr. Kenneth T. Derr, chief executive officer and chairman of the board, of Chevron Oil Co., for their commitment to clean air fuels. For the first time in the long 20-year fight for energy independence in industry, the captains of industry have made a commitment to cheaper energy.

The enlightened leadership of Mr. Smith and Mr. Derr will certainly serve as encouragement to those of us who have fought the fight for cleaner fuels, cleaner air, and more secure energy sources.

I welcome them. We need them.

Mr. Chairman, I applaud Admiral Watkins. The Washington Post reported this morning that Admiral Watkins, commenting on the problems at the nuclear weapons production facilities, blasted a "culture" of mismanagement and ineptitude in the DOE.

I would submit that the same sentiments are applicable to the management of the Department's civilian programs in recent years, as evidenced in the lack of an energy policy other than the three words "burn more oil."

Admiral Watkins and his able deputy, our former colleague, Henson Moore, have served notice that the much-heralded "new breeze" is blowing through the Department of Energy. That is a welcome development.

Recently, I was appointed to the U.S. Alternatives Fuels Council, which the Congress created last year in the Alternative Motor Fuels Act to help the administration develop a national alternative fuels policy by 1992.

So far, Senator ROCKEFELLER of West Virginia and I are the only appointees to the Council. The law requires the Secretary of Energy to appoint 16 members from the private sector or State and local government who are knowledgeable about alternative fuels issues.

I realize that Secretary Watkins and Deputy Secretary Moore have been preoccupied with the crisis at the nuclear weapons production plants and other issues. However, I hope they will move rapidly to fill the Council's membership and get it up and running.

I take this opportunity to inform the Department that we are ready to proceed. I look forward with great anticipation to working with the aggressive new management of the Department of Energy to create an alternative fuels policy that will benefit the entire Nation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of provisions of this bill appropriating funds for construction

of the Ramapo and Mahwah Rivers flood control project in my district in Mahwah, NJ.

I wish to commend the distinguished chairman of the subcommittee, Mr. BEVILL, and the ranking minority member, Mr. MYERS, for approving $330,000 in construction funds for this project in the next fiscal year. As they both know, I have been an ardent supporter of this project. And, while last year the subcommittee was compelled to institute a "no new construction starts" policy for this and other projects, Chairman BEVILL did promise to assist in pursuing construction funds for the Mahwah project in fiscal year 1990. Indeed, today, the subcommittee is keeping that promise and in so doing is helping to spare my district the economic and environmental catastrophe which would inevitably result from another tragic flood.

Mr. Chairman, it must be stressed that this area of the country is environmentally sensitive and extremely prone to flooding. Between 1968 and 1984 alone, the Mahwah area experienced eight devastating floods. The worst flood in November 1977 caused an estimated $4.4 million in damage. The Army Corps of Engineers has estimated that the damage from a new flood would cause—at the very least—as much destruction. I would submit that this would simply overwhelm local businesses and homeowners.

In conclusion, I am sure my colleagues will agree with me that the money appropriated for this project will indeed be well spent. This project has been in the planning stage for approximately 20 years, and, the administration is in full agreement that we must now move to the construction phase. We simply cannot afford to gamble with Mother Nature. We must build this project immediately.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to our friend and colleague, the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise in support of H.R. 2696, the Energy and Water Development Fiscal Year 1990 Appropriations Act and to commend Chairman BEVILL and my colleague from Indiana JOHN MYERS, for their fine work on this measure.

The subcommittee conducted extensive hearings on the programs and projects provided for in this legislation. The record of the hearings are contained in 8 volumes totaling over 12,000 pages. In addition to over 100 Members of Congress, the subcommittee heard testimony from numerous outside witnesses, officials from the executive branch, several Governors and other State and local governmental officials. Clearly, an exhaustive effort was conducted to consider all viewpoints. For this, subcommittee members and staff deserve our commendation.

This body is continually confronted with the challenge of providing for vital programs and services in an era of fiscal austerity and frugality. The legislation we now consider demonstrates that such a balance is possible. In fact, the committee approved budget outlay for fiscal year 1990 is $25 million less that the final budget outlay figure for fiscal year 1989 signed into law last year. Furthermore, this legislation is $395 million less than the target set by the Appropriations Committee for discretionary budget authority pursuant to the fiscal year 1990 resolution and $18 million less than the outlay target.

In meeting this year's targets, the subcommittee has intelligently provided for important public works projects that will benefit the communities and States in which they are located. This bill contains $4.2 billion for planning, construction and maintenance of water resource development projects. These projects will provide for stable supplies of water at lower costs than would be incurred under alternative arrangements. Included projects will also lower the input costs of industrial production and encouraging large-scale cost industrial production.

Another feature of this legislation concerns flood control project. Our Nation's first line of defense against flooding is the Army Corps of Engineers' program of flood control and prevention. The effectiveness of this program was demonstrated during the flood seasons in fiscal years 1983 and 1984 when corps' projects prevented $40 billion in damages. I am particularly sensitive to this issue because the district I represent recently experienced extremely heavy rains in a very short period of time. As a result, there was flooding that directly resulted in the loss of a life and millions of dollars in estimated damage to homes, businesses, and roads. I am pleased that the subcommittee has tried to meet this serious responsibility.

The flood situation previously cited in my district will be addressed by $2.4 million for initial construction for the Little Calumet River flood control project which the subcommittee has included in this measure. When completed, this project will provide comprehensive flood control for northwest Indiana, improve the quality of life for residents and open new land for economic development. Additionally, the subcommittee granted my request for a restoration project at Lake George in Hobard. Originally authorized in the 99th Congress, this important project had not been funded. With this appropriation, the Army corps may begin the initial phase of the restoration process required to remove silt and other sediments from the watershed.

In conclusion, I urge my colleagues to join me in support of H.R. 2696.

□ 1220

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in support of the fiscal year 1990 energy and water appropriation. The chairman of the committee, Mr. BEVILL, and the ranking member, Mr. MYERS, have done an outstanding job of bringing this bill, the first appropriations bill, to the floor.

The subcommittee has done an excellent job of assuring that extremely important ongoing public works projects will continue. In addition, within tough fiscal and time constraints, the committee was able to include funding for 32 new projects starts.

I thank the chairman and ranking member of the committee, and Dave Zook of the committee staff for their excellent work, and I urge passage of H.R. 2696.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, in December 1987 the Nuclear Waste Policy Act of 1982 was amended by House and Senate conferees to the budget reconciliation bill, which was signed into law. The law specifically designates Yucca Mountain in Nevada to be the only site to be studied for the high level nuclear waste repository. In accordance with the act, the nuclear waste disposal fund was established to license, construct, and operate the repository.

I would like to quote from the Appropriations Committee report on the energy and water development appropriations bill. In the section on the nuclear waste disposal fund, the report states:

> The committee directs the department [of energy] to submit a report within 60 days of enactment of this bill which describes in detail how the department plans to respond to the committees concerns dealing with endemic schedule slips, problems in management structure, and lack of integrated contractor efforts.

These concerns are only a few of the concerns I have had with the entire site characterization process from the beginning. I can only hope that the committee's recognition and expression of concerns is at least a realization on the part of my colleagues that, at the very least, the process bears close scrutiny to ensure public safety. I further hope that the report language is an indication that site characterization will be an objective and scientific process. I remain adamantly opposed to the designation of Yucca Mountain and will continue to work for a proper designation procedure.

I do wish to extend my thanks to the Appropriations Committee, especially Chairman BEVILL and Chairman

MYERS, for the inclusion of funding for the Office of Nuclear Waste negotiator and the Nuclear Waste Technical Review Board. These are two provisions whose inclusion enhance the openness and scientific credibility of site characterization. My main goal in the nulcear waste program has been—and will continue to be—that the repository be located in the safest place possible.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Texas [Mr. CHAPMAN], a member of the subcommittee.

Mr. CHAPMAN. Mr. Chairman, I would like to take this opportunity to commend the Committee on Appropriations on accomplishing in its bill today something that we have worked for, for over 35 years to accomplish back in my home district in Texas.

In Texas there is a project called the Coopers Lake and Channels project. It was authorized in Congress in 1955. That project has met delay after delay. In fact, initially funds to initiate construction of that badly needed water resource and flood control project were appropriated in 1958, but a court injunction and other things stopped the project and the project lay in Federal court for over 15 years. After lengthy delays, with critical needs, after communities were rationing water and having to truck water in, after tens of thousands of acres were lost to floods in the Sulphur River Basin, we were finally in 1986 able to get the project out of court and resume construction.

This year the Subcommittee on Energy and Water and the full Committee on Appropriations have funded the President's request of $31 million, which will be the largest appropriation ever for the project and which will complete most of the dam embankment.

A part of this project also involves recreation facilities, facilities that were in 1955 authorized at full Federal expense, not just to construct the recreation facilities but to operate and maintain them as well.

The committee bill today enhances those recreation facilities within the project's budget and is going to allow the construction of recreation facilities as originally authorized and as has been approved by OMB. I understand that there may be some attempt today on this project and perhaps others to subject it to cost sharing, and I would urge the Members of the House to consider not only the law and the authorization but the equities of the project that is over 35 years old, a project which, without any additional cost, we can fund, a project which the State of Texas has now agreed it will operate in all facilities of recreation, an agreement the State made which under the authorization it did not have to make.

I would just like to commend the committee for righting an injustice that had been done before in funding this project and in providing the people in my congressional district and all of northeast Texas a water resource and flood control project that has been a dream for a generation.

Mr. Chairman, I commend the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL] and the ranking minority member, the gentleman from Indiana [Mr. MYERS]. I thank them for their leadership in this effort and say that the people in my congressional district and in fact 38 counties of Texas thank them and will thank this House for this vital boost for this much needed project.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON], with whom we have worked very closely in this committee.

Mr. NIELSON of Utah. Mr. Chairman, I would like to commend the chairman of the subcommittee and the ranking minority member of the subcommittee for a very fine bill. They have been very fair with their work with the Central Utah projects.

We do have a problem on the appropriation as far as section 8 is concerned, because there are two specific aspects in the authorization bill passed in the last Congress which apparently are in conflict with each other. The gentleman from Utah [Mr. OWENS] is going to attempt to change that at this time. I would vigorously oppose his amendment, and I will do so in more detail later, because what we have done there is to say that we want to transfer land from the Bureau of Reclamation to the Forest Service for better management. The sportsmen, the Forest Service, the Bureau of Reclamation, the Fish and Wildlife Commission of the State of Utah and the Strawberry Water users have come to an agreement after months of negotiation. That agreement was incorporated into the bill of the gentleman from Utah [Mr. OWENS] last year. It was deleted in the Interior Committee, but it was added back in the Senate. When the Senate added that amendment back, both the gentleman from California [Mr. MILLER] chairman of the subcommittee, and the gentleman from Utah [Mr. OWENS] praised the amendment and asked for its favorable consideration, as did I. It did pass as part of the bill. The Appropriations Committee has not said how they want the $28 million they have appropriated for section 8 divided as between the projects. The total of the project authorization was $34 million, so the appropriation is $6 million less than the authorization. If we follow the law, the first $15 million should go to make this transfer which has been standing for a long time, and then we would have to cut back on some of the other requests, and gentleman from Utah [Mr. OWENS] does not want to do that.

That is the gist of the concern. We will discuss it in more detail. The Appropriations Committee has done a good job. I wish they could have gone with the full $34 million so we would not have this internal fight over the priority of projects.

I might add just one thing. The bill which made the transfer was passed in 1986 unanimously in the House on the consent calendar, in fact. It has been simmering for several years.

Mr. Chairman, if we want good management of the lands, then we need to defeat the Owens amendment.

Mr. BEVILL. Mr. Chairman, I yield one minute to our good friend and colleague, the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Chairman, I would like to thank my good friend, the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking minority member, the gentleman from Indiana [Mr. MYERS], as well as the rest of the subcommittee for being sensitive to the water needs of the West. We appreciate having friends who share our concern about funding important water projects.

The Bureau of Reclamation play a vital role in the economic development of communities within my congressional district. I would like the record to reflect my support for the additional Bureau of Reclamation funds contained in the bill for a variety of projects the administration did not want to begin to construct next year, including the Animas-La Plata project.

The subcommittee's work is especially commendable in light of the fact that the Bureau's expenditures will be less than last year.

The members of the subcommittee are to be congratulated for wisely funding programs, while still being mindful of the budget deficit. The people of western Colorado appreciate them, and their past visits to our State.

The bill reflects the Congress' commitment to responsible water resource development and use. Water is the lifeblood of the West and without the understanding of the subcommittee, our culture and economy would be vastly different, and I believe far less prosperous.

Their interest and their always-open door make it a pleasure to work with them, and I urge my colleagues to support the bill.

The CHAIRMAN. The Chair wishes to announce that the gentleman from Alabama [Mr. BEVILL] has 4 minutes remaining and the gentleman from In-

diana [Mr. MYERS] has 10 minutes remaining.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES], whose father, when I came to this committee, was the ranking member of this subcommittee and a very important Member of the House.

Mr. RHODES. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to join the rest of my colleagues in commending the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking minority member, the gentleman from Indiana [Mr. MYERS], for the work they have done on this entire bill.

I would add to that on behalf of the people of Arizona our heartfelt thanks to the gentleman from Alabama and the gentleman from Indiana for their continuing support of the central Arizona project.

□ 1230

Mr. Chairman, not only is the central Arizona project a priority for the people of Arizona, but it is a priority project to the Bureau of Reclamation, and the members of the subcommittee have recognized the necessity of pushing this project forward to completion, and because of this support and because of this assistance I am proud and pleased to report to my colleagues that we actually are approaching the day when we can see water at the end of the ditch, although I hesitate to call this engineering miracle a ditch. Anything that costs this much deserves the name "aqueduct" rather than "ditch."

Mr. Chairman, we all do sincerely appreciate what this subcommittee has done and the dedication to this project that the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] have shown over the years, and we just want to say to them how much we do appreciate it and thank all of them very much for all their help.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the ranking Republican member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, once again, the energy and water bill is the first horse out of the gate, and I congratulate the subcommittee for completing its work so promptly. My good friend, the distinguished gentleman from Alabama, Chairman BEVILL, has done an outstanding job, as always. The ranking member, the Honorable JOHN MYERS, has done his usual job of discharging his duties with distinction, wisdom, and dignity.

Every year, the work of our Appropriations subcommittees becomes more and more like an episode of television's "Mission Impossible." As we watch entitlements eat up a larger share of the Federal budget; as we watch the interest on the national debt consume a growing amount of taxpayer dollars; and as we continue to operate without relief in the form of new revenues, it becomes harder and harder for our subcommittees to provide enough funds just to achieve current services levels; it becomes nearly impossible to embark upon bold new initiatives.

This is the backdrop against which our subcommittees must labor. The Subcommittee on Energy and Water Development is to be commended for bearing its pain gracefully and for completing its job under very confining circumstances. The subcommittee has had to make some very difficult choices. It has been unable to say "yes" to all 100 Members of Congress who testified before the subcommittee and to the 100 more who submitted written requests.

But on balance, I believe that the Subcommittee on Energy and Water Development has done its job well. The subcommittee has provided funding for priority projects, while spreading out the pain of necessary cuts as evenly as possible. The overall recommendations for the Corps of Engineers, the Bureau of Reclamation, and several independent agencies are less than last year's appropriation. A number of programs within the Department of Energy have also heard the budget ax fall.

The bill does contain $18.5 billion in new budget authority, nearly $2 billion more than last year's bill. A $1.6 billion increase in the atomic energy defense activities of the Department of Energy accounts for most of this increase. At $9.7 billion, appropriations for these defense activities represent more than half of the new spending in the bill. Budget authority and outlays are both under the 302(b) allocations in force for fiscal year 1990.

The bill makes some important progress on issues of vital national concern. The appropriation for solar and renewable energy programs, for example, is $95 million, compared with a budget request of $71 million. I applaud the subcommittee's leadership in exploring clean alternative energy supplies to reduce our reliance on foreign oil, which now represents over 40 percent of our national energy consumption.

The bill also restores operation and maintenance funding for the Corps of Engineers so that hundreds and hundreds of recreational facilities and harbors across the country will not have to face closure in fiscal year 1990.

The bill includes construction funds for the superconducting super collider, funds for the cleanup of our nuclear weapons production complex and funds for a host of other critical national activities.

Once again, Mr. Chairman, I would like to commend my colleagues on the subcommittee for their fine work on this bill. I urge my colleagues in the House to support H.R. 2696.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I would like to engage in a colloquy with the chairman.

Mr. Chairman, Public Law 97-128, authorized the lower Meramec flood damage prevention project which will protect the city of Valley Park, MO, from annual flooding through the construction of a 3-mile-long levee providing a 100-year protection. The project has progressed through the planning and design stages and is currently ready to begin construction. Although the city of Valley Park has financing in place to provide its local cost share for construction, operation, and maintenance, funding has not been forthcoming to begin this very badly needed project.

The distinguished majority leader and I have spent a great deal of time reviewing the site and discussing the Valley Park flood control project with local officials. Based on our review, we would like to stress how very badly this project is needed. Since 1945, about half a dozen major floods have inundated substantial parts of Valley Park. Although one of the worst occurred in 1982 when a flood caused between $25 million to $30 million in physical damage, Valley Park spends between $2.5 million and $3 million annually in flood damage. In fact, a recent flood closed area schools, from grades 1 to 12, for over 4 months.

As you can imagine Mr. Chairman, the constant flooding has caused a severe financial hardship for Valley Park, and its economic outlook will not improve until a flood control project is built. I understand that your budget is very limited, but this project meets the administration's cost/benefit criteria and is being pushed strongly by Senators DANFORTH and BOND. Accordingly, any assistance that can be provided in the conference with the other body in securing the needed funds for this project would be greatly appreciated by the Missouri delegation and most importantly, the citizens of Valley Park.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. BUECHNER. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I thank the gentleman from Missouri [Mr. BUECHNER] for yielding.

Mr. Chairman, I certainly agree with the gentleman from Missouri that this flood control project is very badly needed, and I will make every effort to

obtain the needed funding in conference, if the Senate adds it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I thank the gentleman from Indiana [Mr. MYERS] for giving me the short time here to rise in support of H.R. 2696 and commend its sponsors for taking an important step down the long, difficult, and expensive trail toward environmental restoration at our Federal facilities.

As a member of the Energy and Commerce Committee, I understand the magnitude of the problem. Estimates of the cost of cleaning up our Federal facilities range from $50 to $150 billion. Taking our strict fiscal constraints into account, it is easy to see that cleaning up these sites is a challenge of monumental proportion.

But it is challenge which we must undertake. Within our weapons complex there are currently more than 3,000 waste sites—many of which are significantly contaminated. Included in this list is the Rocky Flats Plant just outside my district, which DOE rated as the "unit of most concern from a potential public hazard perspective." From my constituents' standpoint, a "we'll get to it" approach to cleanup just isn't good enough.

That's why I am pleased that the bill before us today recognizes the inadequacy of our current commitment to environmental restoration. H.R. 2696 not only increases the funding level for this purpose, but exceeds last year's appropriation by nearly 300 percent. Compared to the scope of the problem, it still isn't enough. But passage of this bill will demonstrate that our promises to improve the environment were a good deal more than empty campaign rhetoric.

Mr. Chairman, while I am at it, I will mention another piece of legislation that is closely going to come to this floor, H.R. 1056, that was drafted by the gentleman from Ohio [Mr. ECKART], my colleague, that I had the privilege of working with, and that bill is finally going to treat Federal facilities, insofar as compliance and cleanup, the same as private facilities, and it is a companion piece of legislation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise today in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990.

Mr. Chairman, I want to commend the gentleman from Alabama [Mr. BEVILL], the chairman, for his leadership. I want to commend the gentleman from Indiana [Mr. MYERS], the ranking Republican, for his fine leadership.

Mr. Chairman, I specifically want to point out that this meets the section 302(b) requirement of Gramm-Rudman, as the gentleman from California [Mr. PANETTA], the budget chairman, pointed out in the opening remarks. No budget waivers are requested for this bill. That is a tremendous accomplishment.

Mr. Chairman, I also want to commend the committee for including funding for the superconductor super collider project, a high energy physics research project, that will be located in my congressional district. This project has been researched since 1981. The bill does include a construction commitment of $110 million this year. I will point out that every committee that has had jurisdiction over the SSC in the years it has been under consideration has voted yes to support it, including last year when the full House voted to authorize the funding.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990, and to thank the chairman TOM BEVILL and the ranking member JOHN MYERS and VIC FAZIO for their diligence and consideration in putting together a balanced and well-crafted bill within the limits set by the Budget Committee and the administration. We have come to expect first-rate work from this committee, and that is a tribute to the chairman and ranking member as well as to the other members of the committee and to the staff, once again, the energy and water appropriation is the first appropriations bill to reach the floor of the House, even though it must deal with difficult and contentious issues, the committee has done an admirable job of balancing the need to maintain our Nation's infrastructure of waterways, harbors, and other public works projects against the competing necessity of staying within the budget, and I urge that the bill be supported by my colleagues on the floor.

In particular, I want to thank the committee for funding important and necessary projects in the 19th Congressional District of California, for example, Freeman diversion project harbor dredging, coast protection, stream protection, many of which have proven their value and worth over the years. I also commend the committee for resisting the arbitrary and damaging proposal to limit dredging of smaller harbors. These harbors may not handle vast amounts of commercial cargo, but in many cases, such as in Ventura and Santa Barbara Counties, they provide essential services for the Coast Guard, National Park Service, and other Federal agencies as well as being harbors of refuge for smaller craft and sheltering commercial fishing fleets and oilspill cleanup craft.

In conclusion, Mr. Chairman, I think this is an important bill, a necessary bill, and I thank the committee for its work and urge my colleagues to support it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of H.R. 2696, the Energy and Water Appropriation Act for fiscal year 1990.

I want to thank the chairman, the committee, TOM BEVILL, JOHN MYERS, ranking Republicans and as well as Mr. FAZIO from California for their hard work and fairness. I would also like to address one particular part of the bill that is of utmost importance for the citizens that live in southern California.

This bill finally provides for the funding necessary to begin construction of the Santa Ana mainstream project which effects millions of people in southern Los Angeles and Orange County.

The lives of over 3 million people are at risk everyday in Orange County, CA. The Santa Ana River is a disaster waiting to happen. In fact, the Army Corps of Engineers has described the river as the most serious flood threat west of the Mississippi River.

When the flood does come, and we know that it will, the direct economic loss to the community is estimated at between $12 and $18 billion. Clearly the economic effects would be felt not only in Orange County or California, but by the Nation as well.

The loss of life would run into the thousands. H.R. 2696, at last, puts us to work preventing this tragedy before it happens.

Once again, I thank the chairman and I urge my colleagues to support this measure.

Mr. BRYANT. Mr. Chairman, America's predominant role in the world scientific community is threatened.

As American science is threatened, so is American industry and technology, American jobs and workers, American teachers and students, American families and children—in short, the future of our country.

The superconducting super collider—the SSC—is an example of how to keep America first. It can be, should be, and, I believe, will be the showcase project of our Nation's science program.

Today, Japan and many other nations are buying up America's productive assets—our farms, banks, factories, businesses, buildings, and even Government securities—at a record pace. Foreign investment here has tripled to more than $1.7 trillion in just 7 years.

At the same time, American industry and technology are threatened by foreign imports in a wide range of fields. Our trade deficit has skyrocketed to over $170 billion.

To address these vexing problems requires commitment to our future today. The SSC offers us that opportunity.

Doctors and scientists expect important medical and technological spinoffs from the project. Educational leaders foresee large gains in high-energy physics research and renewed student interest in the field as SSC benefits.

Building the collider will help preserve America's technological lead in these areas.

Presently, two overseas accelerators with capacities greater than America's current largest, Fermilab, are in the planning stages—one in the Soviet Union and one in Switzerland. SSC would be stronger than both. Should the Soviets or Europeans build their accelerators and the United States decide not to build the SSC, the United States will lose many of the world's top scientists.

In addition to this "brain drain," America's high technology industries would lose the lead to foreign competitors in yet another field, and benefits of any spinoff technologies would be lost to the Soviets and Europeans.

We have already received so much from SSC research—gains in x-ray and CAT scan technologies, improved satellite communications, and enhanced computer capabilities.

And the promise for this project is limitless. The next cancer treatment, for example, may well be within our grasp with the assistance of the SSC and other research tools.

In other words, it would be a false economy to sacrifice our commitment in Government or in private business to research and development and high technology. If we fail to put America first in those areas, we will fall behind in trade and economic prosperity and national security.

To disapprove funding for the SSC today would be to trample on the American spirit of competitiveness and ingenuity.

I don't believe that scenario is one that Members of either party, from any region, or of any background would care to see played out.

It only takes a little common sense to help put America first. Let's make a commitment to America's future today.

Mr. RAHALL. Mr. Chairman, I am in strong support of H.R. 2696, energy and water development appropriations for fiscal year 1990. Of great importance to my home State of West Virginia is funding contained in the bill for the Appalachian Regional Commission and for the Army Corps of Engineers water development projects.

H.R. 2696 appropriates $110 million for the Appalachian Regional Commission, a program that has been, and continues to be, of critical importance to West Virginia and other areas of Appalachia. While I am disappointed that the appropriation is not closer to the level contained in legislation I have introduced, H.R. 1166, which reauthorizes the Commission at $185 million per year for 5 years, I am encouraged that the amount is slightly up from last year's level.

There is no question in my mind as to the importance of maintaining the ARC at an adequate funding level. Since 1965, this program has had an enormous, positive impact on Appalachia, and I believe that the continuation of the Commission is crucial to the economic revitalization of this region. While much has been accomplished in the region with the assistance of the ARC, much remains to be done. Many in Appalachia continue to struggle against lingering poverty and high unemployment. The high school dropout rate remains unacceptably high, and many of the area's unemployed are functionally illiterate. There are grave shortages of health care services and the infant mortality rate is frightening, especially in rural areas such as those in southern West Virginia.

Additionally, the Appalachian corridor system, a network of approximately 3,000 miles of roads throughout Appalachia, is at present only two-thirds complete. It is unfortunate that at current funding levels completion of the entire system will not be accomplished until at least the year 2065, especially as the system has been designated as a Federal priority for 25 years. I will continue to work toward enactment of legislation which I have introduced, H.R. 1167, which will ensure that these roads are finished up by the year 2000. As we all know, a decent network of roads is crucial to the economic development of an area, and this holds especially true for Appalachia.

One only has to travel in my home State of West Virginia to realize the importance of the timely completion of these highways. Corridor G, which runs from Charleston to the state line at Williamson, will eventually be 80 miles in length. Two segments of the road, totaling 19 miles, remain incomplete and at current levels of funding will not be finished for another 25 years. These two segments are needed to link Corridor G with Logan and Williamson, two vital communities in the southern part of the State.

Also of importance to West Virginia is the water development funding contained in H.R. 2696 which, among other things, will help to modernize the antiquated waterways which are so vital to the shipment of West Virginia's coal. The bill provides $78.9 million for continued construction of new locks at Gallipolis on the Ohio River about 30 miles upstream from Huntington, WV. The original locks and dam were completed in 1937 and are badly deteriorated and in urgent need of replacement. It is my understanding that the early construction work at Gallipolis is going well; the funds contained in this bill are needed to continue this job.

Also appropriated in the bill is $20.8 million for construction at Winfield Lock and Dam on the Kanawha River. I sponsored this much needed project in the Public Works and Transportation Committee's authorizing legislation to provide for more efficient movement of metallurgical coal from southern West Virginia to markets throughout the Nation. The original structure at Winfield was completed in the mid-1930's and now handles more than five times its original freight. Obviously the modernization of this facility is long overdue and much needed.

Also of significance to southern West Virginia is the $56 million included in the bill for flood control projects on the Levisa and Tug Forks and upper Cumberland River. These projects, such as the floodwalls at Williamson and the flood proofing of homes in that area, are crucial to the future well being of the Tug Valley communities that have been ravaged time and again by severe flooding.

H.R. 2696 contains $250,000 for a waterfront development study on the West Virginia side of the Ohio River. This study was authorized in a resolution which I, with the help of my good friend ALAN MOLLOHAN, introduced in the Public Works and Transportation Committee last Congress. The resolution, which was approved by the committee, directs the Corps of Engineers to implement a study which is to include consideration of the needs and opportunities for enhancing the urban waterfront areas of communities along the Ohio River, as well as flooding and other water resource problems of the area. Special consideration is to be given to improving existing local flood control projects, drought management plans, general recreation, fishing, boating, fish and wildlife enhancement, and preservation and interpretation of archeological, historical and cultural resources. The findings of the study would be used to enhance environmental and economic resource development in the urban river areas, as well as to increase the use and enjoyment of them.

Another area of funding in H.R. 2696 covers the operation and maintenance of existing Corps of Engineers projects throughout West Virginia. Included is funding for operation and maintenance at the following areas:

Beech Fork Lake	$632,000
Bluestone Lake	1,043,000
Burnsville Lake	1,124,000
East Lynn Lake	999,000
Elkins	12,000
Kanawha River Locks and Dams	7,765,000
R.D. Bailey Lake	1,364,000
Stonewall Jackson Lake	682,000
Summersville Lake	1,063,000
Sutton Lake	1,269,000
Tygart Lake	641,000

Again, I strongly support H.R. 2696 and urge my colleagues to support its adoption.

Mr. DORGAN of North Dakota, Mr. Chairman, I rise in support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990. The bill makes numerous investments in water development for rural America and also provides funding for critical energy projects and the cleanup and management of nuclear wastes at weapons facilities.

May I first commend the chairman, Mr. BEVILL, and the ranking member, Mr. MYERS, for their unstinting efforts and leadership in bringing a carefully crafted bill to the floor. As usual, they and their fine staffs, have been presented with a series of perplexing choices. The administration wanted to make nuclear waste management a higher priority but did not request adequate resources to do the job. The administration championed work on the superconducting super collider high energy physics project, but failed to meet its commitment to North Dakota, Nebraska, Colorado, and other States to proceed with critical water development projects.

The subcommittee has confronted these and many other tough choices and drafted a bill which should enjoy the wide support of my colleagues. I would like to illustrate why I believe this to be the case with respect to several critical projects.

BROKEN PROMISES TO NORTH DAKOTA

About 40 years ago, the people of North Dakota agreed to accept a massive flood control project in the State in exchange for which we were promised a major water development project. In a nutshell, flood control protection and hydropower for downstream and adjoining States was to be provided by building the massive Garrison Dam and Reservoir, which flooded some 500,000 acres of prime farm land, in return for which North Dakota was to receive the capability to irrigate 1 million acres.

The Garrison Diversion Reformulation Act of 1986 recast North Dakota's major water development project in order to allay certain concerns of the environmental community and our Canadian neighbors. As a result, stringent environmental safeguards and wildlife enhancement features were built into the project. Further, it was reformulated by reducing the allowable irrigation to only 135,000 acres—or one-eighth the original size—and by increasing the use of project water for rural, industrial, and municipal water development.

Notably, the reformulated project resulted in a savings of some $800 million. This, too, was a sacrifice by the people of my State.

Notwithstanding these painful concessions and compromises, the executive branch has repeatedly sent up budgets which broke faith with the people of North Dakota and which would have undercut North Dakota's main hope for economic development in the face of a decade of slumping farm and energy prices.

For example, the administration's fiscal year 1987 budget proposed only $2.5 million. Congress maintained the Federal commitment by restoring $35 million to the Garrison project. Subsequently, the administration asked North Dakota to be patient while other major projects were completed. We waited. But now again the administration sent up a broken promises budget of only $7 million which would pay for the mothballing of Garrison diversion and actually sound its death knell.

Fortunately, the subcommittee has seen fit to reaffirm the Federal commitment to the people of North Dakota by funding fiscal year 1990 project activities at $25 million. This is a major step forward from the administration's budget. However, I must report to my colleagues that even this level of funding will result in layoffs of some 40 percent of project staff and prevent the State from making significant progress in delivering reliable water supplies to drought-prone and water-short areas of the State. It would provide scant funds for any features related to irrigation activities, recreation, or Indian water supplies. The project actually requires $48 million to keep it on track.

Let me, nevertheless, commend the subcommittee for the report language which accompanies this bill:

The Committee is aware of the commitment by the Federal Government to provide municipal, industrial, and irrigation water supply in return for the completed flood control project for the Missouri River. The Committee is also aware of the concessions and compromises made between the state and the Administration in the Garrison Reformulation Act. The Committee considers the Administration's budget request for the Garrison project to represent a broken promise to the people of North Dakota. Accordingly, the Committee has included $25,000,000 in the bill to continue construction.

SHEYENNE FLOOD CONTROL

I also want to thank the subcommittee for restoring $5 million to begin construction of a direly needed flood control project in eastern North Dakota, the Sheyenne diversion project. The relevant committees agreed last year not to undertake any new construction starts for the Army Corps of Engineers in view of tough budget constraints. This bill puts many of those projects back on course, including the vital flood protection for West Fargo, ND, an area threatened again this spring by rising flood waters.

The bill also provides for ongoing flood control, recreation, and dam maintenance activities for the Souris River Basin, Lake Ashtabula and Baldhill Dam, Bowman Haley Lake, Garrison Dam, Homme Lake and Dam, and Pipestem Lake.

I commend the committee for rejecting the administration's request to significantly cut funding in the Army Corps of Engineer's recreation budget. The committee action will keep open recreation sites on Lake Sakakawea.

In conclusion, the subcommittee and full committee have wrestled with some tough issues and brought to the floor a bill which meets budget requirements, addresses key energy and water development concerns, and recognizes the Federal commitment to the people of North Dakota and other rural States.

I sincerely hope that Congress will see fit to keep faith with the people of North Dakota this year and in future years. We have accepted a permanent flood of prime farmland and realized almost no benefits from the Garrison project. We have agreed to compromises which saved the Federal Government some $800 million, broadened the focus of project activities, and strengthened enivronmental safeguards.

It's now time for the Federal Government to deliver on its solemn pledge to North Dakota by providing the resources for full-scale and immediate development of the Garrison diversion water development project.

Mr. KOLBE. Mr. Chairman, I support this measure as put forward by the Energy and Water Subcommittee. The chairman of the subcommittee, Mr. BEVILL, deserves a great deal of credit for accomplishing his work on this bill, and for bringing it forward so quickly for our consideration. I would also like to compliment Mr. MYERS who, despite significant duties that kept him from participating in much of the subcommittee's deliberations, nonetheless kept close tabs on the bill's progress. A final commendation must also go to Representative VIRGINIA SMITH, who recently announced her retirement from the House of Representatives at the conclusion of the 101st Congress. Knowing Mrs. SMITH, with her energy and drive, retirement for her will be a full-time and productive occupation.

The energy and water bill is particularly important to my home State of Arizona. In the desert southwest, management of water resources has always been a tricky business. My Arizona colleagues and I spend a great deal of time working to ensure that water is available to our thirsty citizenry. But when it rains, we need to make sure we don't get washed away. The Bureau of Reclamation is most supportive of our efforts when we have too little, and the Army Corps of Engineers is critical to public safety when we occasionally get too much.

I support the appropriation of $218 million for the Central Arizona Project—the system of canals and pumps which will deliver Colorado River water over 200 miles of desert to Tucson by 1991. Meeting that 1991 deadline is critical, because the Southern Arizona Water Rights Settlement Act invokes significant economic penalties on the Federal Government if the water is not available to the Tohono O'odham Indian Reservation by that date.

I also support the appropriation of $1.4 million for safety of dams improvements at Coolidge Dam. The Department of the Interior recently identified Coolidge Dam as one of the most dangerous in the country in terms of threat to downstream residents. Secretary Lujan has approved funds for work to begin immediately on addressing the safety problems at the dam, and this money for fiscal year 1990 will expedite efforts to eliminate this problem. I have expressed my concern that attention needs to be paid immediately to the question of a downstream flood warning system. The Bureau of Reclamation has undertaken a complex and comprehensive effort to provide flood warning protection. They, and the Bureau of Indian Affairs should also work on a short-term, low-technology solution which will help alleviate the anxiety of those citizens who lie directly downstream of the dam.

I am also encouraged by the work being undertaken by the Corps of Engineers to reduce flood damage resulting from the kind of violent flash flooding we get too often in Arizona. I am particularly encouraged by the approval of design funds for the Rillito River streambank protection project. This project has been approved at all levels of the Corps of Engineers, but has been held up by OMB. This is unfortunate because the Rillito River has been the sight of three presidentially declared flood disasters in the last 15 years. Cementation of the stream banks will prevent massive bank migration which can wipe out millions of dollars' worth of property, including bridges, schools, and parks.

Overall, I think the committee deserves a great deal of credit with the scope of accomplishment this bill includes, in an ever tightening budget environment. The committee has respected the budget limits placed upon it, and has set responsible priorities based on merit and need. I applaud the work of the committee, and I support this bill.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the energy and water development appropriations bill for fiscal 1990. The bill, H.R. 2696, is a good bill; it is a balanced bill. I urge my colleagues to support it.

Mr. Chairman, I would also like to take this opportunity to commend the good work of Mr. BEVILL, the chairman of the Energy and Water Development Subcommittee; Mr. MYERS, the ranking minority member; and, the subcommittee's dedicated staff. They have done an admirable job throughout the years, and this year is no different.

The bill provides $18.5 billion for energy and water programs in fiscal 1990, including a threefold increase in funds for cleanup contamination at Energy Department nuclear weapons plants.

Mr. Chairman, the bill is under the 302(b) allocation for budget authority and outlays. The bill is a full $395 million below the 302(b) allocation in budget authority and $38 million below the allocation in outlays. In addition, the direct loan levels in the bill equal the 302(b) allocation to the subcommittee for the direct loans.

Mr. Chairman, the bill provides the funding for a number of key water development projects in California, even though the total budget for water projects and programs in the bill is actually below the 1989 level.

Specifically, the bill provides $3 million to initiate repair work on 32 miles of levees along the Sacramento River in an effort to provide Sacramento with greater flood protection.

By getting started on this project in fiscal 1990, we can provide a large number of homeowners with 100-year flood protection and insulate them from high flood insurance requirements as well as accelerate our drive for greater flood protection for the entire community.

When combined with the lowering of the water level behind Folsom Dam, these levee repairs will provide approximately 70-year protection for the Natomas area, 90-year protection for much of downtown Sacramento as well as more than 100-year protection for portions of Sacramento south of the American River.

The bill also includes $5.5 million to launch construction on the Cache Creek project, which is another important project which will enhance the level of flood protection available to Sacramento.

When functioning properly, the settling basin prevents roughly 1.1 million cubic yards of Cache Creek sediment from flowing to the adjacent Yolo Bypass, the waterway that steers Sacramento River floods away from the city of Sacramento. Sediment reaching the bypass decreases the waterway's flood-carrying capacity, thus putting Sacramento at greater risk.

This project is critical to raising the level of flood protection available to the residents of Sacramento, and I am very appreciative of Mr. BEVILL and Mr. MYERS for their willingness to work with us to see that this project was funded.

And, Mr. Chairman, the bill includes the final $2.945 million necessary to complete work on the $35.4 million Fairfield Vicinity Streams flood control project. This project is key to providing the cities of Fairfield and Suisun with additional flood protection.

Mr. Chairman, for the Department of Energy, I am also very pleased to point out that the bill increases funding for environmental restoration at DOE facilities to $636 million—a 59 percent increase over the administration's fiscal 1990 budget request and a 299 percent rise above spending on the program for fiscal 1989. The cleanup of these facilities is a problem of monumental proportions, and with the passage of this bill, the subcommittee has taken a significant step forward in accelerating the cleanup of these DOE sites.

I am particularly pleased, Mr. Chairman, that the bill rejects most of the administration's recommendations to cut funding for solar and other renewable energy research programs.

The bill provides $95 million solar and other renewable energy programs, $24 million more than the administration requested and slightly above the level appropriated in fiscal 1989.

In particular, the bill rejects the administration's recommendation to cut research and development into photovoltaic technology back to $25 million. Instead, the bill provides $36.5 million for continued R&D into this vital, emerging technology.

Again, Mr. Chairman, I thank Mr. BEVILL and Mr. MYERS for their cooperation and support, and their sensitivity to the many water development and energy-related problems facing the Nation and the State of California, in particular. I urge my colleagues to support the bill.

Mr. STANGELAND. Mr. Chairman, I rise to address provisions in H.R. 2696, the fiscal year 1990 energy and water development appropriations bill which provides funds for, among other things, the Corps of Engineers' water resources programs.

First, let me thank the House Appropriations Committee for their hard work and leadership, particularly subcommittee chairman, TOM BEVILL; ranking Republican, JOHN MYERS; full Committee Chairman JAMIE WHITTEN; and ranking Republican SILVIO CONTE. The House Public Works and Transportation Committee appreciates the cooperation of the Rules Committee. We have worked well together over the years and will continue to do so.

But, Mr. Chairman, I did want to address a problem with the appropriations process, Generally, and some of the particular provisions in the bill. House rule 21, clause 2 prohibits unauthorized appropriations and authorizations in general appropriations bills. The rule is meant to protect the important role of this House's authorizing committees. The public works committee is concerned about violations of the rule generally and in this bill, specifically. Our analysis of H.R. 2696 indicates many provisions are authorizations or policymaking provisions in violation of rule 21.

In response, we held a full day of hearings last Thursday to emphasize our procedural concerns and to learn more about the substance of the various proposals. We heard testimony from the Corps of Engineers and Members of Congress promoting various projects in the bill. On the basis of that extensive hearing record, we are in a position to make some specific recommendations at the appropriate time involving the merits of each proposal. At this point, though, we want to emphasize our procedural concerns and have the opportunity to make points of order when the bill is to be debated on the floor later today.

On that note, let me also thank the Rules Committee for its willingness to withhold from granting a blanket waiver of rule 21, clause 2. Our committee appreciates their cooperation.

All of us on the committee realize water resources emergencies and noncontroversial requests arise from time to time. Recognizing that, we fought long and hard to get away from the huge, multiyear bills and back on track with 2-year bills. Mr. Chairman, the purpose of that whole effort is defeated if we allow every authorization to be tacked onto a more convenient, but inappropriate vehicle in this case, H.R. 2696.

We do not intend to object to every single authorization in the appropriations bill because of various considerations involving time sensitivity and the mere clarification of already authorized projects. By not objecting to these provisions, we are not sanctioning violations of rule 21 or in any way setting precedent for certain types of projects to proceed through the appropriations process. Instead, it is an effort on our part to accommodate some urgent or unique needs.

Let me also make clear that projects to be stricken from the bill for procedural reasons will be subject to further review and potential action. In keeping with the 2-year authorization process, we plan to begin holding hearings this session and move a small corps authorization bill either this session or the next. Obviously we would be willing to give serious consideration to various projects and policymaking provisions contained in H.R. 2696.

Mr. Chairman, let me also briefly address some important water resources projects and provisions for northwest Minnesota.

H.R. 2696 includes $50,000 from the operations and maintenance account to allow the corps to continue with plans and specifications to clean up Sauk Lake. The project could be used as a model in Federal, State, and local cooperation in removing sediment and weeds and reducing runoff pollution.

The bill also includes $200,000 to begin construction of a levee along the Roseau River in Duxby, MN and $100,000 to restudy a flood control project for Breckenridge, MN and Wahpeton, ND.

In addition, H.R. 2996 appropriates $150,000 to study flood control measures in Crookston, $50,000 for flood control along the Red Lake and Clearwater Rivers, and $75,000 for work along Red Lake River.

The bill also includes my request that Minnesota receive $300,000 under the "Planning Assistance to States Program" for the development of technical assistance and flood plain management services. Minnesota needs the technical expertise of this program since flooding still causes an average of over $60 million in damages each year. These funds would be particularly helpful in the Red River Basin and along the Red River of the north, where recent flooding prompted the President to declare the area a major disaster.

Mr. Chairman, I urge my colleagues to support the Corps of Engineers funding provisions in this bill. They will help keep the Nation's largest water resources program on track.

Mr. BEREUTER. Mr. Chairman, this Member wants to commend the chairman of the Appropriations Subcommittee on Energy and Water Development, the gentleman from Alabama [Mr. BEVILL] and the ranking minority member, the gentleman from Indiana [Mr. MYERS] for their leadership in bringing to the floor the first appropriations bill for fiscal year 1990. I would also like to recognize the efforts of the chairman of the Appropriations Committee, the gentleman from Mississippi [Mr. Whit-

ten] and the ranking minority member, the gentleman from Massachusetts [Mr. CONTE] for their energy and leadership in bringing this bill before us in such a timely fashion. And, of course, a special word of appreciation to my distinguished colleague from Nebraska, [Mr. SMITH] who has worked diligently and aggressively on behalf of those projects that are so important to our own State.

Mr. Chairman, this Member takes great pleasure in using this opportunity to offer my endorsement for H.R. 2696. Furthermore, I would like to express my support for several programs of key interest to my constituents that are contained in the Energy and Water Development appropriations. These include the Missouri National Recreation project, continued funding for the Groundwater Recharge Demonstration Act and several other projects that affect the people of the State of Nebraska.

The Missouri National Recreation River project has had a long history of broken promises. The severe erosion problems along the Missouri River downstream from the Gavins Point Dam are directly attributable to the construction and operation of the Gavins Point Dam. Although it has no intention of admitting it, the Federal Government in reality is largely responsible for the continued damage caused downstream on the stretch of river identified by this project.

Therefore, this Member enthusiastically support the Missouri River Bank Stabilization and Recreation project appropriation for fiscal year 1990 at $100,000 for operation and maintenance of the works already completed along the 59-mile stretch of river and $1,000,000 for construction. This Member also pledges to work aggressively with this committee and the key authorizing committees to find a way to permit construction to begin on this project that overcomes the Office of Management and Budget's and Army Corps of Engineers' unfortunate insistence that cost-sharing rules be applied retroactively to what was always intended to be a Federal project.

To continue the list of key Nebraska projects, under section 601 of Public Law 99-662, the Water Resources Development Act of 1986, $51.9 million was authorized for Missouri River mitigation. The mitigation project includes the four States of Iowa, Nebraska, Kansas, and Missouri and, among other things, attempts to restore fish and wildlife habitat loss due to the federally constructed channelization and stabilization projects of the Pick-Sloan era. For every year we wait, however, reclamation costs escalate and the project moves another year closer to the deauthorization date of 1991.

Recognizing budgetary restraints facing this Nation, I support the initial appropriation for 1990 of $150,000 for remediation activities for fiscal 1990 that will permit implementation of key features of the mitigation project and most important, keeps the authorization alive. 0

Third, I also strongly support the fiscal year 1990 appropriation of $7,300,000 for the High Plains States Ground Water Demonstration Program which I originally authored in 1984. The Bureau of Reclamation has selected one project in my district near York, NE, which I would particularly like to endorse. The project is sponsored by the Upper Big Blue Natural Resource District and will capture surface water runoff for eventual recharge into the ground water acquifer.

Additionally, I lend my strong support for the Salt Creek Tributaries and Lakes Program, and the House budget request of $737,000 in fiscal year 1990 for operation and maintenance by the Corps of Engineers.

I support the continuation of the Antelope Creek Flood Survey carried out by the Corps of Engineers at the appropriation of $100,000 to comply with the next phase of the project, the Corps of Engineers feasibility study. The Section 202 Flood Plain Management Program continues to be another successful cooperative tool in assisting States on flood plain matters. This is especially important given the trend of fewer structural flood control projects being built in the future, which intensifies the need for continuation and development of strong flood plain management programs with communities. I urge the adoption of the recommended $265,000 for assisting Nebraska communities in fiscal year 1990.

Many of the Platte River demonstration projects will be complete at the end of this year. These projects include streambank stabilization on the North and South Platte Rivers. I encourage the Corps of Engineers to continue the development of plans and specifications for the final designs and the aquisition of land easements. I also support the Gavins Point Dam-Lewis and Clark Lake fiscal year 1990 request for operation and maintenance funds in the amount of $4,125,000. Additionally, I commend the Corps of Engineers on the drought contingency plans set in motion when reduced Missouri River flows on the operation of Gavins Point Dam became apparent.

Thank you for this opportunity to speak on behalf of these Nebraska projects. My compliments again to the committee for its diligence in bringing this bill to the floor in a timely fashion. I urge my colleagues to vote in support of H.R. 2696

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in strong support of the energy and water development appropriations bill for fiscal year 1990 (H.R. 2696). I commend the able gentleman from Alabama [Mr. BEVILL] for his hard work in bringing to the floor a bill that meets our budget commitments for fiscal year 1990 while responding to pressing national needs.

There is one particular provision in the report accompanying H.R. 2696 that I want to call to the attention of the House. On page 22 under New York State, an appropriation of $5.3 million is included for the Shinnecock Inlet. That funding is necessary to begin construction of an extremely important navigation project along the south shore of Long Island. The timely completion of this project is quite literally a matter of life and death for fishermen and boaters in my district. Its inclusion in this bill is necessary to confront the very serious threat to human life, property, and the fishing economy of eastern Long Island posed by continued shoaling in the inlet.

Shinnecock Inlet is a vital passageway for fishermen on Long Island. The value of the fishing interests directly dependent upon Shinnecock Inlet is between $75-$88 million per year. If the inlet were not cleared, this industry could be destroyed.

Fishing boat accidents caused by shoaling in the inlet have recently resulted in several deaths. The Coast Guard is very concerned about the safety of boaters using Shinnecock Inlet. Without the program planned by the Corps of Engineers and funded under this bill, the Coast Guard fears it would be necessary to severely restrict marine vessel traffic in the inlet. Were this action to be taken by the Coast Guard, the effect on eastern Long Island's economy would be devastating.

The Shinnecock Inlet project will provide for the following critical improvements: Dredging the entrance channel connecting the Atlantic Ocean and Shinnecock Bay; dredging an inner bay channel to the Long Island Intracoastal Waterway; rehabilitating existing jetties; and constructing a facility for transferring sand from the east side of the inlet to the west side to minimize future shoaling.

Congress authorized the Shinnecock Inlet project nearly 30 years ago, as a part of the River and Harbor Act of 1960. The Corps of Engineers has already spent $1 million to complete the project's design and specifications. Furthermore, Suffolk County spent $700,000 on an emergency dredging of the inlet this past winter.

The State of New York strongly supports the Shinnecock Inlet project. Despite the current State budget deficit, Gov. Mario Cuomo is committed to providing the full $1.5 million State share of the funding, as well as up-front funding of Suffolk County's $670,000 share, which together will meet the required non-Federal funding commitment of $2.2 million for the project.

In addition, New York State's senators are very actively supporting this project in the other body.

Thanks are due to number of Long Islanders who worked diligently to support the Shinnecock Inlet project. In particular I want to recognize Suffolk County Executive Patrick Halpin, Suffolk County Legislator Fred Theile, and Southampton Township Supervisor Mardythe DiPirro; Donna Soleau, Linda Kozofsky, and the members of the Concerned Wives of Shinnecock Fishermen; Richard Lofstadt and the members of the Shinnecock Fishermen's Cooperative; William Pell of Pell's Dock; and Floyd Carrington and the members of the Shinnecock Marlin and Tuan Club. There are many more individuals and groups that have lent their support to this effort and should be proud of their contribution.

Mr. Chairman, the people of eastern Long Island will long remember the gentleman from Alabama [Mr. BEVILL] for his recognition of the emergency in my district. With our need to restrain spending in all accounts in this and other bills, his decision was not an easy one. I thank the gentleman and all the members of the House who will support funding for the Shinnecock Inlet project.

I ask all my colleagues to support H.R. 2696 as adopted by the Committee on Appropriations.

Mr. FIELDS. Mr. Chairman, I rise in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990. I would also like to compliment Chairman BEVILL and

the ranking minority member of the subcommittee, Congressman JOHN T. MYERS, for their outstanding leadership in expediting consideration of this most important measure.

While there are a number of vital provisions contained within this legislation, I would like to highlight the Cypress Creek Flood Control Project which I am pleased to say is included within H.R. 2696.

This project, which is located in both my district and that of our colleagues, BILL ARCHER and GREG LAUGHLIN, will provide positive flood control benefits for nearly 200,000 of our constituents. It was authorized by the Congress last year during consideration of S. 2100, the Water Resources Development Act of 1988 (Public Law 100-676).

It is the product of many years of careful study and analysis by the Corps of Engineers. As recommended and approved by the Congress, the Corps' flood control plan for the Cypress Creek watershed consists of three major elements. These are:

A 29.4 mile channel to be constructed from the mouth of Cypress Creek upstream to U.S. 290. Work will involve widening, deepening, and straightening the existing channel and constructing a channel about 20 feet deep and two or three feet above the existing ground. Bottom widths of the channel will vary from about 200 feet downstream to 30 feet near U.S. 290 and top widths will vary from 150 to 300 feet. In order to accommodate the improvements, six highway bridges will be replaced, one bridge will be extended, 28 pipelines will be relocated, and 25 single-family homes will be removed;

Fish and Wildlife habitat improvements will be made to approximately 1,250 acres of Harris County parklands and private lands located along Cypress Creek in order to lessen adverse environmental effects associated with the loss of wooded areas along the Creek called for under the Corps of Engineers' plan; and

Eleven and one-half miles of lighted hiking-biking trails with six-foot bridges will be developed at seven existing Harris County parks. Other facilities to be constructed include seven parking and public access areas and two canoe launching ramps.

While the Federal share of this project is $84,900,000, H.R. 2696 appropriates $250,000 in fiscal year 1990 so that the Corps can begin essential preconstruction, engineering, and design work.

Mr. Chairman, upon completion the project will provide $1.20 worth in benefits for every dollar it costs to implement the flood control and recreational improvements. In addition, it will remove 4,200 acres of land and 1,300 structures from the 100-year floodplain, it will reduce average annual flood damage by 93 percent, and it will provide just under $17 million each year in various benefits to those living on the Cypress Creek watershed. In short, this is a vital project for many Texas residents.

Mr. Chairman, the people who live along the Cypress Creek watershed have made every effort at the local level to protect their homes and businesses from the ravages of flooding. We should now do our part by helping them to accomplish what they are unable to do themselves.

While we are living in an age of severe budget constraints, the Federal Government has an inherent responsibility to protect its citizens who live in constant fear of flooding. There are few things in this world more terrifying than the prospect of waking up in the middle of the night to find that your home is floating down a river of flooding water—with you still in it.

It is also important to note that the Federal Government will end up saving millions of dollars by providing this flood protection rather than continue the endless cycle of rebuilding our communities with Federal flood insurance money.

Mr. Chairman, the Cypress Creek flood control project is sound. It is an investment in our Nation's future. It will save taxpayers money. It will create jobs. And, it will provide flood relief to thousands of citizens who are now suffering from the personal and economic hardships of persistent flooding.

Mr. Chairman, the Houston metropolitan area has been ravaged by repeated flooding during the past few months. In fact, just this past weekend, Houston received an additional 13 inches of unwanted rain which has caused another round of massive flooding for those people who live along the Cypress creek watershed.

With this legislation, which is so vital, we will take the first critical step towards providing these people with the flood protection which they so desperately need.

Again, I would like to express my appreciation to the members of the House Appropriations Committee and, in particular, to Chairman BEVILL and Congressman MYERS, for their untiring efforts on behalf of the people of this Nation. I urge my colleagues to vote aye on H.R. 2696.

Mrs. LLOYD. Mr. Chairman, I rise in support of a provision in the energy and water appropriations providing an additional $335 million for a total of more than $1.6 billion for the Department of Energy's environmental restoration and waste cleanup at its weapons facilities.

It has long been the policy of the Congress to direct the Department of Energy to abide by the environmental law of this Nation without giving the Department the adequate funding to do so.

In my own third district of Tennessee, the DOE facilities received considerable attention in the 1982-83 timeframe for environmental contamination. Having provided them with proper funding, which has increased every year since the original discovery. The Oak Ridge operations office has instituted major changes at those DOE facilities in environmental work, environmental technology development, and employee/contractor attitudes.

I am very proud of the accomplishments at Oak Ridge and the dedication of DOE to correct the environmental problems there. I sincerely hope the Department utilizes the lessons learned at Oak Ridge and exports its programs to all other DOE facilities.

Mr. BLILEY. Mr. Chairman, I rise in strong support for H.R. 2696, the energy and water development appropriations bill for 1990. I want to applaud the members of the subcommittee for their discipline in remaining within the subcommittee's section 302(B) allocations for both budget authority and outlays in accordance to the budget summit agreement. I also want to applaud the foresight of the subcommittee, especially its chairman, Mr. BEVILL, its ranking minority member, Mr. MEYERS, and my friend from Georgia, Mr. THOMAS, by investing in two very worthwhile projects in my hometown of Richmond, VA.

I am pleased to report that our continued commitment to the Richmond floodwall project is already paying big dividends. Though construction of the floodwall is only partially completed, confidence in the project has spurred great economic activity in the Shockoe Bottom area that only a few short years ago was an urban wasteland due to constant ravaging by flood waters. Property values have increased in some cases by almost 200 percent and property tax assessments have been quick to follow. I want to stress that the moneys included in this bill for floodwall construction is not a giveaway or a gift. It is a wise investment that recognizes that funding a project to keep back the waters now will lead to a flood of economic development that will produce a larger stream of tax revenues in the years to come.

I am also pleased that the subcommittee has used this same wisdom to give seed money to a U.S. Army Corps of Engineers project to widen the James River channel from 200 feet to 300 feet. This widening will allow a greater number of cargo ships to use the port of Richmond. The increase in cargo will more than offset the cost of construction. Studies have indicated a favorable cost benefit ratio ranging from 5.4-1 to 9.9-1. Though the size of the initial grant is not large, the strong commitment to the project that it represents is very gratifying.

Finally, I do want to note that both of these projects are cost-sharing endeavors. I want to thank both the city of Richmond and the U.S. Army Corps of Engineers for their hard work on these matters. Their successes show that partnerships between local and Federal Governments are in the best interest of the local community and the taxpayers.

Mr. HUGHES. Mr. Chairman, I rise today in support of H.R. 2696, the energy and water development appropriations bill for fiscal year 1990.

I wish to commend Chairman TOM BEVILL and ranking member JOHN MYERS for their outstanding work in developing this legislation and moving it to the floor. With so many worthwhile energy and water projects eligible for funding around the country, the subcommittee has a difficult task identifying those projects which are critical and those which can reasonably be deferred until we get a better handle on the Federal budget deficit. As always, the subcommittee has done an excellent job of developing a bill which is fair and balanced and, just as importantly, stays in line without budget recommendations.

This legislation can be summed up in one word—jobs. All around the country energy and water development projects play a vital role in the State and local economies. In my own district of southern New Jersey, tourism, fishing, boating, and shipping are multi-billion dollar industries which depend upon clean beaches and navigable waterways. It is important for

the Federal Government to remain an active partner in the effort to maintain and protect these resources and the tens of thousands of jobs which depend upon them. I appreciate the support which the subcommittee has provided for some 12 projects in my district which are vital to both the economy and the way of life which we cherish in south Jersey.

I wish we could fund every authorized project in my district and elsewhere around the country this year, but we obviously don't have the resources to do that. This legislation funds the highest priority projects without breaking the budget. It's a good bill and I urge my colleagues to support it.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself the remaining time.

I take this time in behalf of the staff and the members of the committee who have put in so many hours, and I thank those who have testified today. The compliments, and they are deserving, we accept.

It is increasingly difficult with the spending restrictions to meet the needs of the country. It certainly has not become any easier. The committee has done the best job it can in trying to put those items of either the projects or programs in the right priority. We believe we have done a good job. We think we have, and we urge all Members to support this subcommittee. We believe it has done an excellent job.

Mr. BEVILL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $123,312,000, to remain available until expended: *Provided,* That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1990 in the amounts specified: Rillito River, Arizona, $350,000; Hillsboro Inlet, Broward County, Florida, $50,000; Monroe County, Florida, $96,000; Jeffersonville, Indiana, $125,000; Missouri River Fish and Wildlife Mitigation, Iowa, Nebraska, Kansas, and Missouri, $150,000; Newport, Kentucky, $50,000; Red River Waterway, Shreveport, Louisiana, to Dangerfield, Texas, $1,500,000; Sainte Genevieve, Missouri, $50,000; Antelope Creek, Lincoln, Nebraska, $100,000; Elm Creek, Nebraska, $75,000; West Virginia Waterfront Development Study, West Virginia, $250,000; Sacramento River Flood Control Project, Glenn Colusa Irrigation District, California, $180,000; Lake George, Hobart, Indiana, $100,000: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design for the Caliente Creek, California, project and is further directed to undertake any reformulation of the plan recommended in the feasibility study completed by the Corps of Engineers South Pacific Division Engineer on December 23, 1988, as part of preconstruction engineering and design: *Provided further,* That $110,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate and complete a reconnaissance phase study of roadway access problems at Fishtrap Lake, Kentucky, and the purchase of property from willing sellers and relocation of owners of property so purchased: *Provided further,* That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design for construction of a bridge at Floyd's Fork, on Routt Road at Taylorsville Lake, Kentucky: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use, immediately upon enactment of this Act, $125,000 of the funds appropriated herein to accomplish detailed planning of the Wabash Valley Scenic Corridor at Lafayette, Indiana, under the authorized Wabash River Basin Comprehensive Study: *Provided further,* That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a reconnaissance level study for the Saint Lawrence Seaway and Great Lakes-Financing Navigational Improvements Study, as authorized in section 47(d) of Public Law 100-676, at full Federal expense: *Provided further,* That $150,000 of the funds herein appropriated for the Eastern North Carolina above Cape Lookout, North Carolina, study, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to conduct basic hydrologic, water quality, and land use studies of the Albemarle and Pamlico Sounds in support of the Albemarle-Pamlico Estuarine study under the National Estuarine Study Program: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, using $100,000 of the funds herein appropriated, is directed to complete preconstruction engineering and design necessary to prepare the Big and Little Sallisaw Creeks, Oklahoma, project, authorized by the Water Resources Development Act of 1976, for construction: *Provided further,* That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a study to determine the feasibility of the Winton Woods, Mill Creek Lake, Ohio, project under authority of section 1135 of the Water Resources Development Act of 1986: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Nebraska in seeking solutions to water resources problems, including investigating and resolving problems of streambank erosion and environmental concerns along the Platte and Missouri Rivers: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Minnesota in seeking solutions to water resources problems: *Provided further,* That $300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Alabama in seeking solutions to water resources problems: *Provided further,* That $45,000 of the funds herein appropriated shall be used by the Army Corps of Engineers to complete a comprehensive reconnaissance study of coastal erosion controls for the Portuguese Bend landslide in the immediate, urban Los Angeles, California, area: *Provided further,* That in fiscal year 1990 the Corps of Engineers shall utilize funds previously appropriated for engineering and design, in addition to $605,000 provided herein, for engineering and design work on the Miami Harbor. The engineering and design work shall be completed by March 30, 1990.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, alteration and removal of obstructive bridges, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,026,112,000, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided,* That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1990 in the amounts specified: Beaver Lake, Arkansas (Water Quality Enhancement), $1,100,000; Red River Emergency Bank Protection, Arkansas and Louisiana, $4,000,000; Guadalupe River, California, $1,100,000; Redondo Beach, (King Harbor), California, $250,000; Fort Pierce Harbor, Florida, $4,524,000; Kissimmee River, Florida, $6,000,000; Manatee County, Florida, $5,000,000; Sarasota County, Florida, $4,067,000; Maalaea Small Boat Harbor, Hawaii, $600,000; Little Calumet River, Indiana, $2,400,000; Ouachita River Levees, Arkansas and Louisiana, $400,000; Roseau River (Duxby Levee), Minnesota, $200,000; Cape Girardeau-Jackson, Missouri, $1,000,000; Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri, $1,570,000; Great Egg Harbor Inlet and Peck Beach, New Jersey, $250,000; Acequias Irrigation System, New Mexico, $2,000,000; Shinnecock Inlet, New York, $5,300,000; Grays Harbor, Washington, $13,000,000; Roanoke River Upper Basin, Virginia, $200,000; Red River Chloride Control, Texas and

Oklahoma, $2,500,000; Papillion Creek and Tributaries Lakes, Nebraska, $2,500,000; Missouri National Recreation River, Nebraska and South Dakota, $1,000,000; Buffalo Harbor Drift Removal, New York, $1,100,000; Small Boat Harbor, Buffalo Harbor, New York, $1,000,000; Atlantic Coast of Maryland, Maryland, $8,200,000: *Provided further,* That with $6,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to award a continuing contract for levee/floodwall construction and to continue, by continuing contracts, other structural and nonstructural work associated with the Barbourville, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further,* That with $20,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the work for the river diversion tunnels and to undertake other structural and nonstuctural work associated with the Harlan, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367 using continuing contracts: *Provided further,* That no fully allocated funding policy shall apply to construction of the Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Mound State Park, Moundville, Alabama, project, authorized by section 608(a) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of this project shall be 25 percent: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Fort Toulouse, Elmore County, Alabama, project, authorized by section 608(b) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of this project shall be 25 percent: *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, $9,000,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Miami River Sediments, Florida, project, authorized by section 1162 of Public Law 99-662: *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, $500,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Satilla River Basin, Georgia, project, authorized by section 1151 of Public Law 99-662: *Provided further,* That using $415,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, immediately upon enactment of this Act, to initiate a program of applied research, in cooperation with the Tennessee Valley Authority, to help resolve the aquatic plant problem in Guntersville Lake, Tennessee River, Alabama, in accordance with the research provisions of the aquatic plant control program authorized in section 302 of Public Law 89-298: *Provided further,* That using $1,500,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the O'Hare Reservoir, Elk Grove Township, Illinois, as authorized in section 401(a) of Public Law 99-662 with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate remedial work on the Sacramento River Flood Control Project levees in the Sacramento Metropolitan Area with $3,000,000 herein appropriated for that purpose: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate design and construction of the Waterloo Bridges in Waterloo, Iowa, in accordance with section 835 of the Water Resources Development Act of 1986 using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of the Maumee Bay State Park, Ohio, Shoreline Protection and Beach Restoration project, using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, and the non-Federal sponsor shall share the cost of the project in accordance with the cost sharing requirements of the Water Resources Development Act of 1986, Public Law 99-662: *Provided further,* That using funds appropriated in the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army, acting through the Chief of Engineers, shall make $150,000 available to the Kankakee River project in Illinois to acquire an icebreaking boat and equipment to be loaned to the city of Wilmington, Illinois, for a period of at least three years in accordance with section 1101(b) of the Public Law 99-662 (100 Stat. 4224): *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Hamlet City Lake, Hamlet, North Carolina, project using $3,200,000 of the funds herein appropriated: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Kanawha River, Charleston, West Virginia, and Kanawha River, Saint Albans, West Virginia, projects using funds appropriated in the Energy and Water Development Appropriations Act, 1988, Public Law 100-202: *Provided further,* That using funds previously appropriated and $13,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, project in accordance with terms of the relocations contract executed on June 21, 1985, between the United States Army Corps of Engineers Rock Island District Engineer and the State of Iowa: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and continue the repair and rehabilitation of the Maeystown Creek gravity drainage structure through the project levee of the Harrisonville and Ivy Landing Drainage and Levee District, Number 2, Illinois, subject to the-cost sharing provisions of section 103 of Public Law 99-662: *Provided further,* That with $4,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to resume construction on the Wallisville Lake project in Texas, and to award continuing contracts until construction is complete under the cost-sharing terms and conditions signed in 1967 between the Trinity River Authority of Texas, the city of Houston, the Chambers-Liberty Counties Navigation District, and the Corps of Engineers, and as provided for in Public Law 98-63: *Provided further,* That with $10,000,000 heretofore or herein appropriated for the Cooper Lake and Channels project in Texas, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts in fiscal year 1990 at full Federal expense for additional recreation facilities at an estimated cost of $22,000,000 not exclusive to South Sulphur and Doctors Creek Parks, as is acceptable to the State of Texas; and, in addition, $101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, of which, $2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the wildlife mitigation lands for the Red River Waterway project: *Provided further,* That the Secretary of the Army is authorized and directed to immediately begin a reconnaissance study of the Cuyahoga River. The Reconnaissance Study shall be conducted at 100 percent Federal cost pursuant to the provisions of section 905(b) of Public Law 99-662, using funds already appropriated in Public Law 100-202.

PARLIAMENTARY INQUIRY

Mr. HAMMERSCHMIDT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMERSCHMIDT. Mr. Chairman, is this the proper time to raise my point of order against sections 110 and 112?

The CHAIRMAN. Not quite.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 13, line 7, strike "at Full federal expense."

Mr. CONTE. Mr. Chairman, I rise in support of the amendment. Mr. Chairman, the Water Resources Development Act of 1986 was landmark legislation that established specific criteria for the determination of local cost-sharing responsibilities. The act required an extraordinary amount of work, and it resulted in a remarkable compromise.

Moreover, the law is working. It has saved the Federal Government hundreds of millions of dollars, and it has operated as a device to separate truly worthy projects from those that have little merit. Communities are rarely willing to commit the type of money required under a local cost share agreement for a project that they do not really need or want.

The provision in this bill permitting 100 percent Federal funding of recreational areas at Cooper Lake in Texas violates both the letter and spirit of the 1986 act. OMB and the Army Corps of Engineers have assured me that the the additional features of the Cooper Lake project funded by this bill are entirely recreational in nature and that they are "separable elements" of the Cooper Lake and Channels project. In fact, the bill specifically acknowledges that these features are additional recreational facilities. Under these conditions, the law requires that a project be cost shared with a locality at 50 percent. Besides, the Federal Government has spent tens of millions of dollars at Cooperville at no cost to the local government. Now we are being asked to shell out another $10 million for recreational improvements without one cent of local contribution.

This sets a bad precedent. It is a fundamental departure from the cost sharing principals that this body worked so hard to enact.

I urge my colleagues to support this amendment and to protect the integrity of our cost share requirements.

Mr CHAPMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had spoken earlier on the floor of the House about this project and talked in terms of the generation-long dream of the people of northeast Texas.

I am surprised and disappointed that the gentleman from Massachusetts would after 35 years of hard work by the Congress and the Corps of Engineers and a couple million Texans try now to tear down what the Congress has authorized, and I quite frankly am offended by the suggestion that this is illegal.

Let me say, to the contrary. In 1955, the Congress of the United States authorized this project and President Eisenhower signed it, a lake project in northeast Texas, authorized and funded the project at full Federal expense for water supply, flood control and recreation. After that, construction began at full Federal expense as authorized legally by the Congress, but because of a number of delays, including a court injunction, disagreements over the application of an environmental impact statement and other problems, this project fell between the cracks and for 20 years lay dormant, not really started, but yet still fully authorized.

In 1986, Congress again renewed the construction of the Cooper Lake and Channel project, a project authorized by Congress at full Federal expense over 30 years ago.

When the question came up about the recreation provisions, since the policy of the administration had changed at that time, not the law, but the policy that recreation facilities should be cost shared, an agreement was reached between the Army Corps of Engineers, OMB and the local sponsors of the lake, that the recreation facilities if built at full Federal expense would then be operated and maintained forever by the local sponsors.

In furtherance of that agreement, the local sponsors sought and acquired an agreement and contract from the State of Texas to operate these recreation facilities from now on. This bill today does nothing more than complete the commitment, the legal commitment, of the U.S. Congress of 1955.

I am sadly disappointed that the gentleman from Massachusetts in the last 30 minutes would try to destroy the work of the Congress and the dreams of the people of east Texas for the last 35 years in furtherance of an agreement of the U.S. Corps of Engineers.

Mr. Chairman, I urge my colleagues to reject this amendment, to support the committee, support this project as authorized legally by the Congress, and defeat the Conte amendment.

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Mr. BEVILL. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the Congress authorized the project, authorized it to be completed at full Federal cost. The recreation areas will be operated by the State. This is a one-time expense, that is actually completing a project that was started and authorized by Congress back in 1955.

I urge a "no" vote on this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, the gentleman from Texas only gave us part of the story. This has all been changed as a result of the 1986 law.

Here is what the Office of Management and Budget says;

> Cooper Lake and Channels, Texas, and Saylorville Lake Recreation Roads: The Federal Government has already spent hundreds of millions of dollars at Cooper Lake without local cost-sharing. The committee's provision for Saylorville involves creational access roads, and that for Cooper Lake involves recreational facilities. Both are separable features from the existing project and both are recreation, low-priority. Moreover, excepting these new separable elements from cost-sharing sets an extremely expensive precedent for all separable elements in the future.

The gentleman then talks about an agreement that was made with the Corps of Engineers. Here is a letter from the Corps of Engineers from Robert Dawson, Assistant Secretary of the Army, to Senator PHIL GRAMM, the author of the Gramm-Rudman Hollings:

> DEAR SENATOR GRAMM: Construction, as well as operation and maintenance, of five additional recreational sites identified on the project master plan.

Which is in this bill—

> is to be a non-Federal responsibility in accord with a previous agreement between the Corps and the local sponsor.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I would like to ask the gentleman in the well if he is aware that it was the junior Senator from Texas, Senator GRAMM, who negotiated the agreement with OMB for full Federal funding of the parks? Is he aware of that?

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, all I know is that the Department of the Army wrote to Senator GRAMM and said that this is part of the agreement: No money for the recreational purposes for which the gentleman is asking here today.

And here is what the committee said in its report on this bill:

> The committee is also aware that construction of recreational facilities were reduced by the administration in agreement with the State of Texas. The committee has included the language in the bill to revise the limitation imposed by the administration and direct the Secretary of the Army to use $10 million to construct recreational facilities in addition to those facilities contained in the existing agreement.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I would like to point out that the $10 million is within the project budget. It is not any extra money. I would also like to advise the gentleman that, as is shown by the committee report, it is not a multi-hundred-million-dollar project, and, in fact, the total cost is about $130 million, of which $51 million will be recovered by the Federal Government.

All of this suggestion of a free ride, all of this suggestion that OMB has somehow been offended by this is absolutely incorrect.

Mr. CONTE. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I only am reading from the OMB's memo to me. I am only reading from Assistant Secretary Dawson's letter to Senator GRAMM, and I am only reading from the committee report saying they are going ahead even though there is an agreement here; they are going ahead with $10 million. You folks out there watching the boob tube, how much are you getting in this bill? About $10 million for nothing. How greedy is Texas going to get? They have the supercollider superconductor—$200 million—and now they want $10 million more for picnic areas, benches, tents, walkways. This is crazy.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, may I take that as a commitment from the gentleman from Massachusetts for the supercollider?

Mr. WALKER. Reclaiming my time, I am not sure the gentleman got that exactly.

Let me say that I do rise in favor of the amendment of the gentleman from Massachusetts. It seems to me that we made a commitment with regard to having shared funding in consideration of the public-works bill, and it seems to me we ought to stick with that.

Mr. KANJORSKI. Mr. Chairman, I rise today in strong support of the energy and water development appropriations for fiscal year 1990 and wish to commend the Appropriations Committee and Subcommittee Chairman TOM BEVILL for their timely and thoughtful efforts on this important legislation. I wish to highlight two provisions of H.R. 2696 that hold special significance for my constituents in northeastern Pennsylvania.

Mr. Chairman, northeastern Pennsylvania is especially fortunate that Congress recognizes the pressing needs we face in our region regarding flood control protection along the Susquehanna River. In a vital provision to ensure that our region receives the flood control protection we need and deserve, the bill we have before us today strengthens the Wyoming Valley levee raising project.

In particular, the bill clarifies the original intent of Congress to design and construct the Wyoming Valley levee raising project to protect against flood conditions which would occur as a result of the recurrence of tropical storm Agnes of 1972. Once enacted, this bill gives unequivocal direction to the Army Corps of Engineers that this project should not be scaled down. The bill also reaffirms the Federal Government's critical financial commitment to the project.

As you know, the Wyoming Valley levee raising project was originally authorized in Public Law 99-662 with the recognition that tropical storm Agnes severely damaged our area in 1972. When that grave storm hit northeastern Pennsylvania—and triggered the overflow of the Susquehanna River into several communities—all of us in the area turned our attention to rebuilding the economy and to protecting against the possibility of future storms.

I am pleased that the Congress shares my firm conviction that it would be shortsighted to cut corners on this project today when a recurrence of a flood the magnitude of tropical storm Agnes would cause in excess of $1 billion in damages and would threaten many lives.

This flood control project is far too important to the long-term prosperity and welfare of northeastern Pennsylvania to be left to the discretion of those who merely care about this year's accounting sheet.

The fiscal year 1990 energy and water development measure also provides the first phase of funding for the design of a flexible, inflatable dam on the Susquehanna River in the Wyoming Valley. This funding for a new and innovative recreation component of the dike project follows the authorization we received in Public Law 100-676, the Omnibus Water Resources Development Act of 1988.

With this funding, design work, planning and feasibility studies will now be completed and the inflatable dam will become an integral part of the overall flood control project. The dam will provide area residents with seasonal boating, swimming, and fishing, and will enhance our long-term ability to control water flow along the Susquehanna River. It will be a boon for recreation and it will further enhance the quality of living and the image of northeastern Pennsylvania.

Mr. Chairman, I first approached the Army Corps of Engineers in February 1988 with the idea that an inflatable dam should be included in the overall dike project and they told me we needed specific congressional authorization and funding. So, I offered an authorizing provision in the 1988 Water Resources Development Act last fall and, with enactment of this spending bill, we will have funds in place to move forward.

I urge my colleagues to support H.R. 2696 and look forward to expeditious action by the other body in the upcoming weeks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 238, not voting 15, as follows:

[Roll No. 115]

AYES—179

Applegate
Archer
Ballenger
Bateman
Bates
Beilenson
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Conte
Coughlin
Cox
Craig
Crane
Crockett
Dannemeyer
DeWine
Dickinson
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Early
Edwards (OK)
Fawell
Fish
Frank
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hoagland
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Kasich
Kennedy
Kolbe
Kyl
LaFalce
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Long
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Molinari
Moody
Moorhead
Morella
Murphy
Neal (MA)
Neal (NC)
Nowak
Oxley
Packard
Panetta
Patterson
Paxon
Penny
Petri
Porter
Ravenel
Ray
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Skeen
Slattery
Slaughter (VA)
Smith (NJ)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Sundquist
Tallon
Tauke
Thomas (CA)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt
Vento
Vucanovich
Walker
Weber
Weiss
Weldon
Whittaker
Wolf
Wyden
Wylie
Yatron
Young (FL)

NOES—238

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Armey
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Barton
Bennett
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Combest
Conyers
Cooper
Costello
Courter
Coyne
Darden
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gray
Guarini
Hall (TX)
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hochbrueckner
Holloway
Hoyer
Hubbard
Huckaby
Hughes
Jenkins
Johnson (SD)
Jones (GA)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCrery
McCurdy
McDermott

McHugh	Pickle	Stangeland
McMillen (MD)	Poshard	Stark
McNulty	Price	Stenholm
Miller (CA)	Pursell	Stokes
Mineta	Quillen	Studds
Moakley	Rahall	Stump
Mollohan	Rangel	Swift
Montgomery	Regula	Synar
Morrison (CT)	Richardson	Tanner
Morrison (WA)	Rinaldo	Tauzin
Mrazek	Roe	Thomas (GA)
Murtha	Rose	Torres
Myers	Rostenkowski	Traficant
Nagle	Rowland (GA)	Traxler
Natcher	Roybal	Udall
Nelson	Russo	Unsoeld
Nielson	Sabo	Visclosky
Oakar	Sangmeister	Volkmer
Oberstar	Sarpalius	Walgren
Obey	Savage	Walsh
Olin	Sawyer	Watkins
Ortiz	Scheuer	Waxman
Owens (NY)	Sisisky	Wheat
Owens (UT)	Skaggs	Whitten
Pallone	Skelton	Williams
Parker	Slaughter (NY)	Wilson
Pashayan	Smith (FL)	Wise
Payne (NJ)	Smith (MS)	Wolpe
Payne (VA)	Smith (NE)	Wright
Pease	Smith (TX)	Yates
Pelosi	Solarz	Young (AK)
Perkins	Staggers	
Pickett	Stallings	

NOT VOTING—15

Bentley	Goodling	Martin (NY)
Collins	Hall (OH)	McCloskey
Davis	Hefner	Parris
Florio	Johnston	Smith (IA)
Glickman	Jones (NC)	Towns

□ 1316

Messrs. KLECZKA, CARDIN, SMITH of Florida, DERRICK, TRAXLER, CONYERS, CARR, HAWKINS, KOLTER, and ESPY changed their vote from "aye" to "no".

Messrs. BATEMAN, OXLEY, and SCHUMER changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS

Mrs. MARTIN of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MARTIN of Illinois: Page 13, line 24, strike the period and insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $600,000 of the funds appropriated under this heading for a flood control project on Loves Park Creek, Loves Park and vicinity, Illinois, as authorized by Public Law 99-662, sec. 401.".

PARLIAMENTARY INQUIRY

The CHAIRMAN. For what purpose does the gentleman from Texas [Mr. COLEMAN] rise?

Mr. COLEMAN of Texas. I have parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. COLEMAN of Texas. I understand, am I correct, that this amendment is in violation of clause 2 of rule XXIII, that it was granted a waiver, is that correct, under the rule?

The CHAIRMAN. The rules waive that point of order against the amendment.

Mr. COLEMAN of Texas. So any point of order against this amendment is waived because the rule make it that way, is that correct?

The CHAIRMAN. That is correct under clause 2, rule XXI.

Mr. COLEMAN of Texas. And those Members on the other side of the aisle that object to rules that waive points of order would not do so in this particular instance, is that correct?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. COLEMAN of Texas. I thank the Chairman.

□ 1320

Mrs. MARTIN of Illinois. This is an amendment that I know was supported by the chairman and the ranking member of the committee. It was kindly, I might add, very kindly, moved by the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] to correct an error. I have appreciated the bipartisan nature of this.

This is a small amendment that would make $600,000 available to a project. There has already been money spent on the project, and to my knowledge, there is no objection about correcting the error that occurred.

I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentlewoman for yielding. This is an ongoing program. It was left out of the bill inadvertently. We found the mistake and the rule provides we can correct it.

Mrs. MARTIN of Illinois. I yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. I thank the gentlewoman for yielding.

We support this amendment. We are delighted to be in a position to provide for this project.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. MARTIN].

The amendment was agreed to.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of title I is as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $342,186,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further*, That the Secretary of the Army is directed to provide $1,000,000 from funds appropriated by Public Law 100-371 (102 Stat. 859) for Flood Control, Mississippi River and Tributaries, to the United States Department of Agriculture, Soil Conservation Service, to be expended for engineering and design of the Johns Creek project, as authorized by section 401(a) of Public Law 99-662 (100 Stat. 4124): *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of a replacement for the Motor Vessel MISSISSIPPI using funds available under this appropriation in order to complete construction of the replacement vessel by the end of calendar year 1991.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,382,081,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $20,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601): *Provided*, That $100,000 of funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers for operation and maintenance of existing structures and facilities of the Missouri National Recreation River, Nebraska and South Dakota: *Provided further*, That not to exceed $8,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That $750,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for maintenance dredging of the Los Angeles River portion of the Los Angeles-Long Beach Harbors project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not more than $500,000 of the funds herein appropriated for payments to parties adversely affected by the closing of the Cape Cod Canal Railroad Bridge for repairs by the Secretary of the Army: *Provided further*, That $50,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the Sauk Lake, Minnesota, project.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable

waters, including bridges, and wetlands, $69,427,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $127,300,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 150 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986, is modified to direct the Secretary of the Army to design and construct the project to provide flood protection to the area protected by the existing projects from flood conditions which would occur as a result of the recurrence of tropical storm Agnes of 1972, with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986, at a total cost of $169,000,000 with an estimated Federal cost of $127,000,000 and an estimated non-Federal cost of $42,000,000.

SEC. 102. The Sacramento River Flood Control Project, California, as authorized by the Flood Control Act of 1917, as amended, is further modified to direct the Secretary of the Army, acting through the Chief of Engineers, to proceed in fiscal year 1990 and in subsequent years as necessary with construction of riverbed gradient restoration structures in the vicinity of River Mile 206, Sacramento River, California, at an additional estimated cost of $6,000,000, generally in accordance with the plan contained in a report prepared by the Glenn Colusa Irrigation District and the California Department of Fish and Game, dated December 1988. Local cost-sharing is to be obtained in accordance with the flood control requirements of the Water Resources Development Act of 1986.

SEC. 103. The undesignated paragraph entitled "Sims Bayou, Texas" in section 401(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "$126,000,000" and inserting in lieu thereof "$244,000,000", by striking out "$94,700,000" and inserting in lieu thereof "$164,000,000", and by striking out "$31,300,000" and inserting in lieu thereof "$80,000,000".

SEC. 104. The project for shoreline protection for the Atlantic Coast of Maryland (Ocean City), authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4135), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the District Engineer's Post Authorization Change Notification Report dated May 1989, at a total initial cost of $71,000,000, with an estimated Federal cost of $37,000,000 and an estimated non-Federal cost of $34,000,000, and an annual cost of $2,700,000 for periodic beach nourishment over the life of the project, with an estimated annual Federal cost of $1,755,000 and an estimated annual non-Federal cost of $945,000.

SEC. 105. Notwithstanding section 110 of the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army is authorized to transfer and reassign property accountability for the headquarters aircraft of the Corps of Engineers, Serial Number 045, from the assets of the civil works revolving fund, to the military activity of the Army that the Secretary determines is appropriate, except that the aircraft shall be made available on a priority basis as necessary for activities in support of the Army's civil works mission.

SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to assume operation of the Sledge Bayou Drainage District's structure located in Quitman County, Mississippi.

SEC. 107. Section 803 of the Water Resources Development Act of 1986 (100 Stat. 4166) is amended by adding at the end thereof the following new sentence: "Notwithstanding section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a), if, before the date of the enactment of this Act, non-Federal interests complete construction and repair of the Cherry Street bridge, the Secretary shall credit toward the non-Federal share of the cost of construction of the Walnut Street bridge an amount equal to the Federal share of the cost incurred for construction and repair of the Cherry Street bridge.".

SEC. 108. Cost sharing requirements for the study of the Lake Erie-Ohio River Canal, Ohio and Pennsylvania, authorized by resolution of the Committee on Public Works and Transportation on October 1, 1986, shall be in accordance with section 105(a)(2) of the Water Resources Development Act of 1986.

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform maintenance dredging and related activities to maintain Pump Slough from its confluence with the West Pearl River to the boat ramps in the vicinity of Interstate 59 and Crawford and Davis landings.

SEC. 110. A project for flood control along the Santa Ana River in the vicinity of the city of Norco is authorized for construction as part of the Santa Ana River Mainstem, including the Santiago Creek project, in accordance with plans described in the Reconnaissance Assessment Report for Norco Bluffs, dated October 18, 1988, prepared by the United States Army Corps of Engineers Los Angeles District. The total project cost for the Santa Ana Mainstem, including the Santiago Creek project, is raised by $6,120,000.

SEC. 111. The project for mitigation of fish and wildlife losses at the Canaveral Harbor West Basin and Approach Channel project, Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 under the heading "PORT CANAVERAL HARBOR, FLORIDA" (100 Stat. 4140), is modified to authorize the Secretary to construct that part of the project consisting of reshaping of four spoil islands located in the Banana River, installation of culverts along the existing levee of the south mosquito control impoundment of Merritt Island, and rehabilitation of the existing pump station located at the southern tip of the south mosquito control impoundment, at a total cost of $838,000, with an estimated first Federal cost of $825,000 and an estimated non-Federal cost of $13,000.

SEC. 112. (a) The Secretary of the Army, acting through the Tulsa District Engineer, Corps of Engineers, is authorized and directed to design, construct, operate, and maintain Federal hydroelectric generating facilities at the Broken Bow Reregulation Dam on the Mountain Fork River in Oklahoma generally in accordance with the report of the District Engineer, dated July 1988, and in accordance with the following subsections of this section.

(b) The RedArk Development Authority, a public trust of the State of Oklahoma, is designated as the non-Federal sponsor of the hydroelectric generating facilities described in subsection (a) of this section. Construction of said hydroelectric generating facilities shall be contingent upon the RedArk Development Authority providing 100 percent of the costs to finance, design, and construct said facilities. Further, the RedArk Development Authority may enter into arrangements with other non-Federal entities to cofinance and cosponsor the design and construction of such facilities. Operation and maintenance of the facilities shall not be a financial responsibility of the RedArk Development Authority or its cofinanciers.

(c) Using $100,000 of the General Investigations funds previously appropriated by Public Law 100-371 and $150,000 of the funds appropriated in this Act under General Investigations the Secretary of the Army is directed to initiate preconstruction engineering and design for the addition of the hydroelectric generating facilities described in subsection (a) of this section immediately upon enactment of this section. These funds, together with any other preconstruction engineering and design expenses associated with this undertaking, shall be reimbursed by the RedArk Development Authority prior to the initiation of physical construction of the facilities.

(d) The Secretary of the Army, acting through the Tulsa District Engineer, Corps of Engineers, and the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, shall—

(1) within ninety days of the enactment of this section provide to the RedArk Development Authority and other non-Federal entities as described in subsection (b) of this section the following for the facilities described in subsection (a) of this section:

(A) the estimated costs for design and construction of the facilities,

(B) the estimated schedule of quarterly expenditure of such funds,

(C) the method of payments,

(D) the management of such funds, and

(E) the management and rights to any interest accruing to the deposit of such funds; and

(2) upon provision of the agreement described in subpart (1) of subsection (d) of this section enter into negotiations with the RedArk Development Authority and other non-Federal entities as provided in subsection (b) of this section to execute such construction, escrow, and power sales agree-

ments as necessary to design, construct, and market the power from the hydroelectric generations facilities described in subsection (a) of this section.

(e) Notwithstanding the provisions of section 5 of the Flood Control Act of 1944 (58 Stat. 890; 16 U.S.C. 825), the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, is authorized and directed, with the concurrence of the RedArk Development Authority, to construct such transmission facilities as necessary to market the power produced at the generating facilities described in subsection (a) of this section.

(f) Within five years of the date of enactment of this section, the Tulsa District Engineer, Corps of Engineers, shall complete construction of the hydroelectric generation facilities described in subsection (a) of this section and make power and energy available to the Southwestern Power Administration and the Southwestern Power Administration shall complete construction of necessary transmission facilities.

(g) Pursuant to the agreements described in subsection (d) of this section, the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, shall market the excess power produced by the generating facilities described in subsection (a) of this section in accordance with section 5 of the Flood Control Act of 1944.

(h) Notwithstanding any other provision of law, the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, shall allocate to the cosponsor described in subsection (b) of this section who meets the qualifications of a preference customer of the Southwestern Power Administration such power and energy as required, but not in excess of that available from the generating facilities described in subsection (a) of this section, from the interconnected system of reservoirs operated by the Corps of Engineers and marketed by the Southwestern Power Administration in accordance with such rates and power and energy allocation guidelines as apply to the interconnected system.

(i) Notwithstanding the provisions of section 5 of the Flood Control Act of 1944, the Secretary of Energy, acting through the Administrator, Southwestern Power Administration, is authorized and directed, in accordance with the provision of the agreements described in subsection (c) of this section from revenues from the sale of power produced by the generating facilities of the interconnected system of reservoirs operated by the Secretary of Energy and marketed by the Southwestern Power Administration, to—

(1) repay the RedArk Development Authority and other cofinanciers as described in subsection (b) of this section such funds, including financing and interest costs, as may be provided by the RedArk Development Authority and its cofinanciers for the design and construction of the hydroelectric generation facilities described in subsection (a) of this section; and

(2) contribute funds, in such amounts and at such times as may be deemed appropriate by Southwestern Power Administration for the payment of construction work in progress (CWIP) or interest during construction (IDC) during the construction of the hydroelectric generating facilities, described in subsection (a) of this section.

(j) Development of hydropower facilities under the foregoing provision will not proceed prior to completion of an environmental review. The level of review will be the same as that required for new hydropower licenses under Federal Energy Regulatory Commission guidelines and will be conducted under the auspices of the appropriate Federal agency.

POINTS OF ORDER

The CHAIRMAN. Are there any points of order against the remainder of title I?

Mr. ANDERSON. Mr. Chairman, I make a point of order against section 112 of the bill. This section directs the Corps of Engineers to carry out a project not previously authorized by law and therefore violates rule XXI, clause 2, of the Rules of the House, which prohibits legislation in an appropriations bill.

In making this point of order, let me emphasize the following:

The provision in question is legislation in an appropriations bill. This is a matter which goes to the core of our jurisdiction, our authority and our effectiveness.

Last week our Subcommittee on Water Resources held a hearing on all authorizing provisions included in this bill so that we could determine the need for action on them now rather than waiting for the next water resources bill. This provision does not, in our opinion, meet the test of being time sensitive; and

There will be a water resources bill next year. We are committed to having one every 2 years. This will ensure that provisions like this one can be handled in a timely fashion through the normal legislative process.

It is for these reasons that I must object.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. WATKINS. Mr. Chairman, I rise, deeply concerned about this point of order because he is correct about it being authorizing or legislating language.

However, that is done quite often as the gentleman well knows, and this has been selected as one of three to drive a point of order against. We have authorized this piece of legislation in the past and it has been knocked out in conference. I have worked trying to put together financing, private financing, like H.R. 6 states. The law that we passed and all we are doing is in an economically depressed area of Oklahoma and we are knocking out a project that would help stimulate jobs, development, and help try to build the community in that area.

I know the chairman of the committee has that prerogative to do that, but I tried to abide by the law over and over again. I am not in a position, not on the Committee on Rules, not being the chairman of any of the committees, and so I am quite sure that the chairman is going to have his way in knocking this out. I wish, though, he would take into consideration some of the needs. We followed the law. We followed the spirit of the law. I have gone out and tried to get private financing lined up to get the project done, but this does not mean anything I do not guess, to the chairman, because we are going to knock it out, delay, delay it. I will lose the investors and we will see it go down the drain.

I deeply regret the chairman of the authorizing committee having singled this one out. I have seen other projects, literally, Mr. Chairman, be continued there, and their act of points of order, but they have singled this one to knock it out. I guess if that is what the Member plans on doing, the Member will do it to me. However, I appreciate, Mr. Chairman, your consideration, but under the circumstances, I know there must be some reason the gentleman feels strongly about my project and letting all the others go. I want to make that point.

The CHAIRMAN (Mr. PEASE). Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

For the reasons stated by the gentleman from California, the Chair finds section 112 constitutes legislation on an appropriation bill. The point of order is sustained. Section 112 is stricken from the bill.

Are there other points of order against this title of the bill?

Mr. HAMMERSCHMIDT. Mr. Chairman, I make a point of order against section 110 of the bill. This section directs the Corps of Engineers to carry out a project not previously authorized by law and therefore violates rule XXI, clause 2 of the rules of the House, which prohibits legislation in the appropriations bill.

The CHAIRMAN (Mr. PEASE). Are there any other Members who wish to be heard on this point of order?

If not, the Chair is prepared to rule.

For the reasons stated by the gentleman from Arkansas, the Chair sustains the point of order. Section 110 is stricken from the bill.

Mr. CARPER. Mr. Chairman, I move to strike the requisite number of words.

I would like to thank my distinguished colleague from Alabama, Mr. BEVILL, and also my distinguished colleague from Indiana, Mr. MYERS, for their kind attention to a unique problem in the State of Delaware—the need for a new bridge over the Chesapeake and Delaware Canal. The C&D Canal is a federal project that cuts my State completely in two. As I have pointed out to my two colleagues, the State law chartering the original canal company to build the C&D Canal required the company to build and maintain good and sufficient bridges for public highways over the canal. The Federal Government, in taking over

the canal company franchise in 1919 to vastly enlarge the canal for national defense and commercial purposes, assumed the legal responsibility for providing bridges, and has met that responsibility to date by providing needed bridges in both Delaware and Maryland.

The Federal St. Georges Bridge carries 60 percent of the traffic over the canal from northern Delaware and the rest of the northeast corridor to the three-State Delmarva Peninsula. The bridge is barely capable of handling today's traffic, and studies indicate it will fall far short of meeting our transportation needs 5 years from now.

Delaware is building a new $400 million highway to carry the ever-increasing traffic of the U.S. Route 13 corridor, and needs the Federal Government to provide a new bridge near St. George's to carry this traffic across the canal.

Though there is nothing in this bill for the new bridge, I thank my colleagues for their attention to the needs of my State, and for their willingness to work with me to address those needs in the future.

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Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. CARPER. I yield to the chairman of the subcommittee.

Mr. BEVILL. Mr. Chairman, there is indeed a unique problem here, and though we were unable to consider it in the context of this appropriation bill, we will give attention to it in the future.

Mr. CARPER. Mr. Chairman, I thank the subcommittee chairman, and I thank the distinguished ranking minority member as well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $11,230,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $661,008,000, of which $164,866,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $188,823,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further*, That $17,000,000 of the funds herein appropriated shall be available for use for construction on the Davis Creek Dam, North Loup Division, Nebraska, and related facilities in addition to the amount requested by the Secretary of the Interior for continuing work on the North Loup Division, which funds shall remain available until expended.

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $212,287,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable: *Provided further*, That none of the funds appropriated in this Act shall be used to execute new long-term contracts for water supply from the Central Valley Project, California, prior to October 1, 1990.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of

projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, $34,122,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $31,922,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $47,983,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For acquisition of computer capacity for the Business System Acquisition project, and other capital equipment, $8,500,000, to remain available until expended, as authorized in section 1472 of title 43, United States Code (99 Stat. 571).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 27, 1987 (16 U.S.C. 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 28 passenger motor vehicles for replacement only; acquisition of one aircraft by transfer of title without the use of appropriated funds; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467), and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation and advance planning investigations under the head "General Investigations", and amounts provided for applied engineering under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.). Notwithstanding the provisions of 5 U.S.C. 5901(a), as amended, the uniform allowance for each uniformed employee of the Bureau of Reclamation, Department of the Interior, shall not exceed $400 annually.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Are there any amendments to title II?

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: Page 39, after line 2 insert:

SEC. 205. In Public Law 100-563, sec. 4(e)(2), delete the sentence that reads "Of the amounts appropriated hereafter under section 8 of such Act, the first $15,000,000 shall be paid to the Association."

Mr. OWENS of Utah. Mr. Chairman, this amendment is critically important because it will permit Congress to keep faith with a commitment we made last year, a commitment which stands as the foundation for a much larger negotiation we are now working on in Congress to complete the Central Utah project.

The controlling authorization passed by the House last year, after a lengthy and complicated negotiation, was

amended in the Senate, resulting in an inconsistency which was overlooked during final passage. This amendment would resolve that inconsistency and restore the intent and effect of the House-passed authorization bill.

My amendment has the strong support of the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL], and the chairman of the Water and Power Subcommittee of the Committee on Interior and Insular Affairs, the gentleman from California [Mr. MILLER]. The CUP is a 25-year-old reclamation project designed to bring Utah's negotiated share of the Colorado River to its growing population centers. The project is three-quarters done. We must have additional funding authorization to complete it. It is critically important to the growth and future of the State of Utah.

We are in the middle of an enormous legislative undertaking to reform this project and develop a CUP completion plan which would meet both the needs of the State of Utah and, at the same time, conform to Congress' current fiscal and environmental realities.

To date, well over $1 billion has been invested in the project's water development, yet only $10 million out of that $1 billion has been spent on environmental mitigation. The project's environmental impacts have been enormous, long overlooked, and are a serious obstacle to congressional approval to complete the project.

The inconsistency I am resolving with this amendment will permit the $23 million mitigation package that was carefully negotiated and earmarked in the House authorizing process to be implemented. It will authorize all these amounts to be expended in a manner that comports with the promises made to many Utah and national sportsmen and conservation groups, whose continued constructive support is key if we are to arrive at a comprehensive legislative plan which will complete the CUP.

Only $10 million of the over $1 billion has been spent on environmental mitigation, and during the authorizing process at the subcommittee and committee levels of the Interior Committee, we made commitments that we would start the environmental mitigation in fiscal year 1990. We also made the commitment, and it is in the statute, that we would spend $23 million doing that.

There is an inconsistency in the Senate language, and we have changed that inconsistency, or I would change it by the amendment which I offer today. We cannot break those commitments which we made or we lose the possibility of their support in the completing of the CUP this year by other legislation. We must begin to seriously repair and mitigate the extensive damage of that extensive water development, which is the largest transbasin transfer of water in the history of this country.

It does not harm to delay for 1 year the payment to the Strawberry Water Users Association. I support that payment. I have never supported its being made at the cost of environmental mitigation this year.

Mr. Chairman, let us put that back and let us agree to this amendment, which will permit us to keep our commitment to move to begin the environmental repairs of that great project.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the chairman of the subcommittee.

Mr. BEVILL. Mr. Chairman, I have no objection to the amendment.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by my colleague, the gentleman from Utah [Mr. OWENS].

Mr. Chairman, the gentleman from Utah [Mr. OWENS] made several statements in his presentation. First of all, he said that we need to meet the commitments we made and not break them. I agree with that fully.

It is interesting to note that the bill has two seemingly conflicting statements. According to the language of section 4, it says the first $15 million of section 8 funds, which is environmental, by the way, shall be paid to the Strawberry Water Users Association in order to transfer 57,000 acres of land from the Bureau of Reclamation to the Forest Service.

That land has been badly abused. The sportsmen, the environmentalists, the Bureau of Reclamation, the Forest Service, the U.S. Department of Fish and Game and the Strawberry Water Users Association, plus the entire delegation after 6 months of negotiation came to a settlement of that item. The gentleman from Utah [Mr. OWENS] included that in the bill he presented last year for the central Utah project.

The committee stripped that portion of the bill and in fact every portion of the bill except an amount to raise the ceiling in order to keep the project alive, but the Senate added that language back.

The gentleman from Utah [Mr. OWENS] would now have us believe we should go back to the House language, but let me read some of the statements made on this floor when the Senate amendments came back to us. The Senate amendment was praised by the gentleman from California [Mr. MILLER], chairman of the Water and Power Subcommittee, and it was praised by the gentleman from Utah [Mr. OWENS]. Both suggested that we agree with the Senate. Both suggested the property transfer should be part of the bill. The Senate amendment was accepted by the entire House by voice vote with no opposition. This was an agreement among the five members of the Utah delegation on this issue since the gentleman from Arizona [Mr. UDALL] insisted we be together on everything we wanted or we would not have the project at all. I concurred in that. But let me point out what the gentleman from Utah [Mr. OWENS] said when that Senate amendment was made. This is from the CONGRESSIONAL RECORD, page H 16140 from last year, and he said this:

> Mr. Speaker, the Utah delegation, the Interior Committee, local water users, environmentalists, sportsmen's organizations, and many others have worked long and hard toward enactment of a comprehensive reauthorization bill for the Central Utah project.

Then after that he said this:

> The current Senate amendments to H.R. 3408 which are now before us are acceptable to the chairman of the Subcommittee on Water and Power Resources, the gentleman from California [Mr. Miller], and to me.

The gentleman from California [Mr. MILLER] then said his committee had intended to include the Senate language in the original bill, and then added:

> However, in the interests of securing an interim cost ceiling increase for the project, we are willing to accept the language offered by the Senate.

So both the gentleman from Utah [Mr. OWENS] and the gentleman from California [Mr. MILLER] accepted the language at that time. It is part of the law that the first amount be given to the Strawberry Water Users. Now the gentleman from Utah suggests that maybe the various groups can wait another year. I remind the Members that this problem has been festering for many years.

The House in 1986 passed my bill under suspension of the rules unanimously, and it went to the Senate. Unfortunately, it was not acted on by the Senate. In 1987, Senator GARN and I each had bills to solve the problem. The gentleman from Utah [Mr. OWENS] had his choice of which of those bills he would incorporate into his central Utah project authorization bill and he chose the Garn bill which contained the $15 million. My bill did not specify the amount but set the compensation based on independent appraisals of the property. The gentleman from Utah [Mr. OWENS] made that choice freely. He agreed to include his bill and the entire Utah delegation approved.

Mr. Chairman, if we talk about breaking commitments, I think this is a very good example of doing exactly that. The agreement was in the Owens bill initially and it was also accepted by the House on the recommendation of myself, of Representative OWENS and of Representative MILLER. So it is not only longer standing but also more recent and more specific than the other requests.

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Mr. Chairman, this had the support of the Bureau of Reclamation, the Forest Service, sportsmen, the Strawberry Water Users; and more importantly, the entire Utah delegation until about 3 days ago.

I believe that we need to look at some other aspects of this bill. Where we are talking about deferring things, we asked for some $15 million for the Strawberry Water Users, and $19 million for the other projects, a total of $34 million. The Committee on Appropriations approved $28 million, some $6 million short of our request.

When I met before the Committee on Appropriations subcommittee, I stressed over and over again, ad nauseam almost, the fact that the first $15 million was earmarked to complete the Strawberry Water Users transfer to solve the problem which has been a major concern for so many years. I had the impression that the committee would do that. However, the committee report is silent as to how they intend the $28 million to be divided between the two projects.

(By unanimous consent, Mr. NIELSON of Utah was allowed to proceed for 2 additional minutes.)

Mr. NIELSON of Utah. Mr. Chairman, let me indicate that of the $19 million requested in addition to the $15 million for the property transfer mitigation, $3,706,000 in recreation and fish and wildlife is in the Jordanelle Reservoir area. This money cannot be spent until the reservoir is completed. The reservoir will not be completed until 1991, so that money can easily be deferred without harm to anyone. The Diamond Fork mitigation of over $1 million also could be deferred very easily because that project is not completed and the tunnels are still being put through the mountain. Even the mitigation of Strawberry Reservoir itself, $8,646,000 could be more effectively spent if the land surrounding the reservoir is rehabilitated at the same time.

I do not think we could go back and change the $15 million. You had 25 people who worked for 6 months before coming to that agreement including many organizations. It would break faith with every one of those organizations and break faith with what we, as a delegation, tried to do and which the gentleman from Utah [Mr. OWENS] and the gentleman from California [Mr. MILLER] and the entire Committee on Interior and Insular Affairs accepted when the Senate amendment was made.

Mr. OWENS of Utah. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Utah.

Mr. OWENS of Utah. Mr. Chairman, I would say to my colleague, the gentleman from Utah [Mr. NIELSON] that, if he would look at pages 5 and 6 of the committee report which accompanied the passage of this subject legislation last fall, he would see in there a listing of $23,885,000 worth of environmental mitigation projects, some in Colorado, and some in Wyoming, $19 million of it in Utah which the legislative language mandated be spent in fiscal year 1990.

Mr. NIELSON of Utah. Mr. Chairman, reclaiming my time, I agree it says, "You're going to have $19 million and also $15 million." They are both in that bill. That is $34 million. We only got a $28 million authorization. We are $6 million short.

I say, "Let's meet the original commitment."

(By unanimous consent, Mr. NIELSON of Utah was allowed to proceed for 1 additional minute.)

Mr. OWENS of Utah. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Utah.

Mr. OWENS of Utah. Mr. Chairman, this was a very significant decision that we made last year. The gentleman from Utah [Mr. NIELSON] was not in those committee meetings. He is not a member of that committee, but in working with the environmental, and conservation and sportsmen's organizations whose support was critical to getting the 1-year extension and, more importantly, today whose support will be critical for getting the legislation completed this year, we absolutely make the commitment that, though we had spent almost $1.2 billion on the CUP, and no money, save $10 million of that $1.2 billion on environmental mitigation, we made the absolute commitment that we would begin in fiscal year 1990 the environmental repairs and earmark $23 million, which the chairman of the committee and subcommittee support.

Mr. NIELSON of Utah. Mr. Chairman, reclaiming my time, Mr. Chairman, I agree with the environmental desires. The $15 million for rehabilitating the Strawberry lands is also environmental. It was asked for by the sportsmen. It was asked for by environmentalists.

(By unanimous consent, Mr. NIELSON of Utah was allowed to proceed for 2 additional minutes.)

Mr. NIELSON of Utah. Mr. Chairman, I would remind the gentleman from Utah [Mr. OWENS], the Members of this House, both the $15 million project and all of the $19 million projects are in my district. I have worked with the county officials of Utah and Wasatch Counties. I know they stand in favor of getting that problem solved that has been brewing for a long time, and to make them wait in order to find more recent and in some cases premature projects is totally unfair. Some portion of these other projects could be deferred to another year because at least $8 million of the $19 million could easily be deferred and in fact could not be done at all. I urge rejection of the Owens amendment and yield back the balance of my time.

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise very briefly to oppose the amendment. I was involved last year, before being in this body, in some rather significant changes that have been suggested in the Colorado River storage project, and they are somewhat distressing and disturbing, and it does seem to me, although I am not familiar with the rules of this body, that to change an authorization by an appropriation does seem appropriate, and I rise to oppose the amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

The gentleman from Utah [Mr. HANSEN] has sent word that he would like to speak on the floor in opposition to the amendment, however he is presently detained in committee and asks that his remarks be inserted in the RECORD at this point.

Mr. HANSEN. Mr. Chairman, I rise in opposition to this unreasonable and unilateral amendment by Mr. OWENS. The $15 million he seeks to delete results from a complex negotiation last year between the Forest Service, the Strawberry Water Users Association, the Central Utah Water Conservancy District, Utah sporting, fishing, and conservation groups, the Utah congressional delegation including Mr. OWENS, and the Subcommittee on Water and Power including Chairman MILLER.

This expenditure is the prerequisite to further rehabilitation of streams and associated wildlife/fish values in this area. Once this compensation occurs, the Forest Service will take title to these lands and begin a long-term rehabilitation of the area. Mr. OWENS is well aware of this, and yet without consultation, and in direct violation of the agreement he openly supported last year, he has unilaterally launched off on an effort that defeats the environmental values we sought to protect and promote last October.

But effort by Mr. OWENS does not achieve protection of fish and wildlife—it subverts and precludes a $3 million Forest Service effort to promote those values cited by Mr. MILLER in discussion on the floor last year—CONGRESSIONAL RECORD October 12, 1988. It represents a breach of faith with all those people and entities who worked so diligently to craft an understanding and agreement. By this action Mr. OWENS represents only the narrowest range of his constituents views and interests. If this amendment succeeds the Forest Service will be prevented from taking management control of approximately 57,000 prime acres for hunting, fishing, and associated ecological values.

I ask you to join me in defeating this effort by Mr. OWENS to renege on a commitment he supported just 8 months ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NIELSON of Utah. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 116]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
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)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
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
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
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)
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)
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
Molinari
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
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)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 1405

The CHAIRMAN. Four hundred fifteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Utah [Mr. OWENS] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 174, not voting 15, as follows:

[Roll No. 117]

AYES—243

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Conyers
Cooper
Costello
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gray
Green
Guarini
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Richardson
Robinson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—174

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Bosco
Broomfield
Brown (CO)
Buechner

Bunning
Burton
Callahan
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Grant
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—15

Barnard
Bates
Bentley
Collins
Dornan (CA)
Florio
Glickman
Goodling
Hall (OH)
Hefner
Hunter
Smith (IA)
Towns
Wilson
Wright

□ 1412

Mr. KASICH changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WATKINS

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: On page 39, after line 2, insert the following new section:

"SEC. 205. Sec. 210 of the Energy and Water Development Appropriations Act of 1988 is hereby deleted in its entirety."

Mr. WATKINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WATKINS. Mr. Chairman, I have cleared this amendment with the chairman of the subcommittee and also the ranking minority member, and I do not think they have any objections.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman will yield, the minority offers no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. WATKINS].

The amendment was agreed to.

Mr. PASHAYAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask the manager of the bill, the distinguished Chairman of the Subcommittee on Energy and Water Development Appropriations, the gentleman from Alabama [Mr. BEVILL], a question regarding the legislative intent of a particular provision of H.R. 2696.

Mr. Chairman, a provision on page 32 of the bill states that none of the funds appropriated in this act shall be used to execute new long-term contracts for water supply from the Central Valley project, California, prior to October 1, 1990.

The committee report states that you do not intend by this language to prohibit the renewal of existing water supply contracts consistent with Federal reclamation law and other applicable regulatory and procedural requirements.

As you know, renewal of existing water contracts is a matter of vital importance to thousands of growers in the Central Valley and I want to make sure there is no mistake here.

Is this provision intended to prohibit the Secretary of Interior from executing any new, long-term water supply contracts from the Central Valley project prior to October 1, 1990?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. PASHAYAN. I am glad to yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, yes, the gentleman is correct in his statement.

Mr. PASHAYAN. Is it also true that this provision does not prohibit the renewal of existing water supply contracts consistent with Federal reclamation law and the applicable regulatory and procedural requirements.

Mr. BEVILL. The gentleman is correct.

Mr. PASHAYAN. Since this provision does not prohibit the renewal of existing water supply contracts, is it also true that those contract renewals can go forward under existing law and that the renewal process will not be affected by this Act?

Mr. BEVILL. The gentleman is correct.

Mr. PASHAYAN. I thank the distinguished chairman, and I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Orgnanization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $2,115,516,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $2,500,000 shall be provided to the Midwest Superconductivity Consortium at Purdue University.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask a question of the distinguished chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL].

With regard to the prefinancing language contained in the subcommittee's report, is it the gentleman's understanding that existing contracts entered into by DOE and the National Laboratories require the Department to reimburse the contractors for any severance or termination costs incurred by the laboratories in accordance with the terms of their contract?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Alabama.

Mr. BEVILL. The answer to my friend and colleague is, that is my understanding.

Mr. YATES. Is it also the gentleman's understanding that the Department of Energy would be expected to honor these contract terms in the event that such costs are incurred by the laboratories?

Mr. BEVILL. Yes, it would be expected that the Department would honor its contractual agreements.

Mr. YATES. I thank the gentleman for that clarification and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activi-

ties in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25 for replacement only), $1,445,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,500,900,000 in fiscal year 1990, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1990 so as to result in a fiscal year 1990 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquistion or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13, of which 10 are for replacement only and one is a police-type vehicle), $1,062,431,000, to remain available until expended.

EN BLOC AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer en bloc amendments made in order under the rule.

The CHAIRMAN. The Clerk will report the en bloc amendments.

The Clerk read as follows:

En bloc amendments offered by Mr. ROE: On page 41, line 10, strike "$450,000,000" and insert $424,700,000" and on page 39, line 17, strike "2,115,516,000" and insert "2,140,816,000".

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the en bloc amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, I rise in support of my amendment which has been agreed to by the chairman and ranking member of the Energy and Water Appropriations Subcommittee. This amendment restores $5.3 million to initiate construction of the Compact Ignition Tokamak (CIT) (88-R-92) in fiscal year 1990; and in addition the amendment provides $20 million in operating expenses at the Princeton Plasma Physics Laboratory for continuation of work toward a better understanding of confinement physics, scientific concepts of controlled fusion and related activities which can be applied to the CIT design and development efforts.

In preparing this amendment I have worked closely with the Appropriations Committee which had already reduced the substantial increase requested for the funding of the nuclear waste disposal fund. If my amendment is adopted, it still provides a 15-percent increase over last year in the appropriation for this program.

I urge the adoption of the amendment.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, we agree with his amendment and accept it.

□ 1420

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from New Jersey [Mr. ROE].

Mr. Chairman, I rise today in strong support for the amendment offered by Mr. ROE, the chairman of the Science, Space, and Technology Committee. I would like to commend Mr. ROE for his outstanding leadership in the area of fusion research programs.

Mr. Chairman, recently I was made aware of a change in departmental policy toward the direction of fusion research. The Secretary of Energy announced that he was going to delay for 10 years the construction of the Compact Ignition Tokamak, or CIT, the most promising line of magnetic fusion research. Accordingly, the Appropriations Committee redirected $68 million from this effort in order to allow the Secretary to complete a rethinking of the magnetic fusion program. However, Mr. Chairman, this will not just postpone the CIT experiments, it will kill them.

Mr. Chairman, the leading magnetic fusion research center, the Princeton Plasma Physics Laboratory, which is located in my district, would be devastated if this cut in funding were to become law, as would the other laboratories and universities conducting research. Cancellation of the CIT will prevent the construction of the proposed $450 million machine at the Princeton Plasma Physics Laboratory.

Since 1974, the Federal Government has spent more than $5.3 billion on the magnetic fusion program. Of that amount, approximately $1.4 billion has been spent on research at the Princeton Plasma Physics Laboratory. Each year, the PPPL budget has averaged $100 million and the lab has employed approximately 800-900 employees, down from a high of over 1,000. However, a cut of funding of the magnitude proposed by the committee would result in layoffs on the magnitude of about 300 personnel at Princeton. These are highly skilled and trained specialists who would be lost to the program permanently.

This decision would contradict the recommendation of the scientific community. Only last week, the department's own group, the Magnetic Fusion Energy Advisory Committee, urged the Secretary and the Director of the Office of Fusion Energy to proceed with the plans for building CIT. In his letter to the Department of Energy, the chairman of the Advisory Committee, Mr. Fred Rihe, strongly reiterated the panel's support for the CIT.

Mr. Chairman, the success of the magnetic fusion program is based on the Tokamak program, which has already surpassed the performance requirements set in 1976 when the Tokamak Fusion Test Reactor was designed. The Compact Ignition Tokamak, or CIT, is now ready to move on to the next phase, ignition, which is the point where the fusion reaction no longer requires outside energy to sustain it. Every scientific group that has formally reviewed the plans for the CIT believes that the machine as currently conceived in phases I and II will achieve ignition. Mr. Ribe, chairman of the Advisory Committee, said that, "By all accounts, including that of MFAC panel 22, the CIT facility as represented by its full capability has a high probability of achieving its ignition goal."

Mr. Chairman, at a time when we are searching for new sources of energy, fusion energy promises a clean, non-polluting and abundantly available source of energy. It is imperative that we continue to press forward with those lines of research which have shown promise, such as the Compact Ignition Tokamak program. However, the cut in funding contained in the committee report would absolutely devastate the magnetic fusion research program, surrendering our world leadership in this area.

Mr. Chairman, I would urge all of my colleagues to support this amendment in order to continue the critically important research into the possibility of fusion energy.

Mr. MYERS of Indiana. Mr. Chairman, the minority has no objection and accepts the amendment.

Mr. RICHARDSON. Mr. Chairman, I rise in support of this amendment to increase the appropriation for energy supply, research, and development by $25.3 million. As you know, the provision contains funding for the magnetic fusion project. The Federal Government must take the initiative to provide support for the development of new energy sources. Magnetic fusion is a major candidate for an environmentally acceptable, long-term, inexhaustible energy source. The National Research Council strongly supports this project and, after a year-long study, has recommended a 20 percent increase for magnetic fusion.

Over the last few years, the magnetic fusion program has been remarkably successful. It has made systematic progress in the ability to produce the plasma conditions required for fusion power. Progress has also been made in the ability to predict many aspects of the complex behavior of magnetically confined plasma. Nevertheless, important work remains in the areas of understanding plasma heat loss, developing fusion materials technology, and improving the prospects for an economically attractive reactor. A cut in funding proposed could seriously jeopardize moving ahead on all fronts necessary for the development of fusion power.

While I support the amendment at hand, and the magnetic fusion project as a whole, I am especially concerned about the removal of the Confinement Physics Research Facility [CPRF], currently under construction at the Los Alamos National Laboratory, from the

budget. We cannot afford to remove a project that is already under construction. The CPRF appeared as a line item for the first time in the fiscal year 1990 Presidential budget but was actually started in fiscal year 1986. At the end of April, more than 57 percent of its total estimated cost was either spent or committed. Thus, the removal of the CPRF from the budget represents the discontinuance of a project well underway, whereas the expenditure of $13.3 million in fiscal year 1990 and decreasing amounts in the following 3 years would capitalize on the investment on $40 million already made. Furthermore, this cut was not requested in the letter from Secretary Watkins to the Senate Subcommittee on Energy Research and Development, which requested the delay of the Tokamak Next-Step CIT experiment.

The fusion concept to be studied in the CPRF is called the reversed field pinch, or RFP. Although less developed than the Tokamak, important features of the RFP are that it sustains its configuration by a self-healing "dynamo" action, it could be chemically heated to ignition (requiring no complicated, expensive auxiliary heating equipment), and offers the possibility of inexpensive, low-frequency current drive. These features could lead to a compact, simpler, less expensive fusion reactor. The CPRF experiment to be built as part of the CPRF project would place the United States in the forefront of RFP research internationally and would allow important physics to be studied at reactor-relevant plasma parameters.

Furthermore, the CPRF is being built so that, in the case of favorable physics results, it can be efficiently upgraded to provide a definitive test of the RFP as a magnetic fusion concept. If the RFP physics turns out to be less favorable than anticipated, the CPRF would still provide an important national facility for testing other concepts having the potential for compact fusion reactors.

The CPRF is a critical component of the magnetic fusion program. I look forward to working with the Chairman and my Senate colleagues to restore funding for the CPRF and developing magnetic fusion as a viable energy source for the Nation.

The CHAIRMAN. Is there further debate on this amendment? If not, the question is on the en bloc amendments offered by the gentleman from New Jersey [Mr. ROE].

The en bloc amendments were agreed to.

AMENDMENT OFFERED BY MR. ECKART

Mr. ECKART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKART: Page 41, line 5, strike "$1,062,431,000," and insert "$952,431,000,".

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that the debate on this amendment and all amendments thereto be limited to 1 hour and 20 minutes, the time to be equally divided between proponents and opponents.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. ECKART. Mr. Chairman, reserving the right to object, I would advise the Committee of the Whole that we find this arrangement to be agreeable. It is my understanding that time will be equally divided between the proponents of the amendment and the opponents to the amendment.

Mr. BEVILL. Yes.

Mr. ECKART. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. WALKER. Mr. Chairman, reserving the right to object, and I shall not object, but has there been an arrangement made to divide the time also between Republicans and Democrats?

Mr. BEVILL. Mr. Chairman, I would say yes to the gentleman.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Chair declares that the debate time on the Eckart amendment will be 1 hour and 20 minutes pursuant to the unanimous consent request. It is the understanding of the Chair that the gentleman from Ohio [Mr. ECKART] will control 40 minutes and the gentleman from Texas [Mr. CHAPMAN] will control 40 minutes.

Mr. ECKART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the slogan of a very famous, now defunct, television show was: To boldly go where no man has gone before. The proponents of the super collider program want us to believe that the enactment of this peculiar science project, targeted by the Department of Energy for a cost of more than $4 billion, but which we are told by the Congressional Budget Office is in excess of $6 billion, will lead us to heretofore unknown horizons and opportunities in science research. But just as canceling Star Trek sent chills down the spines of its fans, talk about going slower in the pursuit of superconducting super collider sends chills down the backs of the proponents of the SSC.

Basically, building the super collider would be a super mistake. It is proposed that we put all of our research eggs in one 53-mile research basket as large as the Capital Beltway that surrounds this Nation's Capital.

Mr. Chairman, in today's Washington Post, Secretary of Energy Watkins said "I find the Energy Department a culture of mismanagement and ineptitude."

Mr. Chairman, it is this same culture of mismanagement and ineptitude to which we now want to turn over the expenditures of between $4 billion and $6 billion of taxpayers' money in a program that may leave this Federal Government with yet another white elephant.

Joined by my colleagues, the gentleman from Wisconsin [Mr. OBEY], the gentleman from New York [Mr. BOEHLERT], and the gentleman from Michigan [Mr. WOLPE], we want to underscore for our colleagues that this is the first vote in what will probably be a series of votes on determining the science priorities of this Nation.

Currently we appropriate a little more than $1 billion in general sciences, $200 million of which will be taken by this project.

Our amendment urges the continuation of research and development on the super collider but cuts the $110 million scheduled to initiate construction. For, as the committee tells us, this small $200 million down payment to build the Texas super collider grows to $900 million next year on a science budget only slightly bigger than that. Something has to give.

A fudge factor that DOE tells us can cost this project more than 21 percent in cost overruns leaves us with the question of how will we fund other important science projects. And after we are through building the super collider, it becomes a gift that keeps on giving, costing between $400 million and $550 million a year to operate.

Over its lifetime, the superconducting supercollider could cost as much as $12 billion. At a time of $150 billion budget deficits and a $150 billion savings and loan bailout and $100 billion Department of Energy environmental cleanup, where does this dollar drain end?

We were told, and this House voted just about 1 year ago, that a third of the funding for the SSC should come from foreign governments. Yet in 6 years of advancing this project, we have not a single written commitment for a single foreign dollar to participate in it. In fact, the country of India has only made a verbal commitment for a paltry sum, most of which they would like to see in in-kind services.

Yes, the State of Texas has committed a billion dollars, and for that we should be greatful.

But would they not rather see us invest this money in enhanced energy recovery resources to directly stimulate their economy and not indirectly create more pork for the plains of Texas?

The absence of substantial foreign commitments dooms this project to failure, for the foreigners will want to purchase only the best technology, not the least construction. A preoccupation with big science over little science will prevent the funding of 10,000 National Science Foundation grants covering a wide variety of investments in the science and education infrastructure of this Nation.

Mr. Chairman, there are significant technical problems here. The 55-foot prototype magnets have self-destructed because the energy they create is beyond their physical ability to sustain themselves. This will result in having to construct 10,000 of these magnets using a superconductivity technology that may be obsolete before this ring is built.

The economics, the trickle-down effect of this program is one that should not be lost on us all. The super collider, as a super mistake, will deny the ability to fund those projects which make a difference.

We were told in testimony and public commentary: "We will squeeze out important investments in biomedical research, superconductivity, photonics, high-density semiconductor integration and interconnection, structural composites, fossil fuel recovery, alternative energy resources, factory automation. We will cut back ultimately on National Institutes of Health grants, nuclear medicine, artificial intelligence, and applied science that can, if we are willing to make that much smaller investment in the science infrastructure of this Nation, bring greater investment and opportunities than some pie-in-the-sky opportunity that will allow a few physicists the opportunity to elbow each other after spending $12 billion of your dollars and say, 'See, I told you so.'"

Mr. Chairman, the ability of this Congress to choose its priorities is not lost on us all. Other of my colleagues will speak upon the priorities of this Nation that should be significantly different.

My colleague from Wisconsin will talk at length about the ability of this Congress to stand up and say, "If you want these expensive new toys, let's pay for them."

□ 1430

Just a few weeks ago this House took an important vote on the transfer of important technology to Japan and the sale and the codevelopment of the FSX fighter. A majority of Members agree that important technology ought to stay here. Our allies ought not to be given it. We ought to develop this American program for America, using American taxpayers' dollars. Yet we get no help, much in the same way our foreign allies rob Americans every single day by not paying their fair share of their defense burden, they refuse to come forward and participate in this program, hoping, once again, that Uncle Sam will be Uncle Sucker.

If this project is so good, why are they not doing it? Because the fact of the matter remains that the development of the superconducting super collider will have America eating its science seed corn. When we should be planting it and investing in alternative science programs, we will be putting all our eggs in a 53-mile circular basket, a basket of obsolete technology, a bottomless pit that will take from this House and from the taxpayers of America an unlimited amount of resources, and will give 3 percent of America's scientists 90 percent of America's science budget. That is wrong.

Captain Kirk and Mr. Spock could not save the Starship Enterprise. I do not think this House should save the superconducting super collider. Building it would be a super mistake. I urge my colleagues to go forward with research and development. Let Members look at the opportunity that may come from this. However, let Members reserve judgment until the Department of Energy demonstrates some common sense: Commitment to cost management, and a willingness and an understanding of the complex interrelationship between these kinds of projects and the environment they have so cavalierly trampled upon the last 10 years.

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

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I am a member of the subcommittee which has been a part of the national priority that I have fully supported, regardless of which State. This is not a Texas project. This is a national project. Universities throughout America are going to contribute in sharing our students of our Nation who will participate in the research of the future. We are on the cutting edge of technology, and we criticize and hear great speeches in this room about how Japan and other countries are ahead of the United States in technology. We hear speeches that we are short of engineers and mathematicians. This is an opportunity, I think, for all our universities, our young people of this Nation, to participate in the cutting edge of a research project that not only produces jobs and helps a particular region in the country, but more importantly, gives the United States the research advantage for the world.

I think it is a great project. The President has committed very strongly his personal support for this project. The committee on both sides of the aisle has supported this project very heavily. We have come within the 302(b) allocations. So I think on behalf of the project and this Nation we can do nothing less than to give this a start today and help the United States along in being on the cutting edge of research for tomorrow. America needs this project. I think the House should stand up and make a major decision today on behalf of the super collider.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. There is probably no one in the House more parochial than me. I have lost an awful lot of jobs, and I do not come down here trying to fight for your jobs. I do what I have to to try and help my district.

However, I hear people today saying this is a white elephant, it is a mistake. In fact, it is a super mistake. Now, if it is such a super mistake, why do we want to leave $90 million in such a turkey? The truth of the matter is, this gives the United States an opportunity of competitiveness around the world. I am very parochial on the floor today. I am parochial for America. Any Member in this country that had this project scheduled for their district would be screaming for the appropriation.

Now, later today, we will resume debate on the foreign aid bill. I will be supporting the gentleman from Wisconsin [Mr. ROTH'S] amendment, because he is very concerned about a billion dollars. That is a "B," a billion dollars, over 2 years, to the Philippines. I will not see too many people up here hollering about deficits. They will vote $23 billion the next 2 years to go all over the world in the International Cooperation Act of 1989. It cooperates, all right, with everybody except the American taxpayer.

I am for the superconductor. I hoped to God it could be in my district. It is in our country, and it is going to help our country. Now, for those who are calling it a turkey, a white elephant, and a super mistake, those Members should have had a little bit more anatomy today. If it is that bad, the Members should have tried to cut it off. The truth of the matter is, everybody in this House recognizes the value. No Member knows what that will be, but the potential commercial trickle down and the advancement of research and technology is evident here today.

However, more important, Congress wants to put an umbrella in the sky called star wars, and for all the Members who can vote for star wars, take a look at job wars right here in America. This is part of that process, something that is needed. I tell Members, I am proud to stand today for Texas. For those people saying, "My God, Texas is getting everything," Texas deserves some help. I remind Members, Texas is in the good old U.S.A. Let Members vote this amendment down, and let Members go forward with the superconductor super collider.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in support of the funding for the superconducting super collider. I know, as one from Illinois, I very frankly would have liked to have seen this in Illinois, but whether in Illinois or in Texas, I think it is something good for this country. I think we cannot afford not to build the SSC. There is no other sector of the economy that can basically support a project like this. I think it is a high priority project. There is little doubt in my mind that the SSC will make an important contribution to our national economic health and our industrial competitiveness.

History, I think, assures Members of this.

The technologies that will be developed from the SSC or any other basic scientific researches are, of course, always difficult to be able to predict. There is no guarantee that can be given here, and that is one reason why I suppose people can speak against it because they can not say what actually is coming forth from something like this. However, construction of the SSC will enable America to continue our quest to understand the universe, from the smallest constituent parts to how the world actually began. From the knowledge of physical material developed through the SSC, will come numerous technological advances.

Indeed, the experience of simply building the SSC will become a part of U.S. industry's store of experience and a base of information and techniques to be drawn on for other projects totally unrelated to high energy physics.

For example, the component part and processes needed for the SSC challenge our manufacturing know-how. U.S. industry will have to deal with constructing a 52-mile ring, possibly several hundred feet below the ground, and our manufacturing industry will learn techniques to manufacture thousands of superconducting magnets to tolerances and specifications not previously required, and our computer industry will be required to come up with designs and the ability to process vast amounts of information in time frames not previously demanded. Advances in many areas of technology such as superconducting magnets, cryogenics, ceramics, computers, cutting tools, super alloys, high-speed data processing, electronic imagery, medical technology, manufacturing technology, and quality control have been the return of our past investments and accelerator facilities at Fermi Lab and Brookhaven and Stanford.

□ 1440

The technology developed at these facilities is available to industry to adapt and apply to its specific needs in many unrelated products and processes. We can, of course, expect the same from the SSC project itself. My friend, Dr. Leon Letterman, the former director at Fermi Lab, has suggested some possible byproducts of the superconducting technology—magnetically levitated trains using superconducting magnets to support the train and serve as a propulsion source. Fusion energy experiments using superconducting magnets are already underway at Oak Ridge and Livermore Labs. Superconducting transmission facilities could help in locating power facilities away from densely populated areas. Critics of the SSC, of course, argue that we do not have sufficient commitments from other nations to go ahead with the project.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

Mr. CHAPMAN. Mr. Chairman, I yield 30 additional seconds to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, no commitments will be forthcoming from these foreign countries, though, until the United States makes its own commitment to the SSC project, and we have flirted around with this for a long time. The high energy physics community needs a clear signal from this body of Congress.

I understand very much the budget constraints and what they are, but the SSC is a bold and innovative project on a grand scale, and the rewards to fundamental science and to our Nation will be commensurate. The price of not building the SSC would be too high. It would mean turning our backs on the fundamental scientific field in which the United States has traditionally held a position of leadership, and it would mean becoming watchers instead of doers.

Mr. Chairman, I do not believe we should do that.

Mr. ECKART. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I point out to my colleague that in his litany of success stories he failed to tell us about the horrendous experience we have enjoyed with the Department of Energy. The Isabelle accelerator at Brookhaven National Laboratory was scrapped after investing 160 million taxpayer dollars for a program that went absolutely nowhere, building upon the same technology in which we want to invest now, going 150 feet in the ground. And it was the same Secretary of Energy who just told us yesterday that he found an agency besieged by insufficient scientific information, sloppy contracts, serious flaws in discipline, and an underlying operating philosophy in the Department of Energy that adequate safeguards cannot be built in.

Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Michigan [Mr. WOLPE], a cosponsor of the amendment.

Mr. WOLPE. Mr. Chairman, I rise as a cosponsor in strong support of the Eckart amendment to eliminate construction funds for the super collider project.

We have already heard some of the key reasons why this House should proceed very cautiously before giving the go-ahead to construction. First, no consensus whatsoever exists within the scientific community itself that this project should receive the kind of attention and focus that is being proposed, especially at a time of squeezed budgets and many competing research projects and other domestic priorities.

Second, there is clearly no certainty either about the ultimate cost of this project or how and by whom it will ultimately be funded. Serious questions remain about the process itself that was used to identify the site for its location. It was troubling indeed to find in hearings before the Science and Technology Committee that in the site selection committee utilized by the Department of Energy there was not a single geologist among its members.

But I want to focus on another issue that is at stake here, and that is the regional implication of siting the $6 billion-plus project in the Southwest. For the last several years I have been privileged to co-chair the Bipartisan Northeast-Midwest Congressioal coalition. Over that period I have insisted that it was possible to meet the needs of our region without harming other parts of our country, and our coalition in fact has promoted many initiatives such as our hazardous waste bill which would benefit the entire nation. The coalition in short has worked very hard to make regionalism a positive force and not a source of division within this Congress and this country.

However, we cannot remain blind any longer to what has been happening in the allocation of Federal budget dollars. The simple fact is that from a regional standpoint we have a real crisis on our hands. We are seeing a massive outflow of Federal dollars from our region that is tremendously compounding what was already an extraordinary imbalance in the flow of Federal dollars. The situation, I might say, has been particularly severe in midwestern States. The recent Census Bureau report revealed that four of the bottom five States in per capita distribution of Federal funds are located in the Midwest.

Nondefense discretionary spending was one area of Federal spending where our region had done reasonably well. We had benefited from urban development action grants, low income energy assistance, and EPA construction grants, to name a few. However, in recent years all this has changed. The UDAG program has been eliminated, EPA construction grants are

being phased out, and the funding level of LIHEAP has steadily eroded.

This squeeze on nondefense discretionary spending will only get worse as we try to meet the Gramm-Rudman requirement of a balance budget in fiscal year 1993.

It is important to remember that this squeeze is going to be greatly exacerbated by the $157 billion savings and loan bailout bill which recently passed this body. That bailout bill was largely the result of gross irresponsibility in just a couple of States. States in the Northeast-Midwest region were responsible for only 2 percent of the costs resulting from FSLIC's actions to close or merge insolvent State-chartered thrifts in 1988. But the taxpayers in our States would be required to pay 47 percent of the cost of that bailout. Unfortunately, the House was not given the opportunity to discuss this inequity during consideration of the savings and loan bailout bill.

Mr. Chairman, let us not beat around the bush. We have just asked the taxpayer's of the Nation to spend tens of billions of dollars to bailout thrifts in the Southwest that are insolvent largely due to greed and fraud on a monumental scale. Are we now going to ask those same taxpayers to spend $6 billion on a project of very questionable value in the same region? Funding this project in the wake of the S&L bill is one-two punch to the taxpayers of our region. Add the space station, with a price tag of $30 billion, 90 percent of which will be spent in the Sunbelt, and we have a regional knock-out punch.

Mr. Chairman, in light of the existing squeeze on nondefense discretionary spending due to the Gramm-Rudman targets, I see no reason to exacerbate that squeeze by launching a new $6 billion program, particularly given the outstanding questions that are yet to be answered.

Mr. Chairman, I urge my colleagues to support the Eckart amendment.

Mr. CHAPMAN. Mr. Chairman, may I inquire of the Chair as to the time remaining?

The CHAIRMAN. The gentleman from Ohio [Mr. ECKART] has 24½ minutes remaining, and the gentleman from Texas [Mr. CHAPMAN] has 31½ minutes remaining.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, we have seen in the past several years that the Japanese have slowly taken away the high technology from this country. We now have an opportunity to gain that high technology back.

We can let our imaginations wander as to what the success of the superconducting super collider will be and what it can do. I can recall when I was a kid reading the Dick Tracy stories in the comic books that they had a watch that had a TV in it and a telephone they could talk on. The Japanese have now developed that technology, but they cannot develop a battery to compress the energy to put it on the market. We now have an opportunity to take technology like that away.

Can we imagine a car battery about this size that would develop enough energy to operate an automobile? A battery a little bit larger than that could develop enough energy to provide fuel for our homes, an x-ray machine that one could stand in front of and find tumors and cancers in the body without ever using a knife. And can we imagine a razor blade that can be used to shave a hundred times and that never gets dull?

□ 1450

Mr. Chairman, it is an opportunity for us to take a step forward on developing high technology by developing jobs and bringing some of that industry back into this country and, once again, letting this country take a step forward by developing tremendous opportunities in the next generation.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Republican Conference, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague, the gentleman from Texas [Mr. CHAPMAN] yielding this time to me.

Mr. Chairman, when early competition arose on the super collider superconductor, California was in the running, and, as I took a look at this project, I wanted to find myself in a position on justifying my support based upon the potential of the expenditure in terms of American interests rather than just regionalism alone, and that caused me to take a hard look at this technology and, perhaps, find some examples of where similar technology had worked and might give us a hint of the future.

It turned out that Loma Linda University was involved in an experiment with the Fermilab, and that led to a project which will build a minisuper collider in a hospital setting in Loma Linda, CA.

The project essentially produces this: They took the proton atom, and they ran around a small circle, a super collider process, and when the proton, the atoms, smashed against each other, the proton broke off, and, as I understand it, as a layman, such a proton is an excellent recipient of maximum levels of radiation. They concentrate that radiation, and then they rifle that radiation at cancer tissues.

Mr. Chairman, I think most people know as lay people that currently, when treating many patients who have cancer problems with radiation, the heat that comes out of that radiation of tissue often destroys other cells and organs, and the people die. Apparently, as a result of this process, concentrated radiation in that portion of the atom, which is the proton, can be rifled at such tissue. The heat experience does not take place, and about 90 percent of those people will be cured of cancer, a fantastic breakthrough, only an indication of the kind of potential of this super collider project.

Mr. Chairman, this takes us beyond the horizon in terms of technology in many a field. It is the kind of future that is America's future. We cannot afford to walk away from it now.

Mr. ECKART. Mr. Chairman, I yield 8 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, all this amendment asks is that this country stop making spending promises that cannot be paid for.

Mr. Chairman, this bill contains $200 million for the super collider. The amendment eliminates $110 million, which represents the amount that would move this country from the research stage to the construction stage on one of the largest public works projects in the history of the country.

Why are we offering the amendment? Mr. Chairman, the gentleman from Michigan [Mr. WOLPE] has already explained some of the regional concerns that drive some of us to take a close look at this project. I would like to discuss some larger concerns.

Mr. Chairman, the fact is we are talking about building the largest machine ever constructed in this country, a machine 54 miles in circumference, approximately the size of the highway that surrounds Washington, DC. We have never had a vote on it in this House. It is time we had one.

There are scientific and budgetary reasons for refusing to proceed at this time, and I emphasize "at this time." There are scientific and budgetary reasons for refusing to proceed at this time to the construction phase.

First, Mr. Chairman, the budget reasons: This is one of four dollar-gobbling, high-tech programs which is being pushed by the President of the United States, programs which have lots of technical pizzazz, programs which have lots of political pizzazz, but programs about which the White House and this Congress have absolutely no idea how they are going to pay for.

We have been told this afternoon that this is a "bold and imaginative" program. Mr. Chairman, it represents "bold and imaginative" spending. I would like to see some "bold and imaginative" proposals to pay for the project.

We have been told by the White House and others that there is no

room in the budget for health care coverage for 37 million people who do not have it today. We have been told that there is no room in the budget to help first-time home buyers. However, Mr. Chairman, the President is asking us simultaneously, to spend $6 to $9 billion—if we take a look at the conservative estimates over the life of this project—is asking us to spend $6 to $9 billion on the super collider project. He is asking us to spend $16 billion on the space station. We are asked to spend $4 billion on a program which I strongly support, the program to map the human genome so that we can unlock the genetic answers to a dozen diseases including cancer and many others. We are also being asked to support star wars. That is a huge project, a multi-billion-dollar project, well upwards of a hundred-billion-dollar, high-tech project.

Mr. Chairman, these are all exciting, high-tech projects, new age programs. The problem is that the White House, and I would say the Congress as well, has no idea whatever how these programs are going to be paid for.

So, Mr. Chairman, we have all kinds of politicians running around the country taking credit for this bold, imaginative, technologically forward project, but nobody knows how we are going to pay for it.

What does that mean? The committee itself indicates that this is going to cost $200 million this year, it is going to cost $900 million a year afterwards. That is a huge commitment, and, absent new revenues, and I underline those words "absent new revenues," this and the space station will destroy the rest of our science budget in this country.

I serve on the appropriations subcommittee that deals with virtually all of the medical research in this country, whether one is talking about cancer, whether one is talking about Alzheimer's arthritis, just name it. The fact is that we have seen the budget for NIH squeezed by the AIDS crisis, and we are going to see it squeezed even more if projects like this are created. The National Cancer Institute, for instance, cannot even afford right now to purchase another supercomputer to run its tests to develop new drugs to attack cancer. They are already at the supercomputer capacity, and the budget this year that the President is asking us for does not have enough room in the budget to pay for something like that.

Mr. Chairman, we have terrible needs to pursue high-temperature superconductor research. That is critical. The NOAA agency has already reached their maximum computer capacity. Those NOAA computers are critically important to studying the patterns of global warming, probably the greatest ecological and environmental disaster to hit this world in the history of the world. But the fact is they do not have enough money in their budget to buy those new supercomputers either.

We need to have more research on renewable energy sources. That portion of our science budget has been decimated since 1981 with the first Reagan budget.

We have a critical need to rebuild and reequip scientific laboratories in virtually every major university in this country, and we do not have the money to pay for it.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] is talking about all these medical benefits. I know the gentleman is aware of the fact that these benefits have come about because for over 10 years we have been operating Fermilab in Chicago. I am sure he is aware that the same argument he is making on these is the same one made approximately 20 years ago when we started funding Fermilab.

□ 1500

Out of Fermilab research has come Positron Emission Tomography scans and CAT scans. Now we are trying to build the SSC which is a more advanced accelerator.

Mr. OBEY. I understand, but I would appreciate if the gentleman, since I am offering him my time, I would appreciate if the gentleman would yield me some additional time.

Mr. CHAPMAN. Mr. Chairman, I yield 1 additional minute of my time to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I am happy to yield to the gentleman from Alabama.

Mr. BEVILL. I just want to point out, Mr. Chairman, the health benefits that have come from the Fermilab. These benefits have been very important. These arguments for not building SSC were made 20 years ago against the Fermilab. It was very successful and now we are just building a more advanced Fermilab with the superconductor super collider.

Also, we have had the benefit of proton accelerators, one of which is at the Loma Linda Medical Center that the gentleman knows about, which is used to treat cancer. This is a great advance in cancer treatment.

We have had the magnetic resonance imaging, which is now widely used in medical diagnostic procedure, which is a great improvement.

I do not think the gentleman is aware of all the benefits that have come out of the Fermilab, which has been very successful, a good investment. We have invested approximately $1 billion in that project. Now we are just saying let us get together with these other countries and build even a bigger Fermilab.

Mr. OBEY. I have supported those appropriations, and I certainly recognize them, but I would point out the key difference is that the proposals the gentleman is talking about dealt with the question of how to deal with cancer after it has occurred.

What we are talking about in mapping the human genome is how to prevent cancer before it ever occurs. That is the critical difference. It is a critical difference which can save a lot of misery and a lot of dollars.

I would like to proceed to finish my statement and then I would be happy to answer any additional comments the gentleman might have.

I would simply like to make the point that in addition there are many technical and technological problems facing this super collider. We have, as has been mentioned, a problem with the magnets. We have the fact that the committee itself has indicated that it is unsure about the cost estimates. The committee itself has indicated that the design assumptions need to be refined and updated so that the cost estimates can be refined and updated. The cost estimates for this program have not been adjusted since the program began, and that certainly does not make much sense, as the committee itself has indicated.

It is also very clear that there is great debate in the scientific community about whether or not this is the proper technology with which to proceed in moving ahead with projects for particle acceleration. There are other technology questions.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ECKART. Mr. Chairman, I yield 1 additional minute to my colleague, the gentleman from Wisconsin.

Mr. OBEY. I would simply say that what we have here is a case of competing scientific needs, competing medical needs, competing energy needs. All of them are probably justifiable.

I am not asserting for one moment that this may not be a very good project. What I am saying is that as policymakers, starting with the guy in the big White House down at the other end of Pennsylvania Avenue, we have an obligation if we are going to be pushing these huge multibillion-dollar projects to find some way to pay for them, other than squeezing out other portions of the science budget which are critical to the health science and energy needs of this country.

High energy physics is not the only scientific field that ought to command our dollars and our attention.

I warn you, we are going to be squeezing out vital areas of the science budget unless the President comes up

with revenue initiatives to match his initiatives for incredibly high levels of new spending.

Mr. CHAPMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. ROE], the chairman of the Committee on Science, Space, and Technology.

Mr. ROE. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

I would like to commend the previous speaker, who is a dear and longstanding friend of mine, because the gentleman has added the excitement that I have been trying to add unsuccessfully to this whole issue of science, space and technology education in this Nation and where the priorities really should lie.

Here we find ourselves, how are we going to pay for it? I remember this debate just recently. You made the point and I make the point, "For all sad words of tongue or pen, the saddest are these, 'it might have been.' More sad are these, 'but it hadn't to be.'"

One other point on the technology involved, looking at the gentleman's bottom line, "more mistakes are made from lack of facts than from poor judgment."

I did not want the gentleman to miss that point, that more mistakes are made from lack of facts than from poor judgment.

We did vote on this bill and we voted almost unanimously.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. ROE. I yield to the gentleman from Wisconsin.

Mr. OBEY. We did not vote on the super collider, Mr. Chairman. We voted on a bill which contained it, but we have never had a vote in this House on the specific issue of whether we ought to actually go ahead with the super collider. We certainly never voted to go to construction.

Mr. ROE. We are just kind of nitpicking on words. That was debated strongly and it was voted on. It was voted on almost unanimously.

The House knows about this. We worked on this bill since 1983 and we spent the money on it.

Let me just make a couple quick points so we understand where we are coming from. Science, space and technology education—if we are not willing to invest in those areas, we are not going to create the new wealth of tomorrow.

The gentleman mentioned the point of super computers, that we are going to run out of time and space on super computers. We are going to turn it all over to Japan because we refuse to go ahead on the work that should be done.

As chairman of the Science, Space and Technology Committee, I can tell everybody in this House and everybody that is here today, this issue has been debated ad nauseam. We know what the specifics are. We know what it is about. It is being done in other places in the world.

The question is do we want to keep up in the United States and do we want to get ahead in this technology.

Let me say this. Do not pit one section of the country against the other. If I could have this superconductor super collider, built in New Jersey under the Hudson River in New York and it was possible to do it, I would be fighting as hard as the people in Texas are.

What is important is what is important to the country, not to regionalize it.

I resent the issue that was brought up today on the Northeast-Midwest Congressional Coalition, assuming that area is in favor of turning this particular issue down. That is not true. As one of the members of the board of directors, we were not asked about this issue at all and nobody had the right to use the nomenclature or the name of that organization and that coalition to come and say that they were opposed, that the Northwest-Midwest Coalition was opposed to this program. That is categorically untrue, and it is just as important what we do in Texas as what we do in New Jersey, and it is important what we do in the United States, as important as what we do throughout the rest of the world.

I have heard nothing but negativism. Try this one on for size. A letter comes around and it talks about basic physics on the atom bomb was determined in Germany, and therefore we only were capable enough in the United States to put the technology together, and therefore we succeeded in building the atom bomb and won World War II.

Balderdash, that is not true. The U.S. engineers, the U.S. scientists were the ones who perfected atom power to be able to make this country free in World War II. Do not use that balderdash to try to shoot something down.

More mistakes are made from lack of facts than from poor judgment.

We came aboard and we talked about another item, stretching the boundaries of man's knowledge. Should we not be doing that? If we can be successful in the super conductor, super collider, we will revolutionalize knowledge in the world. We will revolutionalize technology in the world and we will get the leadership that this country demands and needs. Are you going to throw it away because we do not have the money?

The question is, we should be able to make the resources to be able to do the things that are right in this country, No. 1, and be able to create the resources that we need.

We talked about magnets. More mistakes are made from lack of facts than from poor judgment. Of the last tests made, five of the last six 55-foot magnets performed to specification. As a matter of fact, we are very rapidly achieving the knowledge and we will beat out the rest of the world on that knowledge alone. If we shut the project off, we do not even continue on with that particular work.

What kind of sense does that make in the priorities of America?

I say to you, this is the time for us to say to every Member, including the Appropriations Committee, as we try to allocate the resources of this country and we talk about the needs for the American people and we talk about the needs of human beings, per se, we have got to be in a position to make the investment in the area where it is going to make a difference.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. CHAPMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from New Jersey.

□ 1510

Mr. ROE. It is going to make a difference in science, space, and technology, and education. That is where the new jobs are going to come from. That is where our competition is going to be in the world. That is how we are going to fight in the global economy. That is where it is going to make a difference whether we succeed or not.

Let me conclude with one more point for half a second. Let us not divide the Nation. This is no time for divisiveness as to what happens in my State or other Members' States. What is important for the country is the issue that is before us today, and I hope this House will resoundingly vote down this amendment offered against this.

Mr. ECKART. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ROE].

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I say to the gentleman that there is not a whole lot that I disagree with in the gentleman's statement.

Let me simply point out one thing: The gentleman said that we ought to be making the resources available to provide for these things. I totally agree with that. The problem is that the President of the United States is not. His budgets are not. The committee, in its very thoughtful report, has made clear that they have doubts about how they are going to be able to maintain the level of spending required for this, absent new revenues in future years.

I would also suggest that it is my understanding that a certain member of the Texas delegation from the other body engaged in a ribbon-cutting ceremony, I was told by a member of the press, engaged in a ribbon-cutting ceremony for this facility yesterday in Texas. I have not seen that Member suggest that we ought to be providing the revenues to pay for this.

I agree with the gentleman's call for moving ahead with these projects. The problem is, as he well knows, we have not been given those added resources. The President says, "Read my lips," so we are going to kill off other science programs.

Mr. CHAPMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. The gentleman and I have not been in discord at all. What the gentleman is focusing on is the willingness of this administration to provide the resources or work with Congress to provide the resources to do the things we ought to do. I do not fault that. I agree with the gentleman. But I am not going to throw away the baby with the bath water. I am not going to kill a program critical to this country and then give up on the point because I want to argue with the President.

Let me respond one more time: Is it not also time that the Congress of the United States, both in the House of Representatives and the Senate, and I am not supposed to mention the other body, but I mentioned it, and let them do what they will with it, but is it not time they helped to govern? What about Gramm-Rudman and the whole bit? It is not going to work. This budget process is a farce, and the Members know it. I admire the gentleman for fighting back.

I am not going to sit back because people are being nitwits trying to run the country and give up what ought to be done for the people.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman is not going to throw this baby out, but he is going to throw out other babies because of the size of this program.

Mr. ROE. No. I am not going to. But I would hope that this Congress will get some backbone and help to raise the resources they need for the people of this country.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the ranking member of the authorizing committee, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, the question really before us is how many times are we going to talk about how much science means to us and yet attack science, because if we look at the amendment that we have before us and if we listen to the debate thus far, what we have had is attacks on the Department of Energy, and this amendment is an attack on science itself.

This amendment is simply an amendment to eliminate $110 million within the category within the bill known as general science and research activities. That is what it does. The amendment does not even mention the superconductor super collider. It simply cuts money out of science.

Make no mistake about it: This is a simple cut in science, because there is no redirection of the money back toward other activities. There is nothing in this amendment that goes back to the previous section of the bill and puts some money in for hydrogen research or does something for the SP-100, which is the nuclear reactor we are developing for space, or it does not put any money in for cold fusion, which could have been done in this bill. None of this money goes back into science. It is a simple cut of science money. It is an attempt to attack science directly, and it is a part of a litany of attacks on science we have had since the opening days of this session.

Mr. Chairman, thus far we have had science attacked when the budget was put together. We took $1 billion out of the science account. Then when we got to the 302 allocation, again, science made out poorly, when it came to 302 allocations. When it came to this bill coming to the floor, did we go after water projects or things like that? No. The main attack on the bill is to take $110 million out of science, and when we get to the HUD-Independent Agencies appropriation, I am sure we are going to find that we have some attacks on science.

How long are we going to go on kidding ourselves that we can take money out of science and not have a very bad impact for the country? This is not an issue before us to big science versus small science. The issue before us right now is antiscience.

Back in this 19th century, there was a group running around England known as the Luddites, and this is a Luddite measure.

Mr. ECKART. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to respond to the absurd statement that I just heard from the gentleman from Pennsylvania.

This is not an attack on science. This is an attempt to save it. Under the legislative processes in this House, we did not want to get into the parliamentarily illegal position of legislating in an appropriations bill, but we have made quite clear the purpose of the amendment is to eliminate the funding for the super collider. Under the budget processes of this House, that money will remain available to this subcommittee.

Under the 302 allocation, the subcommittee can provide that money for whatever area it wants within its jurisdiction, either in conference or at another time.

Everybody knows that, no matter how badly the gentleman from Pennsylvania tries to skew the facts.

Mr. CHAPMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I rise in opposition to the amendment. Let me address several of the points raised by my friends who want to cut the funds provided for the super collider in this bill.

In one of the Dear Colleague letters circulated in opposition to the super collider, it is alleged that "10,000 equally important science research projects could be funded for the cost of the SSC." I hope that this argument is not taken seriously. If we are talking about the $200 million in construction and R&D money contained in this bill, then the idea that the Federal Government could get for $20,000 what it stands to get for the SSC is absurd.

Second, those who want to gut this project say that the United States will be left holding the bag when all of the foreign governments that have expressed an interest in this project withdraw. They are suspicious of our efforts as a nation to get out front and then pull other countries along on the SSC. If Members want to see foreign governments back down from their pledges, then vote for this amendment: The issue here is whether we are going to take the lead and put up the money to match our rhetoric, or whether we are going to pull back and take second place to the Japanese and the Europeans once again.

This is a big project, make no mistake. President Bush wants this project, that is true. Admiral Watkins supports the SSC. Secretary Baker and Commerce Secretary Mosbacher have said they will negotiate commitments from foreign governments. But what kind of hand will they have if we fail to provide construction money?

This is not some budgetary gimmick. The administration asked for this money and the Budget Committee and the Appropriations Committee, after a full debate, have provided this money. To walk away from the super collider now would simply amount to throwing away the work of those committees. I ask the Members to think about that and to vote down this amendment.

□ 1520

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, next spring man may launch one of the most important tools for investigation of space. Known to NASA as the Hubble telescope, this instrument will maintain a low Earth orbit to escape the atmospheric aberrations which affect the clarity of vision of earthbound instruments. Why is this so important? Looking into deep space, we will in effect be looking back into time. We will be able to capture light emitted by stellar sources billions of years ago. We will, for the first time in human existence, have a view of the forces at work during the formation of the universe. The impact of this effort is beyond our ability to fully comprehend, but it will clearly give the best hope of understanding the forces at work that direct the stars and our galaxy.

At the same time, those engaged in the pursuit of understanding particle physics, hope to come to an understanding of those forces at work within the smallest realm of our material existence. Whether the unification theory can be verified is not clearly guaranteed. In my opinion, if the superconducting super collider does nothing more than to confirm the current understanding of the four basic dynamic forces, the effort is justified and fully worth our commitment. I recognize, however, that explanations beyond that of scientific introspection, will be necessary for some.

In a world where educational excellence is the standard for future economic success, no one can legitimately question the long-term value of full funding of scientific inquiry. Projects of the impact of the SSC or the Hubble telescope are beyond the ability of private enterprise and can only be realized with Federal resources. In the lifetime of most Members of Congress we have seen unprecedented scientific achievement. Some have seen the first television. Others watched the first steps on the Moon. All have seen the effect of miracle drugs and complex surgical skills. Recitation of scientific progress is not a revelation to anyone, but it is appropriate to reflect on what has occurred in history to appreciate the potential for the future.

These projects are the key to our economic survival, not for a State, not for a region, but for our Nation. There is not anyone alive who will not benefit directly from the pursuit of scientific inquiry. Our children will be challenged to fight for the education necessary to become an astronaut or physicist. Industry will wait anxiously for the next research discovery to bring fascinating new products to the marketplace. The scope of these activities are difficult for anyone to accurately predict. It is sufficient to say, our future will be determined by the policies of this Congress. To strike this funding is more than the elimination of dollars, it may well be the elimination of our hope for a future of prosperity and peace. I do believe that anyone faced with these alternatives would step boldly into the future, not for ourselves but for our posterity.

Mr. ECKART. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. BOEHLERT], a member of the Committee on Science, Space and Technology, and a Member who has invested a great deal of his career in the development of and promotion of science.

Mr. BOEHLERT. Mr. Chairman I rise in strong support of the Eckart-Obey-Boehlert amendment to eliminate construction funding for the superconducting super collider [SSC].

I think it's important that everyone understand what the issue is here. The debate over the SSC has sometimes degenerated into a dispute over whether the SSC is good science, with the presumption that anything that is good science merits immediate funding.

That's not the issue at all. Of course, the SSC is good science. But the growing number of proposals in the approved, but unfunded category at the National Institutes of Health are also good science. The burgeoning number of proposals that the National Science Foundation must turn away for lack of funds are also good science. The proposals for research to help industry, proposals that are eliminated every year from the budget of the National Institute of Standards and Technology are also good science. The list goes on and on.

The point is this: There's more good science out there than we can fund. So the question becomes is the SSC the kind of good science we most need right now?

Do we want to commit ourselves to spending at least $6 billion right now on one of the most esoteric fields of science when we are in a constricted budget environment and other science projects are left wanting?

To assuage such concerns the advocates for the SSC are beginning to present their project as one with immediate benefits for the rest of science and industry. But funding the SSC for these purposes is really trickle down science policy—we can fund programs that serve those purposes more directly if we delay funding for the SSC.

Let me stress that what we're talking about is delay. This amendment would not spell the end of the SSC. Research would continue, and much more research is needed before the project can become operational. We have not yet learned how to perfect the magnets that are the engine of the SSC.

The success or failure of the SSC will be directly dependent on the success or failure of the program of magnet research. The SSC will require nearly 10,000 specialty magnets to function—we don't even have an operational prototype yet.

Indeed, even leaving aside the question of competing priorities, there are good reasons to delay site work. The New York Times reported recently that unexpected successes at the Stanford accelerator have "raised doubts among some scientists about the need for the superconducting super collider. Many scientists believe the innovative Stanford design may eventually prove better than the traditional configuration planned for the super collider."

What do we lose by delaying site work? Nothing. The science moves forward, research continues, no irrevocable decisions are made.

What do we gain by delaying? We allow other fields of science to prosper. We ensure that we are not building an obsolete instrument. We allow outyear budgets to get sorted out so we do not end up—as we have in the past—with accelerators that are never completed or that never have the funds to operate when they are completed.

Finally, delay will give us additional time to solicit foreign funding for the SSC. All nations will share in the benefits of the SSC; they should help pay for it. If they want to share in the benefits, they should also be willing to share the burden. The European collider is a multinational project; big science is multinational science.

In the past, I have proposed amendments to prohibit construction from beginning until we have commitments from foreign nations to pay for 25 percent of the construction costs. We can't offer such an amendment on an appropriations bill. But at the very least we need more time to ascertain whether this project has the international support needed to bring it to fruition. And we need to ensure that the Department of Energy is taking this responsibility seriously.

The purpose of the SSC is to force basic particles to collide so we can better understand the four basic forces of the universe—the weak force, the strong force, gravity, and electromagnetism.

The debate over the SSC serves a similar function. Our funding priorities collide and that serves to show up the forces at work in the Congress—the analogs to the forces of matter.

We have the weak force—apathy, ignorance. It says the SSC is a big, complex project—too much to really understand; let's just go with it. Then we have the strong force—interested constituents and lobbyists—groups that stand to benefit from the SSC calling Members to advance their own special

interests through support of a science project. I urge my colleagues to resist that force, and let me ensure them that the beneficiaries of delay are far more numerous. Then we have gravity, the arguments that pull us back to Earth, make us realize there are serious policy questions at stake here. I believe that force argues against putting money into site work when there are still open questions about the project and more urgent science priorities. And finally, there's the equivalent of the electromagnetic force—that's the force that sees science as a single unit, not as a series of programs scattered throughout appropriations and budget accounts. And I think, when we look at science as a whole, the SSC does not jump out as the most urgent item. Congress has been unwilling—wrongly, I think—to fund many of the administration's other science priorities. This is the last one that should receive special treatment.

If we fund site work now, we run the serious possibility of impoverishing the rest of science to build what could turn out to be an empty, unused tunnel—the science equivalent of New York's Second Avenue subway. If we wait, we gain knowledge of benefit to both the SSC and the rest of science. To me, the choice seems obvious. I hope the right forces move my colleagues.

Two final observations.

First, we are not—I repeat not—eliminating all funding for the SSC with this amendment as is suggested by the Republican whip note. We are continuing the important $90 million for research, and that is as it should be, but we are deferring the $110 million for construction work.

Second, the scientific community at large, the very people working so diligently to assure our international competitive pre-eminence in the fast approaching 21st century—just 126 months away—are with us as we seek to bring about more realistic priorities in our science spending.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MYERS], the ranking member of the Energy and Water Subcommittee of the Committee on Appropriations.

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague for yielding to me and I rise in opposition to the pending amendment.

Mr. Chairman, throughout most of this century, the United States has been on the leading edge in development, research, new ideas, and new inventions. In recent years, however, we have slipped. We have been slipping behind gradually.

Millions of people are observing the proceedings here and throughout the world. Millions of people watch this today because of research developments in the past.

□ 1530

Many of us who are past 50 years of age are alive thanks to science, research, and development. Many of us might be dead by now but we are here because somebody made an investment in our future.

So our task today is to make an investment in our future.

A year ago this committee was faced with the same situation when we marked up the bill. The administration had made a recommendation for construction funds. The committee met with then-Vice President Bush. Mr. Bush asked for funds before it was even sited in Texas. He thought it was a good idea. We discussed it with him. We came to the conclusion we were not quite ready to go to construction.

Some of the arguments here as to why we should support this amendment were made last year by the committee. We decided to delay construction money while we did more research to make sure we were heading in the right direction.

A few weeks ago Chairman BEVILL and I met with President Bush and he once again restated his interest and his concern about the development for our future. That is one of the reasons we included funding for the SSC in this bill.

No one knows exactly what is going to be developed here. We know some of the ideas that we hope this superconducting super collider will develop. While we do not know exactly what this will do, maybe it will help find how to control cancer or heart disease, some of the diseases that are so devastating to our society.

It was not too many years ago, Mr. Chairman, that you and I were on this floor and some of the same arguments were made against the Fermi Lab.

I remember Members saying, "Building this mammoth circle that we don't know what it is going to do out in the swamp west of Chicago is ridiculous." But think what Fermi has done for us.

Some of the same arguments about building Fermi back then have been made here today against the SSC.

So I say today that we do not know exactly what the SSC will bring. We know this is going to be very expensive. We do not know exactly where we are going. But it is time today for us to make an investment in our future, this Nation's future.

Are we going to recapture our leadership position in the world that we had for most of this century and have been losing recently? It takes courage. We have become one of the most studious countries in the world. When we have a problem, instead of trying to solve the problem we go out and conduct a study.

Now this amendment is asking us to study further something we should be doing. It is time for us to move into the 21st century. Are we going to look forward or look backward as we move into the 21st century?

Move forward with us by refusing this amendment.

The CHAIRMAN. The Chair would advise the Committee that the gentleman from Ohio [Mr. ECKART] has 7½ minutes remaining and the gentleman from Texas [Mr. CHAPMAN] has 10 minutes remaining.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I of course rise in opposition to the Obey amendment. We have heard speeches here today about scare tactics, of coalition fears, competing needs, small science, even fire ants and even ribbon cuttings in Texas.

I would just observe that we need more ribbon cuttings and not fewer, based on pride and based on achievement. That is what this amendment is all about today.

You know, the long and the short of this vote, just the hard, cold fact is this: Today we have an opportunity to see the United States of America, not Texas but the United States of America, regain that position of economic superiority and even geopolitical strength that atrophied away in the late forties and early fifties in this country.

This project is an important national priority and should be constructed and operated without delay.

The advances in science that can occur through this project are not limited to merely advances in particle physics. There will be spinoffs in other areas of science. There is the long-term promise of applications of what we learn from the SSC to the areas that will result in products and services that will enhance our standard of living.

I am thinking most particularly about the potential of medical applications. But there will be others such as satellite communications, advances in supercomputers and in storage devices for electric power.

I am certain we are not going to be in this thing alone. As chairman of the Committee on International Scientific Cooperation, working with Chairman BOB ROE, I have held a number of hearings over the past 2 years and discussions with foreign governments. We have been overseas. We have seen CERN, we have talked with people at DESI. There is excitement there about this pursuit.

Japan, I am convinced, is ready to engage with this country in the building and the operation of this facility.

I think there is no question that there is interest in foreign participation in the SSC, and I am convinced there is a genuine and substantial interest in participation in this project.

However, no foreign government is willing to make any kind of a commitment before the U.S. Government has made a firm commitment.

Mr. Chairman, I urge the defeat of the Obey amendment.

Mr. ECKART. Mr. Chairman, I yield 3½ minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, some have suggested that we are here in a discussion of pork-barrel politics. I suggest that perhaps the discussion is about quark-barrel politics.

The gentleman from Pennsylvania has said this is a Luddite amendment. I take particular offense at that kind of description. Long before I ran for Congress, long before I became an attorney, I studied chemistry, was trained as a chemist, and engaged in basic research.

I look at this amendment as unfortunate but absolutely necessary. It is a statement that we must choose our investments carefully and that our scientific investment must be in the broadest and most effective research program possible.

We do not have all the money that we would like, and we certainly do not have all the money that we could spend. It does seem to me that the Eckart amendment makes a particularly wise decision to draw the line between research and development and construction. While what we learn from research and development will continue to have broad application, what we spend on construction this year will begin a process of appropriations from which it will be difficult to retreat.

The subcommittee itself, in its report to this House, has been quite clear about the indefinite nature of the costs that lie ahead. They report the potential need for up to $900 million a year for 5 to 7 years to come. Five percent of the entire energy and water appropriations bill might be taken up by this one project.

Is this the right step at this time? Do we really have the resources to go down this road? Or will the amount we spend this year on construction in the end turn out to have been wasted? This is a time to take a step back and to delay this decision. Others have spoken about other considerations. Do we really have the guarantee that we need of financing from private sources and other governments around the world? This is still a question. And where are the resources to operate the superconducting super collider going to come from once it is built? Under current assumptions we could see a very, very high percentage of the research budget of DOE consumed for this one project.

Last year, I had a visit from some physicists from Yale University. They talked to me about the superconducting super collider. I put to them the question that is before the House today. That question is not "Is this a good idea or not?," or, "Could we learn about basic energy physics, high-energy physics, and other physical matter that might be useful to us if we did this?" Of course, the answer to those is "yes." The question was, "Would you, as a high-energy physicist, choose this project in preference, for instance, to additional training funds for physicists or other research funds for physicists? Would you make that choice?"

The answer I received was instructive: "I really can't make that choice. I can't make a recommendation on that to you. I think we should do both."

Everyone thinks we should do it all, but we know we cannot do it all. We must choose. If the physicists lobbying us on this matter cannot make the choice to do it at the cost of other science, are we really ready to make that choice?

Vote "yes" on the amendment.

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. BARTON].

□ 1540

Mr. BARTON of Texas. Mr. Chairman, there have been many Members come to the well today to speak on the SSC and say they wished it were in their congressional district. This is the Member whose district it is in. So obviously, I am for the project.

I would like to point out, though, that I was for the project in 1985 when I asked to be put on the Committee on Science, Space, and Technology, and we were not sure there would be a project. I was for the project in 1986, when the Central Design Group magnet was chosen instead of the Texas design that was designed in my congressional district at the Texas Accelerator Center. I was for the SSC in 1987 when the Department of Energy sent out solicitations for proposals and over 30 States chose to submit a proposal I was for it in 1988 when six of the States, including Texas, were chosen to be in the national finals.

I would like to point out that this project has been thoroughly researched by the authorizing committees. It has been included in the budget of the Committee on the Budget. It has been approved by the Subcommittee on Energy and Water Development of the Appropriations Committee, and also approved by the full Committee on Appropriations. I would also like to point out in the last Congress in the authorization bill, H.R. 4505, which was voted on 290 to 27 in favor on June 3, 1988, the SSC was part of that authorization bill.

Many other speakers have told Members why this project should be built in this country. I would like to quote one scientist from Scotland, a Mr. Neal Calder, who works at the CERN facility in Switzerland. He says, "The United States might not build the SSC. If they do not, they can forget about being a world force in particle physics, which is the basic science." Either Members say they want to be a world leader, or say, "OK, let the Europeans have it, and we will send our boys over there."

Mr. Chairman, we are asking to spend $5.9 billion in 1989 dollars on this project over 10 years; 4.4 billion Federal dollars; $1 billion from the State of Texas. We think we will get half a billion dollars in foreign participation once this Congress makes a commitment to build the project. The total Federal research budget annually is $90 billion, "B" as in boy, billion dollars; $60 billion is defense related, $30 billion is civil related. We are asking to spend $200 million this year for the SSC. That is 2 hours' worth of Federal expenditures for the superconducting super collider.

The SSC meets the Gramm-Rudman target under the 302(b) budget allocation. It is in President Bush's budget. I would also like to point out this is not a regional issue. We have had Congressmen from Illinois, Michigan, Pennsylvania, Alabama, Louisiana, California, and Indiana speaking in favor of it. When the time comes to vote on the Eckart-Obey amendment, vote no on the Eckart-Obey amendment. Vote yes for America's future.

Mr. PACKARD. Mr. Chairman, the superconducting super collider will explore the heart of matter, unlocking secrets of the atom that no man has yet seen.

Research in this area has led to advancements in medical diagnosis, computers, communications, radar, and lasers.

Continued exploration in this area will keep these vital technologies moving ahead in the 21st century.

Long-term science and technology investments are critical to ensuring U.S. leadership in science and to our Nation's subsequent economic growth.

However, we in Congress understand the riskiness of making substantial long-term investments with the taxpayers' money.

Past unwise or unsuccessful investments have made us extremely cautious to commit billions of dollars to big science projects. And we should be cautious.

Yet we must take the responsibility of sufficiently understanding each individual issue to make a prudent decision. This is the only way in which Congress can hope to wisely set priorities.

After considerable investigations, I have decided to fully support the super collider. It is one of those rare projects that can stimulate our entire Nation and the world.

It offers American industry the opportunity to build and operate a world-class, high-technology research facility.

It will be an international symbol of excellence in education and science, proving that

America has the courage and foresight to invest in its future.

And it will help keep our best scientists here, maintaining America's leadership in particle physics.

However, some who have decided against the super collider are offering amendments to totally cut the $110 million of construction funds, yet allow for the $90 million of R&D funds to be appropriated.

Each year of delayed construction drives the cost of the super collider up hundreds of millions of dollars.

At incredible expense to taxpayer, we too often choose to stay on the fence. We throw insufficient yet substantial amounts of U.S. dollars at projects rather than make a hard decision, which I propose must be made about the super collider.

Mr. Chairman, this is the time for us to make one of those hard decisions. This is the time for commitment to the super collider or against it.

Either we build it now, or we kill it now.

Mr. ECKART. Mr. Chairman, I yield myself such time as I may consume to close debate for our side.

First, let me thank the committee and my worthy adversary from Texas [Mr. CHAPMAN]. The gentleman from Wisconsin [Mr. OBEY] and I and others who have spoken on this amendment know the difficulties Members have been under in trying to reconcile competing demands upon Members. Sometimes I am reminded that we are like persons who have locked themselves into their own straitjacket. The straitjacket called Gramm-Rudman, which many Members voted for, and now come to Members, hat in hand, Mr. Chairman, asking for dollars that are growing increasingly scarce, having locked themselves into that straitjacket.

We realize the difficult constraints Members have had, and we understand full well the commitments that Members have embarked upon reflected in the committee report about long-term funding difficulties, and the assurances given to Members by the Department of Energy and the President, as one of his priorities. So we are grateful for the job Members have done, and we are cognizant of the difficulties which Members face. That is the purpose of this debate.

For 3 percent of the scientists in the United States to, at this point next year, be entitled to spend under the portions of this committee's jurisdiction, almost 90 percent of its budget's science expenditures just is not fair. Given the constraints of this committee, self-imposed by a President who says "Read my lips," and close my pocketbook, has left this committee and this Congress having to choose among their own children.

My colleague from New Jersey said do not throw the baby out with the bath water. The fact of the matter is that yes, this is a baby, it is a baby gorilla. Eight hundred pounds in weight, and it will crowd all the rest of the children out of that crib, a crib that we have imposed upon ourselves and now say, "By gosh, it is not my fault."

We cannot allow this kind of misspending of priorities to dominate the science agenda. Unless you think that we are the only ones who feel this way, the president-elect of the American Physical Society said that, "A deficit economy, we have to decide what will yield the Nation's most national benefits. The SSC does not have immediate relevance to our technological or economic competitiveness." "This is a super toy for a tiny faction of the scientists," says Rustin Roy, director of science. "I felt the SSC should be delayed until we sort out our priorities," says Dr. John Dempsey.

Mr. Chairman, the list goes on of eminent scientists, all of whose science credentials are above question or reproach, who are simply telling the public policymakers, the Congress of the United States, choose your priorities better. Placing all of our science eggs in the hands of 3 percent of the Nation's scientists in a 53-mile circular science egg basket, dooms us to a colossal mistake, when technology that will derive from this will leap beyond our ability to pay for it.

Mr. Chairman, how we will pay for this is a question that will be left for future generations. The decision to embark on this path will be our legacy. Whether we are on the leading edge of science or on the trailing edge of physical responsibility will be determined at the conclusion of the debate on the Eckart-Obey amendment today. We are looking for new forces in the universe, but the new forces of the universe will not repeal the economic forces of constraint that have Members choosing among our children. Reject the super collider. It is a super mistake.

Mr. CHAPMAN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me first correct the numbers concerning the science budget of the United States of America. Of our total nondefense research and development in the science budget, the super collider will consume less than 2 percent. Of the items in the appropriations bill, it is true, it is a big number. We make no bones about that. However, I can only go back to those who have said that in the past 50 years, as we have explored the atom, as we have conducted high energy physics research, as we have made discoveries, first of the atom and then of the nucleus, and then the components of the nucleus, including the neutron, proton and electron, as the spin-off of knowledge in medicine, technology, electronics have come from these discoveries, and recently, the discovery of the core, and now we are at the lip, the very lip of determining, the very nature of matter itself. Will we abandon that enterprise? Will we stop now?

□ 1550

Will we give this opportunity over to the Europeans and the Japanese at the point in time when we are on the threshold of making the most important discoveries of mankind? Let this not be the day that Congress makes that decision.

Mr. Chairman, I ask the Members to reject the Eckart amendment. Let us vote for the future of America.

Mr. Chairman, I yield the balance of our time to the chairman of the Subcommittee on Energy and Water, the gentleman from Alabama [Mr. BEVILL].

The CHAIRMAN. The gentleman from Alabama [Mr. BEVILL] is recognized for 3 minutes.

Mr. BEVILL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. We have heard a lot of discussion about medical benefits. These benefits spun off from continuing a program that this Congress has supported—the Fermi National Laboratory in the Chicago area. Now, we are talking about moving to a second phase by building the superconducting super collider. At the Fermi Laboratory we have a tunnel 4 miles around, and we are now talking about a tunnel 53 miles around.

I want to see our scientists, the greatest scientists in the world, stay right here in the United States and work on this project. I want to see this project built in the United States. My good friend, the gentleman from Wisconsin [Mr. OBEY]—and he is my very good friend—is talking about how this money is needed for this and that. But he manages the foreign aid bill. That bill would spend money all over the world building projects. I want to see this money spent in the United States. I want to see this project built here. I believe this project is going to be built. It is just a question of whether it is going to be built in the United States.

Mr. Chairman, let me quote the Secretary of Energy in a letter dated yesterday. He is, as we know, Admiral Watkins, who has a tremendous record in the United States Navy. He is a four-star retired admiral. He was taught by Admiral Rickover, one of the greatest. Here is what he says about it. He says that in the building of the super collider, America would not only maintain its leadership in the important area of physics research but also reap significant benefits.

He is talking about economic benefits. He is talking about over 100 universities in this country participating. He is talking about keeping our best scientific minds here that would inspire more of our young people.

We know that significant benefits have accrued already. We know that from the small 4-mile tunnel at Fermi Laboratory with the approximately $1 billion we have already invested, we have the Magnetic Renaissance Imaging known as MRI. I could go on with more examples, but let us talk about what MRI means.

This means now, thanks to the Fermi Lab, that we can now build a three-dimensional x ray. Think of the surgery that will be eliminated thanks to this technology. Think of the cost and the pain and suffering that is eliminated simply by having a three-dimensional photograph and not having to perform exploratory surgery.

This is just one of the benefits, and other benefits will be coming on. With a proton accelerator, they can treat cancer. Actually Fermi Lab is now building the proton accelerator for the Loma Londa Medical Center to treat cancer.

This is an advancement that has already been made. I think that this $1 billion was a good investment. Now, we are talking here about the SSC that costs more. It is an expensive project.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BEVILL] has expired.

All time has expired.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Chairman, I just want to point out that we are not talking about funding this project all by ourselves.

I have a letter from the Governor of Texas dated yesterday. He says that the State of Texas will contribute $1 billion and deliver all the land necessary for the project without cost to the Federal Government. I want to point out also all the countries that the Secretary of Energy has already been in touch with, along with the State Department—Japan, Taiwan, Canada, and India. We have about 15 to 20 countries that have already—and I am using the words of the Secretary of Energy—strongly indicated that they are going to participate in this project. Japan says they are anxious to participate and will contribute between $500 million and $1 billion. India has already signed the papers to contribute to this project.

So we are well over $1 billion in commitments already, and by this time next year the Secretary of Energy says we will have more commitments if we go ahead and approve funding for this project today.

Mr. Chairman, let us vote this amendment down now and vote for science.

Mr. PENNY. Mr. Chairman, "something this big just has to be good," doesn't necessarily apply to the superconducting super collider [SSC] project. What's "big" in this case is the $6.4 billion which CBO estimates taxpayers stand to lose in a project of untested, questionable scientific benefit.

In the committee report on this legislation, the Appropriations Committee itself admits its concern "about being able to continue to finance this project through completion," and states that: "In order to complete the SSC, non-Federal participation will be necessary." While it's true that the State of Texas has committed $1 billion to the SSC, no foreign government or other financier has been willing to back the project. Just last year, this House voted overwhelmingly to direct the Department of Energy to obtain commitments for foreign participation in the SSC to cover between one-fourth and one-third of the project's estimated total costs. Shouldn't we be able to see the color of some of this money beefore we proceed to borrow $110 million to begin construction?

Eliminating construction funds at this point does not amount to turning our backs on scientific advancement. Instead it is a sound management decision not to commit scarce resources to a project which has been strongly questioned by the scientific community. I rise in support of the Eckart/Obey/Boehlert amendment which would eliminate all construction funds from this bill and urge its adoption.

Mr. PICKLE. Mr. Chairman, if the United States wants to remain a leader in the scientific world, we must move forward with the superconducting super collider project. The bill before us here today, appropriates funding for this important project. The amount is not as much as the administration had hoped for, or as much as many of us hoped for, but it is a start in our efforts to construct the largest, most advanced scientific instrument ever built.

The benefits the superconducting super collider will provide the United States are numerous. This instrument will be the largest particle accelerator in the world and will provide us with the basic knowledge of the nature of matter. I believe we have a responsibility to future generations to provide them with the knowledge and technology they will need to be competitive.

Currently, the United States sets the standard for scientific research. If we lose our leadership, this may no longer be the case. While it is impossible to prove to you today what we will reap from this super collider experiment in the future, we all know that scientific curiosity ultimately leads to enormous advances in technology and scientific discovery.

The superconducting super collider project will be one of basic research which will ultimately provide us with new technologies, new industries and new jobs.

I urge my colleagues to oppose efforts to reduce the funding provided in this bill for the superconducting super collider.

Mr. LENT. Mr. Chairman, I rise in support of H.R. 2696—the energy and water development appropriations bill—which includes much needed funding for many important navigation improvement projects including the dredging of the sand-clogged Jones Inlet by the U.S. Corps of Engineers.

The Jones Inlet is a heavily traveled waterway serving many of my constituents on Long Island. In fact, over 25,000 vessel trips—both commercial and recreational—are made in and out of this inlet each year.

A jetty constructed in 1959 at the inlet's eastern mouth is no longer effective. Originally built to prevent shoaling, this jetty has outlived its 20-year useful life and, as a result, the inlet is shoaling four times faster than it did some years ago. Channel markers have to be relocated constantly to maintain an open, safe waterway.

This situation presents a grave danger to boaters trying to navigate the inlet which has been labeled "precarious for shallow draft boats and dangerous for deep draft boats." I fear for the safety and well-being of my constituents who use this treacherous inlet. Several years ago, two people drowned and their boat was destroyed because of these channel problems. This tragedy could have been averted, and I am here today to make sure that no more lives are needlessly lost on this waterway.

The measure before us includes $900,000 for the dredging of Jones Inlet in fiscal 1990. These moneys are desperately needed to ensure the safe passage of the many boaters who navigate this inlet. I thank the distinguished chairman and ranking member of the subcommittee, the gentleman from Alabama and the gentleman from Indiana, for their support and I urge my colleagues' favorable vote on H.R. 2696.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. ECKART).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ECKART. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 330, not voting 9, as follows:

[Roll No. 118]

AYES—93

Bates	Eckart	Leach (IA)
Beilenson	Evans	Levin (MI)
Bereuter	Feighan	Long
Berman	Ford (MI)	Luken, Thomas
Boehlert	Frank	Markey
Brennan	Gradison	Martin (NY)
Broomfield	Gunderson	Martinez
Buechner	Hamilton	McDermott
Campbell (CA)	Hancock	Miller (CA)
Carper	Hastert	Moody
Clarke	Hayes (IL)	Morrison (CT)
Clement	Hefley	Neal (MA)
Coble	Hertel	Neal (NC)
Conyers	Jacobs	Oberstar
Coughlin	Johnston	Obey
Craig	Jontz	Owens (NY)
Crockett	Kasich	Patterson
DeFazio	Kastenmeier	Penny
Dellums	Kennedy	Petri
Derrick	Kildee	Ridge
Dingell	LaFalce	Ritter
Douglas	Lancaster	Rohrabacher
Early	Lantos	Roukema

Sabo
Sangmeister
Schneider
Schroeder
Schulze
Schumer
Sharp
Shays
Sikorski
Slaughter (NY)
Smith, Robert (NH)
Snowe
Stark
Studds
Swift
Synar
Unsoeld
Vento
Visclosky
Weiss
Weldon
Wheat
Williams
Wolpe

NOES—330

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bevill
Bilbray
Bilirakis
Bliley
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brooks
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clinger
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Costello
Cox
Coyne
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
DeWine
Dickinson
Dicks
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Fascell
Fawell
Fazio
Fields
Fish
Flake
Flippo
Foglietta
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Gordon
Goss
Grandy
Grant
Gray
Green
Guarini
Hall (TX)
Hammerschmidt
Hansen
Harris
Hatcher
Hawkins
Hayes (LA)
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kennelly
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
Lagomarsino
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowey (NY)
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nielson
Nowak
Oakar
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Saiki
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (OR)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stokes
Stump
Sundquist
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Whittaker
Whitten
Wilson
Wise
Wolf
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—9

Bentley
Collins
Courter
Florio
Glickman
Goodling
Hall (OH)
Hefner
Smith (IA)

□1617

The Clerk announced the following pair:

On this vote:

Mr. Glickman for, with Mrs. Collins against.

Messrs. ASPIN, KLECZKA, HOAGLAND, and CARDIN changed their vote from "aye" to "no."

Messrs. CRAIG, KENNEDY, STARK, and HAYES of Illinois changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of the bill is as follows:

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $450,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided*, That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For necessary expenses of activities related to the production, distribution, and sale of isotopes and related services, $16,243,000, to remain available until expended: *Provided*, That this amount and, notwithstanding 31 U.S.C. 3302, revenues received from the disposition of isotopes and related services shall be credited to this account to be available for carrying out these purposes without further appropriation: *Provided further*, That all unexpended balances of previous appropriations made for the purpose of carrying out activities related to the production, distribution, and sale of isotopes and related services may be transferred to this fund and merged with other balances in the fund and be available under the same conditions and for the same period of time: *Provided further*, That fees shall be set by the Secretary of Energy in such a manner as to provide full cost recovery, including administrative expenses, depreciation of equipment, accrued leave, and probable losses: *Provided further*, That all expenses of this activity shall be paid only from funds available in this fund: *Provided further*, That at any time the Secretary of Energy determines that moneys in the fund exceed the anticipated requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, $9,677,000,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 208 for replacement only including 19 police-type vehicles).

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $358,734,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $150,000,000 in fiscal year 1990 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1990 so as to result in a final fiscal year 1990 appropriation estimated at not more than $208,734,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $22,959,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,145,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for expenses of the Northeast Oregon Spring Chinook Facility and Galbraith Springs/Sherman Creek Hatcheries; and for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1990, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $18,469,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $25,172,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $11,723,000 in reimbursements, to remain available until expended: *Provided*, That the continuing fund established by the Act of October 12, 1949, c. 680, title I, section 101, as amended, shall also be available on an ongoing basis for paying for purchased power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-average hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the fund shall occur within twelve months of the month in which the funds were first expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase, maintenance, and operation of one helicopter for replacement only, $291,233,000, to remain available until expended, of which $264,457,000 shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $3,564,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended: *Provided*, That, the continuing fund established in Public Law 98-50 shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-normal hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the continuing fund shall occur within twelve months of the month in which the funds were first expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $116,550,000, of which $11,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed $116,550,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1990, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1990, so as to result in a final fiscal year 1990 appropriation estimated at not more than $0: *Provided further*, That revenues collected under the authority of section 3401 of the Omnibus Budget Reconciliation Act that have been held in suspense pending the final outcome of litigation, will be immediately credited to the general fund of the Treasury.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $75,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 304. (a) FEDERAL FUNDING.—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(b) OTHER PARTICIPATION.—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-56, section 1441, $10,000,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $214,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $345,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $100,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $442,100,000, to remain available until expended, of which $23,195,000 shall be derived from the Nuclear Waste Fund: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $146,850,000 in fiscal year 1990 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1990 from licensing fees, inspection services and other services and collections, and from the Nuclear Waste Fund, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1990 appropriation estimated at not more than $295,250,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $2,900,000, to remain available until expended; and in addition, not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfer shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $200,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $276,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $121,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the Tennessee Valley Authority may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Tennessee Valley Authority except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Tennessee Valley Authority except for the purposes of tort claims to the same extent as a regular employee of the Tennessee Valley Authority would be under identical circumstances.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Nuclear Waste Negotiator, as authorized by Public Law 100-203, section 411, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 509, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental

costs against otherwise existing repayment obligations: *Provided further*, That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further*, That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further*, That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

SEC. 509. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1990".

The CHAIRMAN. Are there any points of order against the remainder of the bill?

If not, are there any amendments?

AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows

Amendment offered by Mr. HORTON: Page 42, line 20, strike "$9,677,000,000" and insert "$9,692,300,000".

Mr. HORTON. Mr. Chairman, I would like to commend the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of the subcommittee, and the ranking member, the gentleman from Indiana [Mr. MYERS] for crafting this bill. They have done an outstanding job.

Mr. Chairman, I rise to speak in favor of my amendment. My amendment would increase the level of funding available under H.R. 2696 for the atomic energy defense activities by $15.3 million, well within the relevant 302(b) allocation. This is the amount which was recently authorized by the Armed Services Subcommittee on Procurement and Military Nuclear Systems for the upgrade of the Omega laser at the University of Rochester. In making this authorization, members of the Procurement Subcommittee were following the sound recommendations of the National Academy of Science and the special panel on the Department of Energy's defense nuclear facilities headed by chairman JOHN SPRATT of South Carolina.

Physicists at the University of Rochester firmly believe that, with this upgrade, they can achieve nuclear fusion ignition. The benefits to be derived from this event are countless—from providing clean, safe energy to an effective means of testing our nuclear arsenals without having to explode them.

In short, there are no losers with this amendment. The project has been authorized by the Armed Services Procurement Subcommittee, the funds are available, and America will benefit greatly from the physics carried out at Rochester. I urge my colleagues to support this amendment!

□ 1620

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, we are familiar with that amendment. We have no objection to it, and accept it.

Mr. HORTON. Mr. Chairman, I thank the gentleman very much.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, we worked very closely with the gentleman from New York [Mr. HORTON], and this was left out because the Department of Energy had some question about the ability of the university to conduct this improvement. It is inertial confinement fusion. It is upgrading the Omega, and so we support it.

Mr. HORTON. I thank the gentleman from Indiana.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HORTON].

The amendment was agreed to.

Mr. BEVILL. Mr. Chairman, there being no further amendments, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes; had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1990

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, the Clerk shall be authorized to make any necessary technical corrections.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AUTHORIZING GERMANE MODIFICATIONS TO EN BLOC AMENDMENT AND SPECIFYING DEBATE TIME FOR FURTHER EN BLOC AMENDMENTS TO H.R. 2655, INTERNATIONAL COOPERATION ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that an en bloc amendment to H.R. 2655 offered pursuant to the authority granted by House Resolution 179 and the previous order of the House of June 21, 1989, may include germane modifications of the amendment printed in the RECORD of June 23, 1989.

Further, I ask unanimous consent that time for debate on any amendment en bloc to H.R. 2655 may be extended on demand of Representative BROOMFIELD of Michigan or myself to not more than 1 hour, equally divided and controlled.

Further, I ask unanimous consent that debate on all amendments en bloc to H.R. 2655 be subject to the 8-hour limit provided in House Resolution 179.

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I am in support of the chairman's request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANTICIPATED SCHEDULE FOR CONSIDERATION OF H.R. 2461 DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1990, 1991

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

Mr. MOAKLEY. Mr. Speaker, I rise today to inform the House of the anticipated schedule for consideration of H.R. 2461, the Department of Defense Authorization Act for fiscal years 1990 and 1991.

Mr. Speaker, the Committee on Armed Services is currently involved in markup of the legislation. It is anticipated that the committee will complete its action on the bill in time to file its report in the House by June 30, that is, by this Friday.

By next Wednesday, July 5, the Union Calendar print of the version of the bill reported from the committee should be available to all Members. Amendments for floor consideration should be drafted to the reported version of the bill.

The Rules Committee is likely to meet to consider a rule for the consideration of the bill during the week of July 17 and it is anticipated that the Rules Committee will not consider making in order any amendments which are received at the Rules Committee after 3 o'clock p.m. on Thursday, July 13, 1989.

To reiterate, any Member who wishes to offer one or more amendments during floor consideration of the Defense authorization bill for fiscal years 1990 and 1991 should have 35 copies of any amendment, together with explanatory materials, delivered to the offices of the Committee on Rules by 3 o'clock p.m. on Thursday, July 13. The Rules Committee is located in room H-312 in the Capitol.

Floor consideration of H.R. 2641 is expected to occur during the weeks of July 17 and July 24 and is to be concluded by no later than Saturday, July 29.

Mr. Speaker, I am having delivered today to Members offices a "Dear Colleague" letter which fully describes the procedures the Rules Committee is expected to follow in its deliberations on a rule for the Defense Authorization bill.

Mr. Speaker, I also wish to take this opportunity to remind my colleagues of a letter sent by the chairman and the ranking minority member of the Rules Committee to all Members on May 16 of this year. In the letter, Members were encouraged to consider presenting any amendments which they hoped to offer to the Armed Services Committee for consideration during its markup of the bill. It is our belief that full committee examination of the many amendments which Members wish to offer to the bill will not only improve the bill's final composition but will help in expediting floor consideration of a bill which has consumed increasing amounts of floor time in recent years.

Mr. Speaker, I thank my colleagues for their attention to this announcement and for their cooperation in the weeks ahead.

□ 1630

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

Mr. MOAKLEY. I am glad to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from Massachusetts, and would ask this, because I think it is important to emphasize for our colleagues and for their staffs: When Members come back on July 10 or 11, they will have at most 3 days in order to get amendments in. I do not object to this procedure; I just want to make sure, because often Members arrive and wonder the week a bill comes up why their amendments cannot be included. So I think it is very important to emphasize for Members on both sides of the aisle that when we come back from the district work period, they will have only in effect Tuesday, Wednesday, and up until 3 o'clock on Thursday, I believe.

Mr. MOAKLEY. The gentleman is correct.

Mr. GINGRICH. Therefore, Members should have their staffs working on any amendments they want put in during the district work period.

EXTENSION OF TITLE I OF ENERGY POLICY AND CONSERVATION ACT

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 694) to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Senate amendment to House Amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. EXTENSION.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) in section 171, by striking out "June 30, 1989" each place it appears and inserting in lieu thereof "April 1, 1990"; and

(2) in section 104(b)(1), by striking out "June 30, 1989" and inserting in lieu thereof "April 1, 1990".

SEC. 2. STUDY AND REPORT ON OIL LEASING AND OTHER ARRANGEMENTS TO FILL SPR TO ONE BILLION BARRELS.

(a) IN GENERAL.—The Secretary of Energy shall carry out a study on potential financial arrangements (including long-term leasing of crude oil and storage facilities) that could be used to provide additional, alternative means of financing the filling of the Strategic Petroleum Reserve to one billion barrels. In carrying out such study, the Secretary shall—

(1) assume that the legislation that extends title I of the Energy Policy and Conservation Act beyond April 1, 1990, will require the Secretary to amend, by July 1, 1990, the Strategic Petroleum Reserve Plan to provide plans for completion of storage of one billion barrels of petroleum products in the Reserve at an average fill-rate of at least seventy-five thousand barrels per day;

(2) consider a broad array of such arrangements;

(3) consult with persons in the private sector who might be interested in leasing crude oil or storage facilities;

(4) initiate, in cooperation with the Department of State, to the extent consistent with the interests of the United States, discussions with representatives of foreign governments and other entities as to the types of financial arrangements (including crude oil leasing arrangements) that would interest them; and

(5) produce preliminary written solicitations for proposed alternative financial arrangements (including long-term leasing of crude oil and storage facilities) to assist in filling the Strategic Petroleum Reserve to one billion barrels.

(b) REPORTS.—(1) The Secretary shall, no later than October 15, 1989, transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an interim report containing—

(A) an enumeration of the specific resources (both personnel and funding) committed to the study described in subsection (a);

(B) a description of the progress made toward completing the study; and

(C) any preliminary findings and conclusions made by such date.

(2) The Secretary shall, no later than February 1, 1990, transmit to such committees a copy of the solicitations described in paragraph (5) of subsection (a) and a final report containing the findings and conclusions of the study carried out under this section, together with a draft of the legislative changes that would be necessary to authorize the most significant alternative financial arrangements studied by the Secretary (including long-term leasing of crude oil and storage facilities) and recommendations of the Secretary with respect to the need for and desirability of such financial arrangement (including long-term leasing of crude oil and storage facilities).

(c) ENFORCEMENT.—Notwithstanding any other provision of law, no portion of the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of pursuant to any contract or other agreement entered into or extended on or after February 1, 1990, other than to the Strategic Petroleum Reserve (either directly or by exchange) until the Secretary of Energy has transmitted the solicitations and the final report described in subsection (b)(2) (including the legislative changes and recommendations described in such subsection) to the committees described in subsection (b)(1), except for the purposes provided in section 160(d)(2) of the Energy Policy and Conservation Act.

Mr. SHARP (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Indiana [Mr. SHARP] to explain what he is doing by this request.

Mr. SHARP. Mr. Speaker, this bill S. 694, represents a compromise over how to deal with the extension of title I of the Energy Policy and Conservation Act [EPCA]. Unless EPCA is extended before June 30, 1989, the Department of Energy may not have sufficient authority to drawdown the SPR in response to an oil shortage.

This bill is a 9-month extension of title I, until April 1, 1990. This extension is 1 month longer than the extension that had previously passed the House in H.R. 2539.

The compromise bill now contains a study of alternative means of financing oil acquisition for the SPR. This study is required to be finished no later than February 1, 1990. This will give the Congress 2 months to act on any changes before the new April 1 deadline.

This bill has been worked out on a bipartisan basis in close consultation with the administration. The primary reason for a short extension is to allow the Department of Energy and the committee to consider a number of unresolved issues relating to the SPR. In addition to alternative financing methods, these issues include: increased flexibility in Presidential drawdown authority; the desirability of some refined product storage, as well as crude oil, use of SPR to respond to domestic oil shortage as well as shortages of foreign crude oil, test drawdown authority; and the need and method of expanding the SPR to 1 billion barrels or more in size.

The Subcommittee on Energy and Power intends to hold additional hearings to assist in resolving these issues. I urge my colleagues to support passage of the bill.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, the minority approves of the action being taken, and we stongly support the strategic petroleum reserve.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

INTERNATIONAL COOPERATION ACT OF 1989

The SPEAKER. Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2655.

□ 1635

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2655) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal year 1990 and 1991, and for other purposes, with Mr. AUCOIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 22, 1989, title V was open for amendment at any point.

There are 5 hours and 44 minutes of deabte remaining on all amendments.

Are there any amendments to title V?

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 402, after line 2, insert the following:

"SEC. 5509. DRUG TESTING.

"The President shall require random drug testing of officers and employees of Federal Agencies assigned to carry out any assistance program funded under this Act.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I just take this moment to explain where we are and where we think we are going.

As the Chair has just announced, there are 5 hours and 44 minutes left under the rule for the debate on all amendments, except the specifically designated amendments that have time which are included in the rule.

One amendment is the McHugh amendment in title VII. The other time allocated by the rule is the substitute, if offered, by the gentleman from Michigan [Mr. BROOMFIELD]. All other debate will be within the time limit of 5 hours and 44 minutes that are left to us.

We would like to proceed tonight to get as far as we can so that if we come in reasonably early tomorrow, Mr. Chairman, we might get through at a reasonable time tomorrow. But we are going to need some cooperation.

I might say we have had excellent cooperation in working with amendments. There are a lot of amendments. We are doing our best to reach accommodation where that is possible so that we may offer amendments en bloc where that is appropriate and where we can, of course, the House will then have to work its will on those amendments.

We think we have plenty of time left to debate all of the important amendments before us, but in order to get through tomorrow we would have to work to a reasonably late hour tonight.

I thank the gentleman for yielding.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, because we have a definite, specific period of time to debate this particular legislation, is the gentleman going to make sure that we have time for the titles coming later on like say title IX, X, and XI so that not all of the time is used up on the earlier titles?

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I will say to the gentleman from Wisconsin that I have no idea whether that is possible, but maybe with the cooperation of all Members it might be.

Mr. ROTH. If I can just get 30 more seconds, I would say I hope we have some time for later titles. Otherwise, it is not fair to Members who have amendments on the later titles if everything is going to be used up in titles V, VI, and VII.

I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Chairman, today I am offering the first of a series of amendments designed to change the emphasis in the war on drugs. In my view, current policy puts too much emphasis on supply when we should be concentrating on demand. It is the drug users in this country who keep the market going, and we'll never win this war unless we win the battle against user demand.

My amendment requires random testing of the officers and employees of Federal agencies assigned to carry out any assistant program funded under this act.

Three years ago, President Reagan signed an executive order, establishing the goal of a drug-free Federal work place. The order made it a condition of employment for all Federal employees to refrain from using illegal drugs on- or off-duty.

At that time, the President recognized that illegal drug use is seriously imparing the national work force, re-

sulting in the loss of billions of dollars each year. As the largest employer in the Nation, the Federal Government has compelling interest in establishing reasonable conditions of employment. And it has an obligation to set standards for the private sector, and prohibiting drug use is one of them.

This amendment offers a helping hand to those who need it, while sending a clear message that illegal drug use is uncompatible with service in the Federal Government.

Mr. Chairman, for the remainder of this 101st Congresss, I will be attaching this amendment to all authorizing bills for our Federal agencies and departments, and offering floor amendments which toughen existing law denying Federal benefits to drug users. I'll be offering amendments to deny Federal benefits, including higher education assistance and Federal job training to offenders who test positive. And at the first opportunity, I will also offer an amendment to deny Federal highway funds to States which fail to test driver's license applicants for the illegal use of controlled substances.

Mr. Speaker, we could kill every drug lord in the world today, and new ones would pop up tomorrow, allured by the enormous profits in this death trade. What we have to do is eliminate the market—eliminate the demand.

And the solution of throwing more money at this problem is not enough. We have already tried this, and rather than create drug-free work places, all this has done is create work-free drug places.

Mr. Chairman, this Congress has to summon the courage to attack the root cause of the drug crisis.

This amendment covers all officers and employees of the Federal agencies assigned to carry out any assistance program funded under this Act. More specifically, all State Department personnel.

If State Department personnel are using illegal drugs, we have a right to know about it.

Let's face the facts, marijuana and cocaine impair the judgment of the people who use them. If you are undecided about this amendment, just ask yourself these three questions.

Can we afford to have the people who negotiate our treaties using illegal drugs?—their minds and judgment temporarily impaired?

Can we afford to have our officials who are exposed to Soviet personnel on a daily basis using illegal drugs?

And, can we afford to have people with access to classified intelligence information using illegal drugs?

Mr. Chairman, this legislation is long overdue. The demand for illegal drugs must be ended—and you can help end it by supporting this amendment today—go back to your Districts this 4th of July and proudly say the Congress took a first step in declaring war on their drug use.

□ 1640

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I understand the concern that the gentleman from New York has. I share his concern on many of the issues that in fact come before the Committee on Foreign Affairs and come before this body in terms of drug testing, use of drugs by Federal employees and the consequences that might arise as a result thereof.

As the chairman of the International Narcotics Task Force, however, and as a member of the Subcommittee on International Operations, chaired by the gentleman from California [Mr. DYMALLY], I am afraid I have to stand and oppose this amendment on a number of grounds. First of all the administration also opposes this amendment. While I do not always agree with the administration, I think their opposition to this amendment is correct because the amendment is unnecessary. The Department of State and AID are already complying with Executive Order 12564 establishing the rules for a drug-free workplace which was issued by President Reagan. They are complying with section 503 of the Supplemental Appropriations Act of 1987 establishing uniformity among Federal agency drug-testing plan; section 628 of P.S. 100-440, the fiscal 1989 Treasury appropriation bills and other relevant legislative and regulatory requirements.

In addition, this amendment would set a new precedent in applying different standards for specified agencies instead of a governmentwide uniform policy worked out with great effort.

State has already demonstrated its commitment to mandatory random testing. I do not believe that State ought to be singled out for treatment far different from other Federal agencies that already are in fact doing the kinds of drug testing that needs to be done.

In addition, the Supreme Court of this country, although we can disagree from time to time with their rulings, has already ruled and they have said that right now mandatory testing is not something that we can require but that testing of employees on a mandatory basis who are involved with dangerous instrumentalities, in fact, can be employed.

Now we know the Federal motormen and airline pilots and a number of other Federal workers who are concerned with the safety of the average American person, people who use the trains and the planes and all the other things that the Federal Government runs that inherently are dangerous, that are operated by people who work for the Federal Government, in fact are now subject to mandatory testing.

But I ask you, Mr. Chairman and my colleagues, of what danger, what inherent dangerous instrumentality is one of the striped-pants people over at the State Department? Oh, yes, they might run off at the mouth occasionally, they might say something wrong. But to make drug testing mandatory for them when more, more dangerous jobs where other Americans' lives are at stake do not have mandatory testing does not make sense.

We are all here in this body and have spoken before very seriously about our antidrug commitment. I chair that part of the Committee on Foreign Affairs that deals with the international narcotics scourge. This is not going to cure anything. This is a punitive amendment. And I really do not understand why State is being singled out for this.

I believe I speak for the chairman of the Subcommittee on International Operations when I say that he opposes this amendment as well. The administration opposes it. I do not believe that until a governmentwide, legitimately valid, constitutionally muster-passing test and set of regulations is developed that State ought to be singled out for some punitive punishment that ultimately is not going to support the work of the Department of State.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding.

I think the most important thing it seems to me—and I agree with the gentleman—this amendment is not necessary. We want a rational program. The State Department has already submitted a proposal which has been approved which would subject 90 percent of their personnel to a random testing program. So I think the administration is proceeding properly. We want a rational program affecting the agencies and not legislate it amendment by amendment.

□ 1650

I would hope this amendment would be voted down.

Mr. SMITH of Florida. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, would the gentleman support a governmentwide testing program? The gentleman indicated he might.

Mr. SMITH of Florida. I support a program and approach that would yield for this program.

Mr. GILMAN. Mr. Chairman, I move to strike the last word and yield to the

gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, first of all, let me just respond by saying that the State Department is not being singled out individually. This same argument was used against the Solomon amendments back in 1983 when we said we were singling out students who refused to register for the draft. Same old argument.

Let me quote from the U.S. Supreme Court decision on custom drug testing. My friends, just listen:

> There is a national crisis of law enforcement caused by the smuggling of illicit narcotic drugs. Reasonable drug testing is not unconstitutional.

That is what it says here, Supreme Court Justices said it.

Thirdly, the administration does not support this amendment. Here is Secretary Bennett's statement, the drug czar's proposal aims to punish users. That means Federal employees.

Now, as far as the plan that the State Department intends to implement, they have no plan to implement random testing for anybody but preemployment employees. What about all the employees that are overseas right now in our embassies that are smoking marijuana and sniffing cocaine with classified information? Do Members mean to tell me we should not test those people randomly? Now, let me tell Members one compelling piece of evidence, why everybody should vote for this legislation. In 1982, 27 percent of our entire armed forces from the PFC's to the generals were on drugs by their own admission. In 1988, thanks to Ronald Reagan when he implemented drug testing randomly selected in the armed forces, it dropped to 4.5 percent from 27 percent. That is an 82 percent drop. If Members want to do something about the demand for drugs in this country, enact this amendment and we will enact it to every single piece of legislation affecting every single department and every single Federal employee from now until the end of the 101st Congress, then Members will have done something about the illegal drug users in this country.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

We run along the edges of the drug problem all the time, and when something concrete comes up, we make all kinds of reasons why we cannot pass it. I hope my colleagues will listen to me on the other side of the aisle. This is very important. I want to make a point.

The day before yesterday, a member of my staff was attacked in her apartment, and the guy ran a 4-inch knife through her hand. This is the murder capital of America, one of the drug capitals of America. We know that, and we cannot deal with that problem here on Capitol Hill. The injury to that staff person of mine occurred two blocks from the Capitol, and we cannot deal with the problem. We know drugs are prevalent all over the place and we need to set an example. The Solomon amendment is a step in the right direction. For Members to continue to make reasons why we cannot pass drug testing legislation is ludicrous. It is a major problem facing this country.

My more liberal colleagues, whom I have a great deal of respect for, the problem affects those Members, as well as those on our side of the aisle. I would hope, instead of tuning me out as many of the Members are doing right now, I wish the Members would listen. We need to take steps to come to grips with this problem. This is a good first step.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 212, not voting 16, as follows:

[Roll No. 119]

AYES—204

Andrews
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bevill
Bilirakis
Bliley
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CO)
Chapman
Clarke
Clement
Coble
Coleman (MO)
Combest
Cooper
Costello
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Gallegly
Gaydos
Gekas
Gilman
Gingrich
Gordon
Goss
Gradison
Grandy
Grant
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Jones (GA)
Kasich
Kolbe
Kyl
Lagomarsino
Laughlin
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken, Thomas
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McNulty
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Murphy
Neal (MA)
Nelson
Nielson
Ortiz
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Petri
Poshard
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Roth
Rowland (GA)
Sangmeister
Sarpalius
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Traxler
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weldon
Whittaker
Wylie
Yatron
Young (FL)

NOES—212

Ackerman
Akaka
Anderson
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Bereuter
Berman
Bilbray
Boehlert
Boggs
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CA)
Cardin
Carper
Carr
Chandler
Clay
Clinger
Coleman (TX)
Conte
Conyers
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gejdenson
Gephardt
Gibbons
Gillmor
Gonzalez
Gray
Green
Hamilton
Hawkins
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hughes
Jacobs
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Machtley
Manton
Markey
Matsui
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Price
Rahall
Rangel
Richardson
Ridge
Rinaldo
Rose
Rostenkowski
Roukema
Rowland (CT)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schumer
Sharp
Shumway
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (VT)
Snowe
Solarz
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Udall
Unsoeld
Vento
Visclosky
Walgren
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates

NOT VOTING—16

Alexander	Florio	Kolter
Bentley	Glickman	Smith (IA)
Bonior	Goodling	Wright
Collins	Hall (OH)	Young (AK)
Courter	Hefner	
Coyne	Johnson (CT)	

□ 1715

Mr. CARR changed his vote from "aye" to "no."

Mr. CAMPBELL of Colorado and Mr. HANCOCK changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STALLINGS

Mr. STALLINGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STALLINGS: Page 377, line 14, after "housing," insert "engineering, surveying, mapping".

Mr. STALLINGS. Mr. Chairman, I commend the committee for including language in this bill which specifies that when providing professional and technical assistance to foreign countries, goods and services from the private sector be used to the fullest extent practicable. The bill states that Federal agencies may provide services in fields such as education, health, housing, or agriculture, if, among other things, they do not compete with private enterprise. The amendment I offer today would add engineering, surveying, and mapping services to the list of services covered by these provisions.

Last year, I offered an amendment to the Small Business Administration reauthorization bill which required a study of Federal agency competition with U.S. firms in the international marketplace, with emphasis on small professional and technical services businesses.

The SBA study particularly noted the impact of Government competition on surveying and mapping services. For example, the study found that the U.S. Geological Survey alone anticipates providing $22.250 million in surveying and mapping services for the Agency for International Development in 19 foreign countries in fiscal year 1989. USGS activity in the international market is equal to 54 percent of the domestic Federal Government contracting total for these services.

This fiscal year, the Government will spend $1 billion on mapping and surveying, however only $22.4 million or 5.8 percent will be subcontracted out to the private sector.

This competition represents a major barrier for U.S. firms attempting to export their services. They must compete against their own Government, and are elbowed out of markets by Federal agencies. This amendment will help open doors to U.S. firms, give them the foreign trade experience they need to expand their international marketing activities.

Again, Mr. Chairman, the committee has done an excellent job of addressing the issues I raised in my SBA amendment last year. My amendment simply clarifies section 5401 to include those professional and technical services which the private sector or SBA have considered most affected by Government competition.

I urge adoption of this amendment and I thank my colleagues from Florida [Mr. FASCELL] and from Indiana [Mr. HAMILTON], and all the members of the committee for their efforts and cooperation.

□ 1720

Mr. FASCELL. Mr. Chairman, if the gentleman will yield, we have examined this amendment. We think it is a good amendment and are happy to accept it.

AMENDMENT OFFERED BY MR. STALLINGS TO THE AMENDMENT OFFERED BY MR. CRAIG

Mr. CRAIG. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAIG to the amendment offered by Mr. STALLINGS: On page 113, line 1, after the word "housing," insert the word "construction".

Mr. CRAIG. Mr. Chairman, I have discussed this amendment with my colleague, the gentleman from Idaho. I totally agree with the effort the gentleman has put forth to add the additional services of surveying and mapping and those types of things to this section of the bill.

In our effort to encourage and facilitate the participation of the purposes of this Act, I would ask that the word "construction" become a part of it immediately following the word "housing." I believe it fits the total format of the legislation in attempting to encourage those in private enterprise in this particular section and in this important legislation.

I have discussed this with my colleague, the gentleman from Ohio. He finds no objection to it. I believe it is consistent and compatible with this section.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I am happy to yield to my colleague, the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I agree with the gentleman's observations. I believe that the proponent of the original amendment feels the same way.

Mr. STALLINGS. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I am happy to yield to my colleague, the gentleman from Idaho.

Mr. STALLINGS. Mr. Chairman, I have no objection to the amendment. In fact, I think it helps strengthen what I am trying to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAIG] to the amendment offered by the gentleman form Idaho [Mr. STALLINGS].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. STALLINGS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 369, after line 16, insert the following:

(h) ACQUISITION OF MOTOR VEHICLES.—

"(1) UNITED STATES VEHICLES.—Funds made available to carry out this Act may not be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of any motor vehicle that is not manufactured in the United States.

"(2) WAIVER.—Where special circumstances exist, the President may waive paragraph (1).

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, on behalf of the gentleman from Michigan [Mr. BROOMFIELD], this amendment would prohibit the use of funds made available by this act for the financing, purchase, sale, long-term lease, exchange or guarantee of sale of any motor vehicle that is not manufactured in the United States. The amendment also includes a provision whereby the President may waive this requirement under special circumstances.

Although American automobile manufacturers have improved their competitiveness in the global market, U.S. sales overseas have not reflected this change. Much of the reason lies in the fact that U.S. automakers are shut out of foreign markets. This amendment demonstrates the United States' resolve to oppose protectionist measures employed by other nations. Providing representatives of the United States in foreign countries with American-made automobiles is a small but important form of market penetration.

My amendment retains provisions in existing law which have long had the support of the Congress and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to engage in a colloquy with the gentleman from New York [Mr. GILMAN] at this point.

The CHAIRMAN. The Chair would observe that the gentleman from New York [Mr. GILMAN] is not in the Chamber.

Mr. PARRIS. Mr. Chairman, I wonder if it would be appropriate to ask unanimous consent that the colloquy that should have taken place in regard to title V be included at a later time in the RECORD?

The CHAIRMAN. The Chair regrets to state to the gentleman that under the rules, colloquy cannot be inserted into the RECORD.

Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—TECHNICAL AND CONFORMING PROVISIONS

SEC. 601. EFFECTIVE DATE OF REVISIONS.

Titles I through VI of this Act, and amendments to the Foreign Assistance Act of 1961 made by subsequent provisions of this Act, shall take effect on October 1, 1989, except as otherwise provided in this Act.

SEC. 602. SAVINGS PROVISIONS.

(a) IN GENERAL.—All actions taken under the authority of any provision of law repealed or modified by titles I through VI of this Act shall continue in full force and effect until modified by appropriate authority.

(b) CERTAIN PRESIDENTIAL APPOINTEES.—The repeal by this Act of section 624(a), section 624(e), section 624(f), or any other provision of the Foreign Assistance Act of 1961 providing for the appointment of an individual to a position by the President, by and with the advice and consent of the Senate, and the reenactment by this Act of that provision in substantively identical form does not require the reappointment of the individual holding that position on the effective date specified in section 601.

(c) SECTION 124(c) AUTHORITY.—For purposes of section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), section 124(c) of the Foreign Assistance Act of 1961, as in effect before the effective date specified in section 601 of this Act, shall be deemed to remain in effect on and after that date.

SEC. 603. RETENTION OF CERTAIN PROVISIONS FORMERLY IN THE FOREIGN ASSISTANCE ACT.

(a) ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS IN STATE DEPARTMENT ACT.—The Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949, is amended by adding at the end the following:

"SEC. 6. ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS.

"(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, civilians and noncombatants in situations of armed conflict, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy.

"(b) RESPONSIBILITIES.—The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall maintain continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, civilians and noncombatants in situations of armed conflict, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy including—

"(1) gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each foreign country;

"(2) preparing the reports required by section 4302 of the Foreign Assistance Act of 1961;

"(3) making recommendations to the Secretary of State and the Administrator of the administering agency for title I of the Foreign Assistance Act of 1961 regarding compliance with section 4201(a)(2) of that Act;

"(4) as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator on the policy framework under which assistance under section 1221 of that Act will be developed and consulting with the Administrator on the selection and implementation of programs and activities assisted under that section; and

"(5) performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.".

(b) FEDERAL ACT OF STATE DOCTRINE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property is asserted by any party, including a foreign state (or a party claiming through such state), based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in section 620(e)(1) of the Foreign Assistance Act of 1961 as in effect before the effective date of this section.

(2) EXCEPTIONS.—This subsection shall not be applicable—

(A) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking; or

(B) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(c) ECONOMIC SANCTIONS AGAINST CUBA.—Title V of the Foreign Assistance Act of 1961 (as enacted by section 501 of this Act) is amended by adding at the end a new section 5604 as follows:

(1) After section 5603 insert the following:

"SEC. 5604. ECONOMIC SANCTIONS AGAINST CUBA.".

(2) After the amendment made by paragraph (1), insert the second sentence of section 620(a)(1) of the Foreign Assistance Act of 1961 (as in effect immediately prior to the effective date specified in section 601 of this Act), with the following amendment: strike out "the preceding sentence" and insert in lieu thereof "section 4210".

(3) After the amendment made by paragraph (2), insert the text of section 620(a)(2) of the Foreign Assistance Act of 1961 (as in effect immediately prior to the effective date specified in section 601 of this Act), with the following amendments: strike out "no" and all that follows through "nor shall Cuba" and insert in lieu thereof "Cuba shall not"; and strike out "per centum" and insert in lieu thereof "percent".

(d) ACCOUNTING AND VALUATION OF FOREIGN CURRENCIES.—

(1) AMENDMENT TO UNITED STATES CODE.—Subchapter V of chapter 51 of title 31, United States Code, is amended by inserting at the end the following:

"§ 5156. Accounting and valuation of foreign currencies

"(a) Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility, the Secretary shall issue regulations binding upon all agencies of the United States Government.

"(b) The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.".

(2) CONFORMING AMENDMENT.—The table of sections for subtitle IV of such title is amended by inserting after the item relating to section 5155 the following:

"5156. Accounting and valuation of foreign currencies.".

SEC. 604. RENAMING OF TRADE AND DEVELOPMENT PROGRAM; CONFORMING CHANGES.

(a) RENAMING OF TRADE AND DEVELOPMENT PROGRAM.—The Trade and Development Program shall, on or after the effective date specified in section 601, be known as the Trade and Development Agency.

(b) APPOINTMENT OF PRESENT DIRECTOR NOT AFFECTED.—The enactment of this Act shall not affect the appointment of the individual who is the Director of the Trade and Development Program on the effective date specified in section 601.

(c) TRADE AND DEVELOPMENT ENHANCEMENT ACT OF 1983.—Sections 644 and 645 of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635q and 635r) are each amended by striking out "Trade and Development Program" each place it appears and inserting in lieu thereof "Trade and Development Agency".

(d) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking out

"Director, Trade and Development Program"

and inserting in lieu thereof

"Director, Trade and Development Agency".

(e) REFERENCE IN OTHER LAWS.—Any reference in any law to the Trade and Develop-

ment Program shall be deemed to be a reference to the Trade and Development Agency.

SEC. 605. CONFORMING AMENDMENTS.

(a) ANGLO-IRISH AGREEMENT SUPPORT ACT.—The Anglo-Irish Agreement Support Act of 1986 is amended—

(1) in section 4(a)(1), by striking out "108" and inserting in lieu thereof "1224";

(2) in section 4(a)(2), by striking out "221" and all that follows through "Guaranty" and inserting in lieu thereof "1722 of that Act (relating to the Housing and Urban Development Guarantee";

(3) in section 4(a)(3)—

(A) by striking out "Title IV of chapter 2 of part" and inserting in lieu thereof "subchapter A of chapter 5 of title"; and

(B) by striking out "paragraph (2) of the second undesignated paragraph of section 231" and inserting in lieu thereof "section 1501(b)(2)";

(4) in section 4(a)(4)—

(A) by striking out "Section 661" and inserting in lieu thereof "Subchapter B of chapter 5 of title I"; and

(B) by striking out "Program" and inserting in lieu thereof "Agency"; and

(5) in section 5(a), by striking out "531(e) and 660(a)" and inserting in lieu thereof "1246 and 4202".

(b) 1988 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1988 is amended—

(1) in section 4003, by striking out "481(i)(3)" and inserting in lieu thereof "3282(4)";

(2) in section 4306, by striking out "481(h)(2)(A)(i)" and inserting in lieu thereof "3262(b)(1)(A)";

(3) in section 4309(b), by striking out "481(e)" and inserting in lieu thereof "3261(a)";

(4) in section 4501—

(A) by striking out "634A" in subsection (a) and inserting in lieu thereof "4304"; and

(B) by striking out "4601 of this title" and inserting in lieu thereof "3202 of the Foreign Assistance Act of 1961"; and

(5) by repealing section 4601.

(c) 1986 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1986 is amended—

(1) in section 2013—

(A) in subsection (a), by striking out "481(b)(2)" and inserting in lieu thereof "3261(b)";

(B) in subsection (c), by striking out "481(h)" and inserting in lieu thereof "3262"; and

(C) in subsection (d), by striking out "481(i)" and inserting in lieu thereof "3282"; and

(2) in section 2018(d), by striking out "481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 229(i)(2))" and inserting in lieu thereof "3282(2) of the Foreign Assistance Act of 1961".

(d) NARCOTICS CONTROL TRADE ACT.—The Narcotics Control Trade Act (which is title VIII of the Trade Act of 1974) is amended—

(1) in section 802(b)(1)(A), by striking out "481(e)" and inserting in lieu thereof "3261(a)";

(2) in section 802(b)(1)(B)(v), by inserting "essential" before "precursor";

(3) in section 802(b)(2)(A), by striking out "481(e)(4)" and inserting in lieu thereof "3261(a)(2)(D)"; and

(4) in section 804, by striking out "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting in lieu thereof "3261(a) of the Foreign Assistance Act of 1961".

(e) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985.—Section 132 of the International Security and Development Cooperation Act of 1985 is amended by striking out "Arms" each place it appears in subsections (b), (c), and (d) and inserting in lieu thereof "Defense Trade and".

(f) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981.—Section 726(b) of the International Security and Development Cooperation Act of 1981 is amended—

(1) in paragraph (1), by striking out "chapter 2, 4, 5, or 6 of part II" and inserting in lieu thereof "subchapter C of chapter 2 of title I or chapter 2, 5, or 6 of title II";

(2) in paragraphs (2) and (4), by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(3) by striking out paragraph (3), by inserting "and" after the semicolon at the end of paragraph (2), and by redesignating paragraph (4) as paragraph (3).

(g) PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 106(a)—

(A) in the second sentence of paragraph (1), by striking out "but not less than the minimum rate required by section 122(b) of the Foreign Assistance Act of 1961 for loans made under that section"; and

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2);

(2) in section 106(b)(2), by striking out "the policy objectives of sections 103 and 104" and inserting in lieu thereof "four basic objectives set forth in section 1102";

(3) in section 206(a)(3)(A), by striking out "the purposes and policies specified in section 103" and inserting in lieu thereof "section 1102";

(4) in section 301(b), by striking out "policy objectives of sections 103 and 104" in the second sentence and inserting in lieu thereof "four basic objectives set forth in section 1102";

(5) in section 303(b), by striking out ", including" and all that follows through "this Act"; and

(6) in section 410, by striking out "section 620(e)" and all that follows through "expropriation," and inserting in lieu thereof "sections 4201(a)(3) and (b) of the Foreign Assistance Act of 1961 (relating to expropriation".

(h) EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended—

(1) in section 5(b), by striking out "set forth in section 620(f)" and inserting in lieu thereof "on the list established pursuant to section 4201(d)"; and

(2) in section 6(k)(2), by striking out "section 502B" and inserting in lieu thereof "sections 4201(a)(2) and (e)(2) and section 4302(a)".

(i) TITLE 5, UNITED STATES CODE.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by striking out "Director, Institute for Scientific and Technological Cooperation."; and

(2) in section 5315, by striking out "Deputy Director, Institute for Scientific and Technological Cooperation."; and

(3) in section 5316, by striking out "Additional officers, Institute for Scientific and Technological Cooperation (2).".

(j) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(1) in section 114(c), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(2) in section 130(a), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(3) in section 2208(i)(3), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(4) in section 2213(a)(4), by striking out "Arms" each place it appears and inserting in lieu thereof "Defense Trade and";

(5) in section 2344(b)(2)(B), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(6) in section 2407, by striking out "Arms" each place it appears in subsections (a)(1), (b), (c)(1), and (d)(3) and inserting in lieu thereof "Defense Trade and";

(7) in section 4542(d)(2)(A), by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(8) in section 7307(b)(1)—

(A) by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(B) by striking out "or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.)".

(k) DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1987.—Section 1102(e) of the Department of Defense Authorization Act, 1987, is amended—

(1) in the subsection caption by striking out "ARMS" and inserting in lieu thereof "DEFENSE TRADE AND"; and

(2) in the text, by striking out "Arms" and inserting in lieu thereof "Defense Trade and".

(l) CONFORMING REFERENCES.—Except to the extent that the context requires otherwise any reference in any provision of law enacted before the effective date specified in section 601—

(1) to credits under section 23 of the Arms Export Control Act shall be deemed to be a reference to assistance on credit terms under chapter 2 of title II of the Foreign Assistance Act of 1961;

(2) to chapter 1 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subchapter B of chapter 2 of title I of that Act;

(3) to chapter 8 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 2 of title III of that Act;

(4) to chapter 2 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 2 of title II of that Act;

(5) to chapter 4 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subchapter C of chapter 2 of title I of that Act;

(6) to chapter 5 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 5 of title II of that Act;

(7) to chapter 8 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 1 of title III of that Act; and

(8) to any other provision of the Foreign Assistance Act of 1961 shall be deemed to be a reference to the corresponding provision of that Act as amended by this Act.

SEC. 606. REPEAL OF OBSOLETE PROVISIONS.

(a) 1988 OPIC ACT.—The Overseas Private Investment Corporation Amendments Act of 1988 (as enacted by reference by section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989) is repealed.

(b) 1986 DRUG ACT.—The International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986) is re-

pealed except for sections 2001, 2010, 2015, 2018, and 2029.

(c) 1986 ASSISTANCE ACT.—The Special Foreign Assistance Act of 1986 is repealed except for section 1 and section 204.

(d) 1985 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1985 is repealed except for section 1, section 131, section 132, section 202(c), section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(e) 1985 JORDAN SUPPLEMENTAL ACT.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is repealed.

(f) 1985 AFRICAN FAMINE ACT.—The African Famine Relief and Recovery Act of 1985 is repealed.

(g) 1983 ASSISTANCE ACT.—The International Security and Development Assistance Authorization Act of 1983 is repealed.

(h) 1983 LEBANON ASSISTANCE ACT.—The Lebanon Emergency Assistance Act of 1983 is repealed.

(i) 1981 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1981 is repealed except for section 1, section 709, section 714, and section 726.

(j) 1980 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1980 is repealed except for section 1, section 110, section 315, and title V.

(k) 1979 DEVELOPMENT ASSISTANCE ACT.—The International Development Cooperation Act of 1979 is repealed.

(l) 1979 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1979 is repealed.

(m) 1979 SPECIAL SECURITY ASSISTANCE ACT.—The Special International Security Assistance Act of 1979 is repealed.

(n) 1978 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1978 is repealed, except for section 1, title IV, and section 603(a)(2).

(o) 1978 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1978 is repealed.

(p) 1977 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1977 is repealed except for section 1, section 132(b), and section 133.

(q) 1977 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1977 is repealed.

(r) 1976 SECURITY ASSISTANCE ACT.—The International Security Assistance and Arms Export Control Act is repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(s) 1975 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1975 is repealed.

(t) 1975 BIB ACT.—Public Law 94-104 is repealed.

(u) 1974 ASSISTANCE ACT.—The Foreign Assistance Act of 1974 is repealed.

(v) 1973 EMERGENCY ASSISTANCE ACT.—The Emergency Security Assistance Act of 1973 is repealed.

(w) 1973 ASSISTANCE ACT.—The Foreign Assistance Act of 1973 is repealed.

(x) 1971 ASSISTANCE ACT.—The Foreign Assistance Act of 1971 is repealed.

(y) 1971 SPECIAL ASSISTANCE ACT.—The Special Foreign Assistance Act of 1971 is repealed.

(z) 1971 FMS ACT.—The Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (Public Law 91-672), is repealed.

(aa) 1969 ASSISTANCE ACT.—The Foreign Assistance Act of 1969 is repealed except for the first section and part IV.

(bb) 1968 ASSISTANCE ACT.—The Foreign Assistance Act of 1968 is repealed.

(cc) 1964 ASSISTANCE ACT.—The Foreign Assistance Act of 1964 is repealed.

(dd) LATIN AMERICAN DEVELOPMENT ACT.—The Latin American Development Act is repealed.

(ee) 1959 MUTUAL SECURITY ACT.—The Mutual Security Act of 1959 is repealed.

(ff) 1954 MUTUAL SECURITY ACT.—Section 402 and section 417 of the Mutual Security Act of 1954 are repealed.

The CHAIRMAN. Are there amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—LATIN AMERICA AND THE CARIBBEAN

CHAPTER 1—CENTRAL AMERICA

SEC. 701. PROMOTING CENTRAL AMERICAN RECOVERY AND DEVELOPMENT AND REGIONAL COOPERATION.

(a) INTERNATIONAL COMMISSION FOR CENTRAL AMERICAN RECOVERY AND DEVELOPMENT.—It is the sense of Congress that—

(1) the governments of the countries of Central America should adopt a regional plan consistent with the recommendations of the International Commission for Central American Recovery and Development;

(2) the United States should consider giving assistance for the implementation of such a plan at the levels recommended by the Commission, if presented with a request by the Central American governments for such assistance;

(3) pending the completion of the plan referred to in paragraph (1) and receipt of the request referred to in paragraph (2), United States economic assistance for Central America should be used insofar as possible in accordance with the recommendations of the Commission; and

(4) multidonor assistance for Central America should be channeled through regional mechanisms to ensure adequate coordination.

(b) CENTRAL AMERICAN RECOVERY AND DEVELOPMENT PROGRAM.—It is further the sense of the Congress that, in order to support the Central American Recovery and Development Program recommended by the International Commission for Central American Recovery and Development, the United States should, insofar as possible, assist in the implementation of the recommendations of the Commission, including its proposals—

(1) to provide additional economic assistance to the countries of Central America to promote sustainable economic development, assist with relocation and resettlement of refugees in the region, expand educational opportunity and access to health care, foster progress in human rights, bolster democratic institutions, and strengthen institutions of justice;

(2) to facilitate the ability of the individual Central American economies to grow through the development of their infrastructure, expansion of exports, and increased investment opportunities, goals which would be enhanced by enactment of the Caribbean Basin Economic Recovery Act Amendments of 1989;

(3) to provide a more realistic plan to assist Central American countries in managing their foreign debt; and

(4) to develop those initiatives in concert with the governments of Central America, Western Europe, Japan, and other democratic allies.

(c) UNDP SPECIAL PLAN OF ECONOMIC COOPERATION FOR CENTRAL AMERICA.—Funds available for fiscal years 1990 and 1991 for economic support assistance may be used for a United States contribution to the United Nations Development Program for its Special Plan of Economic Cooperation for Central America, which is designed to reintegrate the displaced refugee populations, create employment opportunities, and establish an infrastructure to ensure adequate food supplies and health facilities for the poor in Central America.

(d) COORDINATION MECHANISM.—The President shall provide appropriate support and assistance to the governments of the countries of Central America in their efforts to establish a regional mechanism to coordinate donor assistance. If such a mechanism is established, funds made available for fiscal years 1990 and 1991 for economic support assistance may be used to assist implementation of such mechanism.

(e) ORGANIZATION OF AMERICAN STATES.—It is further the sense of the Congress that there should be closer cooperation between the United States and the Organization of American States, including payment by the United States of its assessed contributions to the Organization of American States.

SEC. 702. MILITARY AIRCRAFT TRANSFERS.

(a) NOTIFICATION OF TRANSFERS BY THE UNITED STATES.—During fiscal years 1990 and 1991—

(1) the authorities of title II of the Foreign Assistance Act of 1961 and the Defense Trade and Export Control Act may not be used to make available any helicopters or other aircraft for military use, and

(2) licenses may not be issued under section 38 of the Defense Trade and Export Control Act for the export of any such aircraft,

to any country in Central America unless the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified in writing at least 15 days in advance.

(b) NOTIFICATION OF TRANSFERS BY OTHER COUNTRIES.—During fiscal years 1990 and 1991, the Secretary of State shall promptly notify the committees specified in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

SEC. 703. ASSISTANCE FOR EL SALVADOR.

(a) SUPPORT FOR POLICY LINKING ASSISTANCE WITH CERTAIN DEVELOPMENTS IN EL SALVADOR.—The Congress supports the Administration's policy of linking United States assistance for El Salvador to promotion of a political settlement of the conflict, an end to human rights abuses, and respect for democracy and the rule of law.

(b) FOREIGN MILITARY FINANCING.—

(1) CEILING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not more than $85,000,000 for each of the fiscal years 1990 and 1991 may be made available for El Salvador.

(2) TRANCHING OF ASSISTANCE.—Subject to paragraph (3), up to 60 percent of the amount allocated for foreign military financing for El Salvador for fiscal year 1990

or 1991, as the case may be, may be obligated after each of the following dates:

(A) October 1, 1989.

(B) April 1, 1990.

(C) October 1, 1990.

(D) April 1, 1991.

(3) PRESIDENTIAL DETERMINATION.—(A) Funds shall be available for obligation after each of the dates specified in paragraph (2) only if, on or after that date, the President determines and reports to the Congress that, during the preceding six months, the Government and armed forces of El Salvador—

(i) were willing, and were actively seeking, to achieve an equitable political settlement of the conflict in El Salvador, including free and fair elections, through a mutual cease fire and a dialogue with the armed opposition forces;

(ii) made demonstrated progress in protecting internationally recognized human rights, and particularly in—

(I) ending, through prosecution or other means, the involvement of members of the military and security forces in political violence and abuses of internationally recognized human rights,

(II) vigorously prosecuting persons engaged in political violence who are not connected with the government, and

(III) bringing to justice those responsible for the abduction, torture, and murder of citizens of El Salvador, the United States, and other countries; and

(iii) made demonstrated progress in its respect for and protection of the rights of freedom of the press, speech, assembly, and association (including the right to organize for political purposes), internationally recognized worker rights, and other attributes of political pluralism and democracy.

(B) The President shall include in each report pursuant to subparagraph (A) a detailed statement with respect to each of the conditions specified in clauses (i) through (iii) of that subparagraph.

(4) CONSULTATIONS.—The President shall begin consultations with the Congress regarding the conditions specified in paragraph (3)(A) not less than 15 days before making a determination under that paragraph.

(5) CONGRESSIONAL REVIEW.—Funds obligated, or available for obligation, under paragraphs (2) and (3) may not be expended during the 30-day period beginning on the date on which the President submits the report required by paragraph (3). Expenditures after that 30-day period shall be subject to any joint resolution with respect to those expenditures that is enacted by the Congress under subsection (d).

(6) RESOLUTION OF HUMAN RIGHTS CASES.—(A) Of the amount which may be made available for assistance for El Salvador under paragraphs (2)(A), (3), and (5), $5,000,000 shall be withheld from expenditure until the Government of El Salvador—

(i) has pursued all legal avenues to bring to trial those who ordered and carried out the September 1988 massacre of 10 peasants near the town of San Franscisco, El Salvador, and to obtain a verdict; and

(ii) has satisfied its obligations under the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents (New York, December 14, 1973) with respect to the prosecution or extradition of those responsible for the murder of Mark Pearlman in January 1981.

(B) Funds withheld pursuant to subparagraph (A) may be expended only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the expenditure of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) ECONOMIC AND FOOD ASSISTANCE.—

(1) ACCESS TO CONFLICT AREAS.—Economic and food assistance for El Salvador for fiscal year 1990 or 1991 may not be obligated until the President determines and reports to the Congress that the Government and armed forces of El Salvador are adhering to their stated policy of allowing international humanitarian organizations and religious relief agencies free access to conflict areas, except to the extent that—

(A) the lives of relief personnel would be endangered by military operations, or

(B) the United States Government has firm evidence demonstrating that such access must be restricted with respect to certain shipments or particular organizations or agencies in order to prevent the diversion of assistance from its intended recipients.

(2) CONARA.—In addition to the requirement of paragraph (1), economic and food assistance for El Salvador for fiscal year 1990 or 1991 may not be used for any program administered by the National Commission on the Restoration of Areas (CONARA) unless the President determines and reports to the Congress that that program meets the requirements of paragraphs (5)(A) and (B). Any such report shall include a description of the means by which compliance of that program with those paragraphs will be monitored and ensured.

(3) CONSULTATION WITH CONGRESS.—Not less than 15 days before making a determination under paragraph (1) or (2), the President shall begin consultations with the Congress regarding the conditions specified in that paragraph.

(4) CONGRESSIONAL REVIEW.—Funds may not be expended and agricultural commodities may not be delivered pursuant to a determination under paragraph (1) or (2) during the 30-day period beginning on the date on which the President submits the report required by that paragraph. Expenditures and deliveries after that 30-day period shall be subject to any joint resolution with respect to those expenditures and deliveries that is enacted by the Congress under subsection (d).

(5) USES OF ASSISTANCE.—Economic and food assistance for El Salvador for fiscal year 1990 or 1991—

(A) may not be used for the forced relocation of the civilian population, to coerce or be a condition for participation in civil defense patrols, as a means of attracting suspects sought by the authorities, or as a reward or punishment for political activities or affiliation;

(B) shall be used only for programs and projects which are controlled, planned, and implemented by civilian agencies or organizations and which are independent of military operations, except to the extent that military provision of transportation or security for supplies and civilian personnel is required; and

(C) shall, to the maximum extent practicable, be channeled through private voluntary organizations with a proven record of providing assistance for basic human needs.

(6) DISTRIBUTION OF TITLE II COMMODITIES BY PRIVATE VOLUNTARY ORGANIZATIONS.—Not less than one-third of the agricultural commodities made available for El Salvador for each of the fiscal years 1990 and 1991 under title II of the Agricultural Trade Development and Assistance Act of 1954 shall be provided to private voluntary organizations.

(7) ASSISTANCE FOR JUDICIAL REFORM.—Funds made available for fiscal years 1990 and 1991 may be obligated for assistance for judicial reform in El Salvador under section 1221 of the Foreign Assistance Act of 1961 (relating to human rights and democratic initiatives) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of each obligation of funds for that purpose in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(8) DEFINITION OF ECONOMIC AND FOOD ASSISTANCE.—As used in this subsection, the term "economic and food assistance" means any development assistance under the Foreign Assistance Act of 1961, any economic support assistance under that Act, and any agricultural commodities made available under the Agricultural Trade Development and Assistance Act of 1954.

(d) CONGRESSIONAL REVIEW PROCEDURES.—

(1) DEFINITION OF PRIVILEGED JOINT RESOLUTION.—As used in this subsection, the term "privileged joint resolution" means a joint resolution—

(A) which—

(i) in the case of the House of Representatives, is reported by the Committee on Foreign Affairs, and

(ii) in the case of the Senate, is reported by the Committee on Foreign Relations, during the 30-day period described in subsection (b)(5) or (c)(4), as the case may be;

(B) which would place conditions or limitations or both—

(i) on expenditures of funds for foreign military financing for El Salvador pursuant to a Presidential determination under subsection (b)(3); or

(ii) on expenditures of funds or deliveries of agricultural commodities, or both, for economic and food assistance for El Salvador pursuant to a Presidential determination under subsection (c)(1) or (c)(2);

(C) which does not contain any provision which is not germane to the conditions and limitations provided for in the joint resolution; and

(D) the title of which is as follows: "Joint resolution relating to assistance for El Salvador pursuant to the President's determination of under subsection of section 703 of the International Cooperation Act of 1989", with the date on which the determination is reported to the Congress inserted in the first blank and the appropriate subsection inserted in the second blank.

(2) MOTION FOR FLOOR CONSIDERATION.—On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) after the day on which a privileged joint resolution is reported by the Committee on Foreign Affairs or the Committee on Foreign Relations (as the case may be), it shall be in order (even though a previous motion to the same effect has been disagreed to) for the chairman of that committee (or his designee) to move to proceed to the consideration of that joint resolution. In the House of Representatives the motion shall be that the House resolve itself into the Committee of the Whole House on the State of the

Union for the consideration of the joint resolution. The motion may be made in the Senate notwithstanding any rule or precedent of the Senate, including Rule 22. All points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed to the consideration of the joint resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to by a House, that House shall immediately proceed to the consideration of the joint resolution without intervening motion, order, or other business, and that joint resolution shall remain the unfinished business of the respective House until disposed of.

(3) DEBATE TIME.—Debate on a privileged joint resolution, and on all debatable motions and appeals in connection therewith (other than amendments made in order in the House of Representatives under paragraph (4) and a motion to recommit in the House under paragraph (7)), shall be limited to not more than 4 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion further to limit debate is in order and not debatable.

(4) AMENDMENTS IN THE HOUSE OF REPRESENTATIVES.—Amendments to a privileged joint resolution shall be in order, and shall be debatable, in the House of Representatives to the extent ordered by the House.

(5) AMENDMENTS IN THE SENATE.—Amendments to a privileged joint resolution are not in order in the Senate.

(6) CERTAIN MOTIONS NOT IN ORDER.—A motion to postpone or to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which a privileged joint resolution is agreed to or disagreed to is not in order.

(7) FINAL PASSAGE IN THE HOUSE OF REPRESENTATIVES.—In the House of Representatives, at the conclusion of debate on a privileged joint resolution and consideration of any amendments made in order to the joint resolution, the Committee of the Whole shall rise and report the resolution back to the House, and the previous question shall be considered as ordered on the joint resolution, with any amendments adopted in the Committee of the Whole, to final passage without intervening motion except one motion to recommit.

(8) FINAL PASSAGE IN THE SENATE.—In the Senate, immediately following the conclusion of the debate on a privileged joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(9) APPEALS FROM DECISION OF THE CHAIR NOT DEBATABLE IN THE SENATE.—Appeals in the Senate from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a privileged joint resolution shall be decided without debate.

(10) CONGRESSIONAL RULEMAKING POWERS.—This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a privileged joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 704. ASSISTANCE FOR GUATEMALA.

(a) CEILING ON MILITARY ASSISTANCE.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not more than $9,000,000 may be made available for Guatemala for each of the fiscal years 1990 and 1991.

(b) CONDITIONS ON MILITARY ASSISTANCE.—The funds for Guatemala referred to in subsection (a) may not be obligated unless during the preceding fiscal year—

(1) the civilian government gained authority in relation to the military, and there was progress in separating the military and the civilian police forces for the purpose of creating an independent and professional police system;

(2) there was increased respect for the rights of freedom of the press, speech, assembly, and association and other attributes of political pluralism;

(3) progress has been made in reducing political killings, disappearances, and other human rights violations, in undertaking investigations of such activities, and in removing any officer found responsible for such violations from the military;

(4) people were not, by law or in fact, forced to participate in civil defense patrols (otherwise known as self-defense associations) or required to live in model villages;

(5) the Guatemalan military did not attempt to intimidate or harass Guatemalan human rights organizations; and

(6) the office of the human rights ombudsman provided for in Guatemalan law was adequately funded and functioned actively and effectively.

(c) CONGRESSIONAL REVIEW.—Funds may be obligated under subsection (b) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the obligation of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(d) PROHIBITIONS RELATING TO WEAPONS, AMMUNITION, AND ARMED AIRCRAFT.—

(1) ASSISTANCE.—For fiscal years 1990 and 1991, funds made available for foreign military financing under the Foreign Assistance Act of 1961 may not be used for the procurement by the Government of Guatemala of—

(A) any weapons or ammunition; or

(B) any aircraft, unless those aircraft are unarmed and the Government of Guatemala has agreed that those aircraft will not be armed.

(2) FMS AND COMMERCIAL SALES.—During fiscal years 1990 and 1991, the authority of the Defense Trade and Export Control Act may not be used to sell or lease to the Government of Guatemala, and licenses may not be issued under section 38 of that Act for the export to Guatemala of—

(A) any weapons or ammunition; or

(B) any aircraft, unless those aircraft are unarmed and the Government of Guatemala has agreed that those aircraft will not be armed.

(3) EXCEPTION.—Notwithstanding paragraph (2)(A), licenses may be issued under section 38 of the Defense Trade and Export Control Act for the export to Guatemala of M-16 rifles to replace rifles being retired from the inventory of the Guatemalan armed forces if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least 15 days in advance.

(e) ECONOMIC AND FOOD ASSISTANCE.—

(1) CONDITIONS.—Economic and food assistance for Guatemala for fiscal years 1990 and 1991—

(A) may not be used for the forced relocation of the civilian population, to coerce or be a condition for participation in civil defense patrols, as a means of attracting suspects sought by the authorities, or as a reward or punishment for political activities or affiliation;

(B) shall be used only for programs and projects which are controlled, planned, and implemented by civilian agencies or organizations and as independent of military operations, except to the extent that military provision of transportation or security for supplies and civilian personnel is required; and

(C) shall, to the maximum extent practicable, be channeled through private voluntary organizations with a proven record of providing assistance for basic human needs.

(2) DEFINITION.—As used in this subsection, the term "economic and food assistance" means any development assistance under the Foreign Assistance Act of 1961, any economic support assistance under that Act, and any agricultural commodities made available under the Agricultural Trade Development and Assistance Act of 1954.

(f) GUATEMALAN MILITARY JUSTICE SYSTEM.—

(1) STUDY.—The Secretary of State shall conduct a study of the Guatemalan system of military justice for the investigation of offenses by military personnel, with particular emphasis on violent offenses, and the prosecution of those found to be responsible.

(2) PARTICIPATION OF DEFENSE AND JUSTICE DEPARTMENTS.—The Secretary of State shall conduct the study required by paragraph (1) in cooperation with the Secretary of Defense and the Attorney General.

(3) FUNDING.—Of the amounts allocated for Guatemala for fiscal year 1990 for foreign military financing under the Foreign Assistance Act of 1961, such sums as may be necessary shall be made available to the Secretary of State for the expenses of the study conducted pursuant to paragraph (1).

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary of State shall report the conclusions of the study conducted pursuant to paragraph (1) to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with specific recommendations for techniques to strengthen the military justice system in Guatemala.

(g) HUMAN RIGHTS AND DEMOCRATIC INITIATIVES PROGRAM.—Assistance provided for Guatemala under section 1221 of the Foreign Assistance Act of 1961 for each of the fiscal years 1990 and 1991 may include assistance for the office of the human rights

ombudsman appointed by the Guatemalan Congress.

SEC. 705. RESTRICTIONS ON ASSISTANCE TO POLICE IN EL SALVADOR, GUATEMALA, AND HONDURAS.

(a) PROHIBITION.—During fiscal years 1990 and 1991, foreign military financing and international military education and training may not be provided under the Foreign Assistance Act of 1961 to police forces and prison authorities in El Salvador, Guatemala, and Honduras.

(b) DEFINITION.—As used in this section, the term "police forces"—

(1) includes all members of security forces other than the regular uniformed armed forces; and

(2) in the case of El Salvador, specifically includes all members of the National Police, the Treasury Police, the National Guard, and the civil defense organizations.

SEC. 706. ASSISTANCE FOR COSTA RICA.

Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $90,000,000 for fiscal year 1990 shall be available only for assistance for Costa Rica.

SEC. 707. NICARAGUA.

(a) LIMITATION ON USE OF FOREIGN ASSISTANCE FUNDS.—Notwithstanding any other provision of law, funds made available to carry out the Foreign Assistance Act of 1961 shall not be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(b) RESTRICTION ON AGREEMENTS AND UNDERSTANDINGS.—The United States shall make no agreement, either direct or indirect, and shall enter into no understanding, either formal or informal, under which a recipient of United States economic or military assistance or a purchaser of United States military equipment shall provide assistance of any kind to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(c) MONITORING 1990 ELECTIONS.—The United States—

(1) shall encourage monitoring of the 1990 elections in Nicaragua by the United Nations and by the Organization of American States; and

(2) shall pay an appropriate share of the costs of such monitoring by those organizations.

SEC. 708. MONITORING COMPLIANCE WITH CENTRAL AMERICAN PEACE ACCORDS.

The United States should encourage the establishment, and should pay an appropriate share of the costs, of United Nations verification units to monitor compliance with the peace accord agreed to by the governments of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua on February 14, 1989, and subsequent agreements reached by those governments in furtherance of that accord, provided such action is consistent with the terms of the Bipartisan Accord on Central America (Public Law 101-14).

CHAPTER 2—THE CARIBBEAN

SEC. 721. CARIBBEAN REGIONAL DEVELOPMENT ACT OF 1989.

The Foreign Assistance Act of 1961, as amended by the preceding titles of this Act, is further amended by adding at the end the following:

"TITLE VI—REGION AND COUNTRY SPECIFIC PROVISIONS

"CHAPTER 1—CARIBBEAN REGIONAL DEVELOPMENT

"SEC. 6101. SHORT TITLE.

"This chapter may be cited as the 'Caribbean Regional Development Act of 1989'.

"SEC. 6102. UNITED STATES POLICIES.

"(a) IN GENERAL.—It shall be the policy of the United States in providing development and other economic assistance to the Caribbean—

"(1) to help the poor (including women, the landless, subsistence food producers, urban workers, the unemployed, and indigenous populations) to participate in the development of their societies through a process of equitable economic growth that enables them to increase their incomes and their access to productive resources and services, to protect and advance their rights, and to influence decisions that affect their lives;

"(2) to support development that is environmentally sustainable;

"(3) to promote Caribbean self-reliance by providing assistance to indigenous national and regional governmental and nongovernmental institutions that have the capacity or potential to carry out development programs effectively;

"(4) to support food production for national and regional consumption;

"(5) to promote the diversification of industrial and agricultural production, the development of new products, and the integration of agricultural production with the development of industry and tourism;

"(6) to help advance the process of regional economic integration by channeling assistance through regional organizations to the maximum extent possible;

"(7) to support those national programs of economic adjustment that promote the policies enumerated in this section in order to help ensure that the burdens created by adjustment are not borne by the poor;

"(8) to support employment generation while avoiding the displacement of traditional lines of small-scale production; and

"(9) to preserve and reinforce traditional Caribbean culture and social values.

"(b) DEVELOPMENT ASSISTANCE.—

"(1) SUPPORTING INDIGENOUS DEMOCRATIC INSTITUTIONS.—In furtherance of the four basic objectives set forth in section 1102, priority in providing development assistance to the Caribbean shall be given to supporting indigenous democratic Caribbean institutions (including farmers' unions, cooperatives, trade unions and other labor organizations, women's groups, and community organizations) that represent, work with, and benefit the poor, and through which the poor participate in making the decisions that affect their lives and their development. Such assistance shall be channeled to the maximum extent possible through United States institutions and Caribbean regional and national institutions that directly fund such democratic Caribbean institutions.

"(2) PER CAPITA INCOME ELIGIBILITY CRITERIA.—In determining the eligibility of any country in the Caribbean for development assistance, the per capita income of that country shall be deemed to be no greater than the per capita income for the Caribbean as a whole.

"(c) ECONOMIC SUPPORT ASSISTANCE.—To the extent that economic support assistance made available for the Caribbean is used to promote national economic policy reforms, such reforms shall be consistent with the policies enumerated in sections 6103 through 6106.

"SEC. 6103. PRIORITY AREAS FOR ASSISTANCE.

"To implement the policies set forth in section 6102, priority in the allocation of funds for development assistance and economic support assistance for the Caribbean, and in the allocation of the local currencies accruing as a result of the use of those funds, shall be given to the following:

"(1) FOOD SELF-SUFFICIENCY.—Support to national ministries of agriculture, the appropriate specialized agencies of the Caribbean Community (CARICOM) and the Organization of Eastern Caribbean States, the Caribbean Development Bank, and indigenous nongovernmental organizations for efforts to achieve greater food self-sufficiency through increased staple food production for domestic consumption, including support for—

"(A) the gathering of agricultural data;

"(B) the coordination of agricultural research;

"(C) the improvement of marketing, storage, and transportation systems;

"(D) the provision of credit to agricultural producers; and

"(E) improved coordination of regional planning for food self-sufficiency.

"(2) RURAL DEVELOPMENT.—Support, principally through regional institutions, for rural development efforts designed to increase rural employment opportunities, enhance the quality of rural life, and retard rural-to-urban migration, including programs that provide access to land and necessary assistance to small producers and cooperatives.

"(3) COMMUNITY-BASED AGRO-INDUSTRIES.—Support for locally owned cooperative and other small- and medium-scale industries engaged in the processing of indigenous resources, including support for the establishment of a marketing network to facilitate intraregional trade in food through programs that incorporate or serve small producers.

"(4) FINANCIAL RESOURCES FOR SMALL- AND MEDIUM-SIZED FARM AND MANUFACTURING ENTERPRISES.—Provision of financial resources to small- and medium-sized farm and manufacturing enterprises through—

"(A) the creation and capitalization of appropriate financial mechanisms; and

"(B) measures to encourage Caribbean commercial banks and credit unions to provide risk capital to such enterprises.

"(5) EXPANSION OF TOURISM.—Support for the expansion of tourism in the Caribbean through its fuller integration into the local economy, by providing assistance—

"(A) to appropriate governmental and nongovernmental regional organizations for the design and coordination of programs for—

"(i) the expansion of the use of local goods and services;

"(ii) the development and implementation of a marketing strategy for tourism in the Caribbean; and

"(iii) the promotion of investments in tourism integrated with the local economy; and

"(B) for training and utilizing local expertise in hotel and restaurant management and other necessary skills.

"(6) REGIONAL INTEGRATION.—Support for regional integration and institutions, including seeking the cooperation of other donor countries in promoting regional development in the Caribbean and including support for—

"(A) efforts to regionalize and coordinate activities and prevent the proliferation and duplication of regional bureaucracies;

"(B) the efforts of governmental and nongovernmental regional institutions to strengthen the infrastructure necessary to promote regional commercial activity and economic and social development;

"(C) regional research institutes; and

"(D) inter-island transportation and communication links, roads, and port facilities.

"(7) UPGRADING TECHNICAL AND MANAGERIAL SKILLS.—Support for efforts of the countries of the Caribbean to upgrade the technical and managerial skills of their people, through—

"(A) the increased utilization of local personnel, knowledge, technologies, and expertise in all development-related activities;

"(B) support, including scholarships, for training in appropriate technical fields, including administration, finance, marketing, science, technology, environmental protection, and tourism; and

"(C) support for increasing the capacity of Caribbean institutions to provide training in such fields.

"(8) NATURAL RESOURCE BASE.—Promoting those small-scale, affordable, agricultural and industrial methods suited to local environmental, resource, and climatic conditions, and supporting such actions as the establishment of protected areas, the development of environmental curricula, and programs of public education and dialogue designed to sustain and enhance the renewable natural resource base of the Caribbean.

"(9) PRIVATE SECTOR DEVELOPMENT.—Support for the diversification and promotion of Caribbean exports, for investments in the Caribbean that are appropriate to the needs of the region, and for the strengthening of private sector institutions, that would further the policy set forth in section 6102(a)(5), and particularly that would strengthen the sector referred to in paragraph (3) of this section.

"(10) DEMOCRATIC DEVELOPMENT AND THE ADMINISTRATION OF JUSTICE.—Support to broaden and deepen democratic institutions and values in the Caribbean and to assist countries in areas such as the administration of justice where requested by the recipient governments.

"(11) ACCESS TO HUMAN SERVICES AND ASSISTANCE FOR HUMAN RESOURCES DEVELOPMENT.—Support for the provision of basic services to the citizens of the Caribbean using, as appropriate, governmental and non-governmental entities, with emphasis on sustainability of service delivery in areas such as basic education, primary health care, child survival, family planning, and prevention and control of acquired immune deficiency syndrome (AIDS).

"SEC. 6104. PROTECTION OF WORKER RIGHTS.

"(a) DENIAL OF ASSISTANCE.—

"(1) IN GENERAL.—Assistance under this Act—

"(A) may not be provided to the government of any country in the Caribbean if that government does not extend, protect, and enforce internationally recognized worker rights for workers in that country (including workers within any designated zone); and

"(B) may not otherwise be provided for a country in the Caribbean if the provision of that assistance would be inconsistent with promoting respect for internationally recognized worker rights.

"(2) ASSISTANCE IF CERTAIN STEPS TAKEN.—Assistance may be provided to a government notwithstanding paragraph (1)(A) if that government is taking steps to adopt and implement laws that demonstrate significant, tangible, and measurable overall advancement in providing internationally recognized worker rights throughout the country (including in any designated zone).

"(3) EXEMPTIONS.—Paragraph (1) does not apply with respect to development assistance or narcotics control assistance provided under this Act.

"(b) ANNUAL REPORTS.—Each human rights report required by section 4302(d) shall address how the provisions of this section were implemented during the preceding fiscal year.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'designated zone' has the same meaning it has for purposes of the Trade Act of 1974; and

"(2) the term 'internationally recognized worker rights' has the same meaning as is given that term by section 502(a)(4) of the Trade Act of 1974.

"SEC. 6105. PROTECTION OF PUBLIC HEALTH.

"The administering agency for title I shall not provide any assistance, directly or indirectly, for the use of any chemical or other substance in a country in the Caribbean if—

"(1) that use is not permitted under laws of that country relating to protection of public health, or

"(2) that use would not be permitted in the United States under laws of the United States relating to protection of public health.

"SEC. 6106. SUPPORT FOR WOMEN'S ROLE IN DEVELOPMENT.

"In providing assistance to the Caribbean, the administering agency for title I shall place emphasis on ensuring the active participation of Caribbean women in the development process, particularly through—

"(1) the promotion of greater access by women to productive resources and services, such as land, credit, and markets, thereby increasing the economic security of women and their dependents;

"(2) programs that respond to and support women's domestic needs and activities, including the strengthening of community-based education, health, and childcare programs and other critical social services identified by poor women; and

"(3) the involvement of Caribbean women in research on the factors that contribute to their economically vulnerable situation, in programs that address these factors, and in the design and implementation of development projects.

"SEC. 6107. CONSULTATION, MONITORING, EVALUATION, AND REPORTING.

"(a) CONSULTATION.—In all stages of the design and implementation of assistance policies, programs, and projects in the Caribbean, the administering agency for title I shall take into account the perspectives of the rural and urban poor through close and regular consultation with Caribbean organizations that work with the poor and that have demonstrated effectiveness in or commitment to the promotion of local, grassroots activities on behalf of long-term development in the Caribbean, as described in section 6102(a). The agency shall reflect the results of such consultations in its annual planning documents.

"(b) MONITORING.—The administering agency for title I shall monitor socioeconomic conditions in the Caribbean and the effect of United States economic assistance programs and policies on those conditions. The agency shall involve Caribbean governments, and Caribbean nongovernmental organizations that work at the grassroots level, in such monitoring.

"(c) EVALUATION.—Not later than 3 years after the date of enactment of this chapter, the Office of Technology Assessment—

"(1) shall conduct an evaluation of the performance of the administering agency for title I in carrying out this chapter; and

"(2) shall report the result of that evaluation to the Congress.

"(d) ANNUAL REPORTS TO CONGRESS.—Each report required by section 1921(d) shall include an analysis of—

"(1) the effectiveness of the programs conducted under this chapter in furthering the polices set forth in section 6102 and in carrying out each of the priorities of section 6103, including the amounts expended on each such program;

"(2) the nature and results of consultations under subsection (a), and the impact of such consultations on the programs undertaken to carry out this chapter; and

"(3) the results of the monitoring under subsection (b).

"SEC. 6108. FUNDING.

"(a) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for each of the fiscal years 1990 and 1991 for economic support assistance, not less than $60,000,000 shall be available only for assistance for the Caribbean in accordance with this chapter.

"(b) DEVELOPMENT ASSISTANCE.—

"(1) CARIBBEAN GENERALLY.—Of the amounts made available for each of the fiscal years 1990 and 1991 for development assistance, not less than $93,605,000 shall be available only for assistance for the Caribbean in accordance with this chapter.

"(2) EASTERN CARIBBEAN.—Of the amounts specified in paragraph (1), not less than $33,250,000 each fiscal year shall be available only for the Eastern Caribbean and Belize.

"SEC. 6109. DEFINITION.

"As used in this chapter, the term 'Caribbean' includes Anguilla, Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guayana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Cayman Islands, Montserrat, Netherlands Antilles, Saint Christopher-Nevis, Turks and Caicos Islands, and the British Virgin Islands.".

SEC. 722. ASSISTANCE FOR HAITI.

(a) FRAMEWORK FOR ASSISTANCE.—The Congress declares that the following policies should govern United States assistance for Haiti:

(1) Unless a credible transition to democracy is underway in Haiti, United States assistance should be withheld from Haiti (except for the assistance described in subsection (c)).

(2) While a credible transition to democracy is in progress in Haiti, United States assistance should be provided only on a step-by-step basis, in response to specific actions by the Government of Haiti to implement the transition and to foster a free and democratic society in which the Haitian people can prosper. These specific actions should include steps to—

(A) implement the transition to democracy as described in subsection (b)(1);

(B) disarm and restrain the remnants of Duvalier's private army, the Tonton Macoutes;

(C) reform the Haitian armed forces, especially with regard to the system of rural section chiefs;

(D) improve the observance of internationally recognized human rights, and institute a judicial process whereby human rights violations will be vigorously prosecuted and violators brought to justice;

(E) reform the bureaucracy to reduce corruption; and

(F) promote economic development that will benefit the Haitian people and provide the security and freedom of association necessary for grassroots development.

(3) Regularized and sustained assistance to the Government of Haiti should not be resumed, as part of a normalization of relations, until—

(A) a civilian government, elected in free, fair, and open elections in accordance with the 1987 Constitution and under international observation, is in power in Haiti; and

(B) the armed forces have demonstrated a willingness to submit to legally constituted civilian authority and to abide by the Constitution.

(b) RESTRICTION ON ASSISTANCE.—

(1) TRANSITION TO DEMOCRACY.—In furtherance of the policy expressed in subsection (a), the United States may not furnish any assistance of any kind for Haiti for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961 or any other provision of law (other than the assistance described in subsection (c)) unless the Government of Haiti has embarked upon a credible transition to democracy—

(A) by restoring the 1987 Constitution;

(B) by appointing a genuinely independent electoral commission to conduct free, fair, and open elections as soon as possible at all levels, and by giving that commission adequate support; and

(C) by taking adequate steps to provide electoral security.

(2) CONGRESSIONAL REVIEW.—At least 15 days before each obligation of funds for assistance for Haiti (other than assistance described in subsection (c)), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) ASSISTANCE EXEMPTED FROM RESTRICTIONS.—Subsections (a)(1) and (b) do not apply with respect to—

(1) assistance, provided through private voluntary organizations or other nongovernmental organizations, to meet humanitarian and developmental needs or to promote respect for human rights and the transition to democracy;

(2) assistance provided by or through the Inter-American Foundation, the Overseas Private Investment Corporation, or the Peace Corps;

(3) assistance provided to enable the continuation of migrant and narcotics interdiction operations;

(4) assistance necessary for the financing of education for Haitians in the United States; and

(5) assistance to a genuinely independent electoral commission that is responsible for the holding of elections consistent with the 1987 Constitution.

(d) ECONOMIC SUPPORT ASSISTANCE.—

(1) CONDITIONAL EARMARKING.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $20,000,000 for fiscal year 1990 and not less than $40,000,000 for fiscal year 1991, shall be available only for Haiti if—

(A) the conditions of subsection (b)(1) are met;

(B) a civilian government is in power in Haiti, and that government was elected in free, fair, and open elections that were consistent with the 1987 Constitution and that were held under international supervision; and

(C) the armed forces have demonstrated a willingness to submit to legally constituted civilian authority and to abide by the Constitution.

(2) RELATION TO FUNDS FOR CARIBBEAN REGIONAL DEVELOPMENT.—The funds provided for in this subsection are in addition to the funds provided for Caribbean regional development pursuant to section 6108(a) of the Foreign Assistance Act of 1961.

CHAPTER 3—SOUTH AMERICA

SEC. 741. MILITARY EDUCATION AND TRAINING FOR CHILE.

(a) OBJECTIVES.—The Congress supports the democratic transition underway in Chile, and intends to assist the new democratically elected government, following its inauguration in March of 1990, with assistance to—

(1) strengthen democratic institutions; and

(2) establish a new relationship with the Chilean armed forces appropriate to a democratic system of government.

(b) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) AMOUNT AVAILABLE.—Of the funds made available for international military education and training under the Foreign Assistance Act of 1961, up to $50,000 may be made available for Chile for each of fiscal years 1990 and 1991, subject to paragraph (2).

(2) CONDITIONS.—Funds may not be obligated under paragraph (1) until—

(A) a civilian, democratically elected president is in power in Chile and has requested such funds;

(B) internationally recognized human rights are being respected and the civilian government is exercising independent and effective authority; and

(C) the Government of Chile is making good faith efforts in attempting to resolve the murders of Orlando Letelier and Ronni Moffitt.

(3) RESTRICTION NOT APPLICABLE.—Assistance may be provided under paragraph (1) without regard to the requirements of section 726(b) of the International Security and Development Cooperation Act of 1981.

(4) CONGRESSIONAL REVIEW.—Funds may be obligated under paragraph (1) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the obligation of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(c) SAFETY OF FLIGHT ITEM FOR CHILE.—Section 726(c) of the International Security and Development Cooperation Act of 1981 is amended—

(1) by inserting "(1)" after "export, of"

(2) by inserting before the period at the end ", or (2) components, parts, tools, technical manuals, technical changes to technical orders (TCTOs), TCTO retrofits, or related repair services for C-130 E/H aircraft owned by the Chilean Air Force to enhance the safety of the aircraft and its crew and passengers".

SEC. 742. MILITARY ASSISTANCE FOR PARAGUAY.

(a) CONDITIONS.—Funds made available for fiscal years 1990 and 1991 for foreign military financing under the Foreign Assistance Act of 1961 may not be used for assistance for Paraguay until—

(1) a democratic government is in power in Paraguay as a result of a free and fair election;

(2) the practice of torture and abuse of individuals held in detention by the military and security forces of Paraguay has ended;

(3) procedures have been instituted by the Government of Paraguay to ensure that those arrested are promptly charged and brought to trial;

(4) the political rights necessary for democracy, including freedom of speech and freedom of the press, have been restored in Paraguay; and

(5) steps toward internal reconciliation and a pluralistic democratic system have been taken by the Government of Paraguay.

(b) CONGRESSIONAL REVIEW.—Funds may be obligated under subsection (a) only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified at least 15 days in advance of the obligation of those funds in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

SEC. 743. ASSISTANCE FOR PERU.

(a) AUTHORITY TO FURNISH CERTAIN ASSISTANCE NOTWITHSTANDING CERTAIN RESTRICTIONS.—

(1) IN GENERAL.—For fiscal years 1990 and 1991, the assistance described in paragraph (2) may be furnished for Peru notwithstanding the provisions of law specified in paragraph (3).

(2) ASSISTANCE MUST BE PART OF NARCOTICS CONTROL EFFORT.—The assistance authorized by paragraph (1) is development assistance and economic support assistance under the Foreign Assistance Act of 1961 that is furnished as part of an effort to combat illicit narcotics production, trafficking, and use in Peru, such as assistance for crop or income substitution programs and narcotics awareness programs.

(3) RESTRICTIONS MADE INAPPLICABLE.—The provisions that are made inapplicable by paragraph (1) are section 4209 of the Foreign Assistance Act of 1961 and any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that restricts or prohibits the furnishing of assistance to a country that is in arrears or default in payment to the United States of principal or interest on a loan made to that country under any program for which funds are appropriated by that Act.

(b) HUMAN RIGHTS AND DEMOCRATIC INITIATIVES PROGRAM.—Assistance provided for Peru under section 1221 of the Foreign Assistance Act of 1961 for each of the fiscal years 1990 and 1991 shall include not less than $100,000 to fund the re-opening and expansion of the Office of the Special Prosecutor to Investigate Disappearances, under the jurisdiction of the Attorney General.

CHAPTER 4—OTHER PROVISIONS RELATING TO THE REGION

SEC. 761. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $17,000,000 for fiscal year 1990 and $20,000,000 for fiscal year 1991 to carry out this section.".

SEC. 762. SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.

All assistance under the Foreign Assistance Act of 1961 that is allocated for fiscal years 1990 and 1991 for any country in Latin America or the Caribbean that has an elected president shall be suspended if that elected president is deposed by military coup or decree.

SEC. 763. HUMAN RIGHTS UNDER CIVILIAN REGIMES.

(a) CONGRESSIONAL CONCERNS.—The Congress is concerned about continuing patterns of gross violations of internationally recognized human rights by the authorities in countries of Latin America and the Caribbean that have well-established civilian regimes or that have recently undergone transitions to civilian rule, including Brazil, Colombia, El Salvador, Guatemala, and Peru. The Congress finds that the institutions and processes associated with civilian, democratic government that are normally expected to protect citizens from abuses by their government, and to provide redress in the case of such abuses, do not function adequately in such countries, leading to abuses such as political killings, disappearances, torture and abuse of prisoners, extrajudicial executions of criminal suspects, and persecution of human rights monitors.

(b) SPECIAL ANALYSIS OF HUMAN RIGHTS SITUATION.—At the time of submission of the Country Reports on Human Rights Practices for 1989 pursuant to section 4302 of the Foreign Assistance Act of 1961, the Assistant Secretary of State for Human Rights and Humanitarian Affairs shall submit to the Congress the following:

(1) SPECIAL ANALYSIS.—A special analysis of the human rights situation under civilian regimes in those countries of Latin America and the Caribbean where significant human rights abuses occur, including the countries specified in subsection (a). This analysis shall include a description of the nature of such abuses, the reasons for their occurrence, and the reasons for the failure of the appropriate authorities to prevent or punish such abuses.

(2) RECOMMENDATIONS.—Such recommendations as the Assistant Secretary considers appropriate for steps to make United States policy more effective in combatting such abuses.

SEC. 764. ASSISTANCE FOR LAW ENFORCEMENT.

(a) GENERAL AUTHORITY.—Assistance under this section shall be provided for countries in Latin America and the Caribbean with democratically elected governments—

(1) to promote respect for the rule of law and internationally recognized human rights by all elements of society;

(2) to improve the professionalism and effectiveness of law enforcement agencies in the Western Hemisphere based upon the traditional role of civilian law enforcement agencies within a democratic system;

(3) to improve the capacity of law enforcement officials and the courts to render independent, fair, timely, and accessible justice and to punish all who abuse human life and dignity;

(4) to enhance the interaction among courts, prosecutors, and police in the investigation of crime.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available to carry out section 1221 of the Foreign Assistance Act of 1961 shall be available for countries in Latin America and the Caribbean that have a democratically elected government to support programs and activities, without regard to section 4202 of that Act—

(1) to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial and prosecutorial control;

(2) to assist in the development of academic instruction and curricula for training law enforcement personnel;

(3) to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures; and

(4) to enhance protection of participants in judicial cases.

(c) ASSISTANCE SUBJECT TO NOTIFICATION REQUIREMENT.—Assistance under this section may be provided for El Salvador, Guatemala, and Honduras only if at least 15 days before each obligation of funds the President notifies the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

(d) PROHIBITION ON LETHAL EQUIPMENT.—Funds made available to carry out this section may not be used to provide any lethal equipment.

(e) LIMITATION ON USE OF MILITARY PERSONNEL.—Personnel of the Department of Defense and members of the Armed Forces may not participate in the provision of training under this section.

(f) LIMITATION ON ASSISTANCE FOR LAW ENFORCEMENT.—Not more than 25 percent of the funds made available each fiscal year to carry out section 1221 with respect to Latin America and the Caribbean may be made available for programs and activities described in subsection (b) of this section.

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL: Page 435, line 14, after "conflict" insert "in accordance with the Constitution of El Salvador"; and page 436, line 15, after "Salvador" insert "in accordance with the Constitution of El Salvador".

Page 437, after line 14, insert the following:

(B) In making the determination required by subparagraph (A), the President should take into consideration that—

(i) the current democratically elected government in El Salvador is at war with elements which advocate and actively pursue the violent overthrow of the existing government,

(ii) these elements, primarily the communist Farabundo Marti National Liberation Front (FMLN), refuse to participate in the democratic process in accordance with the Constitution of El Salvador, and

(iii) these elements have been responsible for countless terrorist attacks killing innocent civilians and democratically elected government officials.

Page 437, line 15, strike out "(B)" and insert in lieu thereof "(C)".

Page 454, after line 24, insert the following:

(d) COMPLIANCE WITH 1979 OAS RESOLUTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report on compliance by the Government of Nicaragua with the resolution adopted on June 23, 1979, by the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which calls for, among other things, "respect for human rights of all Nicaraguans without exception" and "the holding of free elections as soon as possible".

Page 454, after line 24, insert the following:

(e) SOVIET BLOC MILITARY ASSISTANCE FOR NICARAGUA.—

(1) FINDINGS.—The Congress finds that—

(A) the Soviet Union and its allies have provided a cumulative total of over $2,745,000,000 in direct military assistance, and between $350,000,000 and $500,000,000 in assistance for military infrastructure development, to the Republic of Nicaragua since 1979;

(B) military assistance to the Republic of Nicaragua from the Soviet Union and its allies exceeds $590,000,000 since the signing of the Esquipulas II Accords on August 7, 1987, which are designed to foster regional peace and national reconciliation in Nicaragua;

(C) all authority for the United States Government to provide or deliver military assistance to the Nicaraguan Resistance expired on February 29, 1988;

(D) the February 14, 1989, Joint Declaration of the five Central American Presidents envisions a total demobilization of the Nicaraguan Resistance, a force which has failed to present any credible threat to the Nicaraguan Government for over one year;

(E) Soviet bloc military assistance to the Republic of Nicaragua includes at least 152 light and medium tanks, 237 additional armored vehicles, 961 heavy guns/howitzers/surface-to-surface rocket launchers, at least 36 122mm multiple rocket launchers, 549 SA-7/SA-14/SA-16 surface-to-air missile launchers (SAMs), 772 air defense guns, 12 Mi-25 Hind D helicopter gunships, and 45 Mi-8 and Mi-17 medium-lift helicopters and 20 fixed wing aircraft including AN-22 and AN-26 transports, as well as sophisticated radars and communications equipment servicing an active-duty military force in excess of 80,000 troops;

(F) the Soviet Union, Cuba, and East European nations currently have between 1,100 and 1,600 military and security advisors in Nicaragua, as well as an unknown number of support personnel for the internal security apparatus in Nicaragua;

(G) the Republic of Nicaragua now has the largest and most sophisticated armed force in Central American history, with an active duty military force more than double that of the next largest active duty military force, which is that of El Salvador;

(H) the military forces of the Republic of Nicaragua are the armed element of a partisan political party known as the Sandinista National Liberation Front or the FSLN;

(I) the military equipment provided by the Soviet Union and its allies enables the Republic of Nicaragua to maintain an overwhelming military advantage over all of its neighbors; and

(J) military assistance provided to the Republic of Nicaragua by the Soviet Union and its allies is inconsistent with the goals of the Esquipulas II Accords and the February 14, 1989, Joint Declaration by the Central American Presidents.

(2) STATEMENTS OF POLICY.—In the interest of regional peace and stability, the Congress—

(A) calls on the Soviet Union, other Warsaw Pact nations, and other Soviet allies, including Cuba, Vietnam, Libya, and Algeria, to withhold further military assistance to the Republic of Nicaragua;

(B) calls on the Republic of Nicaragua to reverse significantly the growth of its armed forces, in both manpower and material;

(C) calls on the Republic of Nicaragua to work toward a stabilization of the regional military balance and to prevent the introduction of advanced weapon systems that would qualitatively upgrade current capabilities;

(D) calls on the Soviet Union, Cuba, and East European nations to immediately remove from Nicaragua their military and security advisors, as well as their support personnel for the Nicaraguan internal security apparatus; and

(E) calls on the Republic of Nicaragua to separate the armed forces from the Sandinista political party, the Sandinista National Liberation Front.

Page 454, after line 24, add the following:

(f) HUMANITARIAN ASSISTANCE TO NICARAGUA.—Section 2(b)(3) of the Act entitled "An Act to Implement the Bipartisan Accord on Central America of March 24, 1989" (Public Law 101-14) is amended by inserting before the semicolon at the end thereof "and related monitoring, investigations, and prosecutorial activities."

Page 477, after line 25, insert the following:

SEC. 744. ASSISTANCE FOR ECUADOR.

The Congress urges the Secretary of State to use every means at his disposal to persuade the Government of Ecuador to remove from the mural in Ecuador's Plenary Wall of Congress any reference to the United States Government or any of its agencies or personnel. If the Government of Ecuador fails to accede to the Secretary's diplomatic approach, the Secretary should consider invoking appropriate measures against that government, including the withholding of funds allocated for Ecuador for fiscal year 1990 for development assistance, economic support assistance, foreign military financing, and international military education and training.

Page 482, after line 8, insert the following:

SEC. 765. ECONOMIC REFORM AND DEBT REDUCTION.

It is the sense of the Congress that—

(1) the Government of Mexico should be commended for its recent economic reforms; and

(2) those commercial banks that are creditors of Mexico and other developing countries that adopt responsible economic austerity programs should negotiate debt reduction packages to reflect the discounting of their loans on the world's financial markets, provided those countries continue those austerity programs.

Page 482, after line 8, insert the following:

SEC. 766. SUPPORT FOR A MULTILATERAL ANTINARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress has, in the past, indicated its support for a multilateral, regional approach to antinarcotics control efforts;

(2) a proposal to create a multilateral, international antinarcotics force for the Western Hemisphere, is a plan worthy of praise and strong United States support;

(3) the development of a greater capability to assist the governments of Latin America and the Caribbean, including the Caribbean Basin nations, is an essential component of efforts to interdict the flow of narcotics to the United States; and

(4) regional leadership in the promotion of a multilateral, paramilitary force to combat the drug cartels is welcomed and encouraged.

(b) SENSE OF CONGRESS.—It is therefore the sense of the Congress that—

(1) the proposal for the promotion of a regional multilateral antinarcotics force for the Western Hemisphere should be endorsed; and

(2) the United States should work through the United Nations, the Organization of American States, and other multilateral organizations to determine the feasibility of such a force and assist in the establishment of this force, if it is found to be feasible.

Page 455, after line 11, insert the following new section:

SEC. 709. UNITED STATES POLICY REGARDING REFORMS WHICH SHOULD BE TAKEN BY THE GOVERNMENT OF NICARAGUA IN ORDER TO BRING ABOUT LASTING PEACE, PLURALISM, AND DEMOCRACY IN NICARAGUA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The bipartisan accord between Congress and the President of March 24, 1989, states that "to be successful, the Central American peace process cannot be based on promises alone. It must be based on credible standards of compliance, strict timetables for enforcement, and effective on-going means to verify both the democratic and security requirements of those agreements".

(2) In signing the Central American peace accord on August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America", the Government of Nicaragua pledged "to promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice and respect for human rights".

(3) Under that accord, the Government of Nicaragua is specifically required to establish "complete freedom of press, television and radio" "for all ideological groups" "without prior censorship", to grant political groupings "broad access to communications media" and permit full exercise of the rights of association, free speech, and movement, to decree an amnesty guaranteeing "freedom in all its forms", and to terminate state of emergency laws while reestablishing "the full exercise of all constitutional guarantees".

(4) In signing the Joint Declaration of Presidents in San Jose, Costa Rica, on January 16, 1988, the Government of Nicaragua acknowledged that "the commitments of Esquipulas II have not been entirely fulfilled", "above all, democratization".

(5) The 5 Central American Presidents who signed that Joint Declaration pledged to fulfill these commitments, which they "view as irrevocable and inalterable", "unhesitatingly and unequivocally, aware that their peoples and the international community will judge their compliance with obligations undertaken in good faith".

(6) In signing the cease-fire agreement in Sapoa, Nicaragua, on March 21, 1988, known as the Sapoa Accord, the Government of Nicaragua established a verification commission which included Cardinal Miguel Obando y Bravo, and again promised to "guarantee freedom of speech without limitations as provided for in the Esquipulas II Agreement".

(7) The Government of Nicaragua further "guaranteed that all of the peope who have left the country for political reasons or other reasons may return to Nicaragua, regardless of their economic or social status, and join the political, economic, and social processes without any conditions beyond those stipulated in the Republic's laws" and without being "tried, penalized, or persecuted for any political or military activities in which they may have engaged".

(8) In signing the Joint Declaration at El Tesoro, El Salvador, on February 14, 1989, known as the Tesoro Beach Accord, the Government of Nicaragua acknowledged "that the commitments assumed under the Esquipulas II and Alajuela Declaration constitute a harmonious and indivisible whole".

(9) The Government of Nicaragua has pledged to hold elections for President, Vice President, and representatives to the National Assembly, municipalities, and the Central American Parliament no later than February 25, 1990.

(10) The Government of Nicaragua has pledged to "form a Supreme Electoral Council with a balanced participation of representatives from the opposition political parties".

(11) The Government of Nicaragua has pledged that during the 6 months prior to the date set for elections a "period of political activity will begin" no later than August 25, 1989.

(12) The Government of Nicaragua has pledged that immediately preceding that 6-month period, there will be "an initial 4-month period for the preparation, organization, and mobilization of the parties", which will begin no later than April 25, 1989.

(13) The Government of Nicaragua has pledged that reforms will be made prior to April 25, 1989, in "electoral legislation and in laws regulating the expression of ideas, information, and the structure of public opinion in such a way as to guarantee political organization and action in the broadest sense for political parties".

(14) The Government of Nicaragua has pledged to "guarantee the free functioning of the communications media by reviewing and modifying the law on the media" and to "guarantee equal access in terms of broadcasting schedules and air time on the state television and radio stations for all parties".

(15) The Government of Nicaragua has pledged to authorize "all communications media to supply themselves from within the country or abroad, at their convenience, with all materials, instruments and equipment necessary to fully perform their functions".

(b) ACTIONS WHICH SHOULD BE TAKEN BY NICARAGUA TO COMPLY WITH THE COMMITMENTS IT HAS MADE IN THE ESQUIPULAS II, ALAJEULA, SAPOA, AND TESORO BEACH ACCORDS.—It is the policy of the United States that the Government of Nicaragua should undertake the reforms described in subsection (c) in order to—

(1) bring about lasting peace, pluralism, and democracy in Nicaragua, and

(2) guarantee that the February 1990 elections in Nicaragua are completely free and fair.

(c) REFORMS.—The reforms referred to in subsection (b) to be undertaken by the Government of Nicaragua are as follows:

(1) IN GENERAL.—

(A) Separate the police, military, and security forces from any identification or link with any political party.

(B) Ensure freedoms of expression, association, assembly, movement, religion, and education.

(C) Restore the rights of security of person and home and the right of freedom from unjustified arrest.

(D) Stop coercive pressure to join the Sandinista Party or Sandinista Party directed or controlled groups.

(E) Stop officially incited, organized, or condoned harassment of persons or groups opposed to the ruling party or policies of the Government.

(F) Stop discriminatory and punitive application of military conscription.

(G) Allow all citizens, including refugees and exiles, to return to Nicaragua with full restitution of all civil and political rights.

(H) Reinstate due process protections, ensure fair trials, and release individuals imprisoned without charge, trial, or due process, including campesinos and East Coast residents.

(I) Guarantee the independence and neutrality of the judiciary, the police, and armed forces.

(J) Abolish the power of police forces to administratively sentence individuals to prison terms and decide appeals.

(K) End all forms of torture and conditions of confinement which constitute torture, end the practice of holding prisoners incommunicado, and permit unrestricted access to all detention facilities by international human rights groups.

(2) POLITICAL PROCESS REFORMS.—

(A) Allow political parties and the democratic opposition to meet and march publicly, publicize meetings, and meet with and utilize the media, without reprisals or harassment incited, organized, or condoned by the ruling party.

(B) Abolish the law known as the Law for the Maintenance of Public Order and Security.

(C) End the jailing of opposition party activists and the drafting of opposition party activists and their children in reprisal for nonviolent political activity.

(D) Abolish the role of the Committees for the Defense of Sandinismo's and other party organizations in dispensing rationing cards and government services.

(E) Repeal the suspension provisions of the Nicaraguan constitution.

(3) ELECTORAL REFORMS.—

(A) Institute the electoral procedures proposed by the broad-based 15 party opposition coalition.

(B) Permit independent polling by domestic and international entities and unrestricted publication of results.

(C) Establish a definitive interval of time between an election and the succession of winning candidates.

(D) Repeal current electoral laws that require legal recognition of political parties by the Government.

(4) PRESS AND MEDIA RIGHTS.—

(A) Allow an uncensored, free press, without prior restraint.

(B) End legal and administrative restrictions on the purchase of needed materials and equipment for the production and distribution of radio, television, and print news, and allow private newsprint sales.

(C) Grant licenses for the full spectrum of private television and radio broadcasting.

(5) LABOR RIGHTS.—

(A) Ensure the right to bargain collectively, to strike, and to publish by independent unions.

(B) Immediately release those imprisoned because of nonviolent union activities.

(6) RELIGIOUS FREEDOMS.—

(A) Allow the Catholic Church to reopen its human rights and publication offices.

(B) Allow Cardinal Miguel Obando y Bravo to resume his televised Sunday mass.

(C) Allow the return of all expelled Catholic priests.

(D) Allow religion courses to be taught in private schools.

(E) Allow Protestant evangelicals to preach and conduct meetings.

(7) CAMPESINO RIGHTS.—

(A) End preventive detention and the policy of forcible resettlement of campesinos and allow campesinos who have been displaced to return.

(B) End pressure to join Sandinista farming cooperatives.

(8) INDIAN AND CREOLE RIGHTS.—

(A) Permit Indian and Creole residents to freely travel, assemble, speak, publish, broadcast, and maintain cultural beliefs and practices.

(B) End preventive detention and the policy of forcible resettlement of East Coast residents, and allow Indians and Creoles who have been displaced to return to their home communities.

(C) Guarantee the rights of Indians and Creoles to engage in traditional farming, fishing, hunting, and necessary subsistence activities.

(9) VERIFICATION OF PEACE AND DEMOCRACY ACCORDS.—Permit independent, international, and non-governmental human rights observers, both international and domestic, including the Sapoa Verifying Commission, the Nicaraguan Independent Permanent Commission for Human Rights, the International Committee of the Red Cross, and representatives of the Organization of American States and the General Secretary of the United Nations, to meet and travel freely to all areas of the country and to visit all detainees, prisoners, prisons, and tribunals without harassment.

(d) ACHIEVEMENT OF DEMOCRATIC PRINCIPLES AND PROCESSES IN CENTRAL AMERICA.—The United States urges all countries in Central America to continue to work toward achieving the democratic principles and processes specified in the Central American peace accord of August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America".

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. FASCELL] is recognized for 10 minutes.

Mr. FASCELL. Mr. Chairman, I will just simply state that under the rule we have offered these en bloc amendments where the majority and the minority have reached agreement.

I will tell my colleagues that this covers eight amendments on which we have reached an agreement and I urge support for the en bloc amendments.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield to me?

Mr. FASCELL. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, we have examined the en bloc amendments also and we support them and urge the House to approve them.

I might say that I was especially appreciative that we were able to work out the Inhofe amendment on Ecuador.

Mr. FASCELL. Mr. Chairman, I thank the gentleman.

I really appreciate the tremendous effort that has been made by both staff and Members to allow us to expeditiously consider this bill, and this is one way we are able to do it.

I urge the adoption of the amendments.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, these en bloc amendments contain a provision expressing strong support for a multilateral antinarcotics strike force and encouraging the administration to study the feasibility of such a force, and if possible, to implement it through the United Nations.

On June 9, Prime Minister Michael Manley of Jamaica announced his support for an international antinarcotics strike force to combat the drug problem plaguing his country, our country, and indeed, the hemisphere.

This is the first time a leader in the Western Hemisphere has publicly announced his support for such a force, and I hope other Latin American leaders will soon follow his lead.

We in the Congress and those in the executive branch have already endorsed the idea of an international antidrug force, but the support of other governments in this hemisphere is absolutely vital for any successful enactment of the plan.

As Prime Minister Manley said:

> The more we look at this, the more we are convinced you are dealing with a level of international criminal organization that is probably without precedent. Those who manipulate production, transportation, distribution, and marketing operate in a global framework * * *. They can target whatever country they want.

With countries such as Colombia held in the grip of international drug cartels, multilateral action may well be the only way to control these international narcotics networks. The statement of Mr. Manley only underscores the urgent need to explore the multinational idea.

Drugs are an international problem. We need an international solution.

Mr. FASCELL. Mr. Chairman, I agree with the gentleman from Pennsylvania. I think it is a very important initiative that we must undertake. There is no way that any one country unilaterally can begin to solve this problem.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words and I ask to be recognized for the purpose of a colloquy with the gentleman from Virginia [Mr. PARRIS], and I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FASCELL. Mr. Chairman, I object, because there is a way of doing this without going in violation of the rules. It is a very simple process, so please, let us try to do it.

The CHAIRMAN. The Chair will state that the regular order is that the gentleman from California [Mr. LAGOMARSINO] has 10 minutes of his own time on the pending amendments.

The gentleman from New York [Mr. GILMAN] could have the gentleman from California yield to him.

Mr. LAGOMARSINO. Mr. Chairman, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman does not have to have unanimous consent to proceed. He has been yielded to, if the gentleman from California will remain on his feet.

Mr. GILMAN. Mr. Chairman, I yield to the gentleman from Virginia [Mr. PARRIS].

The CHAIRMAN. Would the gentleman from California, the ranking minority member, listen and will the manager of the bill listen.

The situation is that the gentleman from Florida [Mr. FASCELL] has offered en bloc amendments. He has been recognized for 10 minutes.

The gentleman from California [Mr. LAGOMARSINO] will be recognized for 10 minutes. If the gentleman from California wishes to yield time, he may do so. No speaking out of order is required.

The gentleman from New York [Mr. GILMAN] is recognized.

□ 1730

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from Virginia.

Mr. PARRIS. Would the gentleman from New York [Mr. GILMAN] be so kind as to clarify the committee's intent in including section 3202, entitled "Coordination of All United States Anti-Narcotics Assistance to Foreign Countries." Specifically, I would hope that this provision would not undermine or dilute the authority granted by Congress to the Director of the Office of Drug Control Policy to coordinate and establish policy on domestic and international illicit narcotics trafficking. This clarification is of particularly critical importance now, as Secretary Bennett is drawing up his national strategy to fight the war on drugs, which is due to be released in September.

Mr. GILMAN. If the gentleman will yield, the gentleman from Virginia raises an important point on the coordination of our Nation's international efforts to combat illicit narcotics production and trafficking. Section 3202 would authorize the Secretary of State to be responsible for coordinating all assistance provided by the U.S. Government to support international efforts to combat illicit narcotics production or trafficking. Nonetheless, the Director of National Drug Control Policy, pursuant to the Anti-Drug Abuse Act of 1988, is responsible for establishing policies, objectives, and priorities for the National Drug Control Program and for promulgating a national drug control strategy, including efforts at international drug control.

In short, the National Drug Control Policy Director, Secretary William Bennett, is responsible for formulating, coordinating, and implementing our Nation's drug strategy, and as I interpret section 3202, the Secretary of State would be responsible for coordinating the operational, day-to-day details of our international narcotics assistance program.

Mr. LAGOMARSINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana, Mr. Chairman, June 23, 1989, this past Friday, was the 10-year anniversary of the resolution by the Organization of American States calling for:

First, "immediate and definitive replacement of the Somoza regime."

Second, "installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the will of the people of Nicaragua."

Third, "guarantee of the respect for human rights of all Nicaraguans without exception."

Fourth, "the holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom and justice."

On July 12, 1979, 5 days before the collapse of the Somoza regime, the Sandinistas-dominated junta sent a letter to the Secretary General of the OAS. Attached to the letter were two other documents: A "plan to achieve peace" and a formal "program of the Nicaraguan national reconstruction junta." These documents constituted a formal pledge to establish democracy in Nicaragua.

The letter states that the "plan to achieve peace" was developed "on the basis of the—June 23, OAS—resolution" which "backs the installation of a broad-based, democratic government of the kind we ourselves are establishing." The letter also talks about "our firm intention to establish respect for human rights * * *." "Our decision to enforce civil justice * * *." "The plan to call Nicaraguans to the first free elections that our country will have in this century * * *." The letter ends by asking the governments of the Western Hemisphere "to bring democracy and justice to Nicaragua."

The "program of the Nicaraguan national reconstruction junta" promised "freedom of organization by unions, trades, and other popular movements," "independent foreign policy," "mixed economy," and many other fundamental liberties.

These promises, later violated one after another, helped the Sandinistas achieve power. On the basis of these promises the Carter administration and the OAS approved final transfer of power to the Sandinistas. The U.S. State Department, at the time, noted "a caretaker government is in place to begin the process of national reconciliation * * *. It has pledged to avoid reprisals, to provide sanctuary for those in fear * * *, and to respect human rights and hold elections."

The Sandinistas have achieved and kept power over the past 10 years by skillfully exploiting the enormous capacity for self-deception inherent in Western democracies. My amendment simply calls upon the Secretary of State to submit a report to Congress on the Government of Nicaragua's compliance with the now infamous 1979 OAS resolution. I believe this report will demonstrate another example of a Communist power failing to live up to promises made to the West. Yalta, the Korean armistice, the Paris peace accords, the Helsinki Accords, the list of Communist lies and deception is endless.

We continually stress in this body how important it is for our children to study and learn from history. I think we would have a greater impact on our children if we practiced what we preached. It has been 10 long years since the Communists promised freedom and democracy in Nicaragua. Is it really that hard to see what Communist intentions are? Mr. Chairman, how much longer do the people of Nicaragua have to rot under a godless tyrannical regime before this body will wake up and see the Sandinistas for what they really are?

Mr. Chairman, that is the first amendment that has been proposed that has been accepted. I have additional information being included in the RECORD.

Amendment to H.R. 2655, as reported offered by Mr. BURTON of Indiana: Page 437, after line 14, insert the following:

(B) In making the determination required by subparagraph (A), the President should take into consideration that—

(i) the current, democratically elected government, in El Salvador is at war with elements which advocate and actively pursue the violent overthrow of the existing government,

(ii) these elements, primarily the communist Farabundo Marti National Liberation Front (FMLM), refuse to participate in the democratic process in accordance with the Constitution of El Salvador, and

(iii) these elements have been responsible for countless terrorist attacks killing innocent civilians and democratically elected government officials.

Page 437, line 15, strike out "(B)" and insert in lieu thereof "(C)".

NICARAGUA AND THE U.S. CONGRESS: NINE YEARS OF PROMISES, PEACE PLANS, AND SELF-DELUSION

PROMISE

That the lives of National Guard officers and soldiers would be respected, that they would not be subject to revenge or indiscriminate reprisals. Those guilty of crimes will be dealt with within the legal framework. [From the July 12 GRN promises to the OAS]

PERFORMANCE

"After the 1979 revolutionary victory hundreds of prisoners, mostly members of the National Guard or supporters of the former regime, disappeared after capture and were later found dead. Of the dead, many were found in mass graves, as in the case of the prisoners in La Pólvora * * * the former headquarters of the National Guard in the town of Granada * * * [O]n October 3, 1979, José Estebán González of the CPDH (the independent Permanent Commission on Human Rights), traveled with several witnesses to the site and discovered human bones and remnants of clothing in a covered-over ditch.

"Similar reports led to the discovery of another site in La Arrocera, near Lake Nicaragua, where several more bodies were found. At the bottom of the crater of the Santiago volcano, near Managua, ten to fifteen bodies were sighted. Thirteen more were discovered in a mass grave in Catarine, a small town near Masaya. Approximately two hundred were found in a deep well near Leon.

"How many people were killed in this manner? Estimates based on names of prisoners who were captured and then declared missing or dead vary. The CPDH has documented the disappearance and most likely death of 785 persons who were captured by Sandinista authorities from July 1979 through September 1980 * * *" [Humberto Belli, "Breaking Faith," The Puebla Institute, 1985, p. 120]

PROMISE

After the replacement of the Somoza regime, remnants of the National Guard and of the Sandinista armed forces would be formed into a new, non-political national army. This army would maintain a "minimum" permanent establishment. [From the July 12 GRN promises to the OAS]

PERFORMANCE

The new national army was never formed. The Sandinista army continued to function as a Party armed force and in September 1979 was officially named the Popular Sandinista Army (EPS). In the so-called "72 Hour Document" of September 1979, a long term program of the top FSLN leadership, the determination was made to create "an army politicized to an unprecedented degree." [From the document text quote in Shirley Christian, "Nicaragua, Revolution in the Family," p. 151] Already in October 1979, Interior Minister Comandante Tomas Borge stated the Sandinistas' intention to arm a militia of 300,000 men (other descriptions of Sandinista intentions refer to 200,000). This compares to a July 1979 force of no more than 7,500; Somoza's National Guard had fewer than 15,000, including support troops. During this period there were no Contras, and the United States, under the Carter Administration, was the Sandinistas' biggest aid donor. By the end of 1987, regular Sandinista army forces numbered 80,000, plus some 40,000 militia. According to the revelations of Major Roger Miranda (confirmed by Defense Minister Comandante Humberto Ortega), the Sandinistas planned a total military and para-military force of 600,000 by the mid-1990s.

PROMISE

"An independent, non-aligned foreign policy will be followed which will link our country with all nations that respect self-determination and fair mutually-beneficial economic relations." [From the July 12 GRN promises to the OAS]

PERFORMANCE

The first Cuban military and security advisers entered Managua within a week of July 19, the day Sandinista forces entered the capital, possibly as early as the first day; by November there were two hundred of them. Assistance from Panama, which had provided major help to the Sandinistas in overthrowing Somoza, were rejected.

On July 21, the day after the GRN was installed, representatives from two Salvadoran communist guerrilla factions were in Managua to discuss military cooperation and assistance; these two factions joined with three others in May 1980, under Cuban and Sandinista auspices, in what became the Farabundo Marti National Liberation Front (FMLN).

On July 25, prominent junta members traveled to Havana to help Castro celebrate the anniversary of the beginning of his revolutionary movement. On July 27, Nicaragua and Cuba reestablished diplomatic relations, and within weeks relations were established with other Soviet bloc countries.

In early August, Comandante Henry Ruiz travelled to the U.S.S.R., Bulgaria, Libya, and Algeria to conclude and agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979, at a speech in Havana, Commandante Daniel Ortega gave a speech condemning U.S. "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization (PLO).

In early 1980, Nicaragua abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "non-aligned" nations voted for the resolution.

In March 1980, the Sandinistas established Party-to-Party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister Comandante Humberto Ortega declared "Marxism-Leninism" the "scientific doctrine" that guides the Sandinista revolution; as of 1984, eight of the nine Sandinista comandantes had directly acknowledged their Marxist-Leninist convictions (the ninth, Henry Ruiz, was sent, on a Cuban passport, to Moscow's Patrice Lumumba University as a youth cadre of the Moscow-line Nicaraguan Socialist Party in 1966 but was obliged to leave due to his excessive views in favor of guerrilla warfare in Latin America).

In late 1981, Sandinista-controlled media were told to take a line against the "counter-revolutionary" Solidarity movement in Poland and only to report "facts" confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnez died in 1982, Sandinista media praised him and the Soviet Union for their "peace" policies.

The Sandinistas abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the U.S.S.R., and all of the East European countries with the sole exception of Albania. Judged by U.N. voting record, the Warsaw Pact is more pro-American than Nicaragua is.

PROMISE:

The legislative Council of State established by the GRN would have 33 members representing the broad spectrum of Nicaraguan society, such as political parties (including the Sandinistas), labor unions, business groups, the national university, and the national clergymens' association. [From the July 9 Program of the GRN]

PERFORMANCE

In mid-April 1980, the Sandinistas issued a decree enlarging the Council of State from 33 to 47 members, with a structure guaranteeing the FSLN and FSLN-controlled organizations a majority. The two non-communist members of the GRN, Violeta Chamorro and Alfonso Robelo, resigned in protest.

PROMISE

Guarantees of free expression, religion, association, unions, press, private enterprise, etc. [from July 12 GRN promises to the OAS]

PERFORMANCE

Within a week of taking power, the Sandinistas nationalized banking and foreign trade; this meant that producers of major export commodities like coffee, sugar, cotton, etc. would have to sell to the government, giving the Sandinistas great control over hard currency and reinvestment in Nicaragua. Insurance and mining were nationalized in October and November 1979.

Businesses labeled "Somocista" were widely confiscated in the first weeks after July 19 with loose regard to whether the former owners had been close to Somoza or not; this included about one-fourth of cultivated land, about 130 industries and businesses, houses, estates, and vehicles.

A new Sandinista-controlled labor federation was created, which also seized many businesses; the Sandinista labor federation also attacked the non-Marxist unions as "counterrevolutionaries, thieves, and imperialists" and attacked their organizers. Strikes were banned throughout the country on September 9, 1981.

In late July 1979 the Sandinistas confiscated one of the country's two daily newspapers (the other being La Prensa; a pro-Sandinista third newspaper began operation later) plus all television stations and most radio stations.

In December 1979 a private entrepreneur with a strong anti-Somoza record was re-

fused permission to open a new, independent television station by Daniel Ortega, who stated that television in Nicaragua would belong to the people, not to "millionaires of the bourgeoisie."

In April 1980, a radio newsman was sentenced to six months imprisonment for broadcasts "detrimental to the revolution," though no law making this a crime yet existed.

After anti-Cuban and anti-Sandinista demonstrations in the Atlantic Coast region in September 1980, La Prensa was ordered to not print any news from that region without government approval.

On September 10, 1980, the Sandinistas issued Decrees 511 and 512 making it a crime to publish any information that (in the opinion of Comandante Tomas Borge's Interior Ministry) "jeopardizes the internal security of the country," including information on shortages in staple products or information which might bring about price speculation. Temporary closings of La Prensa began on July 8, 1981; full prior censorship was instituted in March 1982.

On July 31, 1979, the Nicaraguan Catholic bishops issued a pastoral letter welcoming the overthrow of Somoza and praising the new "spirit of freedom." Another pastoral letter on November 17 commented favorably on socialism if it were to be "an economic system planned with national interests in mind that is in solidarity with and provides for increased participation of the people." [Belli, "*Breaking Faith*," pp. 149-150] Despite the positive attitude of religious leaders, however, in mid-1980 the Sandinistas, under the leadership of Interior Minister Tomas Borge, began to attack the bishops as "the church of the rich." "The campaign escalated from initially mild criticism ('the bishops are too conservative, too fearful of opening themselves up to collaboration with Marxism') to a full-fledged attack ('the bishops are the voice of the bourgeoisie, have fallen into the hands of Reagan's policies, are vain, authoritarian, and counterrevolutionaries: enemies of the people')." [Belli, "*Christians Under Fire*," p. 40]

Meanwhile, the Sandinistas promoted the Liberation Theology-oriented "Peoples Church," giving it a virtual monopoly of religious programming on the increasingly Sandinista-controlled media.

Overt repression began in July 1981, when the Sandinistas banned broadcast of the mass of the Archbishop of Managua. Restrictions were placed on broadcasting by the Church's "Radio Catolica" and on *La Prensa*'s coverage of Church activities. Physical attacks on churchmen began in November 1981 with an attack on Bishop Pablo Vega by a Sandinista mob.

Concurrent with the suppression of independent social activity, the Sandinistas began to build their party-controlled social apparatus. In July and August 1979, the Sandinistas created the Sandinista Defense Committees (CDS's), modelled on Cuba's "Block Committees," as a means of social surveillance and control.

The CDS's work closely with the Interior Ministry's security police, which began to function in late 1979 with unofficial detention centers.

The FSLN also founded new women's, peasants, and youth organizations, and even an organization for small children called the "Carlitos" (after FSLN founder Carlos Fonseca) patterned after the Soviet Union's "Young Pioneers"; other FSLN politicized associations were founded for artists and writers, teachers, newsmen, etc.

Finally, in February 1981, the first Sandinista-controlled mobs (*turbas divinas*, "divine mobs"), used by the Interior Ministry to attack Sandinista opponents, made their appearance.

PROMISE

The July 12 GRN promises to the OAS included a pledge to hold democratic elections. The OAS resolution on June 23, 1979 specifies that these be held "as soon as possible."

PERFORMANCE

For over a year the Sandinistas stalled democratic elements in the GRN with the excuse that elections were not a "priority" compared to the literacy campaign, housing, health care, etc. Finally, in August 1980 Defense Minister *Comandante* Humberto Ortega announced that elections would be held in 1985, with the electoral process not to begin before January 1984. In addition, Ortega pointed out that in the FSLN's view "elections shall be to strengthen revolutionary power, not to raffle it off, for power is in the hands of the people through its vanguard, the Sandinista National Liberation Front and its national directorate [i.e., the nine *comandantes*]."

"Elections" were finally held in November 1984 (earlier than the announced 1985 date), with most democratic parties boycotting rigged procedures and campaign restrictions. Of the seven parties participating in the elections, four, including the FSLN, were Marxist-Leninist; of the other three, one tried to withdraw but was not permitted to get its name off the ballot; the other two represented pro-Sandinista splinters of parties boycotting the elections. Fidel Castro was the only head of state to attend Daniel Ortega's inauguration in early 1985.

That the Sandinistas failed to live up to their initial round of promises should come as little surprise, with some Congressmen even in August 1979, warning of the Sandinistas' communist orientation. But most in Congress seemed willing to close their eyes and hope for the best, while approving the first installment of aid ($75 million requested in November 1979, in addition to the $24.6 million already in the pipeline). And throughout this early period while the Sandinistas were busily abandoning their July 1979 promise, they were also making new ones, promising the same rights and freedoms.

MORE PROMISES

On August 21, 1979, the Sandinistas formally enacted (Decree 52) their Statute on the Rights and Guarantees of Nicaraguans, a "Bill of Rights," covering the standard internationally-accepted individual, civil, political, economic, cultural, social, and other rights.

On September 25, 1979, the Sandinistas ratified the American Convention on Human Rights.

SELF-DELUSION IN CONGRESS

At least one House member found the Sandinistas' adoption of the American Convention on Human Rights especially convincing:

A House Member, September 1979: "(I)n a ceremony September 25 at the headquarters of the Organization of American States here in Washington, the new Government of Nicaragua formally deposited its ratification of the American Convention of Human Rights, also known as the Pact of San Jose. By this act the new Government of Nicaragua undertook a solemn international commitment to respect all fundamental human rights common to the democratic nations of our hemisphere: freedom of the individual, of the press, of religion, and of all others. Equally important, Nicaragua's ratification of the American Human Rights Convention appears in keeping with other actions of the new Government. For a regime that came to power after prolonged and violent revolution, its treatment of former opponents has been unusually humane. There has been no policy of generalized revenge or retribution against the officials of the former regime, such as we have seen in other countries. The Nicaraguan Government has also issued a decree guaranteeing individual rights and has allowed an independent press and radio. As the Miami Herald stated in a recent editorial: 'So far, the new provisional government seems to be stepping carefully toward a more open society than many observers thought possible in that war-torn nation.' The direction Nicaragua's new Government will take over the long run in its domestic and foreign policy is not yet clear. But I believe the commitment to respect human rights that Nicaragua has shown deserves our recognition and support." [Congressional Record, page H-26881, September 28, 1979]

AMERICAN AID SENT TO MANAGUA

American aid ON: By the end of 1979, a total of $48 million in U.S. aid had been provided to the Sandinistas, who rejected offers of U.S. teachers, military trainers, and a large-scale Peace Corps contingent. Before the final aid suspension in April 1981, the U.S. had obligated $129 million in aid to the Sandinistas, of which $94.3 million was delivered. The United States also supported $1.6 billion in loans from other governments and international lending institutions.

MORE PROMISES

On March 12, 1980, the Sandinistas ratified the United Nations International Convenant on Civil and Political Rights, along with it Optional Protocol.

MORE SELF-DELUSION IN CONGRESS

Congressmen wanted to believe the Sandinistas' promises:

A House Member, June 1980: "First, we find that the direction of the new Government in Nicaragua is still to be determined. Most of the leaders are young and groping for direction and while there are Marxist elements present, there also are strong democratic elements which emphatically have not given up their effort to create a free society in Nicaragua. Our second conclusion was that we clearly have done the right thing in approving financial loans to Nicaragua. Every element of Nicaraguan society—including spokesmen for the church, the press, businessmen, and the political parties which oppose the Sandinistas—told us that the $75 million loan from the United States is the single most important contribution which anyone can make toward the establishment of political liberty in Nicaragua and toward improving relations between Nicaragua and the United States. Finally, we would like to report the conclusion that most people in Nicaragua do not want to be dependent upon Cuba. They do want to live in a free society, and we are convinced that—in spite of unfortunate incidents in this history of the bilateral relations between our two countries—there still exists an underlying friendship for the United States." [Congressional Record, page H-14609, June 13, 1980]

Mr. Chairman, this amendment should cause no problems for anyone

who is interested in an honest and fair foreign assistance bill. If you read the foreign aid bill as it stands, and did not understand the situation in El Salvador, you would think Joseph Stalin was alive and running El Salvador as if it were the Soviet Union in the 1930's.

My friends, in case you missed it, United States policy has promoted the consolidation of the democratic political process in El Salvador. With United States encouragement, El Salvador has held six free and fair elections since 1982, all of which were closely scrutinized by hundreds of observers from around the world, including the press. These elections were uniformly judged to have been free and honest. El Salvador reached another milestone in its democratic evolution on June 1 when, for the first time in recent history, power transferred peacefully from one democratically elected President to another. Unfortunately, the foreign assistance bill's El Salvador section fails to mention any of these most encouraging developments.

The foreign aid bill also fails to mention that this young fledgling democracy is at war with a small minority of folks in El Salvador who refuse to join in the democratic process in accordance with the Constitution of El Salvador. Instead, this relatively small group of Marxists, the FMLN, currently is following a policy which seeks to attain the violent overthrow of the democratically elected Government.

The FMLN has embarked on a campaign of threatening and killing democratically elected government officials, not to mention innocent civilians. Mayors, justices of the peace, governors of departments and municipal councils are threatened with death by the guerrillas for allegedly being part of the Government's counterinsurgency plan. For example: From March 1988 to March 1989, the FMLN threatened with death 214 of the 262 mayors in El Salvador. The Communists actually produced a form letter for death threats on FMLN letterhead. It had a blank to fill in with the name of the government official to be threatened. More than 90 mayors resigned rather than submit to revolutionary justice; leftwing death squads killed 10 mayors for failing to resign. All my amendment tries to do is lay some groundwork for the President when he makes his determination on assistance to El Salvador. Please listen carefully to each point in my amendment before making your decision:

First, the current, democratically elected Government in El Salvador is at war with elements which advocate and actively pursue the violent overthrow of the existing Government;

Second, these elements, primarily the Communist FMLN, refuse to participate in the democratic process in accordance with the Constitution of El Salvador, and

Third, these elements have been responsible for countless terrorist attacks killing innocent civilians and democratically elected government officials. Believe it or not, none of this is mentioned in the foreign aid bill. If the American people read this bill as it currently is written, they will understand all the problems that many Members of Congress currently have with the Government of El Salvador. I just hope those same Members do not object to having the whole story told.

Amendment to H.R. 2655, as reported offered by Mr. BURTON of Indiana: Page 454, after line 24, insert the following:

(d) COMPLIANCE WITH 1979 OAS RESOLUTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report on compliance by the Government of Nicaragua with the resolution adopted on June 23, 1979, by the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which calls for, among other things, "respect for human rights of all Nicaraguans without exception" and "the holding of free elections as soon as possible".

Amendment to H.R. 2655, as reported offered by Mr. BURTON of Indiana: Page 435, line 14, after "conflict" insert "in accordance with the Constitution of El Salvador"; and page 436, line 15, after "Salvador" insert "in accordance with the Constitution of El Salvador".

Mr. Chairman, do you remember the oath we all took at the start of the 101st Congress? "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic. * * *" I can't imagine that any of my colleagues would expect the democratically elected members of the Salvadoran Legislative Assembly to do any less.

All my amendment does is add to the language of the foreign aid bill, which currently reads: The President is to determine that the Government and Armed Forces of El Salvador are willing and actively seeking to achieve an equitable political settlement of the conflict in El Salvador, my amendment just adds "in accordance with the Constitution of El Salvador." That's all my amendment says.

Since the Constitution was ratified in 1983, by a popularly elected assembly, it has helped to facilitate six free and fair elections. I don't think anyone in this body would encourage the Government of El Salvador to negotiate a political settlement which would subvert or suspend the Constitution which the people of El Salvador have worked so hard to achieve. Imagine, a third country telling the United States that it must negotiate with its enemies and be willing to toss out our Constitution of 200 years in the process.

Many people in El Salvador have given their lives to defend the rights and freedoms contained in their Constitution.

Again, my amendment just points out that the United States encourages an equitable political settlement of the conflict in accordance with the Constitution of El Salvador. This body would never accept any thing less for the United States, so I hope my colleagues will be consistent and vote for my amendment in support of the Constitution of El Salvador.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the en bloc amendments to title VII of the foreign assistance bill.

Specifically, I urge support for my amendment, which expresses the sense of Congress that the proposal for a regional multilateral antinarcotics force be endorsed and that the United States should work through the U.N., the Organization of American States, and other multilateral organizations to determine the feasibility of such a force, and if feasible, to help establish the strike force.

The concept of a multilateral antidrug military force is not new. Support for such an effort was included in the Anti-Drug Abuse Act of 1988, which was signed into law by President Reagan last November.

However, the recent endorsement by the Prime Minister of Jamaica, Michael Manley, of an international antinarcotics force that could interdict drugs, and mount paramilitary-style attacks against traffickers, has energized the effort to bring together a hemispheric force. Prime Minister Manley is to be commended for his efforts and hopefully, under his leadership and that of other leaders from the Americas, such a multilateral strike force will be created to effectively combat the international drug syndicates.

Mr. Chairman, if we want to win this war against the drug traffickers we must escalate our efforts. A multilateral drug force would provide the kind of capabilities that are desperately needed in the struggle against the illicit production and trafficking of dangerous drugs. The traffickers are highly organized, have virtually limitless resources, and have consistently demonstrated an ability to bribe, threaten, or kill anyone who stands in their way of conducting their deadly drug activities.

Accordingly, I urge my colleagues to support this amendment.

□ 1740

The CHAIRMAN. The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL].

The en bloc amendments were agreed to.

EN BLOC AMENDMENTS OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the en bloc amendments en bloc.

The text of the en bloc amendments is as follows:

En bloc amendments offered by Mr. FASCELL: Page 502, after line 9, insert the following:

SEC. 830. ASSISTANCE FOR LEBANON.

Of the amounts made available for development assistance or economic support assistance under the Foreign Assistance Act of 1961, not less than $7,500,000 for fiscal year 1990 and not less than $7,500,000 for fiscal year 1991 shall be available only for Lebanon.

Page 508, after line 21, insert the following:

SEC. 845. RETURN OF REFUGEES TO NEW FAMAGUSTA (VAROSHA).

(a) FINDINGS.—The Congress makes the following findings:

(1) The 1974 invasion of Cyprus resulted in the displacement of over 150,000 Greek Cypriots from the north of the island, 35,000 of whom were refugees from the city of New Famagusta (Varosha). That city is now empty and is falling into disrepair with the resultant loss of billions of dollars in property and city services.

(2) In 1984, New Famagusta was placed under United Nations administration by Security Council Resolution 550, which forbids any attempt to settle any part of the city by people other than its former inhabitants. That resolution has yet to be implemented.

(3) Past proposals by both Cypriot communities regarding the return of the refugees to the city of New Famagusta represent a positive step which should be pursued by appropriate officials in the context of current United Nations-sponsored talks.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should, as a matter of priority, undertake a new initiative in the United Nations designed to promote the resettlement of New Famagusta by its former inhabitants;

(2) the United States should encourage the Secretary General of the United Nations to work with the international community to bring about the effective implementation of United Nations Security Council Resolution 550; and

(3) the United States should express its deep concern to the Secretary General about the presence in New Famagusta of people other than its former inhabitants.

Page 509, strike out line 11 and all that follows through line 5 on page 510; page 510, line 6, strike out "(d)" and insert in lieu thereof "(b)"; beginning in line 11, strike out "Not late than February 1 each year," and insert in lieu thereof "At the end of each fiscl year in which the United States Government makes any contribution to the International Fund (but not later than December 31),"; and page 511, strike out lines 11 through 25 and insert in lieu thereof the following:

"(b) INDEPENDENT REVIEW OF THE FUND.—The reports submitted pursuant to subsection (a) shall discuss the results of any independent reviews that have been conducted of the programs and projects supported by the International Fund, with particular regard to the achievement of the objectives specified in paragraphs (1) through (5) of subsection (a).".

Page 511, after line 25, add the following:

SEC. 862. HUMAN RIGHTS IN YUGOSLAVIA.

(a) FINDINGS.—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) the Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringment upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press.

(3) the Country Report also indicates that these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in the Socialist Autonomous Province of Kosovo;

(4) the human rights of all ethnic groups in Kosovo must be preserved;

(5) those human rights violations, in addition to recent actions taken to limit the social and political autonomy of Kosovo, have precipitated a crisis in that region;

(6) the response of the Government of Yugoslavia to that crisis was a police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of additional hundreds;

(7) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(8) the European Parliament of the European Community has condemned these actions by the Government of Yugoslavia.

(b) STATEMENT BY THE CONGRESS.—The Congress—

(1) expresses concern regarding human rights violations by the Government of Yugoslavia and its repressive handling of the crisis in the Socialist Autonomous Province of Kosovo;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence and bloodshed do not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Universal Declaration of Human Rights and the Helsinki Final Act to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia;

(4) requests the President and the Department of State to continue to monitor closely human rights conditions in Yugoslavia; and

(5) calls upon the President to express these concerns of the Congess through appropriate channels to representatives of Yugoslavia.

Page 511, after line 25, add the following:

SEC. 863. USE OF FORCE IN SOVIET GEORGIA.

(a) FINDINGS.—The Congress finds that—

(1) the roots of Georgian national identity date back 2000 years;

(2) the people of the Georgian Soviet Socialist Republic continue to demand self-determination, as evidenced by the creation of the National Democratic Party of Georgia;

(3) the expression of these demands over the past 2 years by the people of Georgia has caused the expulsion of popular leaders from the Soviet Union, such as Tengiz Gudava;

(4) the people of Georgia expressed their continuing desire for self-determination through demonstrations in Tbilisi, in which thousands participated on April 9, 1989;

(5) these peaceful demonstrations were met by Soviet troops, supported by tanks and armored personnel carriers, which swept into the crowds of demonstrators and, using clubs and spades, caused 20 fatalities and over 200 injuries; and

(6) officials of the Georgian Health Ministry are reported to have said that the Soviet troops also used a poisonous gas that causes nerve paralysis, delirium, and heart failure against the peaceful demonstrators in the Tbilisi demonstrations.

(b) STATEMENT OF THE CONGRESS.—The Congress—

(1) condemns the use of excessive and lethal force by Soviet troops in responding to the peaceful demonstrations of April 9, 1989, in Tbilisi, Georgian Soviet Socialist Republic;

(2) urges the Soviet Union—

(A) to investigate allegations of the use of toxic chemical agents against the demonstrators in Tbilisi; and

(B) if the allegations are found to be true, to take steps to prevent the recurrence of such use of toxic chemical agents;

(3) supports the demands of the people of Georgia for human rights, as guaranteed by the Universal Declaration of Human Rights and the Helsinki Final Act (to which the Soviet Union is a party); and

(4) urges the Soviet Union to heed the demands of the people of Georgia and to guarantee the Georgian people their right to human rights and fundamental freedoms.

Page 511, after line 25, add the following:

SEC. 864. IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND AND HUNGARY.

(a) PERMISSIBLE IMPORTS.—The authorities of section 38 of the Defense Trade and Export Control Act may not be used to prohibit the importation into the United States, by a museum or educational institution described in subsection (b), of any defense article from Hungary or Poland if it—

(1) was manufactured at least 25 years before its importation into the United States;

(2) was imported into the United States before June 30, 1989;

(3) has been disabled so that no weapon or weapons system is functional; and

(4) is used only for display to the public, by the museum or educational institution, for educational purposes.

(b) QUALIFIED MUSEUMS AND EDUCATIONAL INSTITUTIONS.—Subsection (a) applies only to a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) DEFINITION.—For purposes of this section, the term "defense article" means a defense article designated under section 38(a) of the Defense Trade and Export Control Act.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 10 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, this en bloc amendment pursuant to the rule includes six amendments that have been worked out. One is the Oakar amendment on Lebanon; one is the Broomfield amendment and Lantos-Broomfield amendment on violations of human rights, one is the McEwen amendment condemning use of force and poison gas by Soviet troops; another is the Dornan proposal for removal of the prohibitions on importations from Poland and Hungary, and the other is on an independent review of programs and projects supported by the International Fund for Ireland.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding and thank the distinguished subcommittee chairman, the gentleman from Indiana [Mr. HAMILTON], and the members of the minority and others for including this amendment related to humanitarian aid for people in Lebanon which provides for $7.5 million in fiscal year 1990 and $7.5 million in fiscal year 1991.

Mr. Chairman, I know of no other country that has been invaded or occupied and has a third of its population as refugees than Lebanon. It has been exploited with movements in arms and, Mr. Chairman, the people themselves, the people of Lebanon really want peace. They want harmony and they want to be a sovereign, independent, unified country. They want their leaders to put down their arms. They want all of the countries and movements to quit exploiting them, so it is important to have this amount for those needs.

Mr. Chairman, I could go on into the details related to the number of deaths and the number of wounds and so on, but I think more importantly, it is an important symbol that our country go on record as supporting these people and saying that our country supports the people of Lebanon themselves in their quest for independence, peace, and improvement in their human condition.

So I urge support for this en bloc amendment, and I want to urge our country to continue efforts to bring about stability to these deleaguered people and this beleaguered country.

Again I thank the distinguished chairman and members of the subcommittee on both sides for their kind work and also their staff and my staff.

I thank the chairman again for yielding and know that this is an important symbol for those poor people in that great country.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I am pleased to rise to express my support for these en bloc amendments to title VIII of H.R. 2655, and I commend the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL]; the distinguished ranking Republican of the committee, the gentleman from Michigan [Mr. BROOMFIELD]; and the chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON] for their work in preparing these amendments.

Let me begin by voicing support for $7,500,000 in Economic Support Assistance for Lebanon. Syrian intransigence in that nation has resulted in the needless loss of life of thousands of individuals caught in the midst of the tumult and misery that has proceeded for far too long.

The next important issue in the en bloc calls for the implementation of the 1984 United Nations Security Council Resolution 550, which forbids any attempt to settle any part of the city of New Famagusta by people other than the city's original inhabitants.

The 1974 invasion of Cyprus resulted in the displacement of over 150,000 Greek Cypriots from the north of the island. Thirty-five thousand of these individuals were refugees from the city of New Famagusta (Varosha). That city is now empty and falling into disrepair with the resultant loss of billions of dollars in property and city services.

The United Nations resolution is a positive step which should be enacted immediately. I would like to commend the distinguished ranking minority Member [Mr. BROOMFIELD] for his leadership on this issue. I can only say that I share his sentiments.

The Other amendments are significant as well. I have long been an advocate of the oppressed ethnic Albanians in the Kosovo province of Yugoslavia, and I support the language regarding that issue in the these en bloc amendments.

I would like to conclude by sharing with the distinguished Speaker of the House my sentiments about the International Fund for Ireland.

First, let me say that I have followed this issue most closely in my dual capacity as ranking Republican on the Europe and Middle East Subcommittee and as co-chairman of the ad-hoc committee on Irish Affairs.

Our committee has been disturbed by allegations that the fund was not being implemented as it was originally intended—that is to provide funds to develop the poorest areas in Northern Ireland. For that reason, I offered an amendment to provide an independent audit provision for the fund. After a great deal of work, I was under the impression that we has reached compromise language that was acceptable to everyone. Obviously, I was mistaken.

I would just like to note that I will be pleased and willing to support any initiatives which will to help bring peace and tranquility to a land plagued for too long hate, mistrust, antipathy, and violence.

Mr. Chairman, I am pleased to support these amendments.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan, [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I want to compliment my friend, the gentleman from New York, [Mr. GILMAN] and also the gentleman from Indiana [Mr. HAMILTON] for their work in putting the New Famagusta amendment in the en bloc amendments.

Mr. Chairman, the sense of Congress amendment included in the en bloc amendment we are considering is simple and to the point. It calls upon the administration to launch a new initiative at the United Nations to urge the resettlement of the abandoned city of New Famagusta—Varosha—in northern Cyprus.

Now is the time for the administration to put the refugee issue on the front burner. We must call for the implementation of the United Nation's Security Council resolution, which would allow the United Nations to control New Famagusta, to administer that city and to protect its inhabitants, before it is too late.

Time is a critical factor in resolving the New Famagusta question. Recent events prove my point. Although the leader of the Turkish community on Cyprus was never enthusiastic about resettling Greek Cypriots in that city, he recently showed great interest in the Turkish refugee issue. He proposed that some of the 65,000 Turkish refugees who were driven out of Bulgaria settle in New Famagusta for a period of time. This ill-timed proposal clearly highlights the importance of this amendment and the need to quickly resolve this issue.

One of the lingering tragedies of the invasion of Cyprus is the abandoned city of New Famagusta. Those military operations displaced over 150,000 Greek Cypriots who are now refugees in this own land—35,000 people were forced out of New Famagusta. They have not been allowed to return to their homes since that time.

New Famagusta was once a lovely seaside town. It is now empty and its hotels and homes are crumbling. A number of Turkish Cypriot students occupy a few of the hotels. Both Greek and Turkish Cypriots have expressed a desire to return to their birthplace.

The United Nations Security Council responded to threats that New Famagusta would be settled by outsiders by

passing resolution 550. That resolution forbids the settlement of the city by people other than its original inhabitants, and calls for the transfer of the area to the administration of the United Nations. The U.N.'s call for resettlement has, however, been ignored.

My amendment calls upon our Government to begin a new initiative at the United Nations to promote the resettlement of that city. The successful return of refugees to New Famagusta would be a small, but an important first step along the road to peace in Cyprus.

I urge you to support my amendment.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I thank the gentleman from New York for yielding time to me.

I rise first of all in support of this en bloc amendment, but I wish to congratulate the chairman of the committee who has been very fair and very considerate of all of the members of the committee in allowing us a part of the action, and of course the ranking minority member.

Having visited the camps in Cypress as well as Southeast Asia from Thailand on the border of Laos, and having taken supplies down to Central America for the refugee camps there for the last 4 years on my own time and money with supplies collected, over $2.5 million from the people of the United States, I would like to say that this is one of the rare moments of pleasure I gain on this floor and in this body in being able to help those people who are far less fortunate than we, the citizens of America.

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And it was with great pleasure that I support the en bloc concept that allows us to address refugees around the world. My only regret, Mr. Chairman and Members of the Congress, is that we do not yet do enough to resettle those refugees waiting to gain entrance to the United States from all around the world. We have a tremendous responsibility, I think, specifically for the Southeast Asiatics, the Amerasians, the young people born out of the war in Vietnam. We have not yet addressed that. I hope we can do so.

Mr. GILMAN. Mr. Chairman, I have no further requests for time.

Mr. BROOMFIELD. Mr. Chairman, as an original cosponsor of this amendment, I want to salute Congressman LANTOS for his leadership on the issue of human rights.

The plight of the ethnic Albanian community in Yugoslavia deserves the attention of all of us here today. Recent violence in the Province of Kosovo has left scores dead, hundreds injured and thousands in detention. I am fed up with the unwillingess of Yugoslav officials to stop the human rights violations in Kosovo. It is time for the American Congress to stand up and be heard on the issue of basic human freedoms in Yugoslavia. This amendment is a good vehicle for expressing our deep concerns about the tragedy of the Albanian community in that country.

This resolution urges the Yugoslav Government to stop the ethnic strife and violence in Kosovo and observe that nation's obligations under international human rights accords. It is time for the Government of Yugoslavia to find a solution to its current problems that respects the rights of all groups in that multiethnic nation. Although our Government officially documented recent clashes in Kosovo and protested the deaths of scores of innocent Albanians there, much more must be done by America. We must strongly protest the systematic violation of the rights of the ethnic Albanian community in that country.

America cannot and will not turn its back on violations of fundamental human freedoms anywhere in the world. I encourage my colleagues to support this timely amendment.

Mr. YATRON. Mr. Chairman, I rise in support of the Broomfield amendment concerning New Famagusta which is contained in the en bloc amendment. I want to commend the gentleman from Michigan for his unwavering commitment to promoting a settlement on Cyprus.

Mr. Chairman, as we consider this amendment, the President of the Republic of Cyprus, George Vassiliou and the leader of the Turkish Cypriot community, Mr. Denktash are meeting with U.N. Secretary General Perez de Cuellar in New York. These talks, sponsored by the United Nations, are designed to establish a framework in which both communities on Cyprus can negotiate a political settlement which will unite this divided nation.

The gentleman's amendment in no way prejudges the U.N.-sponsored talks. Moreover, the issue of transferring New Famagusta to U.N. control is consistent with the 1979 high-level agreement of principles on Cyprus as well as U.N. Security Council 550.

Mr. Chairman, Congress needs to continue to focus international attention on the Cyprus dispute. In light of the fact that protracted disputes around the globe are moving toward peaceful settlements, there is no reason why the United States should not promote a settlement on Cyprus which will result in the withdrawal of Turkish forces.

Mr. CHANDLER. Mr. Chairman, today I join the gentlelady from Maryland, Mrs. BYRON, in offering the democracy in Nicaragua amendment and thank the chairman for including it in the en bloc amendment.

With the signing of the Tesoro Beach accord by the Central American Presidents and passage of the bipartisan accord on Central America, we in Congress need to clearly state the reforms needed to ensure free and fair elections in Nicaragua next year.

Summary executions of suspected Contra supporters in the countryside, and summary rejection of opposition demands in the capitol are not what we had in mind when we negotiated the bipartisan agreement with the administration.

Since April 25, the first deadline under the Tesoro Beach accord, the Sandinistas have not complied with the promises they made.

Our amendment establishes several important standards for evaluating democratization in Nicaragua under the Guatemala peace accord. Among them are: separation of the party from the state security forces and army; the rights of opposition parties to meet and organize; full freedom of the press; and equal rights for Atlantic Coast and Indian peoples.

These principles and others, the amendment states, should be adopted by all countries in the region. But in the case of Nicaragua, they are essential for fully free and fair elections next February.

We need a clear, definitive scorecard for Sandinista compliance with the promises they have made. As the bipartisan accord makes clear: "to be successful, the Central American peace process cannot be based on promises alone. It must be based on credible standards of compliance [and] strict timetables for enforcement."

Unfortunately, Sandinista actions over the past few months have demonstrated a total contempt for the agreements they have signed.

President Ortega and the Sandinista legislature have passed an electoral law that is a cruel joke. It forces the opposition to compete on an uneven playing field and rigs the Supreme Electoral Council with a majority of Sandinista loyalists and lackeys.

The new media law is even worse. It codifies more restrictions on free speech than the law it was supposed to reform.

When Ortega was criticized by the opposition for not negotiating in good faith, his response was simple. "I want to state here that we are not willing to continue participating in senseless discussions with the opposition parties," he said. "The opposition parties must understand that this little game is over."

Well Mr. Ortega, this little game is not over. The Nicaraguan people and the Members of this body are not so easily intimidated, nor are we so easily fooled.

In December 1987, our amendment was attached to the foreign aid authorization bill for fiscal year 1988. Our overwhelming victory of 346–58 sent a clear message to the Sandinistas that the House of Representatives will not accept a facade of democracy to cover the infrastructure of dictatorship. Unfortunately, that bill was not enacted into law.

The amendment was introduced in the last Congress and had over 80 cosponsors, including 39 Democrats and 9 chairmen.

It is clear that a specific list of reforms the Government of Nicaragua must undertake is needed now more than ever.

Mr. FEIGHAN. Mr. Chairman, I rise in strong support of the Broomfield amendment and I commend the gentleman from Michigan for offering this important and timely amendment.

Fifteen years ago, 150,000 Greek-Cypriot inhabitants of the seaside town of Varosha were forced to flee following the Turkish invasion of the northern third of Cyprus. For years, the town remained uninhabited. It soon becamse a symbol of the unresolved conflict that continues on that island republic.

In 1984, the U.N. Security Council passed Resolution 550 calling for the city to be placed under U.N. auspices for the purpose of resettlement by its original Greek-Cypriot in-

habitants. The amendment before us expresses the sense of Congress that the United States should take steps at the United Nations to see that this resolution is implemented.

Not too long ago, we heard reports of dependents of Turkish troops living in several buildings in Varosha. At that time, I joined Mr. BROOMFIELD and Chairman FASCELL and a number of other colleagues in writing to then-Secretary George Shultz regarding this violation of Security Council Resolution 550.

The amendment before us amplifies that concern. It also becomes timely in view of remarks made by the Turkish-Cypriot leader, Rauf Denktas, regarding the settlement of Turkish refugees now fleeing repression in Bulgaria. Late last week, Mr. Denktas offered to resettle Turkish refugees on Cyprus. While one may understand Mr. Denktas' humanitarian concern for the Bulgarian Turks, his offer interjects a canard into the Cyprus equation on the eve of a key meeting between Denktas and President Vassiliou of Cyprus.

For his past, Prime Minister Olzal of Turkey, apparently realized the danger in Denktas' offer and indicated that mainland Turkey will absorb these new refugees and that there are no plans to use the north of Cyprus for this purpose.

Many Members of Congress have viewed the bicommunal talks that have occurred over the last year as the most promising avenue for achieving a lasting solution on Cyprus. The Broomfield amendment speaks to an important element of that process. But, I think it is the hope of the sponsor and the supporters of this amendment that progress on the Varosha issue could be the stepping stone to a broader agreement on a range of issues that have kept the island divided for 15 years.

I think the amendment sends that message and I commend the gentleman for offering it. I urge my colleagues to support it.

Mr. BONIOR. Mr. Chairman, I rise in strong support of the Oakar amendment. For the past 15 years, Lebanon has been battered by both foreign intervention and internal strife. Many people have been reduced to a survival existence. The violence gripping Lebanon has claimed over 390 lives since March of this year alone. In addition to the killings, over 1,200 people have been injured by indiscriminate shellfire and shooting. Most of these casualties and fatalities are innocent civilians. I believe that the United States must not turn its back on the people of Lebanon who so desperately need our help.

There is an enormous need for emergency and rehabilitative medical care in Lebanon. Medical supplies have reached dangerously low levels. In addition, the fighting has devastated all aspects of that country's economic infrastructure. It will take years to rebuild Lebanon to the prosperous nation it once was.

This amendment would earmark $7.5 million in humanitarian aid to Lebanon for both fiscal years 1990 and 1991. The aid would go to private voluntary organizations that can best deliver the assistance. These organizations include Catholic Relief Services, Save the Children, and the World Rehabilitation Fund. This money would also go to the American University Hospital in Beirut.

Until peace can be achieved, we must, at the very least, try to alleviate the suffering of the Lebanese people. Mr. Chairman, let us extend a helping hand to a fellow democratic nation in its hour of darkness. Let us show, in this House, the traditional compassion of the American people in the face of human suffering. And let us demonstrate our commitment to peace in that deeply troubled country. I urge my colleagues to vote for the Oakar amendment.

Mr. RAHALL. Mr. Chairman, I rise in strong support for the amendment offered by my good friend from Ohio, Congresswoman OAKAR, and commend her for bringing this important matter to the attention of the House. The amendment earmarks $7.5 million for economic support assistance for humanitarian aid to the people of Lebanon for both fiscal year 1990 and fiscal year 1991. This amendment will improve the bill, which currently only addresses the tragic situation in Lebanon with report language merely recommending $2 million for economic assistance in fiscal year 1990 and $4 million in fiscal year 1991.

Since mid-March of this year, the people of Lebanon have been subjected to a reign of suffering and destruction of horrifying proportions, even within the context of Lebanon's 15-year-old period of unrest and upheaval. The United States can no longer ignore this tragic situation. Too many civilians have died and too many continue to exist under unbelievable circumstances, living in bomb shelters with limited, inadequate supplies of food, water, fuel, and electricity. Medical supplies are seriously depleted and many hospitals in Beirut have sustained critical damage since the shelling began more than 3 months ago. Life for the Lebanese is extremely difficult and very dangerous.

We in this country pride ourselves on our fine record of humanitarian assistance, and our reputation for helping innocent civilians suffering under forces beyond their control. The United States must now continue its traditional humanitarian efforts by providng these funds for economic support assistance for humanitarian aid. This aid would be administered by AID through appropriate international organizations and private voluntary organizations.

Beyond the compelling humanitarian reasons to assist the Lebanese during this current period of crisis, we must keep in mind that Lebanon has historically been a good friend of the United States and it is in our best interest to do all we can to help the Lebanese people help themselves end these hostilities and resolve their political conflicts.

I urge the adoption of this reasonable but critical amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey [Mr. SMITH]. I am pleased to join with him and with the gentleman from Virginia [Mr. WOLF] in bringing this bipartisan amendment to the floor.

Since 1985, these colleagues of mine and I have been following human rights conditions in Romania under the rule of the Ceausescu regime. We joined with colleagues in the other body to offer bipartisan, bicameral initiatives to call attention to the various forms of repression carried out by the Government of Romania against its people. One of these initiatives was legislation to suspend for 6 months the most-favored-nation [MFN] trade status for Romania. Both the House and Senate adopted by large margins our amendments to suspend MFN temporarily until human rights conditions improved. However, our efforts were superseded by the decision of the Ceausescu government itself not to seek a continuation of MFN trade benefits. When this action occurred last year, it was becoming increasingly evident that both the Congress and the administration were moving toward a united policy of rejection of MFN for Romania.

Despite the glasnost movement in the Soviet Union and the promising developments occurring in Eastern bloc nations like Hungary and Poland, the Romanian people continue to suffer under a brutal and insensitive government. Years ago, the Ceausescu regime sought to portray itself as the Eastern bloc government that was independent-thinking, progressive, and open to the West. Today, this image-building effort has failed, and Romania is regarded as the most oppressive and economically backward Communist nation in Eastern Europe.

For Romanians, the reality of daily life includes harassment by the secret police, curtailment of religious freedom, destruction of ethnic identities, bulldozing of rural villages and houses of worship, food shortages, lack of heat and light, difficulties in seeking to emigrate, and the ever-present Ceausescu cult of personality.

The bulldozing of ethnic Hungarian villages in Transylvania and the campaign to destroy the cultural identity of the Hungarian minority have forced thousands to flee to neighboring Hungary. It has been an amazing and unprecedented spectacle: Citizens from one Eastern bloc nation fleeing to another in search of more freedom. Yet this spectacle now has been compounded by Romanian efforts to seal the border with Hungary. According to Hungarian reports, a 7-foot fence has been erected along 90 percent of the border. While our President calls for the hated and discredited Berlin wall to be torn down, a new "Berlin wall" is being erected between two Communist nations.

Last year, the House of Representatives passed House Resolution 505, a resolution condemning the systematic violation of internationally recognized human rights by the Government of Romania. It is clear that conditions have worsened in Romania since the passage of this resolution last October, requiring further responses from the United States and allied nations.

The amendment before us expresses the sense of Congress that the United States should impose sanctions against all Romanian food and agricultural products. This food should remain for the Romanian people, who face food lines and shortages.

The amendment further calls upon the President to consult with allied countries to develop a coordinated policy to impose sanctions against Romania, particularly sanctions against food and agricultural products.

I believe this amendment provides an excellent opportunity for a renewed expression of concern by the Congress about deteriorating human rights and economic conditions in Ro-

mania. Although the amendment by itself cannot create the sanctions, it serves to put the Congress firmly on record behind an escalated response to the ongoing abuses of the Ceausescu regime. Such a response is urgently needed from the United States and from all nations that cherish freedom.

I urge my colleagues to vote in favor of this amendment.

The CHAIRMAN. The question is on the en bloc amendments offered by the gentleman from Florida [Mr. FASCELL].

The en bloc amendments were agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TORRICELLI: Page 454, after line 24, insert the following:

(d) REPORTS ON ASSISTANCE TO INFLUENCE ELECTIONS.—Not less than 15 days after the end of each month, the head of any agency of the United States Government which expended any funds during that month in order to influence, directly or indirectly, the 1990 elections in Nicaragua shall submit an unclassified report describing those expenditures to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. TORRICELLI. Mr. Chairman, my amendment is not an attempt to prohibit democratic nations from assisting the opposition in Nicaragua. It is certainly not an attempt to prohibit help in conducting those elections. We believe in them.

We believe they should be conducted fairly and we support them.

What my amendment seeks to do is to recognize that the United States support for democratic elections and secret campaign funding are a contradiction in terms.

This Congress established the National Endowment for Democracy for these very purposes. In fiscal year 1990 we will approve over $2 million for these very purposes. Those sums will go to support La Prensa, civic education and training, an independent radio station, women and youth groups, get-out-the-vote training programs, and voter registration.

Additionally the Center for Democracy has approved $250,000. An additional $500,000 has been appropriated by Capital for Other Electoral Purposes.

Mr. Chairman, this Congress and this country is an important part of democratic elections in Nicaragua. But to add to these funds the prospect of secret campaign contributions would damage all that we seek to do by the endowment. Perhaps, Mr. Chairman, La Prensa has said it best. In a recent editorial they noted:

What more could Daniel Ortega want than to cry out to the world that the CIA is helping the opposition and that the democratic opposition is a kind of civilian contras, that it sold itself to imperialism.

La Prensa said it right. America should promote democracy in Nicaragua by example.

I urge my colleagues to support my amendment. Vote "Yes;" do not contradict all the Endowment seeks to do by providing for the prospects for secret funding for elections. We would not tolerate that in American electoral campaigns; Nicaragua would not tolerate it either. By allowing for the possibility no less the prospect of secret campaign funding for the opposition in Nicaragua we do great harm to those who will have joined the elections that are now scheduled.

Support this amendment, support those who are in the opposition. Do not give Daniel Ortega something to run his campaign on.

Oppose this amendment and defeat it and you have given the Sandinistas the opening platform in their campaign.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment by the gentleman from New Jersey [Mr. TORRICELLI]. I would suggest it contravenes if not the letter, the spirit of the bipartisan accord. It is contradictory to require unclassified reports on intelligence activities which rightly should be confined to the intelligence committees themselves.

Critics of military aid to the Contras should be encouraging efforts to promote elections in Nicaragua and should be seeking ways to ensure that funding for opposition parties and non-Government media are received. Under Sandinista laws and regulations, uncensored media news and political party operations are severely limited.

If we are truly interested in seeing free and fair elections in Nicaragua as we all say we are, we should not be helping the Sandinistas to stack the deck against the opposition as the Torricelli amendment would do.

AMENDMENT OFFERED BY MR. HYDE TO THE AMENDMENT OFFERED BY MR. TORRICELLI

Mr. HYDE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE to the amendment offered by Mr. TORRICELLI: In the text of the amendment, strike out the word "unclassified", and strike out "Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate" and in lieu thereof insert "appropriate committees of the Congress".

Mr. HYDE. Mr. Chairman, this is a very mischievous amendment. I am really surprised to see it offered to this bill because it is an expression of no confidence in the House Permanent Select Committee on Intelligence, which I would remind the Members is composed of 12 Democrats and 7 Republicans. The Democrats are indeed an eclectic group, hardly hardline conservatives, and a very fair balance. But this amendment offered by the gentleman from New Jersey says that the head of any agency of the Unite States Government which expends any funds during that month, in order to influence directly or indirectly the 1990 elections in Nicaragua shall submit an unclassified report describing those expenditures to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Well, the problem with that is, of course, it would foreclose any assistance at all to the up to 14 political parties in Nicaragua that are not under the thumb of the Sandino Communists.

Now the National Endowment for Democracy gave aid in Chile to the anti-Pinochet forces and, what do you know? The anti-Pinochet forces won an election and that country is going forward toward democracy.

Why the protection, why the special consideration for the Sandino Communists? I do not know. The only country in the world where effectively, de facto, we are not going to be permitted to assist in helping obtain free and fair elections? Do not deceive yourselves about free and fair elections. It is already one of the most rigged elections in history. The electoral commission is stacked for the Sandinistas.

Any money that comes in from the outside, if they permit any, 50 percent of it goes to the Sandinistas. So any funds that go in to assist these poor people trying to fight for decency and democracy, half of it goes to the Sandinistas.

The propaganda issued by the Sandinistas paints the National Endowment for Democracy as a CIA front. So this is absurd.

Now I would remind my colleagues that this country, America, has given aid to freedom fighters and forces of democracy in history before and very successfully.

In Italy, I might mention, during the Truman administration; that country would be Communist today if we had not attempted to offset the funds that the Soviets were pouring in to support the Communist Party.

If Mr. TORRICELLI's amendment is adopted, the Communists will continue to shovel it into the Sandinistas as they are doing, as we speak, but we will be effectively prohibited because what person in Nicaragua would take money overtly to influence an election and be hounded and intimidated and labeled as a CIA operative?

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So it is just foolish.

Now, if there is a covert program in Nicaragua, and we do not know that there is, and we do not say that there is, but if there is, it is the business of the Permanent Select Committee on Intelligence, not the Committee on Foreign Affairs, not the Committee on Foreign Relations. It is the Select Committee on Intelligence, which is well balanced, which is dominated by the majority party, and which can be trusted by the Members of this House. Not the far left, I will grant that. They will never trust anything that they are not driving and controlling, but I am suggesting to people who are reasonable that this amendment of Mr. TORRICELLI's is unreasonable, and I know it is hard to reason people out of an opinion that they have not been reasoned into in the first place.

I suggest to Members that my amendment corrects the fatal defect in the amendment by the gentleman from New Jersey, Mr. TORRICELLI. My amendment strikes out the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. It does say we will not make these reports, but it says they should be made to the appropriate committees of the Congress. That reinstates, that revives, that resuscitates the Permanent Select Committee on Intelligence, both in the House and the Senate, to receive these reports which ought to be classified.

Now I suggest to Members we had a bipartisan accord. We are trying to work in a bipartisan fashion to support democracy and freedom and human dignity in Central America. The gentleman's amendment torpedoes and guts any effort to even up the balance down there. The Soviets have a free hand.

I hope Members will support my substitute.

Mr. FASCELL. Mr. Chairman, I strike the requisite number of words.

I want to be sure what the amendment to the amendment does. I would ask the gentleman from Illinois, I think as I start out, that his amendment is OK, as far as I am personally concerned in the report, going to the appropriate committees of the Congress, so I will frame my question in this kind of fashion, by saying I think it is wise for the United States to do whatever it is going to do politically in an open fashion. I think that is very important. I think it is also a good idea if we are going to do that, that the appropriate committee of the Congress in this case, as I see it, probably the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, probably the Committee on Appropriations, since they want to follow the dollar, would be good committees at the very least, might be others, but no limitation.

Your amendment, as far as the committee is concerned?

Mr. HYDE. If the gentleman will yield, that is right.

Mr. FASCELL. There is nothing to be read in your amendment except providing the information to the appropriate committees. It is not an effort for covert action; it is not an effort to declassify material. It is simply to say whatever the report is, should be made available to the appropriate committees, am I correct?

Mr. HYDE. If the gentleman will yield, the gentleman is absolutely correct.

Mr. FASCELL. As the gentleman knows, there is a prohibition, and I wanted to call it to the gentleman's attention just as part of the legislative discussion. On page 44, it is very short, "Assistance under this section may not be used to influence the outcome of any legislation in any country." So we have a direct prohibition.

If there is appropriate assistance given under some other provision of law, then the gentleman's amendment would cover it by making the information available to the appropriate committees?

Mr. HYDE. The gentleman is absolutely right.

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. I thank the gentleman for yielding. He would delete the words "unclassified"? It was my impression that would result from the fact that a report might have to be submitted to the Committee on Foreign Affairs and other appropriate committees as the gentleman provided, but it could be a classified report. Therefore, this gentleman's intention that any involvement that the United States Government has in the Nicaraguan elections, we stand up for, be proud of, and publicly disclose, would be thwarted; is that a correct interpretation of the gentleman's amendment, it would allow for a classified report of American involvement in Nicaraguan elections?

Mr. HYDE. If the gentleman will yield, the appropriate committees get the appropriate report. Certainly, Members would not want the Committee on Foreign Affairs to get a classified report, if the Select Committee on Intelligence is the appropriate jurisdictional committee. Unclassified reports, I daresay, are available.

Mr. FASCELL. Mr. Chairman, let me reclaim my own time to help in this discussion. I do not know that Members can legislate a requirement on the administration with respect to classification.

If the administration wants to submit a classified report, I daresay they will submit one. Now, I am not interested in the jurisdiction, except I do not want any Member to take any jurisdiction away from the Committee on Foreign Affairs. I am perfectly willing to allow the Permanent Select Committee on Intelligence to have availability of information, and I hope they allow other Members the same courtesy.

The way I read the amendment is that all the appropriate committees would have the availability of information. I agree with the gentleman from New Jersey, I would not want legislative history to indicate that if the administration sought to classify a report, it would only go to the Permanent Select Committee on Intelligence and not to the Committee on Foreign Affairs, but if they submitted an unclassified report, it would go to both committees.

Mr. TORRICELLI. If the gentleman will yield, it is my impression, and I am prepared to stand corrected if the author of the amendment would speak to it, under this provision, nothing would change from the current circumstances. Intelligence agencies of the country can secretly provide money to political forces in Nicaragua, thereby thwarting the purposes of free elections in Nicaragua. As classified reports come to the Congress, neither the Nicaraguan people or the people of the United States or the Congress will know about. If we accept the gentleman's amendment, things will stay as they are today.

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from New York.

Mr. WEISS. I think I am reassured by the gentleman's statement referring to legislation itself which prohibits any of these funds from being used to interfere in the elections in Nicaragua because that clarifies what was a distortion of the fact, that the gentleman was engaging in from Illinois when he suggested, in fact, that the intelligence agencies would have the power to do that. They simply do not have the power to do that. I am reassured by the gentleman's statement.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I would like to try to clarify something. Under the bill that we are debating and going to vote on, the language is clear: Funds in this bill may not go to influence elections. We know that.

I am simply suggesting that the intelligence committees of both Chambers have a function and a responsibility. That function is oversight. While the gentleman from New Jersey thinks that things are in disarray, and somehow if things are not changed that that oversight is not going to occur, he is quite wrong. We have a fine Permanent Select Committee on Intelligence with excellent membership, very sensi-

tive to all the cares and concerns of the gentleman from New Jersey. I do not want you to make a sham or a shell out of these very useful, important committees that are just as high minded and just as intent on accomplishing the ends of democracy for our country and for the rest of the world as any other committee in this House.

My amendment simply takes out "unclassified" and says these reports may be classified, they may be unclassified. It depends on the nature of the information, and to which committee they go to. Again, it depends on the nature of the information.

It is an effort to broaden the scope of information available and to include the intelligence committees in the gentleman's requirements. I urge support for my amendment.

Mr. TORRICELLI. Mr. Chairman, I strike the requisite number of words.

Mr. Chairman, it has been stated that under the provisions of my original amendment, and unless we vote for the gentleman from Illinois, Mr. HYDE's provision of it, there will be no help for the opposition or electoral process in Nicaragua, nothing could be further from the truth. Thousands and thousands of dollars will be helped, will be spent to help the opposition in Nicaragua. However, with one difference: We will be proud of it. We will say this is what the United States is doing to help the process and those we might believe in.

□ 1810

That is the only difference—simple disclosure. Under the gentleman's amendment to what I have proposed, the U.S. Government would be permitted to have secret offices, to provide funds with no disclosure. Not only do I believe that brings shame upon us but something more fundamental. I quoted a few moments ago from La Prensa, the leading and most credible voice in Nicaragua. They spoke in opposition to what the gentleman from Illinois [Mr. HYDE] would do because they say it is bringing great harm to democratic forces in Nicaragua.

Who is it that is using the prospect of secrecy in moving for elections in Nicaragua? Daniel Ortega is using it by saying that the opposition is being funded by intelligence agencies.

Who would vote for such opposition? We would not in our country, and neither would the Nicaraguans in their country.

Mr. Chairman, I have provided this amendment for inclusion in this bill and not in the intelligence bill for a reason. Our funds, our good money in support of democratic elections belongs in a foreign assistance bill, not in an intelligence bill. Intelligence funding, secret funding and democratic elections are a contradiction in terms.

Mr. Chairman, defeating the amendment offered by the gentleman from Illinois [Mr. HYDE] is critical in order to stop that funding. Let us defeat the Hyde amendment and agree to my amendment. Let us be proud of what we are doing. Let us disclose what we are doing.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to return very briefly to the basic question which we have been discussing in the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI], the opposition in Nicaragua does not want this money. They regard it as very damaging to their chances to defeat the Sandinistas, and I for one hope that the democratic opposition will triumph next February in the elections in Nicaragua.

A few days ago the New York Times reported, and I quote:

> Stung by word that the Bush administration is now considering efforts to influence the elections here, Nicaraguan opposition leaders have spoken out against such aid calling suggestions that it is on the way a potentially fatal blow to their electoral hopes.

The last thing we ought to do is to allow the CIA to involve itself in covert activity in the hopefully democratic elections scheduled in Nicaragua next February.

For 9 years two administrations have told the American people and the Congress that they want fair and free elections in Nicaragua. Now we have the opportunity to have those elections.

I am as mistrustful as the minority that they will be free. That is why we have the opportunity to provide the aid in an open and aboveboard way. But nothing could be more damaging to the cause of democracy in Nicaragua than to provide secret funds to the opposition. That is why the opposition does not want these funds.

If we are going to provide funds—and I think we should—to the democratic opposition, to La Prensa or to the free labor unions, let us provide them through the National Endowment for Democracy. That is all this amendment does.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I think the gentleman from Pennsylvania makes a very wise and profound statement, especially in his focus on the National Endowment for Democracy.

The gentleman from Illinois suggested before in his comments that when NED, the National Endowment for Democracy, aided the elections in Chile, it was doing it secretly and underhandedly. Indeed the triumph of the National Endowment for Democracy was that it did it openly, above board, and it provided assistance in registration activity and gave technical assistance. That is what ought to be done in Nicaragua.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Hyde amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois in order that he may respond to the last three speakers.

Mr. HYDE. Mr. Chairman, let us get something straight. If we want to give help to the forces of freedom and the anti-Sandinista groups down there, we want to do it, as the gentleman from Pennsylvania said, through the National Endowment for Democracy.

If we stay current with what the Sandinistas are saying, as reported by the Foreign Broadcast Information Service, they say the NED is a CIA front. It goes on and on labeling and castigating venomously the National Endowment for Democracy as a CIA front. What do you think they will call anyone who accepts help from the National Endowment?

In addition, they have changed their laws in Sandinistaland. Any money that comes in from the outside, half of it goes to the Sandinistas. So if the National Endowment for Democracy sends any money to anybody overtly, half of it goes to the Communists. I do not suppose that is a great idea.

Another problem with overtly taking assistance from the hated United States is that intimidation is working overtime down in Nicaragua. May I quote to the Members from a press conference on June 22 by Lenin Cerna. I admire his first name. At least he is right up front. What you see is what you get. This is Lenin Cerna, and he is Vice Minister of the Interior. Listen to what he said about the political opposition that we are told can stand up and accept money from the United States.

Lenin Cerna:

> Those meetings will bring death into our country. They will and are already creating an internal, critical situation. We are warning the Nicaraguan people about this. You can be sure that, if demonstrators hold a rally with the expressed intention of attacking the police—

And we must not think they will not read that into any and every rally—

> the authorities, and the revolutionary people, we will not be able to predict what will happen in such a situation. We cannot guarantee that people will not be killed or injured.

Let us not give such mindless criticism to helping freedom fighters covertly in certain situations.

I had a fascinating dialog with Clark Clifford, one of the senior members of the Democratic Party's pantheon of heros, back in March 1988, and I said this to him:

Let me ask you, I take it when you were in the Truman administration, you opposed the covert activity that helped save Italy in the post-war years from being taken over by the Communists who were pouring millions of dollars in there? Your distaste for covert activity, I take it, was expressed in the Truman administration?

Mr. CLIFFORD. No. I heartily supported it.

Mr. HYDE. That is one covert activity you supported?

Mr. CLIFFORD. I sure did. And it was very successful.

Mr. HYDE. Then you support the successful ones, but not the unsuccessful ones?

Mr. CLIFFORD. No. That is not the point. Here was a carefully structured plan to meet the Communist menace in Italy. They were making an all-out plan to get a Communist government in Italy. Careful, lengthy study indicated to us that the proper, intelligent use of funds in Italy might prevent that from occurring.

So we did it. We did it successfully. I would do it today. That is a very useful covert activity.

Mr. Chairman, if it was good enough for Clark Clifford back in the late 1940's under Harry Truman why is it suddenly verboten in Central America today?

The Intelligence Committee will be a good watchdog. I can assure the Members that we will watch very carefully that nothing improper or un-American will happen, or that something we would not be proud of would happen. I can assure the Members we are all proud people, we are proud of our country, and I ask the Members not to gut the possibility of a decent, fair election in Nicaragua.

Mr. SOLOMON. Mr. Chairman, let me say that the gentleman's arguments are so compelling that I move to support him, and I hope that everyone else in this Chamber does also. I only wish that we had the wisdom of HYDE on the U.S. Supreme Court a few weeks ago; we would still have the flag waving today.

Mr. Chairman, I urge support of the amendment.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want again to keep NED, the National Endowment for Democracy, from having its record and its activities distorted and misstated by the gentleman from Illinois. The fact is that the provision about 50 percent going to the Sandinistas applies only if there is assistance given directly to political parties.

The National Endowment for Democracy has made it absolutely clear that it does not intend to give moneys directly to political parties, so that none of these moneys will go to the Sandinista government. On that score, the gentleman from Illinois ought to sit reassured.

Mr. BEILENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI] and in support of the substitute offered by the gentleman from Illinois [Mr. HYDE].

I must say that I do so with some misgivings, because I understand and share with the gentleman from New Jersey the concern that underlies his amendment. My own personal position on the issue, if I may say so, is very much the same as his, I believe. Nonetheless, as chairman of the Permanent Select Committee on Intelligence, I feel constrained to object to the way in which the House is being asked to address a very significant issue.

□ 1820

Based on what I know about the sentiments of Members of this Chamber, it is inevitable that this matter will be debated and voted upon by the House. But, it seems to me very important how we address such a question. My own strong feeling is that matters of this sort ought to be considered in the context of the fiscal year 1990 Intelligence Authorization Act, not the Foreign Assistance Act. They ought to be considered first by the Intelligence Committee, which ought to make recommendations to the House. That is, after all, why we have an Intelligence Committee.

Further, and whatever our disagreements on policy issues, we ought to make every effort to protect the confidentiality of intelligence matters and to consider carefully the precedent-setting significance of legislative prohibitions affecting covert actions.

Mr. Chairman, let me say that the Intelligence Committee is well aware of this issue. We have entered into a dialog with the administration concerning its attitude toward this question. We are at the moment unable to make any sort of prediction on how they will turn out. It would therefore seem to me both the responsible and the sensible thing to defer amendments such as this until the Intelligence Committee is in the position to make its own recommendation. When the Intelligence bill comes to the floor, the House will then have an opportunity to work its will, but it will do so in the context of, first, well-informed debate; second, the recommendation of the committee charged with such matters; and hopefully, it will have reference to a recommendation from the committee which can be accepted by the House.

In closing, Mr. Chairman, I stress that the argument that I make today goes not to the merits of any actual or proposed intelligence activity, rather, it is an argument of process. This House ought not to act on matters of such potential sensitivity without the advice of its Committee on Intelligence.

Mr. BERMAN. Mr. Chairman, will the gentlemen yield?

Mr. BEILENSON. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from California [Mr. BEILENSON] for yielding to me.

Mr. Chairman, one of the concerns that have motivated the amendment, to which the gentleman from Illinois [Mr. HYDE] is responding with his amendment, is the fact that at this particular point no one knows what the Permanent Select Committee on Intelligence will do on the issue of covert aid. Should the Permanent Select Committee on Intelligence decide not to address that issue in the fashion that the gentleman from California [Mr. BEILENSON] and the gentleman from New Jersey [Mr. TORRICELLI] have expressed as preferable, would the House have an opportunity to address that issue through an amendment on the floor?

Mr. BEILENSON. Mr. Chairman, the answer to the question of the gentleman from California [Mr. BERMAN] is yes. The Permanent Select Committee on Intelligence authorization bill will be on the floor, and the gentleman, or some other gentleman, will, yes, have an opportunity to present this or some other similar amendment at that time. Presumably by that time his committee will have had a chance to consider and discuss the matter and will have a recommendation of one sort or another for the House.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from California [Mr. BEILENSON] for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE] to the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TORRICELLI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 299, noes 118, not voting 15, as follows:

[Roll No. 120]

AYES—299

Anderson	Boggs	Coleman (MO)
Andrews	Brooks	Combest
Annunzio	Broomfield	Conte
Applegate	Browder	Cooper
Archer	Brown (CA)	Costello
Armey	Brown (CO)	Coughlin
Aspin	Buechner	Cox
Baker	Bunning	Coyne
Ballenger	Burton	Craig
Barnard	Bustamante	Crane
Bartlett	Byron	Dannemeyer
Barton	Callahan	Darden
Bateman	Campbell (CA)	Davis
Beilenson	Campbell (CO)	de la Garza
Bennett	Carper	DeLay
Bereuter	Carr	DeWine
Bevill	Chandler	Dickinson
Bilbray	Chapman	Dicks
Bilirakis	Clement	Dixon
Bliley	Clinger	Donnelly
Boehlert	Coble	Dornan (CA)

Douglas
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Gordon
Goss
Gradison
Grandy
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Kanjorski
Kasich
Kennelly
Kleczka
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nelson
Nielson
Nowak
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Swift
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOES—118

Ackerman
Akaka
Alexander
Atkins
AuCoin
Bates
Berman
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Bruce
Cardin
Clarke
Clay
Coleman (TX)
Conyers
Crockett
DeFazio
Dellums
Derrick
Dingell
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank
Gejdenson
Gephardt
Gonzalez
Gray
Hawkins
Hayes (IL)
Hertel
Hoyer
Jacobs
Jones (GA)
Jontz
Kaptur
Kastenmeier
Kennedy
Kildee
Kostmayer
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Luken, Thomas
Markey
Martinez
Matsui
McCloskey
McDermott
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Murphy
Neal (MA)
Oakar
Oberstar
Obey
Olin
Owens (UT)
Panetta
Payne (NJ)
Pelosi
Penny
Perkins
Poshard
Rahall
Rangel
Roe
Rose
Roybal
Sabo
Savage
Sawyer
Scheuer
Schumer
Sikorski
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Synar
Torres
Torricelli
Towns
Udall
Unsoeld
Vento
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOT VOTING—15

Anthony
Bentley
Bryant
Collins
Courter
Florio
Ford (TN)
Glickman
Goodling
Hefner
Horton
Sharp
Smith (IA)
Waxman
Wright

□ 1843

The Clerk announced the following pair:

On this vote:

Mr. Courter for, with Mrs. Collins against.

Messrs. AuCOIN, LEHMAN of California, SABO, McDERMOTT, COLEMAN of Texas, and TORRES changed their vote from "aye" to "no."

Messrs. CAMPBELL of Colorado, LAUGHLIN, NAGLE, YATRON, and DONNELLY changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The question is on the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI], as amended.

The amendment, as amended, was agreed to.

□ 1840

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goss: Page 454, after line 24, add the following subsection:

"(d) ELECTORAL REFORM.—It is the sense of the Congress that the electoral reform laws and media laws regulating political broadcasts adopted by the Sandinista Government as well as the appointment of members of the supreme electoral council fail to fulfill the minimum standards required by the Tesoro Beach agreement to ensure free and fair elections in Nicaragua in February 1990.

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, I rise to offer this sense-of-Congress amendment for a simple reason. If the Sandinista government of Nicaragua thinks for 1 minute that the minor tinkering that they have done with the election reform laws and the alleged fair access they have provided for political broadcasts lives up to the standards set by the Tesoro Beach accords—they are sadly mistaken—and we should say so.

In February, at Tesoro Beach, the Central American Presidents and President Daniel Ortega endorsed the Arias Peace Plan and established specific steps to implement reform. Mr. Ortega signed this agreement and he agreed that his government would make reforms "in electoral legislation and laws regulating expression information and public opinion—in such a way as to guarantee political organization and action in the broadest sense for political parties."

The Tesoro Beach agreements also stipulated that the Nicaraguan Government would form a supreme electoral council with balanced participation of representatives from the opposition political parties.

President Ortega agreed that the Nicaraguan Government would guarantee the free functioning of the communications media. The agreement called for equal access to transmission schedules and broadcast time on television and state radio stations for all political parties.

These are reasonable goals. But Mr. Chairman, we are still waiting. We have witnessed some cosmetic changes. Yet Mr. Ortega has not implemented broad reforms, and the election coming up will apparently not serve the democratic interests of the people of Nicaragua.

These are not my convictions alone. Costa Rican President Oscar Arias, during Vice President QUAYLE's recent visit, attacked the new electoral laws of Nicaragua as restrictive and said, "I feel that with the present legislation, having fair elections is impossible."

President Arias also said he believes the election rigging by Mr. Ortega has doomed his historic plan, the Arias Peace Plan for which he won the Nobel Prize.

Honduran President José Azcona, speaking about President Ortega, said in May that he did not believe Ortega has complied faithfully with what was promised.

The problems are numerous. Nicaragua's new election law gives the Sandinistas control over the electoral council by allowing President Ortega to select all five of the council's members.

Only one of the five can truly be considered an opposition party representative. And it is particularly alarming that the chairman of the council is the same person who served as chairman of the council for the discredited 1984 elections.

The new media laws allow the Minister of Interior to suspend broadcasts and limit the print media—for a short time. He can act if he finds the stories, and I quote, "contrary to state security, national integrity—peace or public order." Mr. Chairman, that sounds alarmingly similar to what we saw in China.

In addition, the opposition parties, and there are many of them, have to divide up the 45 minutes a day of radio air time and 30 minutes of TV time allocated to them. That does not leave much time for each opposition candidate to get out his message. Meanwhile the government party can use the full 45 minutes to state their single case.

I have one more example. Mrs. Violetta Chamorro, general director of La Prensa newspaper, wrote to the leadership in this Congress earlier this year and described the problems she faces as manager of a prodemocracy newspaper. The Government does not need to shut down La Prensa to make life difficult. The Government is the sole importer of news printing paper. Mrs. Chamorro was writing to us because she was running out of paper.

Mr. Chairman, the Tesoro Beach accords state that President Ortega will support electoral reforms in the broadest sense for all political parties.

What I have described does not sound very broad to me. And I believe the signatories to the Tesoro Beach accords should demand reforms in the real sense of the word.

The opposition parties should be guaranteed fair and frequent access to the media. If Nicaragua is to have democratic elections, all parties have a right to state their views again and again, whether Mr. Ortega likes it or not.

Mr. Ortega should select respected representatives from various parties to serve on the supreme electoral council, and he should choose an impartial representative to head the supreme council.

Mr. Chairman, the Presidents of the other Central American countries are labeling the alleged Sandinista electoral reforms a sham. Can we do less? I urge my colleagues to join me so the people of Nicaragua have a better chance at free and fair elections.

I believe we should send a clear signal to Mr. Ortega and to the other signatories of the Tesoro Beach accords that we fully support the intent of the agreement—and that we expect Mr. Ortega to live up to them. I urge my colleagues to join me in support of my amendment.

□ 1850

Mr. CROCKETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

I do so with reluctance, because I have a great deal of respect for the gentleman for Florida, who has been a welcome addition to our subcommittee this year. Unfortunately, this is yet another amendment that has nothing to do with foreign aid, that pertains to a country that does not receive foreign aid.

Knowing that the Nicaraguan election issue would be politicized in this country, I asked the Congressional Research Service to do an unbiased study of Nicaragua's electoral arrangements. That study was sent to each subcommittee member's office.

The study concludes that the new Nicaraguan electoral law improves the conditions for the development of a pluralistic political system that has multiple parties and that guarantees the right of the opposition parties to operate.

Among the findings of the study are:

The requirements for organizing and legalizing political parties have been made easier;

The opposition will have access to the media;

Public financing of campaigning is provided, and foreign contributions are permitted;

The system of proportional representation will benefit minority parties and could eventually lead to alteration in control of the Government; and

The provisions on poll watchers allow the close monitoring of ballot counting by the opposition.

This is not to say that Nicaragua's electoral system is everything it should be. As the CRS study points out, laws are not the sole determinant of free elections. The Sandinistas could still distort the electoral process through the sheet exercise of their power. It is also the case that the opposition could fail to take full advantage of the electoral law and the political space that it creates.

But the point is this amendment's blanklet condemnation of the law is not warranted by the facts.

The amendment says that the composition of the supreme electoral council does not fulfill the standards of the Tesoro Beach agreement. That statement is also not in accord with the facts. The agreement calls for "balanced participation of representatives from opposition political parties." The supreme electoral council has precisely that: two Sandinista representatives, two representatives of anti-Sandinista parties, and one so-called "notable" who is a member of the conservative party and was a supreme court justice under Somoza. So there is actually a non-Sandinista majority on the electoral council.

The fact is, Mr. Chairman, Nicaragua's current electoral laws and arrangements, whatever faults they may have, do not compare unfavorably with those of other Latin American countries. The facts do not support this amendment. I think it would be better if we preached a little less. I urge the defeat of the amendment.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida [Mr. Goss].

It is a plain fact that the actions taken by the Sandinista government to implement the requirements and commitments of Tesoro Beach fall far short of the standard required to ensure a fair electoral process.

As my colleague from Florida pointed out, Costa Rican President, Oscar Arias, who used to be quoted every time we had a debate on this issue here, but I guess when he says something that is not in accord with other views, he is not quoted anymore, Costa Rican President Oscar Arias, during the recent visit of Vice President Quayle, attacked the new electoral laws in Nicaragua as restrictive and said, "I feel that with the present legislation, having fair elections is impossible."

President Arias also said that he believes the election rigging by Nicaraguan leader Daniel Ortega has doomed his historic plan, the Arias Peace Plan for which he won the Nobel Prize.

In mid-May, Honduran President Jose Azcona, talking about Daniel Ortega's promises at Tesoro Beach said, "I do not believe he has complied faithfully with what he promised."

Just a few days ago, President Vinicio Cerezo of Guatemala revealed that he sent a letter to Nicaraguan President Daniel Ortega telling him that he is not complying with the peace agreements signed in El Salvador.

The appointment of the supreme electoral council was characterized by the human rights organization, Freedom House, as not providing the balanced participation promised by the Tesoro Beach accord.

1900

Only one of the five members can truly be considered an opposition party representative, while three others are completely dominated by the Sandinista Government. It is particularly alarming that the chairman of the council is the same person who served as chairman of the council for the discredited 1984 elections in Nicaragua.

The new laws regulating political broadcasts give final authority to the Ministry of the Interior, headed by Thomas Borge, whose reputation for fairness for the opposition rivals that

of General Noriega in Panama. The new media laws allow the Ministry of Interior to suspend broadcasts for 3 or 4 days and newspapers and magazines for three editions if their stories are deemed "contrary to state security, national integrity, peace or public order."

The elections may be scheduled for February 1990, but Sandinista leader Ortega announced that the inauguration of the new president would not take place until January 1991.

The Sandinista organization responsible for giving formal recognition to political parties formally recognized four new parties in mid-May, but disallowed five, including two that were generally considered to be the best-organized opposition parties: the Conservative National Unity Party, led by Silviano Matamoros and the Christian Democratic Party, led by Agustin Jarquin, who appeared before our subcommittee in April at the request of the chairman.

Following his trip to Europe to seek additional economic aid for Nicaragua, Daniel Ortega made a speech including comments about the electoral reform laws. Ortega said, "There will be no new concessions! The Somozist Guard's newspaper "LaPrensa" and parties that want to participate in the elections—should clearly understand that. There will be no further concessions. The reforms to the laws have already been made—and that is that!"

The test for a fair electoral process is determined not only by what happens on election day but also by what precedes it. The Goss amendment expresses the sense of the Congress of the clear failure of the Sandinista regime to fulfill its promises to ensure free and fair elections in February 1990 because it has failed to provide a fair environment leading up to the elections.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Goss amendment.

Mr. Chairman, the gentleman from Michigan indicated that this amendment has little to do with foreign aid. I submit to my colleagues that much of the bill before us today has little to do with actual foreign aid. Much of it is sense-of-the-Congress resolutions that we put in there to let the world know how we feel about various issues.

We do that every year.

At issue here is whether or not there is going to be free and fair elections in Nicaragua come next February. The Sandinistas have a very poor track record. They violated the agreement they made with the OAS in 1979 again and again and again, they violated the Esquipulas agreements, 1 and 2, they violated the Sapoa election, and now they are violating the election agreement that they made.

As a matter of fact you have just heard from my colleague from California that they disallowed five parties from even participating in the electoral process. Is that free and fair elections? I submit to you that it is not.

I think it bears repeating that President Oscar Arias, whom you have quoted many times on this floor when it suits you, said when Vice President QUAYLE met with him, and I quote once again, "I feel that with the present legislation having fair elections is impossible in Nicaragua."

Now I think the Goss amendment is very meritorious. We should support it if we are really in favor of free and fair elections in Nicaragua and we should support it unanimously.

I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in examining this amendment I cannot understand why there would be any opposition to it at all. First of all it is simply a sense of the Congress. And it says what the international community has said over and over again, that we have some reason to be suspicious of the electoral process that is being put in place in Nicaragua.

Now if I understood the dissenting opinion to this amendment, it was that we simply ought to accept that which the Sandinistas have already done. So that in order to be against this amendment what you have to do is accept what they have put in place as being the standard that we are willing to accept for an election in Nicaragua.

Now, I think that the House would be on very dangerous ground, given what the international community has had to say about the situation in Nicaragua, to endorse the Sandinista package. That is something which we have heard over and over again on this floor is unacceptable. We have heard people saying they do not particularly like what is going on in Nicaragua and, "Don't ever put me in the camp of being pro-Sandinista but also I don't think we ought to be pro-Contra." And they voted time and time again against the opposition within Nicaragua based upon the fact that they are not pro-Sandinista either.

Well, in this particular case in order to be against this amendment, if I understood the opposition correctly, you have got to be for the Sandinistas package; you have got to be pro-Sandinista in order to vote against this amendment. And I would suggest that that is a very dangerous position for this House to adopt, given what the Latin American nations have come down. To a man, the democratic states in Central America have said that the Sandinista plan is unacceptable.

For this House to go on record as saying it is acceptable would be, I think, a travesty to democracy. I would hope we would approve the Goss amendment. It is a small way of saying that we are not satisfied with the internal conditions within Nicaragua leading toward free elections.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, I wanted to bring up another quote that comes out of Nicaragua just in the last few days by Lenin Cerna, but I think it is important enough that I am going to ask for my own time.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

I think the gentleman makes a good point. If this House were to go on record in opposition to this amendment, we would find ourselves contrary to the position and the opinions of Oscar Arias, the President of Costa Rica, Azcona, the President of Honduras, and Cerezo, the President of Guatemala.

Mr. WALKER. I thank the gentleman, because it is important to understand that for months we have talked about the Arias peace and the need to go ahead and implement those things which were a part of the leadership decision within Central America. To now undermine the Presidents who have spoken out on this matter by suggesting that this House is willing to abide by what Nicaragua has put in the form of a Sandinista plan, I just do not think is an appropriate way for this country to proceed at this moment.

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

Mr. DORNAN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would hope that we would pass this amendment. What is happening down in Nicaragua as we get closer to the date they claim they are going to have an election is setting all sorts of historical precedents. The strangest one of all is that Daniel Ortega announced that no President elected would be sworn in except on the old election cycle, which is January 1991. So even if there were to be a fair election, this would be the longest interregnum, the longest period between an election and inauguration in the entire history of democracy in this hemisphere. And that may also count for the world, who knows.

It is almost a year. But this quote that I wanted to bring up from Lenin Cerna; Lenin, as in the founder of the Communist Party and the Bolshevik Party in the Soviet Union, hardly your

average Hispanic name, Lenin Cerna is the second in command of the secret police in Nicaragua, which functions more and more like a classic Gestapo operation every day. This week he made a speech where he said anyone who votes against the current Government, against Daniel Ortega as el Presidente, is committing an act of treason.

Now imagine that statement when the No. 2 man, the Minister of the Interior, the man who is head of the secret police, said if you vote on next February 25 against the Ortega brothers and the other seven comandantes you are committing an act of treason. What a line of terror.

To refresh your memory who Lenin Cerna is: Msgr. Bismarck Caballo, who was and still is head of the Radio Catolica and is a key aide to Cardinal Obando y Bravo, if you will recall about 2 years ago, was called by a woman with an emergency that she was going to commit suicide.

□ 1910

He went to her house. She tried to compromise him. She was in a state of undress. He backed away from her. Before he could leave the house he was jumped by people in hiding. They stripped him stark naked and then at gunpoint forced this Catholic monsignor down the middle of the street where the Sandinista camera crews filmed him. Lenin Cerna ran that operation. He was sitting in a car. He called the monsignor, Father Carballo, over to the car and he said, "Father, let me tell you something. I am going to kill you myself. I am going to personally shoot you someday." That is a No. 2 man in the secret police who says if you vote in the election in February against Ortega, you are committing an act of treason.

I suggest we pass this amendment and that some more codel's start going down to Central America and we have the courage of our convictions under the so-called Bipartisan Accord on Central America worked out by our President and our Secretary of State, with people on both sides of the aisle, that we start tracking this election process in Nicaragua.

Mr. CARPER. Mr. Chairman, I rise to strike the requisite number of words.

I have several questions I would like to address to the author of the amendment, the gentleman from Florida [Mr. Goss]. The gentleman's amendment notes and expresses dissatisfaction with the appointment of members of the Supreme Electoral Council, noting that they fail to meet the minimum standards required by the Tesoro Beach agreement. I wondered if the gentleman from Florida [Mr. Goss] could tell me something about the selection process. I understand there are five members to the Supreme Electoral Council. Could the gentleman tell Members about the selection of the two opposition members of that council? How were the names arrived at?

I yield to the gentleman from Florida.

Mr. GOSS. I would be happy to try and respond. I have a considerable amount of background material which I would be very happy to afford to the gentleman, but basically my understanding is that the people on the council were nominated by President Ortega of the Sandinista Party rubberstamped, and that the conclusion of the outcome of the predilections of those people, as I have stated, and stated in my testimony, that we have one who might be regarded as a possible neutral, but the others who are clearly of their positions and their sense of authority to Sandinistas.

I have a report here dated June 8, 1989, concerns raised on chances for Nicaraguan Electoral Council oppositions, urged to continue campaign, which I will be happy to share with the gentleman.

Mr. CARPER. Reclaiming my time, is it correct that both opposition members of the council were suggested by a block of 14 opposition parties?

Mr. GOSS. If the gentleman will yield, my understanding is that the opposition parties, in fact, did have some participation in the process, however, that their desires were not fully realized by any means.

Mr. CARPER. Could the gentleman tell us something about the independent "eminent person," the third of the five members, who is this individual? What is that person's background?

Mr. GOSS. If the gentleman will yield, the belief I have on that subject is, I have been reported by a colleague, the gentleman from California [Mr. LAGOMARSINO]. Again, I have reported on that. We had testimony before our committee on that subject. They came to Washington and we asked questions of the gentlemen who were involved. We had discussions with them, and again, that is a matter of public record. I believe the testimony is available.

Mr. CARPER. I believe the name of third member, the so-called independent eminent person, is Dr. Rodolfo Sandino Arguello. I understand he is a lifelong conservative, that he formerly was Supreme Court President during the Somoza regime and is not currently active in a political party. I further understand that the newspaper La Prensa characterized him as an "honorable man." I wonder if the gentleman would say whether this description coincides with his understanding of Dr. Arguello's background?

Mr. GOSS. If the gentleman will yield, that is not my understanding.

Mr. CARPER. How would the gentleman characterize his background? What we are saying is with your amendment is that we are not satisfied with the selection process or the people they have put forward. This particular person, the eminent person is perhaps the critical person in how these elections will be conducted. I think this is not a small or unimportant question.

Mr. GOSS. Well, I would characterize both Dr. Mariano Fiallos, who is the president of the council, and Dr. Leonel Arguello as leaders of the Sandinista Front.

Mr. CARPER. I am asking about the eminent third person. I am asking about the credentials of the two opposition members and the independent eminent person.

The Sandinistas are entitled to name two of their own to the council, and they have. What do you know of the other three?

Mr. GOSS. We are having trouble with our definitions of who are acceptable or not.

Mr. CARPER. I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I thank the gentleman for yielding. There are five members on this Supreme Entity. Two are clearly Sandinistas; and two are clearly with the opposition; the fifth is a former member of the Conservative Party and was on the Somoza Supreme Court and was endorsed and supported and characterized as a man of great honor by La Prensa, the leading opposition press in Latin America.

Now, that looks like 3 to 2, and I am puzzled how my friend from Florida can characterize this group as stacked on behalf of the Sandinistas when there are two Sandinistas, two opposition members, and a fifth member who is a member of the Conservative Party, and served on the Somoza Supreme Court and was endorsed by La Prensa. I wonder if my friend from Florida can respond to the inquiries which I made and which the gentleman from the State of Delaware made?

Mr. CARPER. Mr. Chairman, I yield to the gentleman from Florida.

Mr. GOSS. Is the gentleman referring to Dr. Aman Sandino? I think we need to pin this down.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The question is on the amendment offered by the gentleman from Florida [Mr. Goss].

The question was taken; and on a division (demanded by Mr. Goss) there were—ayes 20, noes 22.

RECORDED VOTE

Mr. GOSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 293, noes 119, not voting 20 as follows:

[Roll No. 121]

AYES—293

Andrews
Anthony
Applegate
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boucher
Broomfield
Browder
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Costello
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Dyson
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Gordon
Goss
Gradison
Grandy
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hiler
Hoagland
Holloway
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Kanjorski
Kaptur
Kasich
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Neal (NC)
Nelson
Nielson
Ortiz
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Penny
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Rogers
Rohrabacher
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Sarpalius
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
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
Stearns
Stenholm
Sundquist
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOES—119

Akaka
Alexander
Anderson
Annunzio
Atkins
Bates
Beilenson
Berman
Bevill
Bonior
Borski
Bosco
Boxer
Brennan
Brooks
Brown (CA)
Cardin
Carper
Carr
Clay
Conyers
Coyne
Crockett
DeFazio
Dellums
Dingell
Dixon
Downey
Durbin
Dymally
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gephardt
Gonzalez
Gray
Hayes (IL)
Hochbrueckner
Johnson (SD)
Jontz
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Markey
Martinez
Matsui
Mazzoli
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Moakley
Morrison (CT)
Mrazek
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Pelosi
Perkins
Rangel
Rose
Roybal
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Slaughter (NY)
Solarz
Stark
Stokes
Studds
Swift
Synar
Torres
Towns
Udall
Unsoeld
Vento
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wolpe
Wright
Wyden
Yates

NOT VOTING—20

Ackerman
Aspin
Bentley
Bryant
Collins
Courter
Dorgan (ND)
Early
Florio
Glickman
Goodling
Hawkins
Hefner
Hopkins
Houghton
Jones (NC)
Roberts
Sharp
Smith (IA)
Stump

□ 1937

The Clerk announced the following pair:

On this vote:

Mr. Courter for, with Mrs. Collins against.

Messrs. PANETTA, WAXMAN, and NOWAK changed their vote from "aye" to "no."

Messrs. CLARKE, RAHALL, and MURPHY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MC HUGH

Mr. McHUGH. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McHUGH: Page 435, line 23, after "(3)" insert "and paragraph (5)(B)"; and page 437, strike out line 24 and all that follows through line 6 on page 438 and insert in lieu thereof the following:

(5) CONGRESSIONAL REVIEW.—(A) Funds obligated, or available for obligation, under paragraph (2)(A), (2)(C), or (2)(D) pursuant to a determination under paragraph (3) may not be expended during the 30-day period beginning on the date on which the President submits the report required by paragraph (3). Expenditures of those funds after that 30-day period shall be subject to any joint resolution with respect to those expenditures that is enacted by the Congress under subsection (d).

(B) Funds under paragraph (2)(B) may be obligated pursuant to a determination under paragraph (3) only if the Congress enacts a joint resolution under subsection (d) authorizing the obligation and expenditure of those funds. Use of funds pursuant to such an authorization shall be subject to such conditions and limitations as may be provided in that joint resolution.

Page 443, strike out lines 10 through 25 and insert in lieu thereof the following:

except that a joint resolution described in subparagraph (B)(i) or (iii) shall be considered a privileged joint resolution for purposes of this subsection only if it is reported by that committee during the 30-day period described in subsection (b)(5)(A) or (c)(4), as the case may be;

(B) which—

(i) in the case of funds subject to subsection (b)(5)(A), would place conditions or limitations (or both) on the expenditure of those funds;

(ii) in the case of funds subject to subsection (b)(5)(B), would authorize the obligation and expenditure of those funds, subject to such conditions and limitations as are specified in the joint resolution; and

(iii) in the case of funds and agricultural commodities subject to subsection (c)(4), would place conditions or limitations (or both) on the expenditure of those funds, the delivery of those commodities, or both;

(C) which—

(i) in the case of a joint resolution described in subparagraph (B)(i) or (iii), does not contain any provision which is not germane to the conditions and limitations provided for in the joint resolution; and

(ii) in the case of a joint resolution described in subparagraph (B)(ii), does not contain any provision which is not germane to the authority, and the conditions and limitations (if any), provided in the joint resolution; and

The CHAIRMAN. Pursuant to the rule the gentleman from New York [Mr. McHUGH] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering will determine whether Congress has any opportunity over the next 2 year to assess events in El Salvador and effectively determine whether continuing military assistance to the new government there serves American interests.

This amendment does not cut military aid to El Salvador. This amendment does nothing more than reserve to the authorizing committees and to Congress the right to determine 9 months from now whether the second

installment of military aid scheduled for El Salvador next year will flow, depending upon what happens in that country between now and then.

To understand my amendment, the Members must understand how the bill treats military assistance to El Salvador. The bill authorizes $170 million of military aid over the next 2 fiscal years. Under the bill the President must certify to Congress every 6 months that the government there is actively seeking to end the war through political negotiation and is making progress in protecting human rights. These are very important conditions, and I applaud the committee for including them in the bill.

However, if the committee determines that the conditions are not being met despite the President's certification to the contrary, the committee's only recourse under the bill is to report a resolution of disapproval with respect to the next 6 months of military aid. Such a resolution, even if adopted by the House and Senate, can be vetoed by the President.

Everyone recognizes that the President would veto such a resolution from Congress authorizing any effective control over military aid for the next 2 years, regardless of what happens in El Salvador. We know that, the administration knows that, and most importantly, the Government of El Salvador knows that.

If we are serious about the conditions in the bill, it is imperative that we modify the procedures so that the authorizing committees and Congress retain the power to reauthorize military assistance until we know what the government there is actually going to do about human rights and about trying to negotiate an end to the war.

My amendment would enable us to retain that power. It is a simple amendment, a modest amendment, but a critically important amendment.

In specific terms, my amendment would simply require that before the second installment of military aid is delivered to El Salvador next year the Congress must affirmatively vote to authorize such aid.

Why is this important? It's important because at this point we don't know what the new government in El Salvador is going to do about ending the war and protecting human rights. This is a government that is totally controlled by the right wing ARENA party, a party that has a sordid history on human rights, a party that has called for unrestricted war in El Salvador.

Since 1980, the United States has pumped $3.5 billion in aid into El Salvador. Tens of thousands of people have died, and people continue to die. Today, human rights continue to be violated. Today, there is still no functioning system of justice that can hold accountable members of the military who kill innocent people indiscriminately.

It's clear to me that the American people do not want their tax dollars spent to support a Salvadoran Government unless that government is truly committed to ending the war in an equitable fashion and is committed to respecting human rights. But at this point we have no idea what the government is committed to.

It would be tragically wrong, therefore, to give that government a blank check for another 2 years. But unfortunately, that is what the bill would do in its current form.

As I said at the outset, my amendment does not cut or eliminate military aid. It simply gives us the opportunity to judge the commitment of that government to the goals established in the bill. It would simply give the authorizing committees and the Congress the opportunity to make that judgment next April with respect to about half the military aid that would otherwise go to the government in the second half of next year.

In April of next year the new government will have been in power 10 months. At that time we will know what its real commitment is to human rights and to seeking a peace agreement. If its commitment is genuine, I'm sure we will continue military aid. If not, we will have the chance to reassess our policy.

I would note that if this were not a 2-year authorization bill, we would have the opportunity in the normal course to reauthorize military assistance next year. My amendment does nothing more than preserve that option for us.

If we are truly serious about the goals of our policy set forth in the bill, if we truly expect the Government of El Salvador to take our professions of concern to heart, we will adopt this amendment. I strongly urge my colleagues to support it.

□ 1940

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

Mr. Chairman, I would point out that if you would read the bill, you would see some very tough conditions of military assistance to El Salvador. The President must determine that these conditions have been met. He must in addition consult with the Congress 2 weeks before he makes the determination final and the aid, if he determines it will go forward, is held up for 30 days, during which time Congress can pass an expedited resolution of disapproval.

The Bush administration and, in particular, Secretary of State Baker have gone out of their way to try to demonstrate they want to be cooperative with and responsive to the Congress in our mutual concerns about the thrust of United States foreign policy in El Salvador. The administration deserves the chance to demonstrate that commitment. The McHugh amendment ties the hands of the administration even before it has the chance to demonstrate its good faith.

Making it more difficult to provide aid to El Salvador does not improve the United States ability to influence the Cristiani government or to help the Cristiani government demonstrate it is maintaining effective control over the military forces of El Salvador.

Restricting aid in a way that makes the Government of El Salvador appear to be subservient to the United States undermines the authority of President Cristiani and undermines his ability to exercise authority over the military and reduces his ability to command the respect of the Armed Forces.

Those of us who met with President Cristiani when he was in Washington were impressed with his sincerity in emphasizing the importance of protecting human rights and bringing to justice those responsible for human rights abuses. It is fair to give him a chance to demonstrate his commitment before enacting the legislation proposed by the McHugh amendment.

The McHugh amendment will require another divisive partisan debate on aid to El Salvador 6 months after enactment of this legislation, which will come in an already tense election year and will follow on the events in Nicaragua after their elections in February of next year.

The McHugh amendment would change this foreign aid bill and the language of title VII in ways making it more restrictive and more onerous than current law. If we had examples of bad faith on the part of the new Bush administration in our foreign policy toward El Salvador and other Latin American countries, then I could understand the motivation of the McHugh amendment. If the experience with the Bush administration were to be seen as nothing but frustrating and misleading policies, then 2 years from now I would expect the kind of provisions contained in this amendment. But I believe this amendment unnecessarily ties the hands of the State Department with restrictive provisions before the Bush administration has had the opportunity to demonstrate its good faith in carrying out a foreign policy that reflects the concerns of both sides in Congress.

Many of the problems in this title result from the impression that the majority members on the subcommittee are trying to restrict the new administration because of mistrust attributable to the previous administration. This administration deserves the chance to demonstrate that the bipartisan accord on Central America really meant what it said when it was agreed

that: "The Congress recognizes the need for consistency and continuity in policy and the responsibility of the executive to administer and carry out that policy, the programs based upon it, and to conduct American diplomacy in the region."

□ 1950

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

Mr. McHUGH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Chairman, I rise in strong support of the McHugh amendment.

Mr. Chairman, as the foreign aid authorization bill now stands, we are giving 2 years of support to the ARENA government without appropriate congressional oversight. In the past ARENA has been the party of the death squad, political assassination, and intimidation. One of its leaders, Roberto D'Aubuisson, was implicated in the assassination of Archbishop Oscar Romero, who was murdered in church while performing Mass. Later that year, three American nuns were raped and killed by a death squad. Lutheran Bishop Medardo Gomez has been warned repeatedly to end his humanitarian work with the poor and the sick or be killed. Last winter his church was bombed. Just a few days ago Sister Mary Mackey, an American citizen, who runs a clinic for war orphans, was shot and seriously injured. The United States has been poring money into El Salvador for years and all we have to show for it is a stalemated civil war and thousands of human rights violations linked to the Salvadoran military.

A few days ago this body overwhelmingly passed a resolution condemning the Chinese Government for its brutal repression of its people. In El Salvador such repression has been going on for 8 years, but instead of a resolution to condemn that violence we are considering a bill which will contribute another $170 million to the Salvadoran military and the ARENA party.

Mr. McHUGH's amendment offers us an opportunity to effectively condition aid to El Salvador. It will send a signal to ARENA and the military that they cannot assume American aid will be available if they ignore the rights of Salvadorans. The amendment will require a vote of Congress in April 1990 to continue aid. Only when ARENA and the military end the torture, the political murders, and the intimidation of judges by death squads should we consider allocating additional funds.

Mr. McHUGH. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I rise today to express my strong support of the amendment offered by my colleague from New York [Mr. McHUGH], which provides an important mechanism for Congress to seriously debate and review our Nation's military assistance to El Salvador.

With a population of fewer than 6 million people, El Salvador is the fifth largest recipient of United States aid. In the past, I, like a majority of my colleagues, have supported aid for El Salvador as a means of strengthening former President Duarte's position and his efforts to reduce human rights violations. However, with the success of the ARENA party, first in last year's legislative elections and now in the Presidential election, many of us fear that the Duarte policies will be repudiated by the new government, given the past ARENA history on human rights.

The McHugh amendment seeks to make a modest but necessary adjustment to United States military assistance provided to the Government of El Salvador. It would require an affirmative vote of Congress in April, 1990 to release the balance of next year's military funds for that country. That compares with the Foreign Affairs Committee approach, which would require a two-thirds vote of each House of Congress to release the same balance once the President proposed to release it. The McHugh amendment neither cuts nor reduces military aid. It simply retains Congress' ability to review the progress of the Cristiani government in promoting democratic reforms, protecting human rights, and ending the civil war.

I am deeply committed to encouraging the democratic process in El Salvador, which, I believe, continues to represent the best hope for an end to human rights abuses in that country. In that context, the Presidential election which took place in March represented an important commitment by the people of El Salvador to bring democracy to their country.

However, the election of President Cristiani now brings the executive, legislative, and judicial branches in El Salvador under the control of the ARENA party. Many here in Congress, including me, have strong concerns regarding that situation. We are torn between a commitment to support a President who won his country's elections with a strong mandate, and our fears that extremist elements of ARENA will take control. And while it is too early to assess the performance of President Cristiani, we must not forget the history of the ARENA party, which has been linked to death squad activities in the early 1980's.

Presistent and tragic charges of human rights abuses by all parties involved in the war continue. Just as we must insist that the Salvadoran military forces stand accountable for violence committed against the population they are meant to protect, so, too, must the FMLN's campaign to assassinate civilian leaders stop.

In the past decade, the American people have invested more than $3 billion in El Salvador. Congress does not have the luxury of turning its back on this issue. We have a responsibility to the people of both countries to ensure that Congress maintains the strongest role possible in monitoring events in El Salvador, and the McHugh amendment provides us with that opportunity.

The McHugh amendment does not change the amount of money authorized for El Salvador. The McHugh amendment does not change the $34 million that the Foreign Affairs Committee has fenced off. The McHugh amendment does not change the criteria under which the $34 million that has been fenced off may be released. All it does is to determine whether the Congress will exercise the basic power that legislatures have in democratic societies, the power of the purse, to participate in this Nation's decision as to whether the new Salvadoran Government deserves our effort. I urge my colleagues to support the McHugh amendment.

Mr. LAGOMARSINO. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I just think the amendment offered by the gentleman from New York [Mr. McHUGH] is really ill-advised. We have been trying to work in a bipartisan way to fashion a program that has some consistency and some continuity, and if the gentleman's amendment is adopted, we will have this whole issue before us again in 8 short months. The pressures from the left and from the right and the message that we are sending to the people of El Salvador is a message of instability and inconstancy.

Of all times to do something that reassures the FMLN that they get another crack at withdrawing American aid from the duly elected Government of El Salvador, now seems especially inauspicious. The FMLN has never been more brutal in its tactics. It is murdering people, murdered the Attorney General, bombed the house of the Vice President, murdered the deputy to the new President Cristiani, and some 19 mayors have been executed.

Why in the world would we want to coddle these people? Why would we want to give them reassurance that their case is not a bad one and that we do not fully support democracy?

Some of our friends may not like the fact that Mr. Cristiani won the presidency. Some of them did not like Napoleon Duarte because they thought he was insufficiently to the left. But if we support democracy, we ought to be able to accept the fruits of democracy, and as far as I am concerned, Mr. Cristiani and his government are entitled to support as a democratically elected government, and not this on-again, off-again, unsure, yes-and-no-and-maybe that the McHugh amendment inserts into this bill.

Either we get along in a bipartisan way with the President, and we try to work together on common goals and common purposes to common ends, or we are going to reject bipartisanship and we are going to have to battle these things out again and again.

I think El Salvador is one of the most carefully watched places in the world. I think this administration and this Congress will watch it, but I think El Salvador deserves our support as a freely elected, democratically elected government, and they are entitled to be able to count on our support at least for a year without having Congress to have to revisit these arguments and the pressures on and on and on.

Well intentioned as the gentleman from New York [Mr. McHUGH] is and his amendment is, it is a mistake. It is against the bipartisan agreement that has been worked out.

The bill's formula is a good one. We do have enough control over what goes on down there, but, for goodness sake, let us make this the year of freedom and democracy, not the year of assisting the FMLN.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I have this peculiar habit that if the House tells the American people we are doing something, I like it to be real.

The committee version pretends that we have a process to review the conduct of the new Arena government in El Salvador before deciding whether they deserve to get the final $34 million that they are scheduled to get under this bill. There is no real way under the committee proposal that that aid could be stopped even if the emerging government proceeded to engage in wholesale butchery of their citizens or American citizens.

The McHugh amendment simply gives us a real chance in April to review that aid and to review their conduct at that time. If the new government proves to be untrustworthy, then we can shut it off. If it does not, we can provide it. It does not prejudge. It does give meaning to President Reagan's suggestion that we "trust but verify." I know I do not trust the FMLN. I think I do trust Mr. Cristiani.

The question is not Mr. Cristiani. The question is, will he be the power, or will he be the front for some people who have even in the past threatened the lives and safety of American diplomats? We need an opportunity to see whether Presidential certification is baloney or on the money, and the McHugh amendment does that.

□ 2000

Mr. LAGOMARSINO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. MICHEL], the Republican leader.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

M. MICHEL. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I want to indicate my strong opposition to the amendment which is being offered by my good friend, the gentleman from New York [Mr. McHUGH]. This amendment guts the agreement reached in the committee by the gentleman from Florida, [Mr. FASCELL] and myself on El Salvador.

Accordingly, I hope my colleagues will join with the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. CROCKETT], the gentleman from California [Mr. LAGOMARSINO], and myself in opposing the McHugh amendment.

I thank the gentleman for yielding.

Mr. MICHEL. Mr. Chairman, I thank the gentleman from Michigan and of course his remarks will perfectly coincide with what this gentleman from Illinois would propose to say to members of the committee.

Mr. Chairman, this amendment, in my view, is against the spirit of the bipartisan accord on Central America that Speaker FOLEY and I signed along with other members of the bipartisan, bicameral leadership with the President back on March 24.

Let me quote from that document:

> The United States is committed to working in good faith with the democratic leaders of Central America and Latin America to translate the bright promises of Esquipulas II into concrete realities on the ground.

That is the solemn, pledged word of the President and the bipartisan, bicameral leadership, and in my view "working in good faith" with the democratically elected Government of El Salvador does not mean telling President Cristiani that we do not trust him.

The Communists in El Salvador are assassinating mayors. In recent weeks they murdered the attorney general, the minister of the Presidency, and anyone else they could terrorize. Terrorism from the FMLN has become so atrocious and so pervasive in El Salvador that media accounts tell us of widespread disapproval of the left among part of the populace that used to support it.

Instead of giving a long list of the reasons why this amendment should be defeated, let me just tell a personal story.

Six years ago when our first debates on El Salvador were taking place, then Speaker Tip O'Neill asked our good friend, the gentleman from Pennsylvania, Mr. JACK MURTHA, to go to El Salvador and find out what was going on there.

At that time we were being told by some that El Salvador needed a coalition government with the Communists, and we were told that the military government down there was hopeless. We were told we should abandon them and not send the aid.

But JACK MURTHA went down there and asked questions, and talked to people, and when he came back we had a meeting over in room H-227, just down the hall from my office. At that meeting there was a good constituent of mine, Dr. Ira Gallaway, a revered Methodist minister of some renown who himself had just returned from El Salvador as part of a blue ribbon group of Americans on a fact-finding tour.

And Representative MURTHA and Dr. Gallaway had independently come to the same conclusion: The people of El Salvador want and need democracy, and we should help them, and so we did help them.

Because we helped, they were able to hold democratic elections. José Napoleon Duarte was elected and everyone in the House cheered. The Democrats here in the House saw Duarte as someone whom they could trust, and we Republicans agreed. We had some very fine conversations with him on several occasions when he come to this country. We believed in him, and working together against the cynics who said El Salvador needs a coalition government, the Congress, with President Reagan and Vice President Bush, helped to save that country. It is one of the major foreign policy triumphs in my 32 years in this body.

And because we helped save it, the people of El Salvador had free, open, democratic elections recently and elected Alfredo Cristiani, a member of the ARENA party, as President.

If we support this amendment offered by the gentleman from New York, we are telling the people of El Salvador and of the region that when they elect someone we like, they get our aid; when they freely elect someone whose party we may not like, their reward is our distrust or our skepticism, which is at the very heart of the amendment offered by the gentleman from New York.

Mr. Chairman, we once helped to save El Salvador and the gentleman from Pennsylvania [Mr. MURTHA], and some other Members on the other side of the aisle played a role in that fight, and to his credit, so did our former Speaker, Jim Wright, in that very agreement.

Let us keep up that tradition of bipartisanship and reject this amendment. Let us give the people of El Salvador a sign that we do trust them enough to have them guide their own destiny, with all of the help we can give a democratic ally. I would just like to see this body live up to the spirit of the accord which the distinguished Speaker, Mr. FOLEY, myself, the majority and minority leaders in the Senate, along with the President signed our names to earlier this year.

That would be the right thing to do today by defeating this amendment.

Mr. McHUGH. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Chairman, I rise in strong support of the McHugh amendment.

Mr. Chairman, the late Archibald MacLeish once observed that "we are deluged with facts, but we have lost, or are losing, our human ability to feel them." I am often reminded of this quotation when the issue of El Salvador is discussed.

The facts and figures on the numbers of Salvadorans who have disappeared; who have been threatened, tortured, and murdered are staggering. They are so staggering that many of us have allowed ourselves to be numbed by the enormity of it all.

In the last 9 years, over 70,000 Salvadorans have been killed; at least one out of every 10 people has been forced from their homes; thousands have been tortured; and hundreds of thousands of Salvadorans have fled their country out of fear.

Mr. Chairman, we have heard these statistics so many times that I worry that they have begun to lose their urgency. I worry too, that the war doesn't seem real to many in this chamber. We often discuss the war in El Salvador as if it were some abstraction—relevant only in terms of funding levels and political posturing.

There are some who even describe the current death rate in El Salvador as having reached a tolerable level; as if it's somehow OK that hundreds of civilians are being killed versus thousands. But, murder is murder; torture is torture; fear is fear—and lives are still at risk in El Salvador.

During the last few years, I have been visited by countless numbers of Salvadorans who have told me one story after another of torture and repression. These are real people, who have suffered real pain, at the hands of both the government and the FMLN. And for the record, let me emphasize that I condemn all acts of violence against civilians—no matter which side is responsible.

I fear that if we continue with business as usual, there will be no negotiated settlement and the war with all of its devastation to human life will go on for another 10 years. And I wonder how many more Salvadorans will come to my office telling me more horror stories?

Mr. Chairman, last Friday, the ARENA government introduced harsh new reforms to the current Salvadoran legal code that could have chilling consequences for human rights workers, organized labor, church workers, and so many others.

A deputy with José Napoleon Duarte's Christian Democratic party responded: "Under this new law as it is presently written nobody will be able to attend a meeting, nobody will be able to dance, blow your nose, or go from one place to another. Everything is punished under this law and people won't have the liberty to do anything."

The new ARENA sanctions would mean: 1 to 4 years in prison for passing out materials considered subversive, up to 2 years in prison for spray painting a slogan on a wall, 10 to 20 years for damaging a public building or blocking traffic. The law would also punish anyone for encouraging foreign countries to intervene in El Salvador's own affairs, with 5 to 10 years in jail—which means that those human rights workers who encourage United States officials to investigate human rights abuses, or to condition aid, are subject to these penalties.

In short this law would represent a major step backward—and it demonstrates that our current policies are flawed.

Mr. Chairman, the war in El Salvador has gone on too long. The Congress needs now to make it clear to the warring parties that we want to see this conflict resolved in a peaceful manner. And I, for one do not want to see another decade stained with the blood of innocent Salvadorans.

The McHugh amendment provides us an opportunity to review progress toward ending the war and bettering human rights in 10 months. It should be approved.

Mr. LAGOMARSINO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I respect the author of this amendment, and I know that his intent is benign. But it is my opinion, having traveled down to this troubled area of our hemisphere 15 times, that if this amendment passes it will have the exact opposite effect. It will give succor to the Communist Farabundo Marti terrorists, and it will make suckers again out of this House.

It is a fact, not an opinion, but an established fact that the Farabundo Marti guerrilleros are controlled out of Managua. There has been shooting after shooting after assassination down there, and if any Member can give me the evidence that is being discussed tonight on human rights abuses by the democratically elected government, I will make phone calls, I will try to stop these, if they are correct.

□ 2010

But where are the phone calls from decent Members of this body on both sides of the aisle, from both the ideologies that dominate most of the debate in this House, when an American citizen, Francisco Peccorini, 74 years of age, a former Jesuit priest who did not go over the wall but was layicized the right way, the loyal way in his church, was an instructor at Long Beach State College, was one of the world's leading authorities against the corruption of religion by what is called liberation theology, when this man is gunned down in the street at high noon on March 15, 4 days before the election? The American press all but ignored it except for some conservative newspapers and there were no calls except from conservatives going down expressing outrage at this murder of a man who held both joint Salvadoran and American citizenship.

A 74-year-old man, the chief of staff to the newly elected president murdered a few days ago; the young vice president, Vice President Merino, bombs thrown over the wall into his house while his children were on the premises; the retired former head of the National Security School gunned down by his car just yesterday, or the day before yesterday.

They have turned to the most brutal type of urban terror which Communists always do when they are losing the countryside. They come in and they start shooting the people at random.

A 74-year-old nun was shot once in the head. They did not take credit for that. That has not been openly blamed on any right-wing forces.

How better to turn public opinion in this House than to compound the excesses of December 1980 when four nuns were killed by drunken, disorderly soldiers; most of them had been in prison and their officers escaped justice. That is outrageous.

Both sides of the aisle condemned that.

But that is now 9 years ago in December. But this 74-year-old sister, she was not killed but is probably dying lying on a bed in a hospital right now, where are all the cries that this was somebody on the right? The cries are not there because it has the stench of what the radical Communists do down there in their assassination campaign.

Listen to some of these other abuses of human rights. They have been extremely escalated just in the last 8 months.

The FMLN has embarked on a campaign of killing democratically elected Government officials, conservative intellectuals like Father Peccorini and members of the armed forces. Mayors, justices of the peace, governors of departments and municipal councils are threatened with death by the guerrillas, shot at or killed.

In the year just ended, March 1989, a few weeks after the bipartisan accord was worked out by the leaders of this House with President Bush and our Secretary of State, in the year ended March 1989 the FMLN threatened with death 214 of the 262 mayors throughout all of El Salvador.

They actually produced a form letter, a form letter for death threats, that is how broad the trail was extending. They had a blank to fill in the name of a Government official to be threatened. More than 90 mayors resigned instantly rather than to submit to what is called in Communist Cubanistic language, revolutionary justice of the people.

The death squads actually killed 10 mayors for failing to resign. That is just in a year's period.

The Governor of the Department of Usulutan, which I believe the former majority whip Tony Coelho visited during the election and came back somewhat chastened about things he had said about El Salvador, agreeing that with a few flaws throughout the country Mr. Coelho admitted that he was watching a democratic election.

The beat goes on. Please do not pass that amendment.

Mr. McHUGH. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I rise in support of the McHugh amendment.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman and members of the committee, I would hope that you would support the McHugh amendment.

In 1987 Senator HATFIELD, JIM LEACH, and myself issued a report on the use of aid in El Salvador and the finding is very simple, that we put some $3 billion of aid into El Salvador and the results that we have received are nil, are none. None of the things that we have said we wanted to do to reconstruct this country in fact have taken place. None of these facts have been refuted by the State Department or the previous administration.

We have spent $1 billion since 1985, with no results except documented corruption, corruption by the Duarte government, which eventually drove them from power within their own country.

In 1987, the year of the earthquake, this Government committed more aid to El Salvador than the Government of El Salvador. We committed 105 percent of the budget of El Salvador in aid from this Congress.

Now we all have high hopes for Mr. Cristiani. Many of the speeches that we have heard already here this evening are the same speeches we heard when Mr. Duarte was elected. But you know what, Mr. Duarte did not have the power of the conditions or sanctions on the aid. He could not refute the power of the military.

Finally, he had to resort to corruption. That was a corruption that engulfed his government. The McHugh amendment is simply nothing more than an insurance policy for your taxpayer dollars, $3 billion of aid to date and another $800 million on the way.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York.

Mr. Chairman, I do so because, without this amendment, we will face at least 2 more years of business as usual in El Salvador.

The committee bill does place conditions on military aid to El Salvador, but those conditions may—and if past is prologue, they will—be ignored; and neither we, nor the American people, will have any practical recourse.

The McHugh amendment would not cut off military aid to El Salvador; but it would give us a real chance, not just a theoretical chance, to review the terms and conditions of that aid next spring.

None of us knows what the situation will be like in El Salvador 10 months from now.

Neither you, nor I, know all the answers.

But we do know that El Salvador is now the second largest per capita recipient of United States aid.

We know that billions of dollars of that aid have been wasted because of the sabotage of those seeking power and the corruption of those holding it.

We know that the vast majority of the Salvadoran people yearn desperately for peace, but that neither bullets nor ballots nor our billions have brought them closer to peace.

And we know that representatives of a political party that only a few years ago was a terrorist front, led by criminals, and deeply hostile both to American diplomats and American ideals has now taken power in El Salvador.

The McHugh amendment does not prejudge the new ARENA government. President Cristiani will have 10 months to define the course his government will take.

Just as important, we will have 10 months. Ten months to make it clear that we will continue writing checks to El Salvador only if we are sure that our tax dollars will be used to promote democracy, not to abuse power. To extend land reform, not to repeal it. To end the war, not through terrorism, but through negotiation. And to defend the principle that every Salvadoran, no matter how poor, no matter how desperate, no matter how outspoken, is entitled to certain basic human rights and to a chance for a better life.

The approach taken by the McHugh amendment is not micromanaging. It's not meddling. It's not naive. It's our job. It's our responsibility: To our taxpayers; to the Salvadoran people; to those, Salvadoran and American, who have been murdered in that war; and the ourselves.

The real question we face today has nothing to do with legislative tactics or bipartisan rhetoric. The real question is whether we, as a coequal branch of government, have the guts to say "no" to policies we oppose; and to recommend clear alternatives to those policies that we can support.

I regret to say that, with respect to El Salvador, the committee bill doesn't say "no" or "yes" to anything. It says "maybe" to everything. For Congress, that may be business as usual. But for El Salvador, with its tragic past and uncertain future, business as usual just isn't good enough.

Mr. WEISS. Mr. Chairman, I take second place to no one in condemning assassinations either from the right or the left in El Salvador. But it seems to me that our concern has to be with the Government of El Salvador to which we have contributed over $3 billion over the course of these past 10 years. We do not provide any funding at all to the guerrillas.

If you want to know where the Cristiani government, really the D'Aubisson government is going, look at their so-called antiterrorism act, just introduced last week. It makes criminal the most basic expressions of freedom and association.

Mr. Chairman, the most sweepingly offensive sections of that antiterrorism act would make criminals out of those who "by means of visits to foreign countries, by means of messages, or by any other means, promote declarations or programs in which other states or international organisms are motivated to intervene in the internal affairs of El Salvador." That is the reason to put the reins on this funding.

This provision would criminalize such activities as phone calls to the OAS, the U.N., the United States and other countries to denounce human rights violations in El Salvador. It would also outlaw lobbying in Geneva at the U.N. Commission on Human Rights by nongovernmental groups. Such crimes would be punishable by 5 to 10 years in prison.

The proposed law also provides that anyone in a leadership or employee position in an organization that spreads doctrines that subvert the public order, undefined including university professors and leaders of political organizations would be subject to 3 to 5 years imprisonment.

Dissemination of information that subverts the public order would be punishable with 1 to 4 years in jail. Possession of such subversive material is punishable by 6 months to 1 year in jail.

The form of labor protest most commonly in use in El Salvador—a sitdown strike—would be deemed a terrorist act; as would other acts that cause serious disturbance to the public tranquility or that affect international relations. These crimes would be punishable by 10 to 20 years in jail.

Mr. Chairman, in order to keep the Salvadoran military and the ARENA government accountable. I urge my

colleagues to vote for the McCurdy amendment.

The CHAIRMAN. The gentleman from New York [Mr. McHUGH] has 7 minutes remaining and the gentleman from California [Mr. LAGOMARSINO] has 3 minutes remaining.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I think we have a very important opportunity to speak with a clear, strong voice tonight against political violence and human rights violations. If there were ever a time to speak with one strong voice it is now

There is political ferment and violence throughout the world, from China to Poland to the Soviet Union to El Salvador. We cannot turn from our outrage at brutal repression in China to speak to our neighbors in Latin America with a different voice. And it is not enough simply to speak to these acts of violence. We have seen conditions attached in the past. Conditions without teeth are not conditions at all.

This is not an issue of right versus left. It is not an issue of the administration versus the Congress. It is an issue of whether we, as a nation, decide to speak with one strong voice against violence against peasants who are wantonly killed, against nuns who become the targets of attacks, against violence as a way to do business.

□ 2020

The signal we send tonight is not just to tell El Salvador, it is to tell the entire world. The McHugh amendment sends the right signal.

Mr. PANETTA. Mr. Chairman, I rise to share my own thoughts on the meaning of our work today to fashion United States aid to El Salvador in a careful, meaningful, and reasonable manner.

I do not need to remind my collegues of the recent rise in political violence and human rights violations in El Salvador. In these times of political ferment in nations from China to Poland to El Salvador, we in the United States Congress must send a clear message, a message to the leaders of El Salvador as well as to those in China and the Soviet Union. Most certainly we have to send the same signal to each nation. Let us not turn from our outrage at the brutal repression in China to speak to our own neighbors of the Western Hemisphere with a different voice. And let us not simply condemn acts of repression and human rights violations. We have got to take actions, Mr. Chairman, to back our democratic declarations.

What we must do, with respect to El Salvador, is attach a simple proviso: That the Congress will not continue blindly to approve military aid to El Salvador for years at a time without the ability just once to reconsider that aid in light of changed conditions.

This signal goes to every nation with which the United States has relations, Mr. Chairman. Every action we take is read by governments in every capital of the Western Hemisphere, every capital the world over. It is time to do just that. It is time to act on our beliefs, consistent with our declarations on China, on Romania, and, yes, on El Salvador.

Mr. LAGOMARSINO. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment. I tell my distinguished friend, the gentleman from New York, that I am supporting the compromise that we have in the bill. I thought it was a fair compromise.

I think the debate on his amendment, however, is a very healthy debate and an important one. However, let me state the proposition here: We have two tranches. The committee did a fine job in financing this money and this assistance. The committee provides, however, that the tranche to go forward, a resolution of disapproval under expedited procedure would stop it.

What happens under the amendment is, when Members get to the second tranche, if the Congress does not act, everything comes to an end. That forces an affirmative vote. In most cases, I would say that that would be ideal, but not when Members have two tranches in the fiscal year. It makes it impossible. If the situation is, and I daresay it might very well be as bad as previous speakers have pointed out, then it becomes incumbent upon the Congress to act anyway, and that action would be by an expedited resolution of disapproval.

I think that what the gentleman seeks there, I think the difference is that the program would continue unless things are so bad that the Congress is so repulsed that it takes the action to stop it.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, the gentleman from New York [Mr. McHUGH] is a very sensible person, and this is a very sensible amendment. It does not do anything to this program of aid except it says in April of 1990, this Congress, this Congress which spends taxpayers' dollars, will have another opportunity to look at whether or not this aid is being spent wisely. I think it is eminently sensible by a very sensible person. There is a new President in El Salvador. Many of the Members have some fears and worries on both sides of the aisle. All the Members condemn violence from both sides, and this amendment merely gives Members a chance to take another look in April at whether we have done the right thing.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentlewoman for yielding. Those Members who followed events in El Salvador have seen violence erupt time and again from the right wing. This amendment simply says: Stop, take stock, assess what is happening in El Salvador before we go forward with the next increment of aid.

Mr. McHUGH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the McHugh amendment. I commend and thank the gentleman from New York [Mr. McHUGH] for drafting this compromise.

Mr. Chairman, I rise today in support of the McHugh amendment to H.R. 2655, the foreign aid bill.

The McHugh amendment would require an affirmative vote in April, 1990, for the release of the final 40 percent of military aid to El Salvador. The amendment is not extreme. In fact, it does not curtail aid, which I believe should be done. The McHugh amendment does not cut aid to El Salvador, nor does it reduce it—it does give us the opportunity to review the military and political situation in El Salvador 10 months after President Cristiani took office.

I believe that it is important for Congress to retain the right to review United States policy in El Salvador. The Reagan policy toward El Salvador was a dismal failure. Since 1980, the United States has spent over $3½ billion in that tiny, war-torn country. The war there is at a stalemate, the economy is crumbling and living conditions are deteriorating. Over 60,000 civilians have died as a result of the war conditions.

The right-wing ARENA party is now in control of all branches of the Government of El Salvador. There are still serious questions about the level of influence Roberto D'Aubuisson will have in the new Salvadoran Government. President Cristiani was sworn in less than a month ago—the only thing we really know about him is the unsavory history of his political party. Given this sordid history, we should not grant 2 years of funding without allowing ourselves a chance to review Cristiani's performance.

Over 150 Members of this body are cosponsors of House Concurrent Resolution 48, my resolution calling for a negotiated political settlement to the war in El Salvador. The McHugh amendment, by providing for a congressional vote in April 1990 on the balance of the military aid will facilitate our efforts to encourage a negotiated political settlement to the tragic and bloody war. April 1990 is 10 months into the ARENA administration. By then, we will have a better idea of Roberto D'Aubuisson's influence, of President Cristiani's intent, and of the progress made toward negotiations on a settlement to the war.

Passage of the McHugh amendment would send a strong signal to El Salvador that we are serious when we talk about achieving progress on human rights abuses and the

need for a negotiated settlement to the war. I urge my colleagues to support the McHugh amendment.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise in support of the McHugh amendment. The question for me this evening is not whether we trust Secretary of State Baker or Under Secretary Aaronson. I trust both of these men. The question is not whether we support President Cristiani. I support President Cristiani, and I hope and pray that he succeeds.

The real question is whether President Cristiani can control Mr. D'Aubuisson and the right wing death squads in El Salvador that have been operating there for many years.

Mr. Chairman, I do not believe there is a Member in this body this evening that can answer that question with certainty. I have supported aid to El Salvador since President Duarte was elected. I am glad that I did, and I want to continue to do so. With my vote here this evening, I am merely saying I will vote for more aid to El Salvador, next April if Mr. Cristiani demonstrates that as President of El Salvador he can control Mr. D'Aubuisson and the death squads. That is all I am asking him to do with my vote here this evening.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The gentleman from New York [Mr. McHUGH] has 4 minutes remaining, and the gentleman from California [Mr. LAGOMARSINO] has 1½ minutes remaining.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I rise in support of the McHugh amendment. Fact No. 1: The United States has given $3.5 billion of aid to El Salvador since 1981.

Fact No. 2: Unfortunately, the civil war in that country continues unabated.

I support the continued aid to El Salvador as a means to help achieve an end to that war. This amendment simply gives Members in the Congress and the American people control over the disbursement of that military aid to El Salvador. This amendment will give Members an opportunity to assess the performance of President Cristiani's ARENA government in the spring of next year.

It is my hope that this amendment will ensure that the Government in El Salvador is making that serious effort that we all hope, and in both ending the war and in ensuring the democratic freedoms of all Salvadorans.

Mr. McHUGH. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, 6 years ago when the House voted for aid to El Salvador, without conditionality, I voted for aid, and it passed by the thinnest of margins. I have voted for aid to El Salvador ever since, but not without misgiving, because Salvadoran aid is running into billions, and I do not think anyone here would try to argue that all has been spent well.

I do not believe many here would say they are totally comfortable with the ARENA party. After all, the honorable President for life is Roberto D'Aubuisson.

I met Mr. Cristiani on his last trip here and he is cut from a different bolt of cloth. With this aid bill, we send Cristiani our encouragement, support, and we ought to send his government and his party a warning, simple warning, that a small part of the package hinges on their conduct in office. Let Members not prejudge Cristiani and his government, but let Members not send him a blank check until we have seen his performance in office. Support the McHugh amendment.

Mr. LAGOMARSINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio, Mr. DONALD E. "BUZ" LUKENS.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in strong opposition to the McHugh amendment.

Mr. LAGOMARSINO. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding.

My colleagues, I love this institution and I respect every Member of this body. However, sometimes I am downright embarrassed at the hypocrisy in this institution. This Congress, less than 24 hours ago, voted to extend most-favored-nation status to a Communist country, Hungary, for 5 years instead of the normal 1-year extension. As I look at the parade of sponsors, including the sponsor of the amendment, first vote to expand favored nation status to a Communist country barely moving to improve human rights, and at the same time want to cut the aid to a legitimate democracy, a direct democracy that Members and I all worked for to bring about, I wonder where our priorities are.

Five years ago in 1983, all we saw on the front pages of the papers, were the words "El Salvador." Today, Members hardly ever see them. Why? Because there is a legitimate democracy there that we all worked for. Why are Members being hypocritical? Why do they try to undermine a free democracy while supporting a Communist nation?

I hope we come to our senses and defeat this amendment.

□ 2030

The CHAIRMAN. The gentleman from New York [Mr. McHUGH] has 2 minutes remaining.

Mr. McHUGH. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I would hope that the Members in considering this amendment will consider the real issues involved with the amendment. I have heard a number of red herrings thrown around during the debate, and I trust they will not mislead Members on what the very modest but, I think, very important purpose of this amendment is.

I will say what I said earlier, and that is that this amendment does not in any sense cut military aid to El Salvador. Moreover, it does not prejudge the Cristiani government, which has only taken office on June 1. We all hope and we all pray that that government will pursue the goals which the committee has very effectively set out in the legislation, goals of pursuing peace and goals of protecting human rights.

Moreover, I want to emphasize that we have made progress with the support of the United States and the foreign aid program in El Salvador under Duarte. There are still serious problems, and it is because of the continuance of those problems that we are anxious to take another look at this policy, at least once in a meaningful way next year.

All my amendment does is preserve to the authorizing committees and to the Congress the opportunity to review this policy in April of next year and to cast a meaningful vote as to whether continuing military assistance serves our interest. At that time we will have had 10 months of experience with the new government in El Salvador. If that government has performed credibly, if, as we all hope, it has pursued peace and human rights, if the guerrillas have not on their side of the conflict been responsible, I am confident that on a bipartisan basis we will consider military aid to El Salvador, but we should have the opportunity to make that judgment on the basis of the facts and on the basis of experience. To do otherwise is to simply surrender our responsibilities and our rights in this form of government in which we all serve.

So in that context, Mr. Chairman, I urge my colleagues to vote "yes" on this amendment, a modest one but a very important one.

Mr. FEIGHAN. Mr. Chairman, I rise in support of the McHugh amendment. This amendment must be passed in order to give substance to Congress' stated policy that foreign assistance should be tied to the human rights records of recipient governments. The current form of the bill virtually ensures that funds will flow to the government of El Salvador even if that government utterly fails to address its involvement in a dramatically increasing rate of political abduction and murder. This amendment will provide a responsible mechanism for

ensuring that United States policy toward El Salvador is responsive to the existing realities.

Over the past decade, the United States has provided over $3.5 billion in economic and military aid to El Salvador, yet a recent report by four U.S. Army lieutenant colonels has concluded that an end to the war appears nowhere in sight, and that the FMLN has the capacity to sustain combat at the present level indefinitely. At the same time, the human rights situation is getting worse, not better, with death squad killings up 150 percent from 1987 to 1988.

Next year is the 10th anniversary of the assassination of Salvadoran Archbishop Oscar Romero, the human rights activist who was shot to death in 1980 while leading a mass in his church. One month before his assassination, Archbishop Romero wrote to President Carter to describe how United States aid would be used to violently repress Salvadoran citizens. His words, now almost 10 years old, remain just as true today: The armed forces and security forces have unfortunately not demonstrated their capacity to resolve in practice the nation's serious political and structural problems. For the most part they have resorted to repressive violence.

One month later Archbishop Romero was assassinated and since that time, his case has become a symbol of the unwillingness of the Salvadoran military to punish human rights violators. In the past several months the Salvadoran Government has taken several actions which may signal the virtual end of any further investigation into the Romero case.

While it may be inaccurate to say that there has been no progress in El Salvador, it is also inaccurate to suggest that democracy in El Salvador has more than a tenuous foothold. At its most basic, democracy is a system of government designed to give fullest expression to the will of the people. In El Salvador, the demand of the people is that this war end. Yet, that very basic demand is held hostage by an increasingly violent insurgent movement and recalcitrant military and paramilitary hardline elements.

At a time when El Salvador is heading down an uncharted road and at a time when no one knows what will be happening in 6 months, much less in a year, this amendment will send the message that the violation of basic human rights must be addressed by the Salvadoran Government before our relationship can go forward. At the same time, it will say to the FMLN that the United States is not washing its hands of El Salvador in the wake of continued political assassination and that we remain committed to seeing this fledgling democracy function to bring Salvadorans the peace they yearn for. I urge passage of the McHugh amendment.

Mr. KASTENMEIER. Mr. Chairman, the committee report relating to military assistance for El Salvador mentions that United States assistance to El Salvador is linked to the promotion of a political settlement to the civil war, an end to human rights abuses, and respect for democracy and the rule of law, and that the purpose of certain provisions of H.R. 2655 is to increase the pressure on the Government of El Salvador to pursue a political settlement of the conflict, respect human rights, continue progress toward democratization, and to enhance congressional oversight of United States policy toward El Salvador.

I do not believe that the committee bill, as presently written, can accomplish these purposes. H.R. 2655 authorizes $85 million in military assistance for each of the fiscal years 1990 and 1991. These funds will be released in semiannual installments after the President certifies to the Congress that the Salvadoran Government and armed forces are meeting the goals called for by the Congress. If Congress disagrees with the President's findings, it may consider a resolution of disapproval for the release of military funds. The resolution of disapproval, however, would be subject to a Presidential veto.

Mr. Chairman, we have gone through this route once before. In the early 1980's, the Congress conditioned military aid to El Salvador on a determination by the President that the Government of El Salvador was making a concerted effort to comply with internationally recognized human rights and was bringing to an end the indiscriminate torture and murder of Salvadoran citizens by the armed forces. President Reagan would regularly certify that conditions imposed by the Congress were being fulfilled.

Here we are in 1989, debating the same issues. The tragic facts of El Salvador have not changed. I do not believe that military assistance for El Salvador is warranted.

Our colleague, Representative McHUGH of New York, has proposed an amendment to H.R., 2655 which will require passage of a resolution of approval by Congress in April of next year to release future military aid funds for El Salvador. This amendment is an improvement over the committee provision, and I believe it offers a better opportunity for the Congress to convince the Government of El Salvador that it is serious in seeking compliance with the goals set by the Foreign Affairs Committee than would be the case with the committee language.

Mr. Chairman, I am voting for the McHugh amendment, and I urge my colleagues to support it.

Mr. KENNEDY. Mr. Chairman, the city of Cambridge, in my congressional district, has a sister city in El Salvador called San Jose las Flores. On May 29th, Salvadoran Army troops—the same people we are giving 170 million United States dollars to—attacked San Jose las Flores. Villagers were confined to the church—prevented from working in the fields—while soldiers fired machine guns and helicopters fired rockets around the community, destroying homes and property. Troops terrorized the civilian community, accusing villagers and nuns of being members of the FMLN.

During the same week of the attack on San Jose las Flores, the military also occupied the towns of Arcatao and Las Vueltas, in an apparent sweep of Chalatenango province. Before we send millions of dollars to troops which spend their time terrorizing nuns and peasants, Congress should seriously consider the actions of these troops.

On April 22, six humanitarian aid workers were captured, severely beaten, and denied medical treatment. They remain imprisoned today, yet they never received a trial. Given the already significant deterioration in the human rights situation since the ARENA government took power several months ago, Congress has a moral obligation to review ARENA's human rights behavior and progress towarda political solution to the civil war next April. The McHugh amendment allows us to do that. Without the McHugh amendment, the foreign aid authorization bill will be taken as a green light for ARENA's repression of the Salvadoran people.

Democracy means majority rule, and that is exactly what the McHugh amendment is about. The amendment does not cut any economic or development aid to El Salvador; it does not cut any military aid either. All the McHugh amendment does is require congressional review and approval of the second tranche of 1990 military aid—it only affects $34 million of the $170 million authorized for the next 2 years. The McHugh amendment is moderate and just: It allows the majority to decide.

The CHAIRMAN. Under the rule, all time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. McHUGH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McHUGH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 233, not voting 14, as follows:

[Roll No. 122]

AYES—185

Ackerman	Early	Leland
Akaka	Eckart	Levin (MI)
Alexander	Edwards (CA)	Levine (CA)
Anderson	Engel	Lewis (GA)
Annunzio	Espy	Long
Applegate	Evans	Lowey (NY)
Atkins	Fazio	Luken, Thomas
AuCoin	Feighan	Manton
Bates	Flake	Markey
Beilenson	Foglietta	Martinez
Bennett	Ford (MI)	Matsui
Berman	Ford (TN)	Mavroules
Boehlert	Frank	McCloskey
Boggs	Frost	McDermott
Bonior	Garcia	McHugh
Borski	Gejdenson	McMillen (MD)
Bosco	Gephardt	McNulty
Boucher	Gibbons	Mfume
Boxer	Glickman	Miller (CA)
Brennan	Gonzalez	Mineta
Brooks	Gordon	Moakley
Brown (CA)	Gray	Moody
Bruce	Green	Morella
Bustamante	Guarini	Morrison (CT)
Cardin	Hall (OH)	Mrazek
Carper	Hayes (IL)	Murphy
Carr	Hertel	Neal (MA)
Clarke	Hoagland	Neal (NC)
Clay	Hochbrueckner	Nowak
Clement	Hoyer	Oakar
Coleman (TX)	Hughes	Oberstar
Conte	Jacobs	Obey
Conyers	Johnson (SD)	Olin
Costello	Jontz	Owens (NY)
Coyne	Kaptur	Owens (UT)
de la Garza	Kastenmeier	Panetta
DeFazio	Kennedy	Payne (NJ)
Dellums	Kennelly	Pease
Dicks	Kildee	Pelosi
Dingell	Kleczka	Penny
Dixon	Kostmayer	Perkins
Dorgan (ND)	LaFalce	Poshard
Downey	Lantos	Price
Durbin	Leach (IA)	Rahall
Dwyer	Lehman (CA)	Rangel
Dymally	Lehman (FL)	Richardson

Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tanner
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOES—233

Andrews
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Campbell (CO)
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cox
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
DeLay
Derrick
DeWine
Dickinson
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Grant
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnston
Jones (GA)
Kanjorski
Kasich
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Laughlin
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Nelson
Nielson
Ortiz
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Petri
Pickett
Pickle
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sarpalius
Saxton
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (FL)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—14

Anthony
Bentley
Bryant
Collins
Courter
Flippo
Florio
Goodling
Hawkins
Hefner
Jenkins
Jones (NC)
Smith (IA)
Wright

□ 2051

The Clerk announced the following pair:

On this vote:

Mrs. Collins for, with Mr. Courter against.

Messrs. PASHAYAN, LEWIS of California, ROWLAND of Georgia, and NAGLE changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title VII?

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM: Page 447, add the following after line 24:

(e) POLICE TRAINING FOR EL SALVADOR.—Notwithstanding the prohibition contained in section 4202 of the Foreign Assistance Act of 1961, and without regard to any requirement or limitation contained in subsection (b) of this section, assistance otherwise prohibited by section 4202 of the Foreign Assistance Act of 1961 may be provided to El Salvador for fiscal years 1990 and 1991 if, at least 30 days before providing such assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made significant progress, during the preceding 6 months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without a trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

Page 453, lines 5 and 6, strike out "EL SALVADOR, GUATEMALA," and insert in lieu thereof "GUATEMALA".

Page 453, lines 10 and 11, strike out "El Salvador, Guatemala," and insert in lieu thereof "Guatemala".

Page 453, strike out lines 12 through 19 and insert in lieu thereof the following:

(b) DEFINITION.—As used in this section, the term "police forces" includes all members of security forces other than the regular uniformed armed forces.

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, for quite a number of years there has been a worldwide prohibition in law that we have held that says that the United States shall not train the police forces domestically in any other nation.

In 1985, there were four United States Marines killed, almost 4 years ago last week to the day in El Salvador. As a result of those deaths and the request that we had from our State Department and our Embassy, this Congress enacted a special waiver for El Salvador on the police training prohibition, and for 3 years after that we managed to train through our military police and military advisors in the San Salvador area the police forces, the city forces of that country. During this intervening period of time when that training was going on, there was great success to that program, that training program we had, the equipping program. We provided radios and cars to the police. We taught them human rights. We taught them how to do criminal investigations. We taught them a lot of things. Since that time there have been no deaths of American officials down there, no assassinations of them, although we have lost recently due to increased urban terrorism of the Communist FMLN a number of major officials of the Salvadoran Government, including the Attorney General, the Chief of Staff to President Cristiani, and most recently, just this week, assassinated was the general who was in charge of the police.

As a result of this effort, as I was saying, a great deal of good has come in El Salvador. We have a much more professional police force and so forth.

My amendment basically does one simple thing. It just renews that which has expired. It reauthorizes the waiver allowing for us in the United States and our forces to train those police and to equip them as we have been doing for 3 years until that program ran out.

Let me explain how important that program is and why it is the top priority with the Embassy there of all the things they say that should be done to help El Salvador right now, why President Cristiani wants it so badly and why I think that we in all good conscience need to do it to protect lives down there.

I guess the best way to describe it is to tell you what has happened already in that country during that time. Sixteen thousand, actually more than 16,000 police in the cities of San Salvador and San Miguel and the urban areas of El Salvador have been trained since the beginning of that program. This is something incountry. No other country does it, and in no place else in the world is it done like this.

Our State Department has reported to us that as a result of the training that we have done, we have had major breakthroughs in El Salvador in murder and kidnaping cases of the most notorious type.

I thought it was interesting and I would like to quote from a couple reports that have come out here lately on some of the things that have happened down there. Just this past month in May, there was the largest arms cache in the history of El Salvador unearthed in the city of San Salvador. It was done by the national police, who are the police that we have been training. A cable from our Embassy there to us explained in detail what all was in that. Later on you are going to see some photographs of the large size of that cache and there will be more discussion about it.

I think the important point in that cable is the quote that I am going to read from our Ambassador:

The outstanding quality of the police work that went into this bust is testimony to the growing professionalism of the Salvadoran security forces in large part due to U.S. assistance made possible until now by FAA 660 waiver. The police are emerging as a competent investigative force, and their importance in the urban war against the FMLN cannot be overstated.

Another report that I think is of a great importance out of our State Department describes the way they have helped in the humanitarian area to restrain the police, to train them in good quality techniques, and it says:

Since we began providing assistance to the police, not a single demonstrator has been killed in the numerous riots provoked by the FMLN-front groups. Ten violent demonstrations were investigated between March and September of 1988. The best example of improvements of the police can be seen in their behavior in the September 13, 1988, demonstration in San Salvador. Despite the fact the demonstration turned violent, five policemen were shot, one killed, and numerous handguns and hand grenades and Molotov cocktails, nail-studded clubs were confiscated from the demonstrators, the police behaved precisely according to the book. A review of a videotape of the incident showed restraint and professional police behavior in the face of the most severe provocation including the murder of one of their colleagues.

This is the type of training we need to have. We want to civilize the police, and they have been in that country. We want to combat urban terrorism, and we want to protect American lives.

Here is a list of all the violations of human rights in the last year reported by our State Department by the FMLN in the urban centers in that country. I am not going to read all of it, but I am including it in the RECORD.

At any rate, there is a whole long litany of these things that go on and on and on. The bottom line is that we have serious problems of security in those cities where bombings occur regularly, where assassinations occur regularly, where we now have for the first time a pretty good police force, but we do not have the power to continue training them. That is all we are asking for is the training and to save American lives, and I urge that the McCollum amendment be adopted to continue the waiver.

FMLN HUMAN RIGHTS ABUSES

Abuses of human rights by the Farabundo Marti National Liberation Front (FMLN) in El Salvador have escalated dramatically over the last eight months. Increasingly unable to confront the Salvadoran armed forces in the field, the FMLN has resorted to assassinations, urban terrorism, and destruction of infrastructure in its effort to destablized Salvadoran democracy. Another goal of the guerrillas' killing and destruction is to provoke a violent, extrajudicial reaction from the Salvadoran right and military, in the hopes that such a response would jeopardize continued U.S. assistance.

ASSASSINATIONS

The FMLN has embarked on a campaign of threatening and killing democratically-elected government officials, conservative intellectuals, and members of the armed forces. Mayors, justices of the peace, governors of departments and municipal councils are threatened with death by the guerrillas for being part of the government's counter-insurgency plan. For example:

In the year ended March 1989, the FMLN threatened with death 214 of the 262 mayors in El Salvador. The FMLN actually produced a form letter for death threats on an FMLN letterhead. It had a blank to fill in with the name of the government official to be threatened. More than 90 resigned rather than submit to "revolutionary justice;" FMLN death squads killed 10 for failing to resign.

The governor of the department of Usulutan was taken from his house before dawn in January and executed.

The FMLN threatened with death all electoral workers who participated in the March presidential election.

There have been more than 20 assassination attempts against members of the armed forces. Air force pilots are particularly targeted. The FMLN bombed the house of the 75-year-old mother of the Minister of Defense in January, wounding her.

Attorney General Garcia was assassinated on April 12 by unknown assailants. Garcia was staunchly anti-communist and often appeared on television and radio to condemn FMLN violence; he was in turn reviled in guerrilla radio broadcasts.

Unknown assailants also bombed the house of Vice President-elect Chico Merino on April 14. Merino and his wife were in the United States, but a visiting playmate of his children was injured. Merino has been an outspoken opponent of FMLN violence.

Miguel Castellantos, a former guerrilla who renounced violence in 1985, was gunned down in the street by the FMLN on February 16. Castellanos wrote and debated frequently on the need for an end to the violence. An FMLN radio broadcast praised his killing and called him a "traitor" consigned to "the garbarge dump of history."

Francisco Peccorini, a 75-year-old American citizen of Salvadoran descent who wrote and spoke against the FMLN, was killed by unkown gunmen on March 15. Peccorini was almost certainly killed for his advocacy of conservative democratic causes, particularly his attempts to promote non-ideological approaches to higher learing. Despite the fact that he was an American, little notice was paid his killing.

Carlos Ernesto Mendoza, editor of a conservative intellecutal journal, lost his arm while trying to remove a bomb from his home on April 5.

Minister of the Presidency (the equivalent of White House Chief of Staff) Jose Rodriguez Porth, 73, was killed by unkown assailants outside his house on June 9. The FMLN has denied killing Rodriguez Porth, but President Cristiani has stated his belief that the FMLN was behind the crime. Rodriguez Porth was strongly conservative and regularly denounced FMLN violence.

URBAN BOMBINGS

The FMLN has increased its use of crude homemade mortars in the city. These devices, called "rampas" by the insurgents, use one explosion— often a car bomb—to launch a projectile (usually another bomb) into a target area. In ten such uses of rampas in the city recently, little damage has been done to the targeted military installations while devastating civilian casualties have been caused, For example.

A rampa targeted at a military garrison in December was placed in front of a busy health clinic. Dozens were injured, and a passing motorist lost both legs. The garrision was untouched.

A February rampa explosion killed two elderly bystanders and wounded many others while again failing to accomplish any military purpose.

The guerrillas have also adopted the tactic of exploding bombs designed to maximize civilian casualties.

A November blast at a hamburger stand wounded dozens, four seriously.

The guerrillas shot rocket-propelled grenades at the Sheraton hotel and the U.S. AID building, also in November.

In a February attack on the Usulutan town of Berlin, the FMLN insurgents left behind apparently "dud" ammunition with anti-handling devices. Three explosive ordinance technicians were killed trying to clean up. The guerrillas fired three M-79 grenades into the town's kindergarten, destroying it.

INDISCRIMINATE USE OF WEAPONS

Guerrilla landmines planted on paths and in fields killed 42 and wounded more than a hundred people in 1988. The FMLN's indiscriminate use of landmines in rural areas have killed six so far this year.

On May 4, a booby-trapped FMLN poster on a guerrilla-sabotaged power pole killed five, including an 18-year-old mother and her two-month-old baby, and wounded 20, according to the Red Cross.

On May 13, a 10-year-old girl was killed in a guerrilla crossfire in Berlin, Usulutan. While the guerrillas probably were not aiming at her, it is worth noting that she was in church when she was shot.

On May 22, a civilian microbus was ambushed by the FMLN resulting in the deaths of seven civilians and the wounding of eight others. The FLMN later apologized for these killings.

DESTRUCTION OF INFRASTRUCTURE

One key guerrilla tactic has been to disrupt the economic infrastructure of the country through sabotage, direct attacks, and transportation stoppages. Their goal is to make normal commercial activities impossible, thereby raising tensions in society. For example:

The FMLN has declared two nationwide traffic bans—enforced with tire-puncturing devices strewn on roadways and roadblocks—in the last eight months. The FMLN burns vehicles found to be operating in defiance of their ban. These bans prevent citizens from going to work and in the case of the March traffic ban, from voting.

FMLN sabotage kept the city of San Salvador without power for two weeks prior to the March election.

The FMLN targets coffee and cotton factories for destruction. In one attack in Usulutan in February the guerrillas burned thousands of pounds of export quality coffee, a disaster in a country where coffee is the number-one foreign exchange earner.

SALVADORAN REACTIONS

There are increasing indications that the Salvadoran people are fed up with FMLN provocations and senseless violence.

Reni Roldan, vice presidential candidate for the leftist Democratic Convergence (CD), lambasted the FMLN after the February rampa explosion which killed two elderly civilians. He said that FMLN violence was hurting his party's chances in the election and was losing the FMLN support of the people. The FMLN subsequently suspended use of rampas, citing "technical difficulties." It has since resumed using these indiscriminate bombs.

Following less-than-expected electoral support for the CD in the March election, CD presidential candidate Guillermo Ungo blamed FMLN violence for the fact that he won only 3.8 percent of the vote.

Some 2,000 residents of the provincial town of San Miguel declared a strike and march against FMLN violence in February. The marchers called on the mayor, who had been threatened by an FMLN death squad, not to resign.

Archibishop Rivera Y Damas, who has repeatedly called on both sides to end the conflict, strongly denounced FMLN violence on February 5.

Mr. KOSTMAYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we waived this in 1985. We agreed to the McCollum amendment in 1985, and since then we have provided $17 million in police training.

Do the Members know how much of that $17 million was used for training and how much was used for equipment? $16.5 million out of the $17 million was used for equipment, and a half million dollars was used for training. What kind of a training program is it that spends $17 million and uses $16.5 million to buy guns and bullets and ammunition and a lousy half million bucks for training? That is not a training program. That is an arming program. Who did it arm? It armed the National Police, the Treasury Policy, the National Guard.

We have given this country $3 billion to date, $1.5 million a day of American taxpayers' money. Do the Members know what this amendment does tonight, ladies and gentlemen, which the gentleman from Florida did not mention? It lifts the cap on military aid to El Salvador. It lifts the cap on military aid to El Salvador.

Mr. Chairman, we give them $85 million in the bill. This will allow the Bush administration to give them another $85 million.

How much military assistance are we going to give? They are already getting police training for the antiterrorism assistance program, the administration of justice, program, the anti-narcotics program, and this mixes the armed forces with civilian police forces.

This is a terrible, terrible idea. It is going to increase the money that is going to the death squads.

If we vote for this amendment, we are voting to provide at least another $20 million which is what we think the administration will ask for military equipment to a country that is already getting $1.5 million a day.

Enough is enough.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I am happy to yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, there is no more money being asked here in this program. It is all to come out of MAP's money that is already down there.

When the gentleman from Oklahoma [Mr. McCURDY] finishes with his amendment coming up, that will be signed, sealed and delivered, but that is not what our amendment does.

I beg to differ with the gentleman, in all due respect.

Mr. KOSTMAYER. Reclaiming my time, this allows the administration to request additional funds. There is a cap of $85 million. This lifts the cap. This provides more money for ammunition.

The last thing we need is more guns, more ammunition. How long will it take until we learn the lesson? We are not going to reach a military solution. We do not need more guns. We do not need more ammunition. We do not need more bullets. We need to reach a political settlement.

If we provide these paramilitary police forces with the additional arms, we are removing and decreasing, I think, the chance that we will reach a negotiated settlement.

AMENDMENT OFFERED BY MR. MC CURDY TO THE AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCURDY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCURDY to the amendment offered by Mr. McCOLLUM: In the text proposed to be inserted as subsection (e) by the amendment, strike out "Notwithstanding" and all that follows through the end of the subsection and insert in lieu thereof the following:

In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, assistance made available under subsection (b) may, notwithstanding section 4202 of the Foreign Assistance Act of 1961, be provided to El Salvador for fiscal years 1990 and 1991 for purposes otherwise prohibited by section 4202 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban anti-terrorist training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of such equipment as communication devices, transportation equipment, forensic equipment, crime control and detection equipment, and personal protection gear. No such assistance may be used for the purchase of firearms.

(C) Subparagraph (B) does not preclude the provision of consumables and spare parts for existing inventories of firearms.

(3) At least 30 days before obligating such assistance in each such fiscal year, the President certifies to the Committees on Foreign Affairs and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate, that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

For purposes of this subsection, the term "civilian law enforcement personnel" means law enforcement personnel who are not members of the United States Armed Forces.

Page 453, lines 5 and 6, strike out "EL SALVADOR, GUATEMALA," and insert in lieu thereof "GUATEMALA".

Page 453, lines 10 and 11, strike out "El Salvador, Guatemala," and insert in lieu thereof "Guatemala".

Page 453, strike out lines 12 through 19 and insert in lieu thereof the following:

(b) DEFINITION.—As used in this section, the term "police forces" includes all members of security forces other than the regular uniformed armed forces.

Mr. McCURDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCURDY. Mr. Chairman, I rise today to offer an amendment to the amendment submitted by the gentleman from Florida [Mr. McCOLLUM].

Mr. Chairman, it appears that El Salvador has replaced Nicaragua as the focus of our attention in Central America. Human rights and the conduct of the civil war in El Salvador are rapidly becoming the subject of partisan debate in this body. This threatens the bipartisanship which characterized our policy toward El Salvador during the Duarte years, and risks plunging us into the chaos we experienced over our policy toward Nicaragua.

Today we are addressing an issue that is particularly sensitive to many

Members who care about our policy toward the new government in El Salvador, and it concerns the question of United States participation in the training of Salvadoran security forces.

Mr. Chairman, as most Members know, Congress passed in 1985 a waiver to section 660(D) of the Foreign Assistance Act which permitted the United States to train and equip members of the Salvadoran police. I have spoken at length about the effects of this program with the former Ambassador to El Salvador, Ed Corr, representatives of the Departments of State and Defense, and President Alfredo Cristiani himself last week. They all have argued that the section 660 program made a number of very important improvements in the performance of the Salvadoran security forces.

Among these improvements is a dramatic reduction in the numbers of human rights abuses attributed to the security forces. The security forces have also demonstrated improvements in their investigative skills most recently by uncovering the largest cache of FMLN weapons in the history of the civil war. Finally, they have exercised maximum restraint in their handling of recent urban demonstrations by FMLN supporters, as well as the assassinations of the attorney general and the minister of the presidency.

I do not, however, mean to imply that incidents of human rights abuses do not take place in El Salvador. They do. But this does not mean we should walk away from the problem and refuse to provide the training the Salvadoran security forces badly need. I believe we should build on the positive trends we have seen since the enactment of the first waiver.

Mr. Chairman, my amendment would perfect the McCollum amendment in several important ways.

First, it would require that funding for the training of the Salvadoran security forces come from the $85 million that the foreign assistance bill provides for El Salvador in military aid. It would not exceed the $85 million cap set by the Foreign Affairs Committee.

Second, it would require that the Department of Defense contract out to us civilian law enforcement personnel to conduct training programs for Salvadoran personnel who would then train Salvadoran police recruits. My amendment would, in effect, demilitarize the training of the Salvadoran police and emphasize civilian law enforcement techniques.

Third, my amendment would prohibit the purchase of additional firearms for the Salvadoran security forces. It would permit the purchase of communications equipment, transportation equipment, forensic equipment, personal protection gear, and ammunition for existing inventories of firearms.

Finally, before obligating this assistance, my amendment would require the President to certify to Congress that the Government of El Salvador has made progress in eliminating human rights abuses, including torture, incommunicado detention, and detention of persons solely for the nonviolent expression of their political views. The administration also must include a full description of how this assistance will be used.

Mr. Chairman, I believe this approach to a section 660 waiver program will allow the United States to play a positive role in the further development of a professional police force in El Salvador and, in the long run, encourage an eventual separation of the security forces from the ministry of defense as it now exists.

Some of my colleagues argue that the United States already provides training for the Salvadoran security forces through several other programs. These include the International Criminal Investigative Training Assistance Program [ICITAP], Anti-Terrorism Assistance [ATA], and the International Narcotics Assistance programs [INM]. These programs have indeed been quite successful, but their mandates are very strict and their budgets very limited. ICITAP has a worldwide budget of only $7 million, of which only about $320,000 would go to El Salvador in fiscal year 1990. In addition, ICITAP is a regional program, not bilateral, and concentrates its efforts on criminal investigative techniques and the administration of justice.

The anti-terrorism assistance programs can only be conducted outside the United States for 30 days at a time, and the ATA budget for El Salvador in fiscal year 1989 is only $485,000.

Finally, the training provided under ICITAP and ATA is directed more toward senior and midlevel supervisors.

As I hope my colleagues can see, the ICITAP and ATA programs can only scratch the surface of what needs to be done in training the Salvadoran security forces. Under a 660 waiver using civilian instructors, many more Salvadoran policemen could be trained to act in a professional manner when carrying out their duties.

□ 2110

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. McCURDY] has expired.

Mr. McCURDY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. FASCELL. Mr. Chairman, I hate to object, but I said in the beginning of this debate that I would do that because of the limitation on time and in fairness, unless some other Member will take the time and yield to the gentleman.

The CHAIRMAN. Objection is heard.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding.

My amendment is intended to complement the types of training provided under ICITAP, ATA, and INM. It also would stipulate that Salvadorans be trained in civilian law enforcement techniques that many of our own police forces receive. These would include human rights, prisoner handling, site security, map reading, drivers training, radio procedures, first aid, crowd control, explosive identification and render-safe techniques, vehicle maintenance, road blocks, safe entry of buildings, and urban antiterrorist measures.

Finally, I have been assured by officials at the Departments of Defense and State that, in order to make the best use of these funds, the various programs will be coordinated to avoid any duplication of efforts. I believe it would be worthwhile for the Department of Defense to explore the possibility of contracting out some of these training programs to ICITAP, ATA, and INM.

Mr. Chairman, a waiver of section 660 (D), as proposed by the Gentleman from Florida, is an important part of our policy to prevent a return to the dark days of the early 1980's when the security forces in El Salvador participated in serious human rights abuses. But with my amendment, we can place a new emphasis on the program. We can move the Salvadoran security forces in the direction of an independent, professional, and civilian law enforcement agency.

We should not delude ourselves about the difficulty that both we and the Government of El Salvador face. The FMLN has given clear indication that it intends to provoke a violent reaction by the security forces in order to cause the Cristiani government problems here in Washington. The FMLN took responsibility for the murder on Monday of the Director of the Salvadoran Police Academy; it has been implicated in the assassinations of the attorney general and minister of the presidency.

I believe President Cristiani is genuinely interested in professionalizing the security forces to respond to these provocations with maximum restraint. A number of recent press reports have claimed that the Cristiani is preparing to introduce a set of draconian antiterrorism laws to deal with recent acts

of terror in El Salvador. I have been assured that President Cristiani is opposed to these measures and that they are no longer up for discussion. This is a clear reflection of President Cristiani's intention to resist those in his own party who would overreact.

For the new government in El Salvador to accomplish its goal of a professional security force, it is essential that we here in Washington look at the situation in El Salvador with realism and foresight.

I urge my colleagues to support my amendment to the McCollum amendment.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I would like to commend the gentleman from Oklahoma for focusing on some very serious problems which exist here today. I would like to say that I believe that he has worked to fashion a compromise which may be acceptable, but I would like to raise one concern and see if the gentleman would care to address it.

I am looking in the well at some photographs which I brought back, having on May 30 stood over the 283 Soviet AK-47's which had been seized in what the gentleman correctly described as the largest weapons seizure in the history of the civil war there, and I would say that to underscore the fact that I do not know if civilian law enforcement agents in the United States are capable to deal with this kind of a thing when we juxtapose that to the ability which the military has. I would like to ask the gentleman if he would be amenable to in some way modifying this so that we could see a phase-in of civilian training, because we have had tremendous success with the military training which has taken place. As was underscored by my friend, the gentleman from Florida [Mr. McCOLLUM] not one demonstrator has been killed since this training has gone into effect, and we have seen a dramatic enhancement of human rights on the part of the government forces there.

So what I believe we need to do, instead of jumping immediately to civilian training, I think we ought to consider a kind of phase-in. Would the gentleman from Oklahoma be amenable to that?

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Oklahoma.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BROOMFIELD] has expired.

Mr. YATRON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, proponents of this amendment contend that renewing the blanket waiver of section 660 will bolster the Salvadoran Government's ability to combat the Marxist FMLN, and to deter acts of terrorism. If that were the case it would receive strong bipartisan support. This amendment is not about fighting the guerrillas. It will, regardless of the intent, enable antidemocratic elements in the security forces who consistently disregard the judicial system to receive U.S. equipment and training. Moreover, current law waives section 660 for specific and carefully monitored programs which equip and train the Salvadoran security forces.

Presently, members of the Salvadoran National Police, National Guard and treasury police are receiving training and equipment under the administration's antiterrorism program. This program includes explosive incident countermeasures, training in VIP protection, arson investigation and bomb deactivation kits as well as other services. In a bipartisan manner, the Congress has approved funds for this program and will continue to do so.

Currently under our International Narcotics Assistance Program, the Salvadoran Treasury Police are receiving communications and other equipment. Once again, Congress has approved funds for this program and will continue to do so.

Also the Salvadoran security forces are receiving training under the administration's International Criminal Investigative Training Assistance Program. Congress has supported this program and will continue to do so.

Mr. Chairman, this information underscores congressional flexibility and support for police programs in El Salvador which have specific mandates and objectives. But even the administration's own assessment of the security forces' total lack of respect for the law weighs heavily against approving a blanket waiver.

According to the Department of State's human rights report released by the Bush administration and I quote,

> Historically, civilian judicial authority has not extended to the military officer corps. Although low-ranking military and police officers have been discharged and turned over to the civilian courts for trial of criminal offenses, the officers of the armed and security forces are treated differently from other citizens before the law. Judges are frequently reluctant to bring charges against them, and colleagues often fail to cooperate in the prosecution of crimes imputed to a fellow officer. No military officer has been convicted of human rights violations or any other crime in recent years.

Mr. Chairman, the sad fact is that the judiciary does not function effectively because the security forces have nothing to fear from their superiors. Without a functioning judicial system in which police authorities respect judges, democracy will falter.

The present recommendations in the committee print are designed to strengthen our commitment to democracy and to prevent a Marxist guerrilla victory and I urge my colleagues to vote against both amendments.

□ 2120

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the McCurdy amendment to the McCollum amendment. Indeed I offer it as a cointroducer. I think it is a very important provision. It is one that seeks to forge a bipartisan consensus on a controversial but absolutely crucial issue of law enforcement training for police forces in El Salvador.

I would also say that I am not quite sure which of the amendments the arguments of the gentleman from Pennsylvania addressed. He said both amendments, at the end of his statement. But as the ranking member of the Subcommittee on Human Rights of the Committee on Foreign Affairs, I respectfully disagree with the comments that the gentleman has offered with respect to the McCurdy-Bereuter amendment. They could apply, I would suggest, under the arrangements proposed by the gentleman from Florida, although I am certain that is not his intent.

Now let me review very carefully but briefly again what the provisions of the McCollum-Bereuter amendment to the amendment provide for.

It provides for assistance to law enforcement forces in El Salvador for 2 fiscal years if the following conditions are met, and there are three: That training is provided by United States civilian law enforcement personnel; second, that there is professional development and training of the security force in El Salvador in such areas as human rights, civil law, investigative and civil law enforcement techniques, and urban antiterrorist programs.

I think those are essential characteristics of the training that law enforcement personnel in El Salvador ought to receive. And they go beyond antiterrorists and antinarcotics kinds of training now received.

Third, it is important to indicate that any assistance that is provided is to be for equipment and for training, but it specifically precludes the purchase of firearms.

Now the kind of equipment that is necessary, I think, can be provided: communication devices, forensic equipment; but clearly the intent is to provide for training, for education for law enforcement personnel.

The President is required to provide certification after 6 months that there has been substantial progress in eliminating to human rights violations, including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial.

Mr. Chairman, we cannot let a year go by without increasing the quality of training available to law enforcement in El Salvador. It absolutely will deteriorate if we do not act to provide the kind of assistance that is needed.

El Salvador needs help in its law enforcement forces if they are ever to incorporate traditional democratic notions of due process and respect for human rights. That is what programs such as this attempt to do, this and antiterrorist assistance programs are designed for. This will complement it. They are designed to train police officers in nations such as El Salvador to behave in capable, efficient, legal, and humane manner. These programs are required to educate police officers so that they know how to perform, so that they perform in an acceptable fashion.

I want to suggest to my colleagues that we simply cannot ignore the necessity to have this kind of training.

We will have security forces, armed forces personnel, performing as police, and that is wrong. We will have continued intimidation by the armed services on the police unless they receive the kind of training necessary.

Now I would like to suggest to you there has been a recent example of how it ought to proceed. Recently, in the case of Honduran civilian law enforcement forces, officials from the State of New Mexico in the United States, Hispanic officers, speaking Spanish, have provided the kind of assistance to Honduran police that is essential. They provided a role model. They provided them with an indication of professional techniques that ought to be used by police officers. That is the kind of expertise that we can bring to bear, not just from the FBI, but from a variety of law enforcement civilian personnel in this country. That is what the amendment of the gentleman form Oklahoma provides.

This is a compromise amendment, and I am pleased to suggest to you that it is acceptable and it is the kind of step we ought to take.

Mr. Chairman, the amendment of the gentleman from Oklahoma does not require that the Presidential certification be subject to reprogramming procedures under which the appropriate committees be notified. The four appropriate committees are the House Committee on Foreign Affairs, the Senate Foreign Relations Committee, and Appropriations Committees of the House and Senate.

This decision was not taken lightly. The reason is simple. We are operating under a new administration, Mr. Chairman, and President Bush and Secretary of State Baker have repeatedly demonstrated their willingness to work closely with the Congress to achieve a bipartisan policy.

The administration has given this body no reason to believe it will not be forthcoming and cooperative in responding to congressional concerns. Indeed, the administration had given every evidence of its willingness to comply with congressional reporting requirements.

This body should take the administration at its word when it says it will faithfully comply with the certification and consultation process established in this amendment.

If reprogramming language were added into this amendment, the possibility exists of having the entire policy training program held up if only a few Members have concerns regarding a certification. Indeed, if only one Member of any of the four appropriate subcommittees were to voice reservations, the law enforcement education program would be held up.

It was the judgment of the Member from Oklahoma and myself that such a prospect would unduly jeopardize the flow of much needed law enforcement assistance. Because it is important that whatever assistance we decide upon not be subjected to repeated fits and starts, this amendment relies upon Presidential certification without reprogramming.

This Member would strongly urge the adoption of the McCurdy-Bereuter amendment to the McCollum amendment.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. BALLENGER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. BALLENGER. I thank the gentleman for yielding.

Mr. Chairman, I would like to say a few words if I may about the reason to support this amendment. I have listened to the debate today and understood that I really never realized that people in this body here would recognize that we should not support, somehow, the people in El Salvador.

My wife and I have been involved in El Salvador for 17 years. We have built two hospitals in El Salvador, we built an orphanage in Honduras, we have been involved over and over again. I cannot realize that somebody in this whole organization here would feel that we should not support the Government of El Salvador.

I have been there, I was there 15 years ago when somebody dropped, what do you call it, a hand grenade and the hand grenade was the revolution. The revolution was all over immediately after the hand grenade.

In those days because nobody from Cuba or Russia or the United States supported the revolution, nothing happened.

But now all of a sudden because Russia and Cuba and the United States support the different interests, we have this problem.

Stop and think momentarily: We did not help in Panama. The Panamanian election came along and we did not do anything. We in the United States said, "Oh, let's leave it alone. The world is going to change. We are going to do the nice thing there."

Mr. Noriega said it is not going to happen, and it did not happen because we in Congress would not allow our Government to be involved. To my way of thinking, somewhere along this line I cannot believe, and I will be frank with you, I really was not going to plan on talking to this whole thing except I cannot believe that somebody in this whole organization here has decided we will not help any kind of political organization in El Salvador to exist. Now we are saying "you cannot train your police, you cannot do this because this would be dirty deals" and all kinds of other stuff. Those of you here sitting here arguing against the darned thing have never been there before. I have been there 17 years off and on. We have tried our best. Honest to goodness, my wife and I have an organization there. We have spent time building hospitals, built fire departments, done all this kind of stuff to try to help the democratic organization there. But I somehow get the idea this organization here, this great and wonderful House we live in, is not terribly interested in democratic organizations.

What we need to do is protect the horrible, the unbelievable, terrible thing that we might take the rights away from the Communist Party there.

□ 2150

Members know and I know that the FMLN is not interested in making peace.

Ladies and gentlemen, I am not one of these people that have been up here a whole bunch of times talking about it, but this body right here is screwing up the whole damn world as far as Central America is concerned, and I would like to say I would greatly appreciate if someone would show some interest in democracy. I think I am speaking to the Committee on Foreign Affairs, some interest in democracy in Central America. I do not think they are doing it.

Mr. HYDE. Mr. Chairman, reclaiming my time, I want to associate myself with the remarks of the gentleman

from North Carolina. He has shown great insight and he is exactly right. I want to congratulate the gentleman from Oklahoma [Mr. McCURDY], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Florida [Mr. McCOLLUM], for a sensible, moderate attempt that recognizes the elementary fact that of every kid who ever went to school and dealt with a bully in the school year, the fact that a person does not talk these people out of terrorism, and urban assaults and assassination and destruction of infrastructure. Members have to have a police force that has more than the New York Times and the Philadelphia Inquirer to defend themselves with and defend law and order with.

We are only asking that they be trained, sensitively, with reference to human rights and how to conduct themselves and how to defend themselves against very hard-core professional terrorists. How any Member can do anything that helps the FMLN boggles the mind.

I congratulate the gentleman from Oklahoma [Mr. McCURDY]. I congratulate the gentleman from Nebraska [Mr. BEREUTER]. I surely congratulate the gentleman from Florida [Mr. McCOLLUM] and hope we have the support.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

I have listened to the passionate pleas and the well-reasoned pleas of the supporters of the amendment, I only ask them to consider one fact. Despite the fact that the United States has given $17 million since 1986 to Salvadoran police forces, not one officer in the security forces of El Salvador has ever been tried and convicted for human rights abuse. It would be very nice to paint this as an issue of "Are you for or against the FMLN."

That is not the case. What we are trying to do, I heard the the minority leader a while ago congratulate both parties in both Houses of this Congress for saving the country of El Salvador, not destroying the country of El Salvador, but saving the country of El Salvador as we try to build it and move it in a democratic fashion.

The problem is, and notwithstanding the claims of the author and supporters of the amendment, a police system can only function as well as the system of justice of which it is merely the instrument.

I do not care how much police training and how much police dollars we give in this bill or in any other bill. To the extent there are laws in El Salvador, they become, and they are rendered virtually meaningless by the absence of courts willing and able to prosecute on the basis of the law.

The military's role in creating this paralysis is clear. Military officers accused of human rights abuses are protected by their colleagues and by friends in the government and by right wing death squads. El Salvador's judicial system is ruled by fear, beset by intimidation and political meddling. Judges and lawyers are regularly subjected to bribery attempts and threats of violence. Several courageous judges and lawyers who sought to advance justice in sensitive cases have resigned in the past year, fearful of the consequences of pursuing the truth.

The link between the police force and the system of justice is absolutely essential, and without that system of justice, people are not going to be able to develop a police academy.

One final point, a particular case has come to my attention involves the issue of Jose Mazariego, a prominent labor leader in El Salvador. The case of Jose Mazariego and what happened to him in the past week and a half, I think demonstrates in a situation where I have personal knowledge of the situation, the futility of what the proponents of this amendment are trying to do here. This is what we are dealing with with the treasury police.

Hours after he received a visa to visit the United States to meet with Members of Congress and American labor leaders, he was abducted by plainclothesmen from the same treasury police that the proponents would have Members believe can serve and protect the Salvadoran people.

The same treasury police that proponents of this amendment want Members to spend money on to train in the exercise of deadly force and provide with police equipment.

As it turns out, Mr. Mazariego was lucky. He got out alive. However, the fact remains that after he was picked up by the treasury police he was held without charge, tortured until the maximum 72-hour period the government could legally hold him had expired. He is not a criminal. While no charges have been preferred against him, no evidence has been submitted about his activities, either in committing violence or inciting violence or in advocating violence. While he was in custody of the treasury police, a plastic hood was placed over his head and he was forced to inhale lime until he lost consciousness. Acid was poured on his legs, and he was beaten on his legs, chest and face.

This is exactly the type of behavior that Congress' prohibition on police aid was designed to curtail. We do not want to reward the torturers. This is not a matter of training, or knowing what to do. This is a matter of oppression and persecution and violence committed by people in the name of the law.

I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I do not disagree that there is a massive failure in the justice system and the treasury police are indeed brutal, frequently. This gentleman gave the graduation speech in Spanish at an FBI course for a team of investigators for President Duarte, and we sent them back there and they were soon intimidated by the military forces and the treasury police.

What we have to have is a comprehensive program from the Costa Rican international effort, from the United States, to beef up, to strengthen the judicial system, and we need to have police training from civilians in this country that can provide some assistance. We cannot simply lament the past. We have to work at a comprehensive approach.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to both the McCollum and the McCurdy amendments. I want to call the attention of my colleagues to the fact that between 1975 and 1985, all this training was prohibited by the Congress, police training of security forces of other countries because of what it did to the reputation of the United States. In countries around the globe, in Iran, in Chile, in Uruguay. Just name it. American people went in, military people and civilians, and training the security forces, which then ended up torturing their own citizens.

Who got the black eye for it? The people in the Government of the United States. So Congress, finally, in 1975 said, "Enough, no more of this." We will not have our reputations besmirched because of this kind of so-called upgrading of police activity, by making them more professional.

Now, we did have a waiver for some 3 years for El Salvador, and we spent, as the gentleman from Pennsylvania had said, some $17 million for that program, only a half a million of which went for training. Indeed, most, $16½ million, was used for equipment.

So this whole thing has been a sham. I was telling the gentleman from North Carolina, I was in El Salvador in January of 1984. We had, for the first time, provided funding for the administration of justice program.

□ 2240

There was great euphoria in El Salvador among those people who wanted most to be concerned about upgrading their judicial system, and for 5 years we have poured money into the administration of justice system in El Salvador, some $14 million, and I want the Members to tell me if the administration of justice has improved one iota in El Salvador. It has not.

The fact is that the death squad activities and activities of a similar nature by the army and security forces of the Government of El Salvador have in fact increased over the course of these past 2 years. In 1987 the total

of civilian deaths was 72, as caused by the Government forces of El Salvador. In 1988 that number had gone up to 92. Death squad activities rose from 24 to 60 from 1987 to 1988. This year again the indications are that it is going up.

I remind the Members of the incident the gentleman from California [Mr. BERMAN] cited with the Mazariego case. Even while the Vice President of the United States was in El Salvador that incident took place. They abducted a man on the streets whom the U.S. Embassy had granted a visa. The treasury police took him into custody without any identification, tortured him over a period of 72 hours, and released him without charge. Only because a member of the American Embassy happened to go to the treasury police quarters is that man alive today. I think the U.S. Government saved Mazariego's life.

I do not think we ought to be providing assistance for so-called police training to the treasury police and the national police and the other so-called quasi-military and civilian police forces in El Salvador. All this will do is to encourage them. At the very time we are considering military and economic assistance to El Salvador, they engage in that kind of activity. What will they do after we adopt this legislation?

Mr. Chairman, I urge my colleagues to vote down both the McCurdy amendment and the McCollum amendment and strike a blow for democracy.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to both amendments.

Mr. Chairman, I do think that we need a narrowly focused and disciplined police training in El Salvador. I think the committee in its bill provides a way for us to do that, but I think, before we jump off the trolley and support either of these amendments, we ought to recall a little history.

Between 1962 and 1974 this country spent about $800 million worldwide to train over 500,000 police. In 1974, after we had accusations of torture and suppression of democratic activities and murder, Congress banned foreign police training. One of the key sponsors of that ban was Hubert Humphrey, a tough anti-Communist.

In El Salvador, between 1961 and 1973, we trained 300 high-level police officers and thousands of low-level officers. In 1972, AID told the Congress that this police training program was a "model program." Shortly after they did that, police who were trained under that program kidnaped President Duarte, tortured him, and denied him office the first time he was elected. That is one reason that we banned police training in El Salvador in the first place.

A lot has happened since then. I think we ought to look at who was trained under the program. One unit receiving police aid, the treasury police, later became the base for death squads that killed some 10,000 Salvadorans, without a single prosecution of an officer in the security forces.

A number of the most notorious leaders of death squads were trained under U.S. police aid programs: Gen. Jose Alberto Medrano who founded the Orden paramilitary network, called by Duarte "the father of the death squads," was trained under that program, and Roberto D'Aubuisson was trained under that police training program. Jose Antonio Castillo, head of the National Guard section of special investigations, was trained under this program. All three of those organizations sponsored death squads. That is why that program came to an end.

The question we faced tonight, however, is not what happened 10 or 12 years ago. The question is, What do we face now? I suggest to the Members that we face a new Government in El Salvador which deserves an opportunity to have its conduct carefully reviewed before we decide what to do on this issue.

This bill has a very disciplined approach to dealing with the question of police training. We should not send the wrong signal to the government now by taking the lid off, as the McCollum amendment would do, or taking the lid partially off, as the McCurdy amendment would do. What we ought to do is evaluate the conduct of this new government over the next year and year and half to see whether or not it justifies our supplying that kind of training. I say that based on past experience, it does not.

We need to know whether in fact Mr. Cristiani is the government or whether in fact he is the "front" for people like Mr. D'Aubisson and others who have gone so far as to threaten the life and security of American diplomats. That is the least we can do to protect the security of our own people. It is the least we can do to see to it that our own country is not tarred with the bad conduct of persons trained under that program.

I might very well a year from now be in the well supporting an expanded police training program, but we have no track record on which to judge this government, and based on the past activity of the ARENA party, we ought not to just walk blindly into the situation suggested by the adoption of either the McCollum or the McCurdy.

Mr. Chairman, I urge Members to stick with the committee.

Mr. McEWEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I remember having a discussion with a member of the Human Rights Commission in Nicaragua in which he was explaining about the funds being cut off from an ally of the World Council of Churches. He said after the Sandinistas had taken control, the international press did not recognize the human rights violations that were brought to the world's attention, that the Members of Congress were no longer interested, and that funding had been cut off.

So he went to the World Council of Churches and asked, "Why was our funding cut off when under Samoza it was so strongly supported internationally?" And they explain it to him and said, "Human rights violations in Nicaragua are no longer our concern. El Salvador is now our target."

Mr. Chairman, some reference was made a little while ago about Mr. Mazariego, who was taken into custody and was mistreated. He happened to be, a day before the arrival of the Vice President of the United States, under the very close network that exists between El Salvador and the United States. Our American adviser was advised within 1 hour of the time he was taken into custody. The information had been relayed back to Washington, back to the United States. The State Department was contacted. They relayed it back to the American Embassy, and he turned to the person with whom he was having dinner, who happened to be a member of the Salvadoran police force, and said "Is it true that you have Mr. Mazariego in custody?"

He looked at him and said, "I don't know. I'll check."

He got up, went to the phone, came back, and said, "Yes, we do."

He said, "I want to go and see him."

Within 90 minutes of the time he was taken into custody, the Americans and the Salvadorans knew that we knew they had him. We interviewed him. He was kept there for the prerequisite 72 hours, and then he was released. Our colleague, the gentleman from California [Mr. DREIER], will present the form that was signed by the Human Rights Commission, to which he was turned over when he was released.

He was in perfect condition. During the time of his incarceration he took the handcuffs and he banged them against his knees in an attempt to somehow or other establish that he was injured.

□ 2150

He was recognized from when we went in. We knew when he was there. We knew when he was released, and he was in perfect condition at all times. He was then flown to Washington to give the various interviews which we have been able to enjoy the last few days.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. Very simply, very simply, it is apparent—I will be glad to yield to my colleague, the gentleman from California [Mr. BERMAN] in just a moment.

Mr. Chairman, it is vitally, vitally important that we do everything in our power to support democratic forces in the preservation of human rights. We have made tremendous progress in encouraging the use of human rights and respect for human rights among the police forces. To discontinue that encouragement would be precisely the wrong direction to take, and periodically there are those who know how to get our Congress to respond.

Mr. Chairman, I am very familiar with the use of the death squads in which they were able to, leftwing forces, murder anyone, tag their throat, throw them in the two square and call the international media, and the next morning this front row would line up with 1-minute speeches attacking the death squads in El Salvador.

Mr. Chairman, they know how to work this. They know how to trudge in the money so that it comes up periodically and shortly before the money comes up for consideration in the Congress. Then immediately we have this explosion in, quote, human rights violations.

They know how to work this thing, and it is important that we understand how they are doing it. We should support democracy. We should support human rights. We should reward our friends and our allies in their efforts to preserve human rights, and I believe the McCollum-Bereuter amendment is the proper direction to go, and I urge the Members to support it.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the gentleman from Ohio [Mr. McEWEN] made certain statements with respect to Mr. Mazariego, which my understanding is he personally has not met or discused this issue with the gentleman.

Mr. Chairman, I met with the Deputy Assistant Secretary of State and three people who met with him in the State Department Monday night. All three of them said they have absolutely no reason to doubt his story.

I am aware from the gentleman from California [Mr. DREIER] of the statement that was prepared for him to sign after he had been released or at the time he was being released from prison after 3 days of being incarcerated in prison and that he had signed a statement that he had no awareness of what it meant.

Mr. Chairman, I would suggest that I would take the credibility of that gentleman and the State Department over——

Mr. McEWEN. Mr. Chairman, reclaiming my time——

Mr. BERMAN. Made after the fact——

Mr. McEWEN. Mr. Chairman, if I may reclaim my time, very simply the suggestion that a human right——

Mr. BERMAN. That this——

The CHAIRMAN. The gentleman from Ohio [Mr. McEWEN] has the time.

Mr. McEWEN. I would suggest that the human rights official to which he was presented, who signed the document in this presence, should be getting at least as much credence as someone who has been recognized as a strong supporter and a strong advocate of the violent overthrow in support of the Marxist revolution in El Salvador.

Mr. DREIER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just this past weekend had the opportunity to talk with two relatively young Salvadoran women, and these women are in their late twenties, and the early part of this decade they lived under very difficult times in their country. The message that they gave to me was the fact that we have seen a dramatic improvement in the treatment of Salvadoran citizens by the police during this very difficult civil war.

In fact, Mr. Chairman, during the war itself we have seen an increase in human rights recognition by the security forces there, and I think, Mr. Chairman, that it is very important for us to look at some of the cases which have come to the forefront. However we must also recognize one of the most important aspects of this training is in the area of human rights.

Now, Mr. Chairman, we have had many cases here outlined by a wide range of people who are talking about Mr. Mazariego and the horrible, reprehensible treatment which he received. Well, I have to say that I have not talked to Mr. Mazariego; I have been here. I would love to have him come by and visit me, but I will say, as the gentleman from Ohio [Mr. McEWEN], my friend, just pointed out, that it is very clear. His signature is on this form right next to that of a member of the Human Rights Commission and an independent witness.

Now I would challenge, Mr. Chairman, a number of my colleagues to look at the signature. I reckon that a number of the signatures on dear colleagues which circulate this place are not as firm and strong as this signature from Mr. Mazariego. It doesn't appear that he was coerced into saying that he was treated well.

There is no reason in the world that, when we were getting ready to put together this bill, that members of the domestic police force would want to embark on any kind of torture, any kind of human rights violations. I believe that the best way in the world for us to maintain the kinds of human rights success which we have seen is for us to proceed with this amendment.

I would like to see full military training, Mr. Chairman, because, unlike the situation in Honduras, El Salvador is faced with a very serious civil war, and I believe that the military is best trained to bring about this kind of training.

I would like to bring about a phase-in of civilian forces, as I mentioned that in the colloquy I had earlier with the gentleman from Oklahoma [Mr. McCURDY]. Sure, I would like to see us ultimately bring it about, but we have had such great success with military training itself that, I believe, it is important for us to proceed with that.

Now, Mr. Chairman, a lot of people have talked about this weapons cache. Well, I have right here a whole stack of photographs, and I am not going to go all through them, Mr. Chairman, because I know we are anxious to proceed and have a vote on this amendment, but I will say to my colleagues that I stood over these 283 Soviet-made AK-47's, the Hungarian pistols, the timers which are used for bombs which are exploding the infrastructure of El Salvador. This would not have been seized, Mr. Chairman, had it not been for the fact that many of these officials have been successfully trained, not only in human rights, which of course is of paramount importance, but ensuring the safety of Salvadoran citizens. Had the weapons not been seized it might have jeopardized the inauguration.

Mr. Chairman, this was seized the day before the inauguration, and let us remember what has just taken place in El Salvador: a tremendous historic achievement, the first transition from one democratically elected government to another, Mr. Chairman, in the history of the country.

So, let us recognize that our training is critically important. We have seen these forces tested. There are a great many people who are in the police forces who were part of President Duarte's government. We have to continue to pursue this as diligently as we can, and, Mr. Chairman, I believe very strongly that, if we are going to take this fragile democracy and continue to maintain human rights, to increase security and obliterate the kind of terrorism which we are seeing in urban areas by the FMLN, we have got to proceed with a very balanced approach.

The thing that disturbs me, Mr. Chairman, is that while everyone on this side of the aisle likes, or most ev-

eryone on this side of the aisle likes, to talk about the case of Mr. Mazariego, we do not hear people talking, other than my friend, the gentleman from Oklahoma [Mr. McCURDY], about the case of Mr. Rivera, Mr. Rodriguez, Mr. Garcia, these government leaders who have been shot down in the streets. If we have a chance, a chance to prevent more of those assassinations, we have got to go back and once again renew the opportunity for this very important military training of police to take place.

I have talked, Mr. Chairman, to the two people who are responsible for this training, Bruce Hazelwood and Billy Zumwalt. They had a battle over determining whether or not we were going to potentially sacrifice a Salvadoran police officer so that no protester is killed? We know the answer, Mr. Chairman. Not one rioter has been killed since the waiver went into place. The police have bent over backward to ensure human rights. Tragically, Salvadoran law enforcement officers have been killed. There is no better testimony to the sacrifice that the Salvadoran Government is making in behalf of their goal of peace, stability, and economic recovery.

Mr. KASICH. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. DREIER] be given an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. FASCELL. Mr. Chairman, I object. The gentleman can just get some time and yield to him.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California [Mr. DREIER] who previously spoke in the well just prior to my taking the well I think said for all of us what needed to be said in the most graphic way, that what we have been doing in El Salvador up until this point actually works, and we have continued it in this bill. It does not need to be changed.

The gentleman from California [Mr. DREIER] pointed out 200-some-odd AK-47's which were in fact captured by Salvadoran security forces prior to the Cristiani presidency taking place. The swearing-in ceremony of Cristiani was at risk. It is not or was not because the security forces trained by the United States in antiterrorism capability were able to seize those weapons.

Mr. Chairman, that is the best argument that can be imagined for not changing the substance of the crafted piece of legislation which is the section in the foreign aid bill dealing with El Salvador.

Mr. DREIER of California. Mr. Chairman, will the gentleman from Florida [Mr. SMITH] yield on that point?

Mr. SMITH of Florida. Mr. Chairman, the gentleman from California [Mr. DREIER] has had ample time to speak. I have not spoken at all on this issue.

Mr. Chairman, I urge my colleagues to think very carefully before they vote for either of these amendments. Voting for either one would be wrong, and it would be a step backward in what we have attempted to do over the last few years for El Salvador.

□ 2200

The McCollum amendment would move the civilian law enforcement and replace it with military training. We do not want to do that. We have rejected that previously. That is a step in the wrong direction. Even the gentleman from Oklahoma [Mr. McCURDY] admits that.

I urge you for that reason alone, without getting into the balance of it, and there is much more, including the provisioning of weapons and firearms and everything else which we have rejected previously, I urge you for those reasons to reject the McCollum amendment.

Some of you may believe that the McCurdy amendment is somewhat of a better approach, and while over the years I have regularly been a very strong supporter and have helped the gentleman from Oklahoma [Mr. McCURDY] in fashioning different compromises, in which frankly he is a very able person in doing, the reality is that the McCurdy amendment goes much too far as well.

First of all, in the law he provides for civilian law enforcement training. We already provide that. It is done. It is there.

He says it is providing for the training of security forces in the area of human rights, civil law and the like. We already do that.

In addition, he has got a certification by the President of the United States before obligating assistance that shows that there has been progress in eliminating human rights violations and other items. Those human rights certifications and progress in other areas are already in the bill. Before assurances on foreign assistance can be given, the President has to certify to those items, so the gentleman from Oklahoma [Mr. McCURDY] has not added anything in that sense, either; but let us examine what he has added.

He says that assistance which is provided under his amendment may be used for transportation equipment, crime control and protection equipment and protection gear. Some of us realize that is equipment which can be used in an offensive way. We have shied away from giving that kind of equipment previously, including "transportation equiment", which includes helicopters.

In addition, he allows for the provisioning of consumables and spare parts for existing firearms. That means ammunition. We do not provide ammunition to the police now. This is a new and very different departure in the wrong direction from where we have been in the last few years and where we have been successful.

The reality is that in addition there is no balance in his amendment in terms of how the money is spent. There is no way that we can monitor whether there would be 50, 60, or 70 percent of the available provisioning of equipment and only 20 or 30 percent of training out of the total amount of money spent. There is no balance.

I urge my colleagues not to adopt the McCurdy amendment, either.

There is in the foreign aid bill a well-crafted compromise which was reached with both sides on the Foreign Affairs Committee at the time the bill was drafted. Moving in either of these directions by the McCollum or McCurdy amendment upsets that balance and, frankly, moves us to a place where the House has previously rejected going. There is no reason to go now to that place, especially since just a few months ago we were complaining about the human rights violations of the very party that is now in power in El Salvador, the ARENA party, the D'Aubuisson group, which Mr. Cristiani represents, although I do not say he is with D'Aubuisson. I do not want anybody to misinterpret. They are now in control of this country.

We have no track record at all. I would urge my colleagues before we get a track record not to do that.

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MURTHA] was sent with a group of us by the President to observe the elections in El Salvador the night when the ARENA party was elected. We went throughout the country in helicopters and in trucks and we had a great opportunity to be able to observe people literally risking their lives to participate in the democratic process.

The reason why, in my judgment, and I think in the judgment of people like Senator LUGAR and the gentleman from Pennsylvania [Mr. MURTHA], the reason that ARENA won that election was that the people in El Salvador were so frustrated by the acts of terrorism within the country that they felt the Duarte government was losing control of the situation. The Duarte government felt very insecure in an effort to try to handle the problems of terrorism, because any time they took

any action whatsoever, people would scream and shout that the police were engaged in human rights abuses, and that is really essentially why ARENA won the election, because the ARENA party came out and they said that we are going to begin to deal with the problems of urban terrorism, and they won a decisive victory in those elections, as we all know. People with great alarm said that if ARENA won the election, this will return us to the days of D'Aubuisson and human rights violations and death squads. It was just the opposite. What the people of El Salvador were saying is, "We want our streets to be safe. We want our children to stop being blown up by land mines in all the fields that are being planted by the Communist terrorists in El Salvador."

Now we find ourselves in a very critical situation with the ARENA party in power and they are going to make every effort they can to regain control of the urban areas in El Salvador. If there is any point in time when we ought to be working carefully with the security forces of El Salvador to allow them to effectively combat terrorism, while at the same time respecting human rights, now is the time.

I mean, to turn our backs on the Government of El Salvador would be a disaster, and not to give these people the aid and support they need to deal professionally and in regard to human rights, not to do that at this point in time would be a horrible, horrible mistake. That is why ARENA won, because Duarte was unable to deal with the acts of terrorism in El Salvador.

So what I suggest is that we go along with the gentleman from Oklahoma [Mr. McCURDY], we go along with the gentleman from Florida [Mr. McCOLLUM], that we give the government aid and support that they need to deal toughly and firmly with the problems of terrorism without committing human rights violations.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, I thank my friend for yielding to me.

We are not turning our back on the country of El Salvador. We are providing $1.5 million per day, without this assistance, $1.5 million per day, $85 million in military assistance proposed, $3 billion in the last 4 years. We have not turned our back on El Salvador.

Mr. KASICH. I appreciate the gentleman's comments, but let me say that the newly elected President of El Salvador is begging for this kind of assistance. He is the one that has to walk the fine line between restoring order and respecting human rights. That is the critical element that we have in El Salvador right now.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I wanted to respond very quickly to a statement made by the gentleman from Florida. I think he overstated in his zeal to defend the committee's position what the committee bill actually has in it. He said that they have police training in it. Quite frankly, we are talking about less than $320,000 for fiscal year 1989 and 1990 for the ICITAP program, also for the ATA program, the antiterrorism program, we are talking about $300,000 in fiscal year 1990.

The moneys that would be allowed under my amendment to the amendment of the gentleman from Florida could be up to 10 percent of the $85 million within the cap, which is about $8.5 million. That will provide real training.

The goal of this amendment is to try to encourage the government to separate the police from the military in order to professionalize and therefore improve the interface between that government and the people. Someone mentioned serving the people.

□ 2210

They do not serve the people. When they have third-grade-educated people carrying M-16's, with no training, they are not serving the people. This program would allow that.

Mr. KASICH. Reclaiming my time, the people in El Salvador in the election which put Mr. Cristiani in power say one thing: "We want order restored to the streets of El Salvador. We will not tolerate ignoring terrorist acts throughout this country," and to not accept this amendment would be a very big mistake and would be really giving a backhanded slap in the face of Mr. Cristiani, who I think at this point we all support.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the hour is late, but I do wish to speak in favor of the McCurdy amendment to the McCollum amendment.

I am not sure what the great argument is. We have, as our goal, to have human rights respected, to have law enforcement properly enforced within El Salvador. We have, under the McCurdy amendment, the opportunity to properly train their law enforcement personnel with our American civilian law enforcement people. The assistance that we provide is to be used for the purposes of professional development, training in human rights, in civil law and civilian law enforcement techniques, and all that go with it.

I think that this amendment makes a great deal of sense, and if we were to rely on the bill itself, we would see that there is just not that much money involved, and what we need to do is to look to the McCurdy amendment for guidance which really puts us on the right track.

The recent election and inauguration of Mr. Cristiani is hopefully a step in the right direction toward being a country that does respect human rights and civil law, and if we give them the civilian law enforcement personnel to train their people, I think that will make a great step in that direction.

Mr. Chairman, thus, I strongly support the McCurdy amendment to the McCollum amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Members do not have to worry. I will not be here long.

As a person who has worked in El Salvador for 17 years, I think somebody somewhere should recognize the fact that it is not a one-way street. My friends there whom I have helped many times over have been kidnaped and been mistreated by the FMLN. Everybody here seems to treat the FMLN as everybody's buddy, and that is not true. They are trying to destroy the Government of El Salvador, and yet everyone acts like if we will cut out Freddy Cristiani, then the rest of the world will turn out all right. It is not true. Cristiani has basically tried to work with the FMLN, and my friends have been at one time or another, several of them, have been kidnaped, have been held for 6 months.

This was several years ago, I must admit, but the money that was produced by that kidnaping was to produce the FMLN some additional funds.

I just would like to say here and now that I think somebody somewhere should pay some attention to training these people.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. BALLENGER. I am happy to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, first of all, I would submit to the gentleman, and I appreciate his time and his experience in the region, but I would submit that each of us in this House are seeking a common goal, that is for peace in El Salvador, a stable, democratic government that respects its people.

The greatest assistance that we in the United States can provide to the people of El Salvador and to the Government of El Salvador is training assistance for that government to respect its own people, and I believe that Democrats in this House and Republicans in this House want to achieve that goal. The difference which has occurred, and obviously those who are

opposing my amendment believe that this is not the proper vehicle.

I believe, as do my colleagues and friends on the Republican side of the aisle, that rather than walking away from the problem and having this problem just exacerbate and just boil and continue that the only proper way to do it is to address it front on, head on, and to provide assistance and training in those basic law enforcement techniques to professionalize the police, to separate them from the army as best as possible.

With that, then, we can arrive at that goal which I think we all share, and I certainly appreciate the support of the gentleman from North Carolina and recognize his expertise and appreciate him yielding.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. BALLENGER. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I would just like to say very briefly that I believe that the gentleman in the well has probably made a greater commitment and sacrifice in behalf of the cause of peace, stability, and economic recovery which the people are seeking in El Salvador than anyone. I believe that he has made, without a doubt, the most eloquent and heartfelt statements on this issue this evening.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for his statement.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this point to talk about the McCurdy amendment, because it is time to wrap this debate up.

Mr. Chairman, I think to set the record straight a little bit, the gentleman from Oklahoma and I have worked long and hard to get something we could agree on together about this whole process, because we shared a common concern about what is happening in El Salvador to our Americans as well as to the El Salvadoran people in the cities down there.

There have been some assertions tonight that are just simply misunderstandings, I am sure, but they need to be corrected. One of the uppermost was about money to begin with. This program we are talking about is not going to cost another dollar.

Mr. Chairman, I have a statement here that apparently was made in the committee originally, and the State Department has written on this subject to me that the assertion that the training would be above and beyond the $85 million ceiling proposed in the appropriation bill is likewise simply wrong. The funds for police training and equipment under a renewed waiver would, as during the fiscal 1986-87 waiver, come from the MAP fund. I do not think there is any question about that, but I do not want there to be any misunderstanding.

Second, I think there is really a misunderstanding. The gentleman from Florida [Mr. SMITH] was talking about the importance of the training we have been having all along and why should we change that training. That is why we got this cache of arms found. That is why the police did so well in El Salvador. I think he misses the boat.

Our program is to renew the training programs that have been existent down there, not to do anything new.

We authorized this waiver in 1985, and it ran for nearly 3 years and just ended last year in 1988. It is that training of those 16,000 police in the city of San Salvador that resulted in all these good things I have heard some Members praise tonight. Some of them have taken us back all the way to 1974. For gosh sakes, we are talking about 1988, 1989, 1985 or whatever. We are talking about a generation where changes occurred, where last year the human rights violations were down dramatically as they are this year in the whole country of El Salvador, where the report last year said that 85 percent of the human rights violations occur because of the FMLN, 8 percent the cause of the army, and the police, and the others unaccounted for, a dramatic change.

Mr. Chairman, we do not want to create havoc or change anything. We want to continue a basically fundamentally sound, good training and equipping program. Up to this point, it had been run very well without complaint with a lot of success of our military police.

The gentleman from Oklahoma wants to make that civilian training. I was very reluctant to do that, but he has improved his amendment a great deal, I happen to think. I have become convinced we can work it that way tonight. I am willing to accept the amendment of the gentleman from Oklahoma to my amendment, and I hope we can get together on a bipartisan result here and go ahead to protect American lives and the lives of those down there.

We lost four Marines in 1985 because there was no radio, no police cars, no equipment, and no ability to go out and protect those Marines. We have not lost one American official since then, but when I was down there on the Presidential election task force last time to observe the election, I was called aside by somebody at the Embassy who said to me, "Mr. McCOLLUM, whatever else you do, get the training program renewed, because that saved American lives. That saves Americans in our Embassy. We need that program."

□ 2220

We need to renew it, and I am most willing to accept a very, very finely crafted amendment by the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I appreciate the statement of the gentleman from Florida, and I appreciate the opportunity to work with him. I again thank him for accepting this amendment to his amendment.

Also, may I commend very quickly the gentleman from Nebraska [Mr. BEREUTER], for his input and support and effort in crafting this amendment.

Mr. McCOLLUM. If I may make an inquiry, in civil law enforcement, that includes the FBI, am I correct? Civil law enforcement would include the FBI and also civil law enforcement, not uniformed, is that correct? Some Members over here have asked me that question.

Mr. McCURDY. It is the understanding of this gentleman that in speaking with the State Department, ICITAP, and other officials that it is their interpretation that the FBI could be one of those agencies.

Mr. McCOLLUM. Members were concerned because of their counterterrorism abilities, and that is all. I am pleased with the gentleman, and I want to thank also the gentleman from California [Mr. DREIER], for cosponsoring this, as well as the gentleman from Oklahoma [Mr. McCURDY], the gentleman from Nebraska [Mr. BEREUTER], and others, and I do accept the amendment of the gentleman from Oklahoma, and I urge an "aye" vote.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have not had an opportunity to speak on this, and I would like to take a minute or two. I rise in opposition to both amendments. I am glad the two gentlemen who have spoken have agreed on the amendment. I just want to be sure that Members understand that I had not agreed to the amendment.

I want to make it quite clear that not only did I not agree or accept the amendment, I am strongly opposed to both of them. We worked very hard to get what we thought was a sensible and reasonable compromise in the committee language that is now before this committee, and I would urge my colleagues before they jump off the reservation to consider the fact that this is not a case of no police training as against some police training. We in the bill recognize that there is a need for police training. But the Foreign Affairs Committee, over a long period of time, has been very, very cautious

about granting police training, particularly under those circumstances that exist in a country where they have just gotten democratic rule, and we admit it is difficult, but that does not mean that we should go wide open in a case like El Salvador. We need to be very cautious.

The constraints that are in the committee bill are sensible. I will give one example, and that is that police training that we envision in the committee bill is envisioned as part of a comprehensive judicial reform package. We do not think it is wise to take police training out as a separate part of the system and focus only on that and let the rest of the system go. If Members adopt the pending amendment, that is in effect what they would be doing.

We also feel that there needs to be right now and until we get some demonstration here a restraint on lethal equipment. We are not ready, it seems to me, despite whatever credibility Members want to give to the existing government, and I am certainly willing to do that, but they need some time to get their own ability and their own house in order, and we in the committee bill provide that opportunity, whereas if Members authorize it the other way with respect to lethal aid, no cap on equipment or training so that the money could be spent just like it was in the past, all on equipment and a little bit on training, then we really are not making progress.

The committee bill seeks to do what everybody wants to do, and that is to provide police training in a poor country that is struggling for the democratic process, to walk that balanced line between repression and sensibility. We suggest that in all fairness the training for police work that is envisioned in the committee bill is adequate to do the job until such time as we have a better understanding on the facts and the new government down there has an opportunity to demonstrate their capability.

Mr. FEIGHAN. Mr. Chairman, I rise in opposition to the McCollum amendment which would allow United States aid to be used for military training and equipment for the police forces of Central America. This amendment would severely undercut our effort to separate the civilian police from the military, and in the case of El Salvador, would create an enormous loophole in the provisions of the current bill governing military aid.

I am sure that everyone here supports the goals of police training. By weaning police forces from reliance on coerced confessions, by developing credible alternatives to intimidation and death squad activity, and by teaching the techniques of proper investigation and evidence collection, police training seeks to develop faith in the legal process.

Our most difficult task has been to institutionalize the different roles of the military and the police in Central American society. A military force seeks to attack and kill its enemy. A police force makes arrests, collects evidence and enforces civil law. Unfortunately, our decades-long attempt at police training has failed to change police practices to reflect this distinction. Too often, police practices in Central America have involved torturing and killing government opponents, and as a result, police training has associated the United States with some of the most brutal regimes and police forces in the hemisphere. In El Salvador just a few days ago, despite a proliferation of police training programs in that country, the treasury police abducted Jose Mazariego, a leader of El Salvador's main opposition labor federation, only hours before he was due to leave for the United States to meet Members of Congress. He was tortured with acid and beaten. He was released only after the urgent calls by Members of Congress instituted action on the part of the U.S. Embassy.

Given the apparent lack of political will to control human rights abuses on the part of many Central American nations and a seriously deteriorating human rights situation, the provision of military equipment and training for Central American police forces will only further reinforce the propensity for killing and the lack of commitment to civilian law enforcement. Military equipment and training would result in the increased indentification of the United States with human rights abuse.

Finally, the McCollum amendment would create a loophole in the provisions of the bill capping and tranching military aid to El Salvador. Such a loophole would allow "police forces," upon receipt of military training and equipment, to assume a paramilitary role in order to skirt the controls on military aid. In effect, the amendment uncaps the $85 million cap on military aid to El Salvador.

Let's give military training to the military, let us teach the police to fulfill their proper role in support of civil law, and let's abide by the bipartisan provisions governing military aid to El Salvador. I ask my colleagues to defeat the McCollum amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the McCollum amendment to H.R. 2655, the foreign aid bill. The McCollum amendment would lift completely the ban on police aid for El Salvador. I believe that this action would be disastrous.

The McCollum amendment would remove all restrictions on police training for El Salvador. By removing the $85 million cap on military assistance contained in the committee language, this amendment would give carte blanche approval for expenditures of United States taxpayers' dollars on military training and equipment for the Salvadoran national guard, the national police and the treasury police, known and feared for their torture and death squad activities.

Congress first voted in 1974 to prohibit police training worldwide because we found that this kind of training intimately linked us to human rights abuses by the very same forces we were purportedly training. While we would all like to believe that police training would improve the notorious records of human rights abuses on the part of the police forces of other countries, that has unfortunately not proven to be the case. The people of El Salvador live in fear of their police, who regularly engage in extrajudicial activities including arrests without warrants, kidnapings by gunmen dressed in civilian clothing, and physical and psychological torture—we do not need to contribute to that fear by providing unlimited additional funding to those police forces.

Last week, a number of Members of Congress had the opportunity to visit with Jose Mazariego, a leading Salvadoran labor leader, and hear first hand of his experiences at the hands of the Salvadoran police. Mr. Mazariego was picked up by gunmen dressed in civilian clothing only hours after he had received a visa to visit the United States. He was picked up only blocks away from the U.S. Embassy and disappeared for a number of hours. To no one's surprise, when he surfaced, he was being interrogated and tortured by the treasury police. Anyone who heard him talk and saw the acid burns on his legs that were done while he was held and tortured by the treasury police—anyone who is seriously concerned about human rights abuses—would know that the McCollum amendment must be defeated.

The United States taxpayer is already paying to train and equip the Salvadoran police through the Department of Justice's International Criminal Investigative Training Assistance Program, through narcotics control initiatives and through the Anti-Terrorism Assistance Program. In fact, the United States has spent $17 million over the past 4 years on training of the Salvadoran police forces, with no results. According to the Human Rights Commission of El Salvador [CDHES], 559 cases of arbitrary arrests were reported in the first 4½ months of 1989.

The rightwing ARENA Party now controls all of the branches of the Salvadoran Government. We have reason to fear that under the ARENA Party, police force abuses will only get worse. Robert White, former United States Ambassador to El Salvador has stated that "ARENA is a violent Fascist Party modeled after the Nazis" and Roberto D'Aubuisson, the proverbial "dean" of the ARENA Party is on record as having stated "you Germans were very intelligent. You realized that the Jews were responsible for the spread of communism, and you began to kill them." Combining this mentality with an attitude that anyone who disagrees with the Government is a Communist or is being used by Communists makes an explosive situation. Now is definitely not the time to lift the prohibition on police training.

One of the strengths of democracy is the separation between the military and civilian police forces. It is a tragedy that this distinction is not already clear in several of the struggling democracies in Central America. The McCollum amendment blurs this distinction in El Salvador even more. I urge my colleagues to oppose this amendment—it is dangerous, it is unnecessary, and it will only hurt the people of El Salvador.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCURDY] to the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken; and the Chairman announced that the ayes appeared to have it.

The CHAIRMAN. The amendment is agreed to.

PARLIAMENTARY INQUIRIES

Mr. SMITH of Florida. Mr. Chairman, I was on my feet.

I have a parliamentary inquiry, Mr. Chairman, What was the vote which was just announced by the Chair? I was on my feet at the microphone to request a recorded vote.

The CHAIRMAN. The Chair announced the McCurdy amendment had prevailed and was about to put the vote on the McCollum amendment, as amended. Does the gentleman from Florida request a recorded vote on the McCurdy amendment to the McCollum amendment?

Mr. SMITH of Florida. Yes, Mr. Chairman, Pending that, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. The Chair counts 150 Members present, a quorum.

Mr. SMITH of Florida. Mr. Chairman, I withdraw my request for a recorded vote.

Mr. McCOLLUM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCOLLUM. Mr. Chairman, I believe I heard the Chairman correctly. When the amendment was first called, the Chair said it passed, and then there was some question about the gentleman from Florida [Mr. SMITH], as to whether it failed. I heard the Chair rule.

The CHAIRMAN. The Chair will answer the gentleman's question.

Mr. McCOLLUM. Yes, Mr. Chairman, I would like a clarification, please.

The CHAIRMAN. The McCurdy amendment has passed, and the question is now on the McCollum amendment, as amended.

The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 198, not voting 14, as follows:

[Roll No. 123]

AYES—220

Andrews
Anthony
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boggs
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Carper
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Glickman
Goss
Gradison
Grandy
Grant
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hiler
Hoagland
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Nagle
Nielson
Ortiz
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Paxon
Payne (VA)
Penny
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Roukema
Rowland (CT)
Rowland (GA)
Sarpalius
Saxton
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOES—198

Ackerman
Akaka
Alexander
Anderson
Annunzio
Applegate
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Boehlert
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bustamante
Campbell (CO)
Cardin
Carr
Clay
Clement
Coleman (TX)
Conte
Conyers
Costello
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hertel
Hochbrueckner
Hoyer
Jacobs
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Panetta
Patterson
Payne (NJ)
Pease
Pelosi
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (VT)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NOT VOTING—14

Bentley
Bryant
Collins
Courter
Florio
Goodling
Hawkins
Hefner
Jones (NC)
Martinez
Owens (UT)
Smith (IA)
Wright
Yates

□ 2246

Messrs. BARNARD, NAGLE, and HUGHES changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 482, after line 8, add the following new section:

"SEC. 765. THE PANAMA CANAL COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) there has been a continual erosion of the democratic freedoms of Panamanian citizens and a consolidation of dictatorial power by the government of Panama led by General Manuel Noriega;

(2) the United States has not recognized the government of Panama led by General Manuel Noriega since his refusal to accept the resignation orders from President Eric Arturo Delvalle;

(3) there has been an increasing number of incidents of harassment and intimidation of American citizens in Panama by members of the Panamanian Defense Forces;

(4) on May 7, 1989, the Panamanian people participated in an election in which the government led by General Manuel Noriega engaged in systemic and massive electoral fraud;

(5) under the terms of the Panama Canal Treaty, the President of the United States must appoint, by January 1, 1990, a Panamanian national to serve as Administrator of the Panama Canal Commission;

(6) the Administrator of the Panama Canal Commission will have a significant

degree of control over the operations and maintenance of the Panama Canal; and

(7) the transference of control over the operations and maintenance of the Panama Canal to the government of Panama controlled by General Manuel Noriega would permit even greater economic, political, and military oppression of the Panamanian people.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should not appoint a new Administrator of the Panama Canal Commission unless and until he certifies to Congress that the ruling government of Panama is democratically-elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces.".

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I take this time to advise our colleagues what we are up to. I just wanted to say that on the consideration of this amendment on which we do not expect a vote, that would complete the work on title VII of the bill. Title VIII, we would expect to take up, as far as I know, there are no amendments. We would then be able to move to title IX, and once it is designated, we would then rise to complete the bill on tomorrow. I understand the House is coming in at 11 o'clock and we would try to conclude our business with the help of the Members as early as possible tomorrow. We have done remarkably well so far.

I want to express my appreciation to the gentleman from New York for yielding.

Mr. SOLOMON. Mr. Chairman, this amendment has to do with the fact that the President is required, under the terms of the Panama Canal Treaty, to appoint a new Administrator of the Panama Canal Commission. This appointment is to be made by January 1, 1990, and the appointee must, under the terms of the treaty, be a Panamanian national.

The operative language in the amendment I am now offering expresses the sense of Congress that the President should not make this appointment until he certifies to Congress that Panama has a democratically-elected government, according to the procedures in the Constitution of Panama which provide for a civilian government.

This operative language is exactly the same as what passed in the other body by a vote of 63 to 31 earlier this month. I might add that this operative language was also included in H.R. 2402, the dire supplemental appropriations bill we passed last Friday. I am offering it now in order to give the House the opportunity to express itself directly on this issue

I would just conclude, Mr. Chairman, by saying that the ongoing events in Panama are making the Panama Canal treaties look just about as ill-advised as the British agreement to hand over Hong Kong to the tender mercies of the PRC. It is my belief that we had better start facing this issue sooner rather than later.

And so I urge adoption of the amendment.

Mr. FIELDS. Mr. Chairman, as the author of House Concurrent Resolution 148, I am pleased to rise in strong support of this amendment offered by our distinguished colleague from New York, Congressman JERRY SOLOMON.

The language of this amendment is virtually identical to the proposal I introduced, along with several of our colleagues, in the House of Representatives several weeks ago.

It is a "Sense of Congress" amendment which states unambiguously that the President should not appoint a new administrator of the Panama Canal Commission until he certifies that a democratically elected government is in place in the Republic of Panama.

Mr. Chairman, this amendment does not have the force of law. Nevertheless, it will send a clear and strong message of support for the democratic process in Panama.

While world attention has shifted from Noriega's brutality to the mindless repression of democracy in China, we must not forget that last month, the people of Panama went to the polls and overwhelmingly rejected the continued tyranny of Noriega. Despite massive voting fraud, they elected Guillermo Endare as their next President.

Unfortunately, we all know, that the will of the Panamanian people was not only thwarted but their duly elected representatives were savagely beaten by Noriega and his henchmen.

Mr. Chairman, we must not let Noriega steal the hopes of 3 million Panamanians. Democracy and the rule of law cannot exist in Panama so long as this despot, international drug dealer, and thug remains in power. I am convinced that this amendment will help Panamanians to rid themselves of the Noriega cancer which threatens democracy throughout Central America.

Let me emphasize, Mr. Chairman, that this amendment does not, in any way, abrogate or affect the Panama Canal Treaties or the Panama Canal Act of 1979 which implemented those agreements.

While the Panama Canal Treaties were a terrible idea founded on the naive notion that by giving away the Panama Canal we would ensure a friendly democratic government in Panama, this is not the appropriate time to discuss abrogation.

Nevertheless, Panamanians should look at this amendment as a "yellow light" on the road to a full turnover of the canal. By taking action to remove Noriega now, they can ensure the continuation of a smooth transfer of authority over the Panama Canal.

I am afraid, however, that if the Panamanian people and more importantly Noriega miss this signal, then additional efforts will be proposed to stop or freeze the transfer of the Panama Canal.

While I am confident that President Bush would never submit the nomination of any individual selected by Noriega, this amendment will further strengthen the determination of those who are working to remove Noriega.

Mr. Chairman, to reiterate, this amendment does not abrogate the treaty. It does not alter or change the implementing statute. What it does is to send a strong signal to the Panamanian people that Noriega must go and that his continued presence is contrary to the goals of the Panama Canal Treaties.

I urge my colleagues to join with me, in sending this message, by overwhelmingly adopting this "Sense of Congress" amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

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Mr. FASCELL. Mr. Chairman, I ask unanimous consent that amendments to section 707 that are otherwise in order under House Resolution 179 and the previous order of the House of June 21, 1989, may be offered after title VII has been passed in the reading of the bill for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. SOLOMON. Mr. Chairman, reserving the right to object. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I am happy to assure the gentleman that we will share whatever time is agreed upon equally between the majority and minority in the consideration of that amendment.

Mr. SOLOMON. Mr. Chairman, continuing my reservation of objection, I thank the chairman of the Committee on Foreign Affairs for doing that.

I understand that what the gentleman has said is that we are going to bypass title VII in the bill dealing with Nicaragua and come back to it tomorrow morning.

Mr. FASCELL. Yes; just this one section.

Mr. SOLOMON. Just this one section. And if there is no agreement reached by tomorrow morning, then the minority is going to take the gentleman and that side of the aisle at their word, that when we rise in the House tonight, there will be additional time allowed under unanimous consent, for 20 minutes on each side, should there not be disagreement.

Mr. FASCELL. Mr. Chairman, the gentleman is correct. I will make that request when we rise and go into the House.

Mr. SOLOMON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there further amendments to title VII?

If not, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—EUROPE AND THE MIDDLE EAST

CHAPTER 1—ASSISTANCE TO FURTHER MIDDLE EAST PEACE

SEC. 801. MIDDLE EAST FUNDS.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $3,148,000,000 for fiscal year 1990 and not less than $3,148,000,000 for fiscal year 1991 shall be available only for assistance on a grant basis in accordance with the allocations specified in this chapter.

(b) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $1,538,000,000 for fiscal year 1990 and not less than $1,533,000,000 for fiscal year 1991 shall be available only in accordance with the allocations specified in this chapter.

(c) DEVELOPMENT ASSISTANCE.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $536,000,000 for fiscal year 1990 and not less than $539,000,000 for fiscal year 1991 shall be available only in accordance with the allocations specified in this chapter.

SEC. 802. ASSISTANCE FOR ISRAEL.

(a) FOREIGN MILITARY FINANCING.—

(1) AMOUNTS.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $1,800,000,000 for fiscal year 1990 and not less than $1,800,000,000 for fiscal year 1991 shall be available only for Israel.

(2) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, amounts allocated for Israel pursuant to paragraph (1) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems as follows:

(A) Up to $150,000,000 shall be available for research and development in the United States.

(B) Not less than $400,000,000 shall be available for research, development, and procurement in Israel with respect to defense articles and defense services.

(b) ECONOMIC SUPPORT ASSISTANCE.—

(1) AMOUNTS.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1990 and not less than $1,200,000,000 for fiscal year 1991 shall be available only for Israel.

(2) TERMS.—The total amounts of funds allocated for Israel pursuant to paragraph (1) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the fiscal year. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 803. ASSISTANCE FOR EGYPT.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $1,300,000,000 for fiscal year 1990 and not less than $1,300,000,000 for fiscal year 1991 shall be available only for Egypt.

(b) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $315,000,000 for fiscal year 1990 and not less than $315,000,000 for fiscal year 1991 shall be available only for Egypt.

(c) DEVELOPMENT ASSISTANCE.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $500,000,000 for fiscal year 1990 and not less than $500,000,000 for fiscal year 1991 shall be available only for Egypt.

(d) CASH TRANSFERS.—

(1) CONDITIONS.—Subject to the requirements of paragraphs (2) and (3), of the amounts provided for Egypt for each of the fiscal years 1990 and 1991 for economic support assistance under the Foreign Assistance Act of 1961—

(A) $115,000,000 may be provided as a cash transfer with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years; but

(B) amounts in excess of $115,000,000 may be provided as a cash transfer only if significant progress is being made by Egypt in implementing a comprehensive economic reform program.

(2) MAINTAINING THE LEVEL OF UNITED STATES EXPORTS.—In exercising the authority of paragraph (1), the President shall ensure that the level of cash transfer made to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(3) NOTICE TO CONGRESS.—Not less than 15 days before making any cash transfer to Egypt under subparagraph (A) or (B) of paragraph (1), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961.

SEC. 804. ASSISTANCE FOR JORDAN.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961, not less than $48,000,000 for fiscal year 1990 and not less than $48,000,000 for fiscal year 1991 shall be available only for Jordan.

(b) ECONOMIC SUPPORT ASSISTANCE.—Of the amounts made available for economic support assistance under the Foreign Assistance Act of 1961, not less than $18,000,000 for fiscal year 1990 and not less than $18,000,000 for fiscal year 1991 shall be available only for Jordan.

(c) DEVELOPMENT ASSISTANCE.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $17,000,000 for fiscal year 1990 and not less than $17,000,000 for fiscal year 1991 shall be available only for Jordan.

SEC. 805. ASSISTANCE FOR THE WEST BANK AND GAZA.

Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $12,000,000 for fiscal year 1990 and not less than $15,000,000 for fiscal year 1991 shall be available only for the West Bank/Gaza direct program.

SEC. 806. ASSISTANCE FOR MIDDLE EAST COOPERATIVE PROJECTS.

Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $7,000,000 for fiscal year 1990 and not less than $7,000,000 for fiscal year 1991 shall be available only for regional cooperative projects in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985.

SEC. 807. SCHOLARSHIP PROGRAM FOR ISRAELI ARABS.

(a) FUNDING FOR ENDOWMENT.—Subject to subsection (b), $5,000,000 of the amounts made available for fiscal year 1990 for economic support assistance under the Foreign Assistance Act of 1961 shall be available only for a grant to assist in capitalizing an endowment whose income will be used for scholarships to enable Israeli Arabs to attend institutions of higher education in the United States. The endowment and the scholarship program assisted pursuant to this section must be administered by an organization located in the United States.

(b) REQUIREMENT FOR MATCHING PRIVATE SECTOR CONTRIBUTIONS.—A grant may be made pursuant to subsection (a) only if private sector contributions of at least $5,000,000 have been made by September 30, 1990, to assist in capitalizing the endowment described in subsection (a). If the requirement of this subsection is not met, the funds described in subsection (a) shall be available for other uses without regard to section 801.

CHAPTER 2—OTHER PROVISIONS RELATING TO THE MIDDLE EAST

SEC. 821. CONVENTIONAL ARMS TRANSFERS TO THE MIDDLE EAST.

(a) FINDINGS.—The Congress finds as follows:

(1) The Middle East has become an increasingly dangerous repository of the world's most sophisticated weaponry.

(2) The introduction of an entire range of sophisticated arms into the Middle East has had serious consequences for the regional balance and will erode the qualitative edge of countries whose superiority the United States is committed to maintaining.

(3) The executive branch has inadequately delineated to the Congress how United States policy goals in the Middle East are advanced, and how the balance of power is affected, by significant arms transfers to the region.

(b) INFORMATION REGARDING CERTAIN ARMS TRANSFERS.—

(1) WHEN SUBMITTED.—The President shall provide to the Congress the information specified in paragraph (2)—

(A) concurrent with each submission to the Congress of a certification for purposes of section 3(d), section 36(b), section 36(c), or section 63 of the Defense Trade and Export Control Act with respect to—

(i) a proposed transfer to a country in the Middle East of any fighter aircraft, air defense system, tank, antitank weapon, artillery, or command, communications, and control system; or

(ii) an enhancement or upgrade of the sensitivity of the technology or the capability of any defense article described in clause (i) that was previously delivered or is to be delivered to a country in the Middle East; and

(B) not less than 30 days before approving any sale, lease, export license, or third country transfer under that Act, or any assistance under title II of the Foreign Assistance Act of 1961, involving the transfer to any country in the Middle East of air-to-ground, ground-to-air, or air-to-air missiles or associ-

ated launchers (without regard to the dollar amount involved in the transfer).

(2) INFORMATION TO BE PROVIDED.—The information required by paragraph (1) is a detailed justification of the impact of the proposed transfer, especially—

(A) the effect of the transfer on regional stability and security;

(B) a specific assessment of the threat this transfer is required to offset, and the extent to which an actual military need exists for the transfer;

(C) the extent to which the transfer will stimulate a regional arms race; and

(D) the ability of the recipient country to operate, maintain, secure, and bear the cost of the defense articles proposed to be transferred.

(c) ANNUAL REPORT ON CUMULATIVE IMPACT OF CONVENTIONAL ARMS TRANSFERS TO THE MIDDLE EAST.—Not later than January 31 each year, the President shall submit to the Congress a report analyzing—

(1) the Middle East arms balance based upon the cumulative impact of the aggregate United States transfers of defense articles to the region;

(2) how United States policy goals are advanced by those transfers; and

(3) what type of military or economic compensation is required, as a result of those transfers, to countries whose qualitative edge the United States is committed to maintaining, and how such compensation is to be funded.

In this analysis, the President shall utilize the factors listed in subsection (b)(2). In this report, the President shall include an analysis of weapons obtained by Middle East countries from sources other than the United States.

(d) MULTILATERAL ARMS RESTRAINT.—The Congress expresses its deep concern over the proliferation of increasingly sophisticated and deadly weapons in the Middle East because this proliferation undermines regional stability and threatens United States interests. The Congress therefore urges the President to—

(1) call immediately for multilateral talks among the world's major arms suppliers to draw up guidelines to govern transfers of weapons to the Middle East, such talks to be structured to avoid the pitfalls which aborted similar discussions in the 1970s;

(2) in the strongest possible terms, urge our allies, especially in Western Europe (such as France, the United Kingdom, the Federal Republic of Germany, and Italy), the Pacific Rim, and South America to cease or slow their transfers of sophisticated and destabilizing weapons to the Middle East and, in the absence of an appropriate response, publicly call attention to their involvement in such transfers and their unwillingness to take steps to address the problem;

(3) place the problem of Middle East arms proliferation high on the agenda of United States-Soviet talks in the next 12 months, and encourage the Soviet Union to restrain its allies on the issue of Middle East arms proliferation;

(4) raise the issue of arms transfers to the Middle East in the strongest possible terms with the Government of the People's Republic of China to encourage a more responsible policy by that Government; and

(5) initiate bilateral talks with friendly potential arms recipients in the Middle East to stimulate thinking about possible initiatives to restrain the transfer of arms.

(e) REPORT ON MULTILATERAL ARMS RESTRAINT.—The President shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on progress made in achieving the goals described in subsection (d). This report shall be submitted one year after the date of enactment of this Act.

SEC. 822. FOREIGN MILITARY SALES FOR JORDAN.

(a) MIDDLE EAST PEACE.—The foreign military financing authorized by this Act for Jordan is provided in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct and meaningful negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 in order to resolve the state of war between those two countries.

(b) CONDITION ON SALES OF ADVANCED WEAPONS.—The President may make a submission to the Congress pursuant to section 36(b) of the Defense Trade and Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons, only if that submission includes a statement by the President that Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(c) FINANCING FOR SALES OF ADVANCED WEAPONS.—The Congress finds and declares that—

(1) the use of the foreign military financing authorized by this Act to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, would constitute the use of that financing for a significantly different purpose than was justified to the Congress; and

(2) therefore, any proposal to use that financing for such procurement would be subject to the notification requirements of section 4304(b) of the Foreign Assistance Act of 1961 and the reprogramming procedures applicable under that section.

SEC. 823. STINGERS IN THE PERSIAN GULF REGION.

Except as provided in section 824 and section 825, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Defense Trade and Export Control Act or title II of the Foreign Assistance Act of 1961.

SEC. 824. STINGERS FOR BAHRAIN.

(a) PREVIOUSLY TRANSFERRED STINGERS.—Notwithstanding section 823, section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, shall cease to apply with respect to Stingers made available to Bahrain under those sections if the President determines, and notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) the Stingers are needed by Bahrain to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations;

(2) no other appropriate system is available from the United States;

(3) Bahrain has agreed, in writing, to such safeguards to protect against diversion of the Stingers as may be required by the United States; and

(4) Bahrain has agreed in writing to return to the possession and control of the United States all Stingers made available under those sections and subsection (b) of this section, other than Stingers which have been fired or otherwise destroyed, at any time the United States determines, subject to subsection (c).

(b) REPLACEMENT STINGERS.—Notwithstanding section 823, Stingers may be made available to Bahrain under the Defense Trade and Export Control Act or title II of the Foreign Assistance Act of 1961 after September 30, 1989, in order to replace, on a one-for-one basis, Stingers previously made available under this subsection, section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, or section 566 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, that have been fired or otherwise destroyed, subject to the following conditions:

(1) DETERMINATIONS.—Replacement Stingers may be made available to Bahrain pursuant to this subsection only if the President makes the determinations specified in paragraphs (1) through (4) of subsection (a).

(2) NOTICE TO CONGRESS BEFORE STINGERS TRANSFERRED.—At least 30 days before making any replacement Stingers available to Bahrain pursuant to this subsection, the President shall notify the committees designated in subsection (a) that he has made the determinations required by paragraph (1). Any such notification shall include the information required in a certification under section 36(b) of the Defense Trade and Export Control Act. This paragraph applies without regard to the value of the Stingers to be made available.

(c) RETURN OF STINGERS TO UNITED STATES.—All Stingers made available to Bahrain pursuant to subsections (a) and (b), other than those fired or otherwise destroyed, shall be returned to the possession and control of the United States not later than September 30, 1991, unless the President—

(1) determines that each of the conditions specified in subsection (a) continues to apply; and

(2) notifies the committees designated in subsection (a) not later than September 15, 1991, in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961, that the United States intends to waive the requirement that the Stingers be returned to the United States by the date specified in this subsection.

SEC. 825. STINGERS FOR OMAN.

(a) CONDITIONS ON TRANSFERS.—Because Oman has publicly supported the Camp David Accords and the Treaty of Peace between Israel and Egypt, Stingers may be made available to Oman under the Defense Trade and Export Control Act or title II of the Foreign Assistance Act of 1961 after September 30, 1989, notwithstanding section 823, subject to the following conditions:

(1) LIMITATION ON NUMBER.—The number of Stingers in the possession or control of Oman at any one time pursuant to this section may not exceed 10.

(2) NOTICE TO CONGRESS BEFORE STINGERS TRANSFERRED.—At least 30 days before making any Stingers available to Oman pur-

suant to this section, the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that he has made the determinations required by paragraph (3). Any such notification shall include the information required in a certification under section 36(b) of the Defense Trade and Export Control Act. This paragraph applies without regard to the value of the Stingers to be made available.

(3) DETERMINATIONS.—Stingers may be made available to Oman pursuant to this section only if the President determines that—

(A) the Stingers are needed by Oman to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations;

(B) no other appropriate system is available from the United States;

(C) Oman has agreed, in writing, to such safeguards to protect against diversion of the Stingers as may be required by the United States; and

(D) Oman has agreed in writing to return to the possession and control of the United States all Stingers made available under this section, other than those which have been fired or otherwise destroyed, at any time the United States determines, subject to subsection (b).

(b) RETURN OF STINGERS TO UNITED STATES.—The Stingers made available to Oman pursuant to this section, other than those which have been fired or otherwise destroyed, shall be returned to the possession and control of the United States not later than September 30, 1991, unless the President—

(1) determines that each of the conditions specified in subsection (a)(3) continues to apply; and

(2) notifies the committees designated in subsection (a)(2) not later than September 15, 1991, in accordance with the procedures applicable to reprogramming notifications under section 6304 of the Foreign Assistance Act of 1961, that the United States intends to waive the requirement that the Stingers be returned to the United States by the date specified in this subsection.

SEC. 826. ANNUAL REPORTS ON STINGERS PROVIDED TO BAHRAIN AND OMAN.

Not later than February 1 of each year, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an accounting for all Stingers made available to Bahrain and Oman by the United States, including a description of the security procedures applicable to those Stingers.

SEC. 827. ILLEGAL ACQUISITION OF STINGERS BY QATAR.

The President may not sell any defense articles or defense services to Qatar under the Defense Trade and Export Control Act until the President has notified the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that Qatar has returned to the United States all Stingers that Qatar has obtained illegally.

SEC. 828. COOPERATIVE DEVELOPMENT PROJECTS.

(a) COOPERATIVE DEVELOPMENT PROGRAM.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $5,000,000 for fiscal year 1990 and not less than $5,000,000 for fiscal year 1991 shall be used to finance projects among the United States, Israel, and developing countries under the Cooperative Development Program.

(b) COOPERATIVE DEVELOPMENT RESEARCH.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $2,500,000 for fiscal year 1990 and not less than $2,500,000 for fiscal year 1991 shall be used to finance cooperative development research projects among the United States, Israel, and developing countries.

SEC. 829. SALES TO CERTAIN COUNTRIES IN THE MIDDLE EAST.

(a) CONDITION ON CERTAIN SALES.—During fiscal years 1990 and 1991, the President may make a submission to the Congress pursuant to section 36(b) of the Defense Trade and Export Control Act with respect to a proposed sale to a country in the Middle East which has acquired intermediate-range ballistic missiles made by the People's Republic of China only if that submission includes a determination by the President that such country does not have chemical, biological, or nuclear warheads for intermediate-range ballistic missiles.

(b) NOTICE TO CONGRESS OF SUBSEQUENT EVIDENCE.—If the President makes a determination under subsection (a) with respect to a country described in that subsection, the President shall notify Congress promptly of any evidence that such country after the date of that determination, has acquired chemical, biological, or nuclear warheads for intermediate-range ballistic missiles.

CHAPTER 3—EASTERN MEDITERRANEAN

SEC. 841. UNITED STATES POLICY REGARDING THE EASTERN MEDITERRANEAN.

(a) CONGRESSIONAL FINDINGS REGARDING CYPRUS SETTLEMENT.—The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress finds that—

(1) a just settlement on Cyprus must provide reasonable guarantees that the rights of all the people of Cyprus, including displaced persons, are fully protected;

(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

(3) serious negotiations, under United Nations auspices, will be necessary to achieve agreement on, and implementation of, constitutional and territorial arrangements critical to a just settlement on Cyprus; and

(4) the continued deployment of a United Nations peacekeeping force is essential to reducing tensions and maintaining the ceasefire on Cyprus.

(b) PRINCIPLES GOVERNING UNITED STATES POLICY.—United States policy regarding Cyprus, Greece, and Turkey shall be directed toward maintaining a stable and peaceful atmosphere in the Eastern Mediterranean region and shall therefore be governed by the following principles:

(1) The United States shall actively support the resolution of differences through negotiations, shall encourage all parties to avoid provocative actions, and shall strongly oppose any attempt to resolve disputes through force or threat of force.

(2) The United States will accord full support and high priority to efforts, including those of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

(3) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of the Foreign Assistance Act of 1961, the Defense Trade and Export Control Act, and the agreements under which those defense articles were furnished.

(4) The United States will furnish military assistance for Greece and Turkey only when furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and shall be designed to ensure that the present balance of military strength between Greece and Turkey is preserved. Nothing in this paragraph shall be construed to prohibit the transfer of defense articles to Greece or Turkey for legitimate self defense or to enable Greece or Turkey to fulfill their North Atlantic Treaty Organization obligations.

(5) Any agreement entered into by the United States for the sale or other provision of any defense article on the United States Munitions List (established pursuant to section 38 of the Defense Trade and Export Control Act) shall expressly state that the article is being provided by the United States only with the understanding that the article will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to the Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this paragraph.

(6) The United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem.

(c) REVIEW AND REPORTS REGARDING PROGRESS TOWARD A SETTLEMENT.—

(1) CONTINUAL REVIEW.—Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly.

(2) PERIODIC REPORTS.—To facilitate such a review, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, every 120 days, a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such reports shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

SEC. 842. ASSISTANCE FOR CYPRUS.

(a) FUNDING LEVEL.—Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $15,000,000 for each of the fiscal years 1990 and 1991 shall be available only for Cyprus.

(b) BICOMMUNAL DEVELOPMENT PROJECTS.—Of the funds allocated for Cyprus pursuant to this section each fiscal year, $5,000,000 shall be available only for bicommunal development projects.

SEC. 843. EXTRADITION OF MOHAMMED RASHID.

(a) FINDINGS.—The Congress finds that—

(1) international terrorism undermines the security, strength, and stability of all nations;

(2) the Government of Greece is a member of numerous multinational organizations, including the United Nations and the North Atlantic Assembly, which have condemned terrorism in all its forms;

(3) on December 6, 1988, the Government of Greece overturned a decision by the Greek Supreme Court and denied the re-

quest of the Government of Italy to extradite Abdel al-Zomar, an alleged Palestinian terrorist charged with the bombing of a Rome synagogue on October 9, 1982, in which a two-year-old child died and over 30 people were wounded;

(4) the Government of Greece then allowed Abdel al-Zomar to leave Greece for a country of his own choosing;

(5) the Government of the United States and the Government of Greece have been parties to a bilateral extradition treaty since 1932;

(6) Mohammed Rashid, another alleged Palestinian terrorist, is currently completing a seven month prison sentence in Greece for violating Greek immigration laws;

(7) the United States has officially requested the Government of Greece to extradite Mohammed Rashid to the United States to stand trial for the August 11, 1982, bombing of a Pan American airline in which one person was killed and more than a dozen were injured;

(8) a lower court in Greece has held that Mohammed Rashid can be extradited to the United States and the Greek Supreme Court is currently reviewing that decision; and

(9) the Government of Greece's denial of the United States extradition request would allow Mohammed Rashid to leave Greece, escaping justice and further undermining efforts to combat terrorism.

(b) MOHAMMED RASHID.—It is the sense of the Congress that—

(1) the Government of Greece should adhere to the United States-Greek extradition treaty by granting the request of the United States for the extradition of Mohammed Rashid; and

(2) a failure of the Government of Greece to extradite Mohammed Rashid would be regarded as a breach of the United States-Greek extradition treaty and would cause grave concern in the United States regarding the Government of Greece's stated commitment to combat international terrorism.

(c) ABDEL AL-ZOMAR.—The Congress deplores the decision of the Government of Greece to permit Abdel al-Zomar to leave Greece and to deny the extradition request of the Government of Italy.

SEC. 844. FOREIGN MILITARY FINANCING FOR GREECE AND TURKEY.

Of the amounts made available for foreign military financing under the Foreign Assistance Act of 1961 for each of the fiscal years 1990 and 1991, $350,000,000 shall be available only for Greece and not more than $500,000,000 shall be available for Turkey.

CHAPTER 4—OTHER PROVISIONS

SEC. 861. CONTRIBUTIONS TO ANGLO-IRISH INTERNATIONAL FUND.

(a) FUNDING LEVEL.—Of the amounts made available for each of the fiscal years 1990 and 1991 for economic support assistance under the Foreign Assistance Act of 1961, not less than $20,000,000 shall be used for a United States contribution to the International Fund in accordance with the Anglo-Irish Agreement Support Act of 1986, subject to subsection (b).

(b) AUDIT OF FUND.—Funds may be contributed to the International Fund pursuant to subsection (a) only if the International Fund agrees to an audit of the International Fund by the Comptroller General of the United States, or by a recognized auditing organization that would be capable of applying audit and evaluation standards comparable to those used by the General Accounting Office, to determine whether funds contributed to the International Fund—

(1) are being distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation, and

(2) are addressing the needs of both communities in Northern Ireland.

(c) CREATION OF PERMANENT, FULL-TIME JOBS.—It is the sense of the Congress that the Board of the International Fund should give great weight in the allocation of the funds contributed to the International Fund by the United States to projects which will create permanent, full-time jobs in the areas that have suffered most severely from the consequences of the instability of recent years.

(d) ANNUAL REPORT AND CERTIFICATION.—The Anglo-Irish Agreement Support Act of 1986 is amended—

(1) by striking out section 5(c); and

(2) by amending section 6 to read as follows:

"SEC. 6. ANNUAL REPORTS.

"(a) REQUIREMENT FOR REPORTS.—Not later than February 1 each year, the President shall report to the Congress on the degree to which—

"(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

"(2) United States contributions to the International Fund are meeting their objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity;

"(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland;

"(4) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

"(5) disbursements from the International Fund—

"(A) are distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

"(B) address the needs of both communities in Northern Ireland.

"(b) WITHHOLDING OF CONTRIBUTION UNTIL REPORT SUBMITTED.—Funds made available for economic support assistance under the Foreign Assistance Act of 1961 may not be used for a contribution to the International Fund for a fiscal year until at least 15 days after the report required by subsection (a) has been submitted during that fiscal year.".

(e) DEFINITIONS.—As used in this section—

(1) the term "areas that have suffered most severely from the consequences of the instability of recent years" means those areas that have high rates of unemployment; and

(2) the term "International Fund" has the meaning given that term by section 8(2) of the Anglo-Irish Agreement Support Act of 1986.

The CHAIRMAN. Are the amendments to title VIII?

If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—ASIA AND THE PACIFIC

CHAPTER 1—EAST ASIA AND THE PACIFIC

SEC. 901. BURMA.

(a) CONSIDERATIONS IN FURNISHING ASSISTANCE AND MAKING MILITARY SALES.—During fiscal years 1990 and 1991, in determining whether to furnish assistance to Burma under the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954 (other than emergency humanitarian assistance under either such Act) and whether to make any sales of defense articles or defense services to Burma under the Defense Trade and Export Control Act, the President shall take into account—

(1) whether the Government of Burma has held free and fair elections, and pursuant to such elections, a civilian government has assumed power, including—

(A) whether the Government of Burma has implemented its election laws in an unbiased manner, so as to allow all opposition parties and candidates that are committed to peaceful and democratic change to run for office;

(B) whether the internationally recognized rights of freedom of speech, the press, and assembly were respected during the electoral campaign, thereby enabling opposition candidates to compete fairly against government party candidates, and whether those rights continue to be respected;

(C) whether the elections were conducted in the presence of international observers who were free to monitor the elections, and the assessments of those international observers of whether the elections were conducted fairly and without intimidation and whether the ballots were counted honestly; and

(D) whether there is an independent judiciary; and

(2) whether the Government of Burma has implemented or is committed to implementing fundamental economic reforms in order to ensure that United States economic assistance is being used or can be used effectively.

(b) NOTIFICATION REQUIREMENT.—During fiscal years 1990 and 1991, the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 4304 of the Foreign Assistance Act of 1961, at least 15 days before—

(1) obligating funds for any assistance for Burma under the Foreign Assistance Act of 1961 (other than emergency humanitarian assistance), or

(2) issuing a letter of offer to sell any defense articles or defense services to Burma under the Defense Trade and Export Control Act.

SEC. 902. CAMBODIA.

(a) ASSISTANCE FOR THE CAMBODIAN PEOPLE.—Notwithstanding any other provision of law, the President may make available to the non-Communist resistance forces in Cambodia funds made available for foreign military financing and economic support assistance for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961.

(b) PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE.—Notwithstanding any other provision of law, none of the funds made available to carry out this section may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia or elsewhere in Indochina.

(c) TRAINING OF NON-COMMUNIST CAMBODIANS.—Notwithstanding any other provision of law, the President may use such funds as may be necessary from funds made available for development assistance and economic support assistance for fiscal years 1990 and 1991 under the Foreign Assistance Act of 1961 to provide for the nonmilitary training of non-Communist Cambodians who are outside of Cambodia, including Cambodians in the United States, in appropriate skills that would be used by them, in support of the non-Communist movements in Cambodia, upon returning to Cambodia in the context of an internationally acceptable political settlement in that country.

(d) INTERNATIONAL RELIEF PROGRAM FOR CAMBODIA.—Notwithstanding any other provision of law, the President may use such funds as may be necessary from funds made available under the Foreign Assistance Act of 1961 for fiscal years 1990 and 1991 for contributions by the United States to an international program of relief and reconstruction in Cambodia in the context of an internationally acceptable political settlement in that country.

SEC. 903. PROHIBITION ON MILITARY ASSISTANCE TO FIJI.

No foreign military financing and no international military education and training under the Foreign Assistance Act of 1961 which is made available for fiscal year 1990 or fiscal year 1991 may be provided to Fiji unless the President certifies to the Congress that Fiji has returned to a freely elected democratic government under a constitution acceptable to all communities in Fiji.

SEC. 904. UNCOMMITTED FMS CREDITS FOR THE PHILIPPINES.

Uncommitted balances of loans made since October 1, 1984, to the Philippines pursuant to the former authority of section 23 of the Arms Export Control Act may be disbursed without requirement for repayment of principal or interest, except that the new budget authority provided by this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 905. MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES.

Title VI of the Foreign Assistance Act of 1961, as amended by the title VII of this Act, is further amended by adding at the end the following:

"CHAPTER 2—MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

"SEC. 6201. FINDINGS AND STATEMENT OF POLICY.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) The people of the Philippines and the people of the United States continue to enjoy a longstanding relationship of mutual respect and cooperation.

"(2) The return of democracy to the Philippines under the leadership of President Corazon Aquino has brought the Philippines and the United States closer together and offers an opportunity to the Philippines to again become an economic, social, and political leader in Southeast Asia.

"(3) The Philippines is currently facing a domestic insurgency which threatens the efforts of the Government of the Philippines to broaden the participation of the people of the Philippines in the development of their country.

"(4) It is in the mutual interest of our two peoples that the Philippines be provided all possible assistance, including voluntary debt reduction programs under appropriate circumstances, in its efforts to redress the problems caused by economic deterioration and social inequity which have fueled the domestic insurgency.

"(5) The promotion of democracy and achievement of sustainable economic growth require a partnership among the Philippines, multilateral institutions, bilateral donors, and the private sector to help the Philippines restructure its economy and alleviate its debt service in order to achieve broadly based, self-sustaining growth and to improve the quality of life of the people of the Philippines.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(1) the United States should participate with the multilateral financial institutions and other bilateral donors in a coordinated economic reform and development program, including voluntary debt reduction programs, in the Philippines; and

"(2) a multiyear commitment of resources by the United States, other bilateral donors, and the multilateral financial institutions with a continued reform effort and leadership role by the Government of the Philippines will be necessary in order to ensure continued economic growth in the Philippines and enhanced participation of the people of the Philippines in the democratic process.

"SEC. 6202. ASSISTANCE.

"(a) AUTHORITY.—The President is authorized to provide assistance to carry out this chapter in order to promote the four basic objectives set forth in section 1102. Such assistance shall have as its ultimate objective, in conjunction with assistance provided by other donors, support of the newly reestablished democracy in the Philippines, promotion of sustained economic growth led by the private sector, and improvement of living conditions for the people of the Philippines, and shall build upon the progress that the Government of the Philippines has made in the development and implementation of economic, structural, judicial, and administrative reforms.

"(b) PROGRESS OF REFORMS NECESSARY FOR PROVISION OF ASSISTANCE.—The provision of assistance under this chapter shall be linked to progress by the Government of the Philippines in the implementation of its economic, structural, judicial, and administrative reform program.

"(c) USES OF ASSISTANCE.—Assistance under this chapter may include support for—

"(1) economic, structural, and administrative reforms, and voluntary debt reduction programs, that are necessary to stimulate growth led by the private sector, import liberalization, export growth and diversification, and the privatization of enterprises owned or controlled by the government;

"(2) infrastructure needed by the private sector, particularly in rural areas;

"(3) strengthening the private sector, including promoting greater participation of the United States private sector in the development of the Philippines; and

"(4) such other programs as are consistent with the purposes of this chapter.

"SEC. 6203. REPORT TO CONGRESS.

"As soon as possible after the transmittal by the President of the Budget of the United States for each fiscal year beginning with fiscal year 1991, the Secretary of State and the Administrator for title I shall submit a report to the Congress on the progress made in carrying out this chapter. Such report shall include a review of—

"(1) the actions of the Government of the Philippines to achieve the objectives for which assistance under this chapter has been provided, including implementation of economic, structural, judicial, and administrative reforms;

"(2) the participation of other bilateral donors and multilateral financial institutions in the multilateral assistance program for which assistance under this chapter is authorized, including the level of their assistance, and the effectiveness of efforts to coordinate assistance activities;

"(3) the progress being made toward the achievement of the objectives of this chapter and the obstacles to such achievement; and

"(4) the budget request for the relevant fiscal year.

"SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to the President to carry out this chapter, in addition to amounts otherwise available for such purposes, $1,000,000,000, of which not more than $200,000,000 may be appropriated under this section for fiscal year 1990.

"(b) TRANSFER AUTHORITY.—The President may exercise the authority of section 4101 of this Act to transfer funds available to carry out any other provision of this Act for use under this chapter without regard to the 20-percent increase limitation contained in such section, except that—

"(1) the total amount so transferred in fiscal year 1990, when added to the amount of funds appropriated under subsection (a) for that fiscal year, may not exceed $200,000,000; and

"(2) the total amount so transferred in any subsequent fiscal year, when added to the amount of funds appropriated under subsection (a) for that fiscal year, may not exceed the amount of funds requested to carry out this chapter for that fiscal year in the congressional presentation documents transmitted under section 4301.

"SEC. 6205. LIMITATIONS ON USE OF FUNDS.

"(a) FRAMEWORK FOR REFORMS.—None of the funds made available under section 6204 for fiscal year 1990 may be made available for the Philippines until the President has received a document, developed by the Government of the Philippines and acceptable to the major bilateral donors and appropriate representatives of multilateral financial institutions participating in the multilateral assistance program for which assistance under this chapter is authorized, which sets forth the overall framework and specific objectives of macroeconomic, administrative, and structural reforms, and voluntary debt reduction programs, which the multilateral assistance program is designed to support. The reforms which the Government of the Philippines undertakes pursuant to the framework document shall include specific measures to enhance debt exchange programs, to facilitate other market-oriented debt reduction programs and additional debt-equity exchanges, and to encourage greater foreign investment, particularly by simplifying licensing and registration requirements for such investment.

"(b) REQUIREMENT OF PARTICIPATION BY OTHER DONORS.—Funds made available under section 6204 may not be obligated unless the President has determined and reported to the Congress that a substantial majority of the assistance to be provided to the Philippines under the multilateral assistance program for which assistance under this chapter is authorized will be provided

by other bilateral donors and multilateral financial institutions.

"(c) PRIOR NOTIFICATION OF CONGRESS.—Funds made available under section 6204 may be obligated in a fiscal year only if the President, at least 15 days in advance of obligating such funds, submits a notification with respect to that obligation in accordance with the procedures applicable to reprogramming notifications under section 4304.

"(d) SENSE OF CONGRESS REGARDING APPROPRIATIONS AFTER FISCAL YEAR 1990.—It is the sense of the Congress that, before requesting the appropriation of additional amounts to carry out this chapter, the President should take into account the progress being made by the Government of the Philippines toward achieving the reform objectives of this chapter, the extent of financial and other participation of other bilateral donors and multilateral financial institutions, and efforts to coordinate the multilateral assistance program for which assistance under this chapter is authorized. Such considerations will be primary factors in decisions by the Congress to provide additional appropriations to carry out this chapter.

"SEC. 6206. DONOR COORDINATION.

"It is the sense of the Congress that critical to the success of the multilateral assistance program for which assistance under this chapter is authorized will be the ability of the bilateral donors, the multilateral financial institutions, and the Government of the Philippines to coordinate effectively their objectives and programs. It is further the sense of the Congress that all bilateral donors to this multilateral assistance program should take steps to simplify procurement and disbursement procedures and to ensure that any conditions on the provision or use of assistance are complementary, and that the Government of the Philippines should establish such internal procedures and processes as will ensure the most effective use of the resources provided by the bilateral donors and the multilateral financial institutions.

"SEC. 6207. ADMINISTRATIVE AUTHORITIES.

"Except where expressly provided to the contrary, any reference in any law to title I of this Act shall be deemed to include reference to this chapter.".

SEC. 906. SCHOLARSHIPS UNDER SOUTH PACIFIC REGIONAL PROGRAM.

Of the amounts allocated for the South Pacific regional program under the Foreign Assistance Act of 1961, the following amounts shall be available only for scholarships for study at postsecondary institutions of education in the United States:

(1) For fiscal year 1990, not less than $2,000,000, of which not less than $1,200,000 shall be economic support assistance funds and the remainder shall be development assistance funds.

(2) For fiscal year 1991, not less than $2,000,000, all of which shall be economic support assistance funds.

SEC. 907. TRANSFER OF FUNDS FOR ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

(a) TRANSFER OF FUNDS.—For each of the fiscal years 1990 and 1991, the President shall transfer up to $2,250,000 of the funds described in subsection (b) to the "SALARIES AND EXPENSES" account of the Department of State, and shall use those funds for expenses incurred in the performance of functions of the Assistant Secretary of State for South Asian Affairs.

(b) SOURCE OF FUNDS.—The funds to be transferred under subsection (a) are any funds made available for fiscal years 1990 and 1991 for development assistance and for economic support assistance under the Foreign Assistance Act of 1961 which are allocated for Asia and Near East Regional Programs (excluding programs for the Near East).

SEC. 908. COOPERATION ON POW/MIA ISSUE.

It is the sense of the Congress that, consistent with the provisions of sections 3216 and 3218(5) of the Foreign Assistance Act of 1961, the President should use available authority and appropriations to provide up to $200,000 in the fiscal year 1990 and up to $200,000 in the fiscal year 1991 for support of humanitarian projects in Laos directly associated with joint United States-Laotian cooperative efforts to resolve questions concerning Vietnam era prisoners of war or those missing in action.

SEC. 909. ADMISSION OF ASIAN COUNTRIES INTO THE OECD.

(a) FINDINGS.—The Congress finds that—

(1) South Korea, Taiwan, Hong Kong, and Singapore all now have gross national products at per capita levels that exceed those of some of the least developed members of the Organization for Economic Cooperation and Development (hereafter in the section referred to as the "OECD");

(2) these Asian countries and territories have a substantial interest in furthering the health of the world economy and should assume a more prominent role in managing regional and global economic affairs; and

(3) the ideals of the OECD, namely liberalized trade and investment flows, assistance to the developing countries, and better coordination of national economic policies, are goals that should be strongly embraced and promoted by the newly industrialized countries and territories in Asia.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should encourage the OECD to actively undertake the process of study and consultation appropriate to consider for membership in the OECD the Governments of South Korea, Taiwan, Hong Kong, and Singapore.

CHAPTER 2—SOUTH ASIA

SEC. 921. ASSISTANCE FOR AFGHANISTAN.

The President may make available funds authorized to be appropriated for development assistance and economic support assistance under the Foreign Assistance Act of 1961 for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

SEC. 922. UNITED STATES POLICY TOWARD BANGLADESH.

(a) PRIMARY OBJECTIVES OF UNITED STATES ASSISTANCE.—The primary purpose of United States economic assistance for Bangladesh is to foster economic development and political pluralism, recognizing the relationship between these two goals. Accordingly, in assessing whether to provide economic assistance to Bangladesh for fiscal years 1990 and 1991 and in determining how much of such assistance to provide, the President shall take into account—

(1) whether—

(A) the Government of Bangladesh has held parliamentary elections under the supervision of an independent electoral commission, which were witnessed by international observers and were conducted in a manner that was free and fair, including with fair and guaranteed access to the media for all parties, thus ensuring that the outcome of the elections reflected the popular will; or

(B) the Government of Bangladesh has credibly declared its willingness to hold such elections in a timely fashion, and to establish arrangements, including an independent electoral commission and fair and guaranteed access to the media for all parties, in order to ensure that the outcome of the elections will reflect the popular will;

(2) whether, in the event that elections have been held in accordance with paragraph (1)(A), there is a functioning parliament which fulfills its constitutional duties and which includes a meaningful role for the minority as well as the majority;

(3) whether the press is allowed to operate freely, and all points of view can be expressed in the press;

(4) whether there is effective elected government at the local and regional levels; and

(5) whether there is an independent judiciary.

(b) REQUESTS FOR ASSISTANCE.—Whenever requesting economic assistance for Bangladesh, the President shall report to the Congress with respect to each of the issues described in paragraphs (1) through (5) of subsection (a).

(c) DEFINITION.—For purposes of this section, the term "economic assistance" means assistance under title I of the Foreign Assistance Act of 1961 and assistance under the Agricultural Trade Development and Assistance Act of 1954.

SEC. 923. INDIA AND NEPAL.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States enjoy friendly relations with the people of India and Nepal.

(2) Harmonious trade relations, economic growth, and development, as well as a bilateral relationship between India and Nepal characterized by comity and mutual respect, are consistent with United States interests in South Asia.

(3) India and Nepal have historically enjoyed a special and mutually beneficial relationship, reflected in the Treaty of Peace and Friendship (signed by the two countries in 1950) and treaties governing trade and transit between the two countries.

(4) The treaties governing trade and transit between India and Nepal, as well as agreements between the two countries concerning coal and petroleum exports from India to Nepal, lapsed in March 1989 because of unresolved differences between the two countries.

(5) The absence of trade and transit agreements between India and Nepal and resulting shortages of important commodities has had an adverse impact on Nepal, such as an acceleration to deforestation, as the Nepalese substitute wood for kerosene, and a virtual halt in important development projects, many of which are supported and administered by the administering agency for title I of the Foreign Assistance Act of 1961.

(6) The Government of India has expressed its willingness to negotiate on trade, transit, and other bilateral issues, and the Government of Nepal has proposed a venue, timeframe, and agenda for talks with the Government of India.

(7) The United States has a strong interest in seeing an improved relationship between India and Nepal, in view of the fact that a continued impasse will further disrupt economic development and possibly

impose significant hardship and human suffering.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) India and Nepal should begin meaningful talks to resolve, on an urgent basis, issues relating to trade and transit between the two countries, recognizing that an expeditious and amicable resolution is in their mutual self-interest and consistent with regional harmony and stability;

(2) leaders of both countries should exercise statesmanship and good will in working promptly to resolve the differences in their relationship, taking into account the humanitarian consequences of the continued impasse; and

(3) the Secretary of State, or his designee, should provide regular briefings to the Congress regarding the effects of the Indian-Nepalese dispute on the two countries and on the interests of the United States with respect to both countries and in South Asia in general.

SEC. 924. ASSISTANCE TO PAKISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the preservation of democracy in Pakistan is essential for the maintenance of political stability in Pakistan and for close, long lasting ties between Pakistan and the United States;

(2) the President, the military, the judiciary, and the other sectors of Pakistani society responded to the tragic events of August 17, 1988, with admirable responsibility and statesmanship;

(3) the Pakistani elections of November 1988 were carried out in a peaceful and responsible manner that won new respect for Pakistan around the world;

(4) the transition of power from the caretaker government to the newly elected government in the aftermath of the national elections went smoothly and in accordance with the Pakistani constitution;

(5) the human rights situation in Pakistan has improved markedly in the months since a democratic government assumed power in Pakistan;

(6) the restoration of democracy in Pakistan is an achievement deserving the high praise of the United States; and

(7) the meeting in December 1988 between the Prime Ministers of India and Pakistan has encouraged hopes for an improvement in relations between those two countries.

(b) STATEMENT OF POLICY.—The primary purpose of United States assistance for Pakistan is to support and sustain democracy. Therefore, the maintenance of a democratic government in Pakistan, in which the military forces are properly subordinate to the appropriate civilian authorities, is an essential precondition for a continuation of United States assistance to Pakistan.

(c) 1959 BILATERAL AGREEMENT WITH PAKISTAN.—The United States reaffirms the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a Communist or Communist-dominated state.

(d) PROVISION OF DEFENSE ARTICLES.—The United States shall continue to take appropriate steps to ensure that defense articles provided by the United States to Pakistan are used solely for defensive purposes or for the other nonaggressive purposes specified in paragraph (5) of section 3(c) of the Defense Trade and Export Control Act, as amended by section 221 of this Act.

(e) WAIVERS.—

(1) AUTHORITY.—The President may waive the prohibitions of section 4205 of the Foreign Assistance Act of 1961 at any time to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States. A waiver under this subsection shall be effective—

(A) until April 1, 1990, and

(B) thereafter until October 1, 1993, during such periods that a certification under section 4211 of the Foreign Assistance Act of 1961 is in effect.

(2) EXISTING WAIVER.—The waiver done under the previous authority of section 620E(d) of the Foreign Assistance Act of 1961 which is in effect on the day before the effective date set forth in section 601 of this Act shall, as of such effective date, be deemed to be a waiver made under this subsection with respect to section 4205 of the Foreign Assistance Act of 1961.

(f) CERTIFICATION.—Chapter 2 of title IV of the Foreign Assistance Act of 1961, as amended by the preceding titles of this Act, is further amended by adding at the end the following:

"SEC. 4211. ASSISTANCE TO PAKISTAN.

"No assistance may be furnished to Pakistan and no defense articles or defense services may be sold or transferred to Pakistan, pursuant to the authorities contained in this or any other Act, unless the President has certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or defense articles or defense services are to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.".

(g) MINIMUM ASSISTANCE LEVELS.—

(1) ASSISTANCE TO BE NOT LESS THAN CURRENT LEVEL.—For each of the fiscal years 1990 and 1991, the aggregate amount of assistance made available for Pakistan under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 may not be less than the aggregate amount of assistance made available for Pakistan under those Acts for fiscal year 1989.

(2) LITERACY PROGRAMS FOR FEMALES.—In addition to the assistance provided for Pakistan pursuant to paragraph (1), not less than $5,000,000 of the funds made available for development assistance for each of the fiscal years 1990 and 1991 shall be available only for Pakistan for literacy programs for females.

(3) RELATION TO OTHER REQUIREMENTS.—This subsection does not apply if the certification required by section 4211 of the Foreign Assistance Act of 1961 is not submitted to the Congress.

The CHAIRMAN. Are there amendments to title IX?

Mr. SCHEUER. Mr. Chairman, I would like to commend the Foreign Affairs Committee and its distinguished chairman for bringing to the floor a foreign aid bill which continues our strong support to Israel and Egypt, and improves our development assistance program.

By authorizing $3 billion in aid to Israel—$1.2 billion in economic aid and $1.8 billion in military aid—this bill continues our historic and vital support to Israel, our only democratic ally in the Middle East. The bill provides Egypt with $2.1 billion in aid.

In addition to continuing vital economic and military assistance to Israel and Egypt, this bill initiates new efforts to fight terrorism and continues funding for programs which offer hope for peace and cooperation in the Middle East.

In prohibiting United States funds from going to the PLO, through international organizations, the Congress recognizes that the PLO has not changed its fundamental policy of terrorism which continues to call for violence in the West Bank and Gaza and the destruction of Israel. To bolster global antiterrorism efforts the bill states that the United States shall not provide any assistance to countries which grant sanctuary to terrorists.

Joint development programs to be funded include the Middle East cooperation projects, which I had the privilege of seeing first hand last summer, and a program providing financing for cooperative research programs between the United States, Israel, and Third World developing countries.

The foreign aid authorization bill also includes some welcome changes in population and development program funding. Ten percent of the African Development Fund has been allocated for population. This would provide an additional $58 million to African family planning projects. The bill also allocates $408 million over the next 2 fiscal years for international voluntary family planning programs. While these amounts are not enough to restore the United States' leadership role in the field of population assistance, they are a step in the right direction.

The legislation outlines a new "mini-Marshall plan" that has been developed for the Philippines. The United States, Japan, and the European Community, along with other governments, development banks and the private sector would work together to strengthen the Philippines. New investments, debt relief and development aid are the primary goals for this multilateral assistance initiative.

Overall, the bill redirects $1 billion from military and related assistance to development assistance, reflecting a more intelligent approach to securing our national interests abroad. I would like to commend the Foreign Affairs Committee and Chairman FASCELL for providing the House with this comprehensive bill.

Mr. FASCELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2655) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1990 and 1991, and for other purposes, had come to no resolution thereon.

THE PENALTY FOR DESECRATION OF A MAILBOX

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

Mr. RITTER. Mr. Speaker, I point out to my colleagues that I hold in my hands a mailbox certified by the U.S. Postal Service, and I hold here "Old Glory."

It turns out that to willfully or maliciously damage or destroy this mailbox is punishable under Federal law by up to 3 years in prison and a $1,000 fine. We all know the protection that "Old Glory" has under Federal law or State law these days after the recent Supreme Court decision.

Something is really out of kilter when a mailbox receives protection under the law but our flag does not. To protect the American flag against desecration, must we stuff all of our flags in mailboxes so that desecrators of the flag would be deterred from the act of desecration?

Mr. Speaker, a constitutional change is in order. President Bush is right. Many Members of the House are right when they call for a constitutional amendment, and I personally have my own that I urge my colleagues to support.

MAKING PROVISION FOR FURTHER DEBATE TIME IN CONSIDERATION OF H.R. 2655, INTERNATIONAL COOPERATION ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that subject to clause 6 of rule XXIII, time for debate on all amendments to section 707 and amendments thereto be limited to 30 minutes, equally divided and controlled by myself and Representative BROOMFIELD, and that this time be in addition to the 8 hours permitted under House Resolution 179 to the extent that those 8 hours have expired.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I will not object. I just want a clarification. As I understand it, if there is an agreement, then the six amendments pending on this side will not be offered, but we will have 15 minutes on each side to debate the agreement?

Mr. FASCELL. Mr. Speaker, if the gentleman will yield, let me state that the gentleman is correct.

Mr. SOLOMON. If there is no agreement, then we would go ahead and be allowed to debate the six amendments, if so offered, under the regular rules of the House?

Mr. FASCELL. The gentleman is correct.

Mr. SOLOMON. Mr. Speaker, that is more than fair, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

□ 2300

ANOTHER HISTORICAL POINT

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

Mr. DORNAN of California. Mr. Speaker, the distinguished gentleman from Pennsylvania [Mr. RITTER] just got up and reminded us of a U.S. Government law that we all either take for granted or forget, that post office boxes are protected by the Federal Government by a law of a Congress a long time ago.

Mr. Speaker, here is something else that is interesting:

This is a dollar bill. Handsome picture of the "Father of Our Country" on there, George Washington. There is no American flag on there, but there is the beautiful Great Seal on the back with a red, white, and blue crest, if it were in color other than that greenback green.

Mr. Speaker, if someone wanted to destroy this, guess what? They would be breaking the law.

Mr. Speaker, I am going to take, or, I guess, do live the "Phil Donohue Show" on Friday, and this pathetic moron that burned the flag in Dallas at our Republican Convention of 1984 is also going to be on there, the young Leninist with the beard, revolutionary of the Communist Party. I am going to ask him if he would like to rip up a dollar bill on the air to show his contempt for the United States of America, and then he will be subject to arrest.

Mr. Speaker, how is it that this dollar; most of us have one in our pocket right now; we think it is ours, that we cannot rip up a dollar of our own money? It is protected, but this beautiful Old Glory is not.

Mr. Speaker, there will be 1 hour after another tonight of special orders, and I have the honor of reciting for my colleagues and whoever through national technical means is watching the floor proceedings all through the night; I have the honor of reciting for the first time since the third grade Barbara Fritchie, that great poem by one of America's great poets, Mr. Whittier.

My colleagues, please watch later tonight between 3 and 4.

THE 600TH ANNIVERSARY OF THE BATTLE OF KOSOVO

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

Mr. KLECZKA. Mr. Speaker, I take this opportunity to inform my colleagues that 600 years ago today, the legendary Battle of Kosovo took place between the Serbs and the Ottoman Turks.

On June 28, 1389, Prince Lazar of Serbia martyred himself fighting for Serbian freedom and his Orthodox Christian beliefs against a much larger contingent of invading Turkish troops. Although defeated in battle, Prince Lazar set an example of courage, devotion, and patriotism that has inspired the Serbian people for six centuries. To this very day, Prince Lazar remains a great Serbian national hero and a canonized saint of the Serbian Orthodox Church.

I am placing in the RECORD an article on this event by my constituent, the Very Reverend Father Milan P. Markovina, pastor of the St. Sava Serbian Orthodox Cathedral in Milwaukee, WI. I urge my colleagues to read the following account of this most historic event.

THE 600TH ANNIVERSARY OF THE BATTLE OF KOSOVO, VIDOVDAN—JUNE 28, 1389-1989

On January 26, 1913, a large oak and silver coffin was lowered into a sarcophagus of black and white marble in a crypt beneath the rotunda of the Cathedral of the Navy at Annapolis, Md. The remains of John Paul Jones, great naval hero of the American Revolution known as the "Father of the American Navy", were brought home to be laid to rest at the United States Naval Academy.

John Paul Jones died July, 1792, in Paris, France. In 1905, one hundred and thirteen years later, his body was recovered and President Theodore Roosevelt ordered a squadron of 8 naval war and convoy ships to go to France and bring America's hero home. On July 8, 1905, after a full French military funeral procession through the streets of Paris, the coffin was lowered aboard the SS *Brooklyn* in Cherbourg, France. On arrival at Annapolis, commemorative ceremonies were held and the body kept under Marine guard until the construction of the crypt was completed.

John Paul Jones was brought to the naval academy because his presence would add honor, and tradition would be preserved. Generations of naval cadets and officers and American citizens from all walks of life would have the opportunity, as General Horace Porter would say at the commemorative ceremonies, to "pay homage to the leading figure in the early annals of the American Navy and to give assurance that the transfer of his remains to the land upon whose arms he shed much luster is not lacking in distinction by reason of the long delay."

Ladies and gentlemen, today, an event similar in nature is taking place in Kosovo, the Republic of Serbia, Yugoslavia. The relics of a great Serbian national hero, in this case a canonized saint and martyr of the Serbian Orthodox Church, Prince Lazar Hreblyanovich, are being returned to the place of his martyred death, Kosovo. Here, in 1389 as the leader of his nation and with an army of 35,000 men, he met the Ottoman Turkish host of 100,000 cavalrymen and lost

a fiercely contested battle. In the beginning, his right flank threw back the Turkish left flank and caused the center of the Sultan's army to abandon its plan of attack to aid its left flank. In the confusion, a Serbian hero, Milos Obilic made his way through the Turkish lines and assassinated the Sultan Amurath in his tent and was himself immediately killed. Bajazit, the Sultan's son, led his superior number to victory and captured and beheaded Prince Lazar. The Turks displayed his head as a trophy of victory.

Serbian monks took his body and buried it in the church of the Ascension in Pristina. A year later, he was removed to his foundation church of Ravanica, Kosovo. Some 300 years later, after an unsuccessful attempt at arms to overthrow the Turks, and in order to escape terrible revenge, the first great migration of Serbs from Kosovo took place. Patriarch Arsenius led some 15,000 families northward to St. Andrej, Hungary and finally to Srem in Vojvodina. They brought the undecayed relics of St. Lazar with them and laid them to rest in the New Ravanica Monastery. There they stayed until WW II, when on April 14, 1942, during the Ustasi-fascist razing of Serbian Monasteries, they were removed to the Patriarchal cathedral in Belgrade.

Now, in the 600th anniversary year of his martyrdom at the battle of Kosovo, his relics have been transferred in a circuitous procession from Belgrade, home to old Serbia and Kosovo, to once again be laid to rest in his foundation church Ravanica.

Today, over a million Serbs have gathered on Kosovo to pay homage to this great national hero, and to commemorate the epic battle that took place there 600 years ago this day. The eyes of all Europe were turned to Kosovo in 1389, and when Amurath's death caused the premature announcement of a Sebian victory, the bells of Notre Dame rang forth in celebration, for such a victory would have stayed the hand of the Ottoman invaders and stopped their march into Christian Europe. It was a military defeat but a moral and spiritual victory for the Prince and his valiant army. Theirs was a eucharistic sacrifice given voluntarily on the altar of freedom. On the eve of battle, the prince and his entire army received the Holy Communion of the Orthodox Church, knowing well that they would all perhaps drink of Christ's cup of suffering, according to their battle cry; "For the Honored Cross and Golden Liberty".

Their resoluteness to die for Christianity and for freedom is captured in Serbian epic poetry. Pondering the imminent battle and speaking to his valiant knights and noblemen, the bard has Lazar say:

To which Kingdom shall I aspire,
The earthly or heavenly?
If to the earthly, it is only temporal.
If to the heavenly, it is forever.

He chose an honorable death in Christ over life as an Ottoman slave.

And when the battle was lost, the poet blesses the prince's choice with the words:

All was holy and honorable
And well-pleasing unto dear God.

As this commemoration goes forth in spite of some present day unrest in the Province of Kosovo, it is well to remember several facts:

Kosovo is the cradle of the Serbian state and nation which became an independent Kingdom in 1219.

Serbia became an empire with the coronation of Dusan the Mighty in 1352 in his capitol city Prizren, Kosovo.

The ancient Patriarchal seat of the Serbian Orthodox Church is in Pec, in Kosovo.

More than 1200 major Serbian shrines, churches and monasteries are found in Kosovo and many more lesser ones dot its landscape.

I urge you to join in the commemoration of the 600th anniversary of the Battle of Kosovo by denouncing all terror and violence in Yugoslavia and calling on the Yugoslav government to guarantee the human rights of all its citizens in Kosovo. This is essential to the preservation of the integrity of the Yugoslav state as a stabilizing influence in the Balkans.

SOMETHING HAS TO BE DONE ABOUT THIS

The SPEAKER pro tempore (Mr. VALENTINE). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, when I was first elected to Congress I got off a plane, and a taxicab driver drove me down to the Capitol, and he was telling me about the crime problem in my city, and I said, "Well, you know, maybe I should get my gun permit which I had in Indiana renewed so I can carry a weapon in Washington to protect myself."

He said, Mr. Speaker, "Oh, no, you can't have a gun in Washington, DC. It's illegal. But, if you want one, I'll get you one in 5 minutes," and he reached under the seat and got a .38, and he told me where I could get a .38 if I wanted one.

Mr. Speaker, the D.C. statute which was enacted in 1975 says that all handguns registered in the District prior to September 23, 1976, were required to have been reregistered by February 5, 1977. After that date no more handguns could be registered. Thus, it is unlawful to possess, acquire or bring into D.C. any handgun which was not registered as of February 5, 1977.

Do my colleagues know what this means? That means the only people who can have guns beside law enforcement officers in this city are the crooks, the drug pushers, the muggers.

Mr. Speaker, I want to tell my colleagues a story I told earlier today. One of my staffers the night before last had a man break into her apartment and attack her. He took a 4-inch knife, and ran it through her hand, and beat her up and bit her during the struggle several times. I hope he did not have AIDS. And during the altercation which took place they fell down a flight of stairs. She was able to open a door, and the neighbor, saw it.

Mr. Speaker, this woman was almost killed, but she could not have a handgun according to the laws of this city in order to protect herself. I think this is ludicrous. I think the Members of this body ought to look into that. People ought to have the right to protect themselves in their own homes against intruders who will do them bodily harm.

Mr. Speaker, 70 percent of all crimes in this country are committed by people involved with drugs. Seventy percent of all crimes are drug related, and those people are running this town, and they are threatening women.

A woman was accosted outside the Hart Building about 3 days ago at 8:45 in the morning. He put a gun to her head, and accosted her and mugged her, and yet one cannot even have a gun in their own home to protect themselves.

So I would like to say to my colleagues tonight that I think we ought to do something about that in this body so women in this town, in their own homes at least, have the right to protect their persons because many of them are being accosted and hurt like the woman on my staff, and some of them are even being killed.

THE 600TH ANNIVERSARY OF THE BATTLE OF KOSOVO

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, June 28, 1989, marks the 600th anniversary of the Battle of Kosovo. Occurring on St. Vitus Day, June 15, 1389, on the Julian calendar, the Battle of Kosovo represents a valiant attempt by the Serbian people to preserve their culture, religion, and nation against invasion by the Ottoman Turks.

To Serbs everywhere, Kosovo is holy ground, the heart of Serbian nationhood. It was the center of Serbia's empire in the Middle Ages. At one time, it was the strongest empire in the Balkans. Serbia first emerged as an independent state, and eventually as an empire in 1204.

It was on this fateful day 600 years ago, on the Kosovo "Field of Blackbirds," that the Serbs lost their empire to the Turks. This day is remembered by Serbians throughout the world as a symbol of tremendous courage, sacrifice, and dedication, in preserving their beloved homeland.

The Battle of Kosovo has lived in popular imagination, songs, folklore, and epic poetry. Today is observed as a day of mourning for all Serbs. An annual pilgrimage is made to the tomb of Prince Lazar, the czar of Serbia, who led his people in their gallant effort to maintain their homeland.

Most of the Serbian leaders and nobility were killed in this battle or beheaded immediately thereafter. Prince Lazar was one of those captured and beheaded by the Turks. However, the Sultan of Turkey, Murad I, third ruler of the Ottoman empire, was also killed by the courageous Serbian knight, Milosh Obilich, who is regarded as one of Serbia's greatest national heroes and is honored by Serbs throughout the world.

Although the Serbs experienced the suppression of their language, civilization, nation-

ality, and religion, they did not lose their loyalty, strength, or determination to reestablish their homeland. Prince Lazar and his people were considered the brave defenders of Christian civilization. Because the Turkish Ottomans were viewed alien barbarians with a religion totally different from the Serbs, the effect of Kosovo on the Serbs was especially devastating.

Inspired by this struggle, the Serbs produced beautiful testimonies of this battle, expressed in Serbian literary and oral traditions. According to Serbian folklore, Lazar received a message from the holy St. Elijah asking him to choose between the Kingdom of God and the empire of the world. Before the battle, Lazar made the famous statement, "The earthly kingdom is short lived, but the Heavenly One is forever." In choosing the heavenly kingdom, Lazar and his army honorably died in battle.

Although the Battle of Kosovo marked the end of an independent Serbian nation, this historic date remains alive in the hearts of Serbs everywhere and serves as a tribute to their incredible dedication and perseverance. The battle represents the courage and endurance of the Serbs to preserve their culture, their sense of community, and their desire for nationhood, despite the tremendous obstacles they encountered.

I am proud to join in commemorating the 600th anniversary of the Battle of Kosovo with the Serbian-Americans in the 11th Congressional District of Illinois and throughout our country. Kosovo symbolizes a great moral victory. It represents the steadfast struggle of a people for independence and liberty, and inspires us all to remain dedicated to the principles of freedom and self-determination.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD I would like to include an article which appeared in the June 23 edition of the Chicago Sun-Times describing the events scheduled in Illinois, the United States, and Canada, to mark this special 600th anniversary observance. The text of the article follows:

[From the Chicago (IL) Sun-Times, June 23, 1989]

SERBS HERE TO MARK 600-YEAR-OLD "VICTORY"

(By Gary Wisby)

Some 20,000 Serbians are expected to gather in north suburban Third Lake this weekend to celebrate the 600th anniversary of a crushing military defeat.

That loss, at the Battle of Koslov in what is now Yugoslavia, is viewed not with shame but as a moral victory by members of the Free Serbian Orthodox Church.

"Kosovo is the heart of our people," says the church's primate, His Eminence Metropolitan Iriney. "Without that, we would be nothing."

The denomination's U.S.-Canada diocese is headquartered in this hamlet north of Grayslake. A 60-acre park is the setting for a monastery complex and a striking, multidomed church built in 1984, which is an enlarged copy of one erected in Kosovo province in 1321.

Tradition has it that before the Battle of Kosovo, a gray falcon flew from Jerusalem to Tsar Lazar, rule of the Serbs, and dropped into his lap a book from the Virgin Mary. The book spoke, asking Lazar to choose between the kingdom of heaven and an earthly kingdom.

If he chose an earthly domain, Lazar was to lead his troops immediately into battle against the Turks, to be rewarded with victory. If he chose heaven, the ruler was to build a church at Kosovo, give his soldiers communion, and lead them into a battle in which they all would perish.

"The earthly kingdom is only for a short time, but the heavenly kingdom is forever," Iriney said. So Lazar and his army died at the hands of the Moslem invaders.

Today, Kosovo symbolizes the choice that all faithful are called upon to make.

"The Serbs endured 500 years of Turkish occupation and did not leave that idea," Iriney said.

The bishop has ordered that all 52 churches in this country and 17 in Canada be closed to mark the Battle of Kosovo observance. The diocese contains 24,000 families.

At the monastery, a three-day celebration ending Sunday will include religious services, folklore, picnics, poetry readings and lectures. Serbian dishes such as roast lamb and chevapchichi, a grilled mixture of ground lamb, beef and pork, will be served.

Guest of honor will be Prince Andrej Karadjordjevich, 59, a businessman and a director of Lloyd's of London. The prince, in exile from Yugoslavia, is 66th in line to the British throne.

Married to Princess Eve Marie, he lives in Palm Springs, Calif.

OUR FLAG

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 munutes.

Mr. LIPINSKI. Mr. Speaker, tonight the special order that we are taking, myself, the gentleman from Illinois [Mr. SANGMEISTER] and the gentleman from Illinois [Mr. COSTELLO], is on the flag controversy that we have heard a great deal about in the past few days, and to start off our special order tonight I am going to yield to the gentleman from Illinois [Mr. SANGMEISTER] for as much time as he might consume. I thank him very much for joining me here this evening.

Mr. SANGMEISTER. Mr. Speaker, I thank the gentleman from Illinois [Mr. LIPINSKI] for yielding.

Mr. Speaker, there has been a lot of rhetoric over the flag controversy since the U.S. Supreme Court decision, and from what I understand from the gentleman from California [Mr. DORNAN] we are going to hear an awful lot more before maybe even the evening is over.

Mr. Speaker, this is not without good reason. The desecration of the flag apparently now will become the rule of the land, and there are a lot of people in this country that are certainly disturbed about it.

In my opinion, Mr. Speaker, the Supreme Court has certainly opened the door. Not only have they opened the door for desecration of the flag, but they have opened a lot of heartaches up for Americans and, particularly, for a lot of our veterans.

I see the chairman of our Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY] up there now, and I know what this has meant to him and to all the members of our committee, and we all feel that something does have to be done.

I think all one has to do is go across the river here in town and take a look at the Iwo Jima Memorial over there, and if that does not signify what the U.S. flag is all about, nothing ever will.

Mr. Speaker, this all got started because of a gentleman down in Texas; and I would say that, when we use the word "gentleman", that that is using it very lightly; decided that at the 1984 Republican Convention he was going to burn a flag as a symbol against what he felt was our Government. I think it is interesting to note that that gentleman did not produce that flag or buy that flag anywhere. He stole that flag, and he decided to burn it.

Also back in the State of Illinois the flag received a lot of attention this past summer, and I think most of my colleagues know about the incident. It promoted a lot of legislation at the State level in Illinois, and of course it did here at the Federal level as well, and the gentleman from Mississippi [Mr. MONTGOMERY] introduced a bill, which I was the cosponsor of, and that was to prohibit people from laying the flag on the floor, on the ground, and in the case of Illinois, those of my colleagues that know it well, of course it was not only that, but the young artist that displayed it at the Chicago Art Institute felt that it would be interesting to have people walk back and forth across it, and then he had a book there that one could sign and say what their thoughts were as they walked across the American flag. As a result of that incident a flood of legislation, of course, was introduced in Illinois. I remember attending a rally at the Art Institute that was put on by the veterans, and I want to tell my colleagues that was a pretty moving sight to see all the people there who were tremendously offended by that incident.

So, the question is: Where are we going to go now? In my opinion anyway I think the Federal statutes on proper display of the flag are certainly all gone. Federal statutes that we have on desecration of the flag, they are all gone. Any State statutes that we have concerning the flag are all gone.

I cannot help but remember that, as a young person, one of the first things that I was taught in the home and in the school was respect for the flag. I can remember being told that the flag must never touch the ground, it should not be displayed in a torn or soiled condition, it must never be displayed in the dark, it must always have a light on it, it should not be

worn as apparel. All of these things we held very dear and very sacred.

□ 2310

I can even remember one time when it was my assignment in grade school to run the flag up to the top of the mast and I did not secure it well enough. We went inside to continue with school and the rope slipped and the flag came down and landed on the ground. I felt like I had just committed a crime. The admonition I got from my teacher and the admonition I got from my fellow students about not knowing how to tie a knot to hold the flag up there was something to behold as well, but that is the kind of impressions we had. That is what we have grown up with.

I think that it is important for us to remember here, too, that this is a 5 to 4 decision. Apparently we are going to get a lot of them out of the U.S. Supreme Court; but in my opinion, Justice Stevens who dissented really said it all when he said these words:

> The value of the flag as a symbol cannot be measured.

I repeat that:

> The value of the flag as a symbol cannot be measured.

Of course, he was referring to the ideas of the liberty, equality, and particularly to President Lincoln and Patrick Henry and Susan B. Anthony and a lot of others.

Justice Stevens said:

> If those ideas are worth fighting for, and our history demonstrates that they are, it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration.

No one can say it any better than that.

As I read the decision, of course, the majority decision, you can now do anything to the flag you want because it is protected as freedom of speech or expression.

I see there were some examples given just recently here that it is a crime to do damage to a mailbox or to tear up currency. Well, I would say to those individuals, I do not think that is going to be a good example because obviously if you can burn the flag, why can you not burn currency or why can you not blow up a mailbox as an expression that you are unhappy with the U.S. Government? That is going to be a symbol of freedom. That is going to be protected under the first amendment. So I do not think any law that we have regarding destruction of currency or that we have regarding destruction of mailboxes is going to be a reasonable alternative.

Therein, Mr. Speaker, lies the danger, I think, of what this decision is going to open up, the old proverbial Pandora's box is probably there.

I really do not think that the founders of this country intended that kind of an interpretation, because it is an anniversary desecration that we are talking about.

Now, if Mr. Johnson did not like our Government, and he obviously does not, then there are a number of things he could have done. No. 1, of course, he could have carried a placard or a sign. He could have had on it whatever he wanted to that he was unhappy with in our Government. In fact, he probably could have had obscenities on there, under the decisions that I have read from the U.S. Supreme Court. There is not very much that is obscene anymore. So Mr. Johnson had a wide latitude as to how to handle his protest.

He could have under that same amendment gathered a lot of other people together under that freedom of assembly and they could have done the same thing. They could have carried the same placards.

And of course, above all, he could have used the protection that the Founding Fathers really wanted him to have, and that is he could have spoke out for his beliefs. He could have used a megaphone if he wanted to. He could have gathered all the other people together and marched up and down the streets and defied our Government if he wanted to. Those are the freedoms that I certainly agree he could do; but to take the flag and burn it in indescribable desecration, proves nothing in addition.

So why do five Justices feel otherwise? I must say, I was rather surprised, as I am sure many were, to see Justice Scalia and Justice Kennedy, with the other Justices to form that majority, I know it almost shocked me to hear it. In talking to some of my colleagues across the aisle, they not only were shocked, they were absolutely appalled.

From the rhetoric, and rightfully so that we heard from President Reagan and from President Bush concerning the flag, and you know, as a Democrat, there were not a lot of things I used to agree with as far as President Reagan was concerned, but one thing I always gave him credit for is he did I think reinstill in this country a feeling of patriotism and what this country was all about. Of course, what else would you rally around to do that, but to have strong feelings as he did for the flag.

And of course, as Mr. Bush also, I should say President Bush at this point during the campaign; but I think we have to be a little careful that the rhetoric that we hear, and I do not want to be a part of that, is going to bring back memories of a rather bitter campaign in which the flag played a prominent part. Nevertheless, it is still there.

Anyway, I have yet to read anywhere an editorial by any newspaper, there may be some, but I have not seen them, that say anything but that they are very pleased with this 5-to-4 decision of the U.S. Supreme Court. That is to be expected, because obviously the editorial writers, whether they be for the written media or for video or the oral media of any kind, are very concerned about that first amendment and freedom of speech. I suppose they are not more biased in their feelings on that than we are in support of the flag.

I want us to understand, Mr. Speaker, that I do not take the first amendment lightly. As a practicing lawyer and as a former prosecutor, I understand what is involved. It is probably the most important amendment in the Bill of Rights when you talk about freedom of the press and freedom of speech and freedom of religion and freedom of assembly. We do not take those things lightly, and I do not think we should, either.

The point that I want to make is that I do not see why we could not protect all those same rights without saying that you are now protected to burn the flag or to walk on the flag. That is not speech that is to be protected under the first amendment, or expression. It is just plain desecration of that one symbol that unites this country.

So at this point, what are we going to do about it? I do not think we have many alternatives. I know part of the program here is going to be to try to devise a statute or a law within the scope of the majority opinion that will again make the burning of the flag or walking on it or any other desecration of the flag unlawful.

I am not a constitutional expert and would not propose to anyone that I am, but I can say this much in reading that opinion. I do not see much room. As I indicated to you, it has opened the door. So we can try a statute, and I am all in favor of trying to do all we can in that area, but I think sooner or later the only conclusion we are going to come to here is probably the only way we are ever going to get the job done, and that is with a constitutional amendment. That gives lots of people in this body much pain, because what has there been? I believe about 26 amendments since the document was originated 200 years ago. So we do not amend the Constitution, although hundreds and hundreds are proposed, very few are ever adopted. Obviously the procedure of getting it passed here with a two-thirds vote I believe and getting it ratified by a sufficient number of States is a big project, a difficult one, and it should be difficult to amend the Constitution; but as I see it, that probably will be our only alternative.

Although as I indicated, I think we are all willing to work on both sides of the aisle to try to go another route, that is going to be the bottom line. If it is, all I can say, as much as I am

going to find it difficult to do that because I do not think we should be fooling around with the first amendment, but at the same time, the U.S. Supreme Court has put us in a position where there is no place else for us to go; so as a result, regrettably, we may have to do that.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Illinois [Mr. SANGMEISTER] very much for those very insightful, significant, and important words pertaining to this problem that everyone in this country now faces because of the Supreme Court ruling of last week.

Mr. Speaker, I yield to my good friend, the gentleman from Mississippi [Mr. MONTGOMERY] to speak on this burning issue of the day.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Illinois [Mr. LIPINSKI] for giving me this time. My remarks will be about 2 or 3 minutes, and I appreciate very much being able to talk about the flag and what the Supreme Court has done.

May I say also to the gentleman from Illinois [Mr. SANGMEISTER], I appreciate what the gentleman has said. We did cosponsor legislation when we had the problem in the museum in Chicago, where knowingly people were standing on the American flag.

□ 2320

We sent that bill to the Committee on the Judiciary, and I am sorry to say that they have taken no action on that legislation. It has a lot of merit to it, and I was disappointed.

Mr. SANGMEISTER. If the gentleman would yield for just 1 moment, in my opinion at this point that legislation need not be pushed any further, because under the Supreme Court decision that bill is dead.

Mr. MONTGOMERY. I certainly agree with the gentleman. It looks like it would have to be a constitutional amendment.

I would also like to thank my colleague on this side of the aisle, the gentleman from Texas [Mr. WILSON], who is a leader here, and also the gentleman from Kentucky [Mr. HUBBARD].

I will be brief, but as I understand it, the minority leader, the gentleman from Illinois [Mr. MICHEL], is waiting in the wings to talk about an amendment to the Constitution. That will straighten out this flag situation. I want to commend the gentleman from California [Mr. HUNTER] also for lining up the Members who will be speaking most of the night. I thank him for pointing this out to the American people. We will be surprised that there will be a lot of them out there watching, because they are concerned about what is taking place here in Washington.

I join my colleagues in expressing my disappointment with this Court decision. It is unbelievable that the Supreme Court would rule in some cases that it is OK to burn the American flag. I am very proud that I was a combat veteran in World War II. I served during the Korean war. I now have the privilege of being the chairman of the Committee on Veterans' Affairs.

Mr. Speaker, the veterans do not like this at all. They have been up in arms and concerned that their comrades, over 1 million veterans, 1 million young people who have lost their lives since we have had a nation fighting for this flag, the symbol, and everywhere we go we have the symbol of the flag, and I want to point out that millions of other Americans have been seriously wounded serving the flag of this country, and that there has been a ruling as to these brave Americans that, in some cases, this flag could be burned or destroyed.

I think that Members will see that the veterans' organizations across the Nation will take some action. It will all be legal, but it will express their strong feelings that something has to be done either by legislation or by a constitutional amendment, which I believe, I hope, that we can move out of this House of Representatives.

What worries me, and I have watched what happened out in Texas as this person, as I understand it, that burned the flag, also spit on the flag and said that the reason why he was doing this is because that individual hated this country. To hate the country, they ought to leave, but we will not see them leaving. They will stay around and cause problems for us who truly believe in and love this country.

Mr. Speaker, I thank the gentleman for yielding. I think it is certainly appropriate that we talk about Old Glory. We have to get respect in some of the agencies up here in the Government and see that we can get a constitutional amendment passed and that we can stop all of this terrible situation as far as our flag is concerned.

Mr. LIPINSKI. Mr. Speaker, I am very thankful for the gentleman from Mississippi joining us in this special order tonight on the flag controversy that we have.

Mr. Speaker, I yield to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I thank the gentleman very much for yielding this time. I thank the gentleman from California for inspiring this special order and to give us this opportunity tonight.

Mr. Speaker, I think we are going to say the same things over and over, because the same things are obvious to us all.

I just cannot imagine a great country, and certainly there is no other country in the world that cannot defend its flag, but I cannot imagine a country allowing its flag to be desecreated any more than we would allow any other great shrines and great symbols to be desecrated, any more than we would protect those who would paint a swastika on a synagogue or desecrate the grave of Martin Luther King or any other things that we hold dear.

I quote from Charles Evan Hughes:

> This flag means more than association and reward. It is the symbol of our national unity, our national endeavor, our national aspiration. It tells you of the struggle for independence, of union preserved, of liberty and union one and inseparable, of the sacrifices of brave men and women to whom the ideals and honor of this Nation have been dearer than life.
>
> It means America first; it means an undivided allegiance. It means that you cannot be saved by the valor and devotion of your ancestors; that to each generation comes its patriotic duty; and that upon your willingness to sacrifice and endure as those before you have sacrificed and endured rests the national hope.
>
> It speaks of equal rights; of the inspiration of free institutions exemplified and vindicated; of liberty under law intelligently conceived and impartially administered. There is not a thread in it but scorns self-indulgence, weakness, and rapacity. It is eloquent of our common destiny.
>
> —*Charles Evan Hughes.*

There must be no doubt; there must be no quibbling. As the gentleman before me said, if there is doubt, then the constitutional amendment must be worked through this House. The constitutional amendment will surely be worked through this House, and I have no doubt whatsoever that three-fourths of the States will quickly ratify the constitutional amendment.

Somehow this is a product of some kind of convoluted thinking on the part of a bare majority of our Supreme Court, and I must say a bit of muddle-headed libertarianism.

The founders of the Constitution provided that we in Congress and the people in the various legislatures of the 50 States can correct a mistake as vivid and as obvious as this one, and I believe we should get on with it.

I have sympathy for those who feel that somehow this in some way might violate the first amendment, but I reject that totally and completely. The flag represents everything we believe in. It represents freedom of religion. It represents the right to a trial by jury of our peers. It represents everything that is precious, and it represents certainly an imperfect but, nevertheless, the absolute best government that has ever been founded on the face of this Earth.

I commend all of my colleagues, and I look forward to our votes on this constitutional amendment and its rapid passage.

Mr. Speaker, I thank the gentleman very much.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Texas for joining in this special order tonight on the flag.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. LIPINSKI. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I have a question for the gentleman from Texas.

When the gentleman was a young midshipman at the U.S. Naval Academy at Annapolis, not just his first year but his last year, every time he was on parade and the colors passed in review, did he ever, ever get bored with seeing Old Glory go by?

Mr. WILSON. Never.

Mr. DORNAN of California. I did not think so, and that is why his words are so ringingly clear tonight.

Mr. WILSON. I would say something to my friend, and I said this on a television program over the weekend, but Supreme Court or not, anybody who burns that flag around me had better have his fighting clothes on.

Mr. DORNAN of California. If he is 6 foot 7 and has a black belt in karate, the gentleman will take a lot of pain, but I am sure he will get in some good shots first. Save those for me.

Mr. WILSON. You bet.

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the flag of the United States of America. As a veteran and an American, I cannot begin to describe my disgust at the despicable act of Mr. Gregory Lee Johnson. In burning our American flag, Mr. Johnson has displayed his utter lack of understanding of what our flag represents and what our Constitution means. I join my colleagues on both sides of the aisle in condemning this insult to the great Republic in which we live. Furthermore, I join in agreement with the dissenting justices in this landmark decision.

Despite my outrage at this decision of the Supreme Court, I must agree with President Bush in his assertion that, as Americans, we must respect the integrity of the Supreme Court as well as the Justices who wrote the opinion. For, what would the flag mean if we ignored the right of the courts to interpret our laws. I have no doubt that Justice Brennan and his colleagues are as patriotic as anyone in this Chamber. I will continue to respect them, even if I do not agree with their opinion.

And, like Justice Brennan and his fellow jurists, I too am committed to the guarantees in the Bill of Rights. The right to express oneself is preeminent in our national character, and I fully support the right to political dissent. But, this Nation is based upon the sanctity of certain institutions, and the flag is just such an institution.

What I have difficulty respecting is the notion of my Republican colleagues that the flag has somehow become the symbol of their party and not of all Americans. I am a proud American and a proud Democrat. For too long, the Republicans have claimed our national symbol as their own, and I, for one, have had enough! Mine is the party of Thomas Jefferson and Andrew Jackson, the party of Franklin Delano Roosevelt and the party of John Fitzgerald Kennedy. The Democrats are the party of the little man, and it is the little men who carry their lunchpails to work and who have carried our flag in to battle. The flag certainly belongs to Republicans but not to them exclusively. I respectfully request that they stop treating it as such.

There has been much talk in the Congress this week of a constitutional amendment outlawing the desecration of the flag. While this is noble, I believe that this course of action should be used only as a last resort. The Supreme Court did not overturn the anti-desecration law. It simply said that the law did not apply in Mr. Johnson's case. I suggest that those of us who love the flag may still have hope through the judicial system. Free speech is not unlimited, and I do not believe that our courts are willing, in the words of Justice Jackson, "to convert the constitutional Bill of Rights into a suicide pact." I have faith that a new court case, under different circumstances, will give our Justices a chance to reinterpret their recent opinion. "Eloquence may set fire to reason," and the scales of justice may tip in favor of our beloved flag.

I want to see the flag protected. It is the symbol of our Nation, and it deserves a special consideration under our laws. But, I ask my colleagues to stop and consider what makes our flag so special. Is it because we revere the flag, or is it because we revere the ideas for which our flag stands? We are the greatest Nation on this planet. We are great, not because of our flag, but because we, the people, choose our Government to protect our God-given rights and to help us make our lives worth living. Our Government cannot do this, however, unless it uses its time and resources wisely. In other words, we must spend time, not debating on what we all agree to be a despicable act, but in getting on with the business of Government. I will not hesitate to deplore the desecration of the flag. But I was elected to serve the people, and I can do this best by using my time and talents for passing needed legislation.

There are hungry people in this Nation. There are drugs on our streets, and there is oil on our beaches. While we spend time on this floor agreeing about something we all know to be deplorable, we could be engaged in honest debate about how to educate our children or how to aid our Chinese friends who have died so that they may have a taste of the freedoms so many of us take for granted. I ask you, my fellow Representatives, to lead the way in honoring the flag by doing the job we were put here to do. If you do this, when you raise the flag next week in honor of our Nation's independence, you will all be able to look at its colors and know that you have done your best to help your felllow Americans.

Just so there is no misunderstanding, I want to reiterate my disgreement with the Supreme Court in its opinion in the case of Texas versus Johnson. I love the flag and the things for which it stands. But, I believe that the best interests of this country would be served by attacking this problem through the judicial system. With new litigators and different circumstances, I believe our jurists will come to the right decision. I understand the desire to enact legislation, but I also know that, as Congress comes to a close, we must give the courts another chance and we must finish the urgent business at hand. If the courts fail, we must then begin remedial legislation and a constitutional amendment. But we should not allow the blindness of passion to cloud our judgment in the waning hours of this session.

□ 2330

THE FLAG

The SPEAKER pro tempore (Mr. VALENTINE). Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 60 minutes.

Mr. HUBBARD. Mr. Speaker, I plan to speak, as other colleagues have, about the flag of our United States, and to indicate my outrage at the Supreme Court decision of 1 week ago today. But I would like to bring my time to a conclusion. I want to participate with our minority leader, the gentleman from Illinois, Mr. BOB MICHEL, who also has 60 minutes, and in order to make this session a truly bipartisan effort by Republicans and Democrats, I yield back the balance of my time and will look forward to participating in the 60 minutes reserved for our minority leader, the gentleman from Illinois, the Honorable BOB MICHEL.

□ 2340

ORDER OF BUSINESS

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that Mr. MICHEL's special order be taken out of order at this time.

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

There was no objection.

OUR FLAG

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

Mr. MICHEL. Mr. Speaker, may I first thank my friend, the distinguished gentleman from Kentucky [Mr. HUBBARD], my profound thanks for his graciousness here yielding to me and also to my distinguished colleague from California for his courtesy.

Mr. Speaker, we apologize to you for we have had a very lengthy, arduous day with the foreign aid authorization bill. It is nearly midnight.

But we have a problem in the sense that tomorrow is the getaway day for the Congress as we leave for the Fourth of July recess and obviously impossible for us to carry on any extended discussion of the subject matter which has been our choice for this evening to do tomorrow.

May I compliment the gentleman from California [Mr. HUNTER] for his initiative.

Some time ago, and I forget exactly when it was, he planned an overnight special order on one of the other great issues of the day that proved to be very successful in highlighting to the American public what we wanted to say and had to say at that particular time.

Mr. Speaker, he and I happen to be what one might call old infantry slobs, I guess, from different wars, using somewhat different weapons when I think the very fact that we are both combat veterans also says something about the deep, especially deep feeling that we have with respect to the subject matter we are going to be talking about this evening.

Mr. Speaker, I am really glad that we are going to have so many of our colleagues to participate in this special order. I compliment my colleagues from Illinois [Mr. LIPINSKI and Mr. SANGMEISTER], who likewise devoted their special order this evening to the flag; likewise the distinguished gentleman from Mississippi [Mr. MONTGOMERY], who participated in one of those special orders. And, yes, again, my thanks and appreciation to the distinguished gentleman from Kentucky [Mr. HUBBARD] for also participating in the special order.

Mr. Speaker, I am glad to join with so many of our colleagues in paying tribute to the flag as we approach the Fourth of July.

The flag has a special meaning for all of us and the recent Supreme Court decision has focused attention on the symbolic value of the flag and its place in our national life.

That is why tomorrow I will introduce a proposed amendment to the Constitution that will protect the flag from desecration.

Perhaps the Court's decision is one of those events that teach us the uses of adversity. Few of us, to judge by the vote on the resolution yesterday, applaud the majority's views in Texas versus Johnson.

But that decision shocked most Americans, and it's good now and then to get a shock that galvanizes you, that wakes you up, that reminds you of things you may have taken for granted.

So, in that sense, the majority decision in Texas versus Johnson is the means through which a lot of Americans awakened and began to think about the meaning of the flag.

And the more you think about the depth and mystery of what the flag symbolizes, the more complicated the issue becomes. There just isn't any other aspect of our national life that holds the same position in our hearts as the flag.

Any symbol that has such a powerful effect on the memory and the imagination is, by definition, too deep and mysterious in its meaning to lend itself to easy slogans or cliches—and too sacred to desecrate.

If we don't think about the flag, if we take it for granted, it gradually over time moves away from the foreground of our thoughts and begins to disappear before our eyes. We look at it, but we don't see it.

So perhaps in one of those curious ironies of history, Mr. Johnson, unintendedly, woke us up to the meaning of the flag in our national life.

Maybe now that we have begun to once again think about it—rather than just praise it or take it for granted—maybe we can once again capture the true meaning of this unique symbol.

Please don't misunderstand me. I wish with all my heart that the court had voted 9-to-0 that desecration of the flag is illegal—as it should be. But, as in the old story of the muleskinner who hit his mule on the head with a 2x4 to get its attention, the Court has hit us with a decision that gets our attention.

That's the point I want to make as we begin this special order.

We will hear eloquent and stirring stories about the flag as the night goes on. But what to me is important is that this Court decision should force us to reconsider our view toward a symbol we may have taken all to much for granted.

Let me just make one comment about an aspect of the majority decision that caught my attention. I refer to the final words written by Justice Brennan in his majority opinion. This is what he said:

> We can imagine no more appropriate response to burning the flag than waving one's own, no better way to counter a flag-burner's message than by saluting the flag that burns, no surer means of perserving the dignity even of the flag that burned than by—as one witness here did—according its remains a respectful burial. We do not consecrate the flag by punishing its desecration for in doing so we dilute the freedom that this cherished emblem represents.

Chief Justice Rehnquist calls this passage "a regrettably patronizing civics lecture" directed toward Members of Congress.

I agree with the Chief Justice. With all due respect for Justice Brennan, the logic of his arguments escapes me.

If we applied the same logic to other areas of law, we would have to say that the appropriate response to robbery is to be honest and that there is no better way to deal with a mugger than to hand out leaflets against violence as he pursues his ghastly trade.

It is at the very heart of our system of law that some acts are so despicable and so injurious to the common good that we punish those who commit those acts as well as practice opposite virtues ourselves.

Justice Brennan's view that we do not consecrate the flag by punishing its desecration is not to the point. We do not seek to consecrate the flag through our amendment. The flag already is consecrated through our 200 years of love and reverence of a special, almost sacred kind. We seek only to protect it, just as you'd protect any loved one.

We do not dilute freedom by punishing those who desecrate the symbol of freedom. To the contrary—in punishing those who desecrate the flag we show that the flag—and here I quote Chief Justice Rehnquist:

> * * * is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have.

This is a difficult subject, filled with all kinds of questions. But at the heart of the subject is the flag. That's what we should keep in mind.

□ 2350

I am happy to yield to the distinguished colleague from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I thank the distinguished minority leader of our U.S. House of Representatives for yielding to me, and compliment him for taking this 1 hour to honor and respect our flag. I'm happy to be the first Democrat to publicly agree with the remarks of the distinguished minority leader BOB MICHEL regarding the need to amend our Constitution.

Over the weekend I found my constituents in western Kentucky very upset with the U.S. Supreme Court.

Yes, last Wednesday, in a case that set patriotic symbolism against the rights of those who would spit on and burn the American flag, the Supreme

Court, in a 5-to-4 decision, nullified flag desecration laws in 48 States.

Most Americans agree with Chief Justice William Rehnquist's dissent:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning.

The Supreme Court has converted anti-American flag burning into a constitutional right. We need a constitutional amendment.

In Kentucky, burning and desecrating the American flag is thought of as a despicable and dastardly act.

Personally, I'm outraged at the Supreme Court decision and would suggest that Americans who want to burn our flag in contempt should consider moving to Iran, China, or Cuba where burning the American flag is not only legal but is encouraged.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Kentucky for his time, and I am happy to yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, just this afternoon, Mr. Leader, I was talking to a liberal journalist who is rather fair, Michael Barone, one of the editors of the American Almanac of Politics, and we were talking about the Members and change in leadership, and a few words about the leadership that stayed. He brought your name up. He said, "You know, a fascinating thing about Mr. MICHEL. He is so humble about his combat experience that it is almost painful for him to be questioned about it or to speak about it." I did not tell you I was going to do this tonight, but I was sitting here thinking of the gentleman from Illinois carrying a Browning automatic rifle across Europe, and I went with a codel to the Normandy beaches a few days after the anniversary this year, and out in front of this beautiful new museum at Cannes which was virtually destroyed, and the first city of any size liberated by the Allied Forces, I saw Eisenhower's words, and it said, "The whole world is watching you, the hopes and dreams of liberty-loving people everywhere march with you." He did not mean that just for the young people hitting the beach that day, but for everybody, from that June 6th day until May of 1945. So he was speaking about Mr. MICHEL, and I wonder if there is any experience from your experience as a combat infantryman working in your way, in what was called a great crusade across Europe to liberate that country, and if there are any experiences the gentleman remembers of a young kid who carried a flag, or when the shooting was over, because there are not many parades or passing of the colors in the mud of a winter going across Europe, and it was a tough winter in 1944-45; do you have any experiences with the flag that you might recall to Members tonight from your youth as a young BAR rifeman?

Mr. MICHEL. Face it, wearing the patch of the flag at the time we were in Normandy and early on in that particular war to have for example, the French people, although I may be a bit prejudiced in that sense, being the son of a French immigrant, and the correct pronunciation of the name being "Michel," which is what I used in the service, the French pronunciation. No one knew me by the name of MICHEL, but rather by "Michel," to recognize, really for the first time with an appreciation of a foreign government for our flag, what it symbolized to those people that, boy, they were going to be rescued from Nazi tyranny.

Then, there were any number of times I guess whenever a person is moving to any community or city. Unfortunately, most of them were quite desecrated and desolated by the time by the carpet bombing, before an infantry assault, but where there were those occasions, and there was still a civilian population around, to have that outward manifestation of joy and appreciation, yes, I guess for the uniform of the American soldier, but also the little flags that we wore at that particular time. Something extraordinarily special and here on the floor of this House on Flag Day, we, from time to time, had a special commemoration of the flag, too. It has been a very impressive kind of ceremony, one that we did not have this year, and brings to mind why I earlier mentioned our inclination sometimes to take all too much for granted, knowing what that flag really means to citizens.

□ 2400

And now we have had it brought home so forcefully to us through this Supreme Court decision that I think we all, as manifested by this special order, are taking a renewed interest in what it means to us.

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

Mr. MICHEL. I am happy to yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I will be in the chair shortly, and I would like to make one statement.

Unfortunately and regretably, this flag-burning incident occurred in my hometown of Dallas, TX, and I want everyone who is watching to know that the vast majority of the people in Dallas, TX do not approve of what happened in our city, do not approve of burning the American flag. We have a very patriotic city, and I for one feel very strongly about this subject also and hope that a remedy will be found by this Congress very shortly to prevent this from ever happening again.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MICHEL. Mr. Speaker, I think it is quite obvious to all Americans throughout the land, knowing of the patriotism manifested by the gentleman's hometown and the great State of Texas, that this again was one of those isolated cases that can happen any place in the country, and has happened. But to have it culminate in the kind of decision that we had, a very split decision, 5-to-4—we cannot have it any more split than that—suggest that there was serious division of thought within the minds of those nine jurists who carry such an awesome responsibility as the highest court of the land.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. I just thought, because you jogged my memory with your first-hand experience of wearing the American flag on the shoulder, that that was, I believe, in a general way unique, starting with that Normandy invasion, and I recall one of the most dramatic pictures of the war was Eisenhower in the tradition of all great commanders going to meet with the first assault wave, which would be the 82nd and the 101st Airborne, with General Maxwell Taylor, the young brigadier, and General John Gavin, another young brigadier, and he met with those men by their C-47 aircraft. Some of them had Mohawk haircuts, and they all had that American flag sewn on their shirt or their combat fatigue jacket so that at night they could easily identify one another. And that means that the first American flags to fly from a standard over occupied Europe were the young airborne men that came down in the trees around Ste-Mere-Eglise. They were machinegunned in the trees and left hanging there throughout the night hours and the early morning hours until the town was liberated.

I visited that town in 1982 with the youngest of my five, my daughter, and we found a lady in a little cafe named after Pvt. John Steele, who came down with a parachute on the steeple with his flag flying, and he pretended he was dead. This middle-aged French lady took us out on the street. She showed my daughter and me the exact spots where this young infantry man had been killed, and she started to cry on the spot 38 years later. I realize now that she was looking at the American flag flying in the streets of France. She pointed to these beautifully pruned trees that the men were hanging in, and she showed me where the men were hanging, and there was that American flag flying on their shoulders as they swung in the morning wind, having given their lives in occupied France.

So I can understand why you combat veterans who have seen friends lying on the battlefield in those early years of the European crusade with that American flag on your shoulders, could not possibly conceive of someone burning that flag and desecrating it to make a political, rhetorical statement.

Mr. BURTON of Indiana. Mr. Speaker will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. First of all, Mr. Speaker, I appreciate my leader's taking this special order tonight.

Those who have fought and died in combat know the value of the American flag. Many of those who survived World War II and World War I—and some are still alive—and Korea and Vietnam have expressed their outrage to many of us in Congress regarding the Supreme Court decision. But the gentleman from California [Mr. DORNAN] asked the question, "When you were going through Europe during World War I, do you recall any incidents where people were concerned about the flag? And that brought to mind one of our colleagues.

I was elected in the 98th Congress with JOHN MCCAIN. JOHN MCCAIN was the president of our class, and we all know him well. He is now Senator MCCAIN. He is doing a very good job in the other body.

Many of us may or may not know that Senator MCCAIN, during the waning days of the Vietnam War, was shot down over Hanoi, and he suffered severe injuries and spent 5½ years in a Vietnamese prison camp. During that time many of the people with whom he was incarcerated lost hope. They wore very course uniforms, kind of like Karate gis, white, and they wore parts of American tires as thongs on their feet. They were mistreated time and time again. He said many of them lost hope.

But one fellows with whom he roomed in their barracks or in their bamboo prison never did lose hope, and every night this guy would lead them in singing patriotic songs, "God Bless America" and other songs, and they said the Pledge of Allegiance to the flag. They did not have a flag, but nevertheless they would say the Pledge of Allegiance.

This fellow got the bright idea that he would manufacture an American flag, and I guess he found an old broken needle or manufactured a needle out of piece of bamboo, and when he found a piece of red yarn or blue yarn, he would sew it on the inside of this gi and gradually the outline of an American flag started to take shape. And they would hang that up on the wall at night and they would use it as the American flag. They would say the Pledge of Allegiance to it, like we do here everyday in the body.

Finally, one of the guards found out about it, and they dragged him out and they beat the man until they thought he was dead. JOHN said that he and his comrades tried to take care of their friend as best they could, but they were pretty sure he was not going to make it through the night. JOHN said that out of sheer exhaustion they fell asleep. They had a bulb that hung down from the ceiling in this bamboo prison, and he said for some reason he woke up about 3 o'clock in the morning, and he saw a sight that he will never forget. He said that this fellow, through eyes almost completely swollen shut from that beating, was sewing another piece of red thread inside another Karate gi jacket.

That ought to tell everybody in this body and everybody in America that that flag means something. It means something to men who are incarcerated in prison camps around the world, men who fought for this country. We ought to do everything in our power to make sure that flag is held in the highest esteem. That is why this constitutional amendment is so important.

Mr. Speaker, I thank the gentleman for taking this special order.

Mr. MICHEL. Mr. Speaker, I remember the revelation of that very gripping story by JOHN MCCAIN, too. Maybe I heard it at the same time the gentleman from Indiana was told the story. It was a very moving one, and it is probably more descriptive than any other of how deep-seated a feeling one can have, particularly under those dire circumstances, incarcerated for years as they were and penned up like animals, to still have that reverance and the last vestige of hope residing in the flag or at least in as good a facsimile of a flag as you could get under those circumstances.

Mr. HUNTER. Mr. Speaker, I would ask the gentleman to yield, if he would.

Mr. MICHEL. I yield to the distinguished gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding. The gentleman has made us all reflect on why he is our leader, and we appreciate him more than we ever have before for his great fairness and loyalty to his country and a real sense of duty.

Let me just say to the gentlemen who have spoken on the other side of the aisle that I appreciate them especially, General SONNY MONTGOMERY and CHARLIE WILSON, great patriots, and also CARROLL HUBBARD, who said so many moving things. I want to assure people in Paducah, KY and in Mayfield and Hopkinsville and Madisonville and Murray and Henderson that they are very well represented in CARROLL HUBBARD.

Let me say also to the people who are spending their time here tonight that we realize that the hour is late. We have many staff people who are sacrificing their time, and I just want to assure them that we would never do this if we did not feel so deeply about this subject.

□ 0010

Mr. Speaker, I think the leader made it pretty clear when he mentioned the fact that he has been reluctant to ever request a constitutional amendment until this came up, and this may be the one, the one issue that would really move, galvanize, this House and move us to support unanimously, or by a great majority, a constitutional amendment.

Mr. Speaker, the leader touched on this, and the gentleman from California [Mr. DORNAN] talked about how a flag is something other than a symbol, and I reflected on this a little bit today, too. I thought about the President's speech in 1981, when President Reagan stood on west steps of the Capitol, and he gestured out toward the Washington Monument, and he said:

> To the west you can see the Washington Monument dedicated to the Father of Our Country, and to the south of that is the Jefferson Memorial dedicated to the man who penned those great words in our founding documents. Further west is the Lincoln Memorial, dedicated to the founder of our party and the man who saved the Union,

But he said,

> If you go across the Potomac River, you will see thousands of markers, Stars of David and crosses, at the Arlington Cemetery, and each one of those markers reflects the presence of a person who gave that same measure of devotion to his country our Founding Fathers did.

And he reflected that so many veterans who have served their country are sent to their final resting place having been covered in their last ceremony with the American flag, on the meaning, the intense meaning, that that flag and its presence had to those people, and to their families and to our countrymen because of that, and how it has to be something more than what one of the majority Justices referred to as a symbol, and perhaps nothing more, and to which Justice Rehnquist gave such a wonderful rebuttal.

I say to my colleagues, "You know property is protected in the United States, and maybe an American flag, when you arrange those threads in such a way as Mike Christian did, who, I think, the gentleman from Indiana [Mr. BURTON] was referring to, JOHN MCCAIN's friend who sewed that little American flag inside his GI, when you arrange red, white, and blue threads in such a way that they form the American flag, perhaps they form a piece of American property that is owned by

all the people in the same sense that, if you go out and arrange words in a certain order so that you copy somebody else's book, that book may have been written by you, maybe physically published by you, but it belongs to the person who first authored those words. And maybe that flag is copyrighted as a piece of property, of American property uniquely owned by all the people of the United States and, therefore, should not be subject to desecration."

Mr. Speaker, I appreciate the gentleman from Illinois [Mr. MICHEL], who truly is our leader, and he leads us with the same great loyalty, and good faith and faithfulness to our Nation that he showed as a BAR man in World War II, the war that was in all the papers. I appreciate him for taking out this special order and leading us off, starting us off.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from California [Mr. HUNTER].

Mr. Speaker, I am reminded, too, of when we lost so many Marines over in Lebanon and in the recent explosion aboard the battleship *Iowa*, and sailors were brought home, when we have had an Ambassador assassinated abroad, and bringing them back to this country in a flag-draped coffin. A lot of symbolism attaches to that flag at that particular time, and how very meticulously we fold that flag at the end of the funeral service, as my colleagues know, for preservation by the family. The family who has lost a loved one looks at that triangular-folded flag as something extra special, and it again symbolizes the reverence with which we look upon that flag.

Mr. Speaker, when we see one who feels inclined to do what this fellow, Johnson, did, well, we are just revolted inside.

Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] who has served for so many years as our ranking Republican on the Committee on Veterans' Affairs, and he always has an intense interest in these activities.

Mr. SOLOMON. Mr. Speaker, I certainly thank our Republican leader for yielding, and, as my colleagues know, I lost my dad when I was 2 years old, and, I guess, because of that, as a young boy growing up and even as a young man, I have always been a hero worshipper. I have always looked out for people who sacrificed themselves for their country, and the gentleman from Illinois [Mr. MICHEL] knows that in my book he is a hero because he personifies what I think America is all about. He is a brave American who served his country as a young man, and he never stopped. He has been serving it all this time, and that to me is what really this country is all about. It is pride and patriotism.

Mr. Speaker, I often tell a story about the time I led a delegation to a place called Vietnam, in a place called Hanoi, a few years ago, and we visited that place that JOHN MCCAIN was incarcerated for almost 7 years in this little hut, this little two-by-four area. And I did something I thought I would never do, and that is to sit across the table from people who were Communists, people who had no respect for human life, for decency, and people who had a philosophy which did not even have the courtesy or the decency to return a fallen dead soldier or, perhaps, even live ones.

However, Mr. Speaker, I think the point I am making is that, when we were there, we had an opportunity to walk the streets and to look in the eyes of those people, those Vietnamese people. Some were Communist, and some were shackled under communism, but those people had no hope in their faces; and hope, I think, is what America is all about, what that flag is all about up there. I think the gentleman from California [Mr. DORNAN] was there with us.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I would just like to compliment the gentleman [Mr. SOLOMON] for pointing this out, and I point to our colleagues, the gentleman from California [Mr. DORNAN] and also our friend, the gentleman from New York [Mr. GILMAN] who had been a chairman of that. In fact, a large part of that delegation, we are all here talking about the flag, and I think that one of the most important points that needs to be made is that, while there are a great many Americans who look to the Stars and Stripes, the Red, White, and Blue, as a symbol of hope and opportunity, people throughout the world are looking for it.

Mr. Speaker, I made the comment the other day during a 1-minute speech about an experience that our colleague from Orange County, the gentleman from California [Mr. DORNAN], and I had when we were in Managua, a very difficult time there. In fact, it was exactly 1 month to the day following our meeting in Hanoi. We were there, as the gentleman from California [Mr. DORNAN] recalls very well, on Valentine's Day in Hanoi, and then March 17 we went to Managua, and that was my first trip to Central America. What we found was that in this cable that had come back from an employee, one of the assistants in the Embassy, was that this young Nicaraguan proudly stood there as the Stars and Stripes on our Air Force jet took off, and that young man, with guards standing over him, stood at attention and saluted the Stars and Stripes. He was a proud Nicaraguan, but that flag is a symbol, too, as we all well know, to the young students in Tiananmen Square, to those people in Vietnam who desperately want to have this same type of opportunity which we do, and that is why I could not help, but I am sorry for it, interrupting the gentleman from New York [Mr. SOLOMON]. I just could not help but remember that very moving experience I had.

Mr. Speaker, our colleague, the gentleman from California [Mr. HUNTER] here, a very proud veteran of the Vietnam War, and I regularly say, and the gentleman from California [Mr. DORNAN] knows it, that I will never have any problem with fabricating my military record because I have got none. But I do often say that I feel as if I had 18 years of combat duty because my father had been a drill instructor in the Marine Corps and made me do Marine pushups, and I know my friend from New York is very respectful of that. For the first 18 years he still makes me do pushups, but I do not have to clap my hands any longer to hit the deck, but there are people throughout this world who are looking to the Stars and Stripes as the real example for hope and freedom. That is why we have an obligation, not just to Americans, but to freedom-loving peoples throughout the world.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding.

Mr. SOLOMON. Mr. Speaker, the gentleman from California [Mr. DREIER] touched upon a point I was about to make when I said, and which he saw, and the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. DORNAN] saw, when we said there was no hope in those faces of the Vietnamese people, but, if the gentleman will recall, we left there, and on our way home we stopped in a place called Thailand, and, as the gentleman will recall, we flew into the refugee camp on the border of Cambodia, and remember when we went in by truck and we drove for miles and miles, and soon on the dirt road in the middle of nowhere there began to be people on both sides of the road in the middle of nowhere?

□ 0020

And soon there were hundreds of people, and remember, soon there were thousands on both sides of this road. And what do you think those people were doing? Those people had little homemade American flags, little children in the middle of nowhere by the thousands. As we drove down that road, they had signs in their hands. Those signs were not like the signs you see on television sometimes that say, "Yankee dogs, American pigs. Americans go home."

Those signs, I say to the gentleman from California [Mr. DORNAN], said, "America, you're number one. America, we love you."

And the big long sign, almost as long as this wall said, "America, please take us home."

If these gentleman here recall, we all got out of the truck and shook hands with those people by the hundreds. We stepped back and said to ourselves, "My God, how proud we are to be an American and how much we love the U.S.A."

Those signs did not mean, "Take us home to America." Remember what they said, "Please make it possible for us to go back to our homes."

We Americans were their only hope. That flag in their hands, that red, white, and blue flag, that little bitty thing, was their hope. It is the hope of the free world.

So can we let that be trampled? We have to keep that as a symbol up there for all the freedom that everyone cherishes so much; so I say again to the gentleman from California [Mr. DORNAN], we thank the gentleman for all his efforts.

I introduced an amendment yesterday, a constitutional amendment with the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Michigan [Mr. SCHUETTE] and all our Republican colleagues, Democrats from the other side of the aisle, the gentleman from Kentucky [Mr. HUBBARD] was here. We are going to get behind the amendment of the gentleman from Illinois and we are going to pass that constitutional amendment and give the people of the United States of America that opportunity to express their will, to get 38 States to ratify the Constitution, which will bring respect and honor back to the flag.

I thank the gentleman very much, and God bless you.

Mr. MICHEL. Mr. Speaker, I thank the gentleman and I hope the gentleman's prophecy comes true.

You know, one other place on the globe that is very much in the news these days, and that is China. I am reminded of how the President related to us when we were discussing that subject at the time of the student demonstrations how Ambassador Lilley's car with the little American flag designated on his limousine, pulling into a campus there in Beijing and having the students there rally around, knowing full well that there was a representative of the United States, a very heartening kind of thing for him. Of course, that came prior to the advent of the military moving in with all the repression and all the things that have followed.

We talk about the Capitol dome as being a symbol for freedom and liberty around the face of the globe. That is true. There is the Statue of Liberty and how it was replicated in Tiananmen Square as one of those symbols, but they are rather stationary. We can only pictorially present them, generally speaking. The flag is one, however, with portability. As has been indicated before, wherever we can carry that flag around the face of the globe and plant it, yet; even on the face of the Moon when we took a trip to the Moon.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, it is still there.

Mr. MICHEL. Oh, it is still there.

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

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

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

I was just going to make the point that the leader had reminded me a few minutes ago, that the flag really does embody the entire American experience. I was going to point out that it was 20 years ago at this time that we were headed for the Moon. We were about to plant that flag on the Moon. It was an important part of the entire mission. In fact, they spent a lot of time figuring out how to plant a flag on the Moon, because it was something that was very much a part of that great triumph of American technology and all that America is about.

I also reflected as I was thinking about it that those flags also draped the coffins of our astronauts that we lost at the time of the *Challenger* accident. So in just one program, like the space program, you see that the flag has symbolized our triumphs and our tragedies. That has been true throughout the entire span of American history. That is the reason why it means so much to the American people, because all we are and all that we have experienced is embodied in the flag. It has always been a coherent part of all this.

I think the gentleman from Illinois has helped bring that together for a number of us here this evening, and I thank the gentleman.

I am sure that some of what we are doing here is going to be important in terms of moving forward the gentleman's amendment, because the American people certainly have expressed their desire to see that kind of thing happen.

Mr. MICHEL. And of course, the flag has changed. It had an evolutionary period over the history of the country. As a matter of fact, when we had the inauguration of the President in January, I do not know how many people were aware of it, because we were honoring the 200th anniversary of the Congress, that today's flag was there unfurled, the one we used 100 years ago, and the one from the days of the Founding Fathers of the country. Of course, as we have added States, we have added stars. When I first came to the Congress, to use an analogy, there were only 48 stars in that flag. During the tenure here in the Congress, we have added 2 States, so we now have 50, so it is a living thing. It means so much to us.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. DORNAN of California. May I say to the gentleman from Illinois, that I do not mean to interrupt, but I want to remind the gentleman from California [Mr. DREIER] of something. I think the gentleman is going to stay for later in the night, but he forgot a moving flag story involving himself in Hanoi. I just want to tell the gentleman who is our ranking Republican on Space and Technology, to carry his flag story further with the seven astronauts who died serving their country and all mankind. Every one of them was wearing an American flag, from Christa McAuliffe to the Air Force veterans who flew so many combat missions in Vietnam. They all had American flags.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, in fact every mission that we fly, we take a number of flags with us and bring them back. It is one of the proud possessions that a number of us have, having those flags from the various missions.

Mr. DORNAN of California. But on that trip that the gentleman from New York [Mr. SOLOMON] led to Vietnam almost 2½ years ago, the gentleman from California [Mr. DREIER] and I were curious about visiting the so-called war museum. On all this planet, I believe, unless I am forgetting something, there are only two countries where American battle flags repose in a disgraceful position. One is in Korea, not that they overran any units of ours that we did not retake the ground and retake our battle flags——

Mr. SOLOMON. North Korea.

Mr. DORNAN of California. North Korea. They may have taken some into Manchuria, and they certainly have our ship, the *Pueblo*, which we had to decommission, the first ship we have ever done that with, that was a fleet ship and it sits in Wonsan Harbor as a museum with the American flag in disgrace on that ship. I always thought it should have been dispatched to the bottom with a SMART bomb; but in the Hanoi war museum, the Communist war museum, the gentleman from California [Mr. DREIER] and I were looking at pictures of POW's. We knew they had been photographed by our people in that museum carefully by our State Department people and traced against the records, so it was not anything revealing to us except the sight of Americans pitifully held in captivity being led around at bayonet point. Then I

saw a very tragic sight, the American flag, two of them, upside down in a trophy case with some other flags in a position of disgrace and defeat.

I said to the gentleman from California [Mr. DREIER], "I can't stand to look at that sight."

He said, "Well, I'm going to do something about it," and he moved around behind the flag case. I had mentioned that I could not stand to see the stars there. He moved around behind the case, I went to the door and busied the guards at the door in a false conversation, pretending they could speak English. I doubletalked to them in a very strong manner to distract them.

The gentleman from California [Mr. DREIER] went around behind the case, took the poles and rolled them, tightening up the flags until the stars disappeared and all you could see was a red and white bit of cloth against the pole.

I appreciated the gentleman from California doing that. I do not know how long it was before they discovered it. Maybe they still have not, but at least it was not recognizable any longer as an American flag upside down.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield, the point that I think is of concern to us, and this may be a case where the wonderful development of satellite technology may cause those in the war museum in Hanoi to now go—this is the first time it has been said publicly—and unfurl the Stars and Stripes.

I was hoping to keep that a secret, even though I do have a picture hanging in my office before and after.

Mr. DORNAN of California. We know that.

Mr. DREIER of California. What we did to the American flag there.

Mr. DORNAN of California. The gentleman is to be commended. We have seen the flag flying in glory and also as a symbol held in disrepute by a Communist country, and you do not ever expect to stand around and see somebody spit on it, or worse, burn it.

□ 0030

Mr. DREIER of California. We do love broadcasting this voice of freedom, although we do not talk about the technology which is utilized. We are speaking to the Speaker, of course through other parts of the world, but we hope very much that this message did not get through to the Communist dictators in Hanoi so that they will get into that war museum and in any way tamper with our handiwork.

Mr. DORNAN of California. For a price, I am sure they will return those flags someday.

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

Mr. MICHEL. I am happy to yield to the gentleman from Iowa.

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

I would like to speak for a just a moment or two about maybe a little different perspective than we are discussing here this evening as it pertains to the military aspect of it.

Being one who the good Lord decided to deposit on this Earth who became of an age to enlist and Korea was just over, Vietnam had not cranked up yet, so the biggest combat I saw was a whale of a fight up in PX No. 13, so my combat experience is quite limited.

As all of us do as Members of Congress, we receive invitations to speak at Memorial Day services, and at least it is quite common in the Midwest. I view those as an opportunity to say thank you to those of you who did fight in World Wars I, II, Korea, and Vietnam and provided us with a country that I can enjoy and raise my family in.

I would like to take this opportunity really to say thank you to all of the veterans for that, and I cannot help but, when I heard the Supreme Court's decision the other day, reflect upon this past Memorial Day. We were there in a very small Iowa community shortly after dawn. The birds were singing and the breeze was rustling through the trees. The American Legion color guard was in place and, of course, the firing squad fired their rounds, and then the bugler trumpeted Taps, and another bugler was off over to the other side of the hill with the Taps in echo, and at that point in time, of course, Old Glory went up the pole, and I cannot help but feel that if the members of the Supreme Court would have been there in that small Iowa town that morning and witnessed that, I just do not see how they could have come down with the ruling that they did.

It is not a piece of cloth. It is much more than that, and we will talk more about that later.

I thank the gentleman for yielding.

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

Mr. MICHEL. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman, our minority leader, for arranging this hour for us after midnight after a hard day to come and reflect on the flag, and the gentleman from California [Mr. HUNTER] for taking the additional time for us this evening.

As my colleagues were reciting some of the incidents that they recalled that were so moving with regard to the flag, I could not help but recall a very moving moment that I had when I had to present the flag that had adorned the casket of a young captain who had cut down the tree north of the Panmunjom line and had been killed by the North Koreans. That family lived in my district, and the President asked me to make the presentation of the flag to the family. That was a very moving time for me as I saw the tears well up on the eyes of the widow, and reading the President's message to that family brought back to my mind all of the incidents that have been behind this symbol of ours that we are so proud of.

Another incident that I recall is when we traveled to Hanoi with the gentleman from Mississippi [Mr. MONTGOMERY] on the first mission to receive the repatriation of some of our missing in action, and they brought out the few caskets. I think it was Congressman MCCLOSKEY and Congressman Ottinger, the gentleman from Mississippi [Mr. MONTGOMERY], and myself who were there to receive these remains, and we had the honor of draping them with our American flag. That, too, will long stand in my memory as a very moving incident that associates the flag with what we stand for and the sacrifices that this flag symbolizes, and then the recent Memorial Day celebration I visited a veterans' cemetery in my area, and it was a windy day, and the folks had placed small flags on each of the graves. There must have been a thousand of these small flags fluttering in the breeze, and that, I think, was enough to strain the heart of any of us who had the opportunity to see that sight of these waving flags on the veterans' cemetery, reminding us again of the sacrifice that goes beyond our flag whenever we see it.

Mr. Speaker, there is no doubt that some substantive action on the part of Congress regarding the desecration of our American flag is warranted. I am pleased to know that hearings are expected to be held in the immediate future. Although it remains to be determined if the most appropriate action should be by statute or by constitutional amendment, there is little doubt that some early action is called for.

In my remarks on the floor of the House earlier this week, I noted that probably no Supreme Court decision in our history ever since the infamous Dred Scott decision of 1857 has elicited such a spontaneous outburst of rage, anger, and sadness on the part of the American people as has this recent Texas versus Johnson decision declaring antidesecration laws to be unconstitutional.

One of our colleagues appropriately remarked that the Supreme Court erred on the side of caution. No one in this Chamber, Mr. Speaker, disputes the sacredness of freedom of speech as guaranteed in our first amendment. Back in the 1940's, Supreme Court Justice William O. Douglas stated that it is easy to defend freedom of speech when the things being said are trivial

and no one cares about them. It is far more difficult—and necessary—for our Government to be prepared to defend freedom of speech when the things being said are unpopular and offend a large segment of the population.

The question before the Nation now, Mr. Speaker, is not the sacredness of freedom of speech. The question is whether the act of burning or desecrating our flag does indeed fall into the category of free speech. Does such an act add to the political debate in this Nation? Can such an act stimulate intellectual discussion? Does such an act cause Americans to think?

Sadly, I believe the answer to these questions is "no."

The act of desecrating the flag is by no stretch of definition an example of freedom of speech. Burning the flag of the United States does not inspire debate or stimulate the intellect. It is calculated to end debate to incite emotions and begin fights. It does not appeal to the mind, but wrenches at the heart. It is an act which not only does not instigate intellectual discussion, but actually discourages it, because it so basely appeals to the emotions.

Chief Justice Rehnquist noted in his dissent that certain acts would unquestionably be prohibited by the Government although some could consider them examples of freedom of speech. Among these are spray painting political slogans on the Lincoln Memorial.

The flag is, in the hearts and minds of most Americans, just as potent a symbol as is the Lincoln Memorial or any of the other memorials to great men and great events in our Nation's history.

I find it extremely ironic and bitter that a man who could exhibit his contempt for this country by burning the flag could appeal to the courts of our Nation to set him free without punishment. I wonder if the fact that this could not have happened in any country in all of history with the exception of ours has escaped him?

I believe that the Supreme Court, in its efforts to preserve freedom of speech, erred by underestimating the emotional impact their decision would have. Along with many of my colleagues, I look forward to this body taking appropriate action to remove the unfortunate effect, of this decision, and to restore Old Glory to its rightful place as a sacred symbol in the hearts and minds of all Americans.

Mr. RINALDO. Mr. Speaker, when the U.S. Supreme Court ruled that flag burning is a constitutionally protected form of free speech, it succeeded in punishing the majority of people in this country who would defend the flag against those who would desecrate it.

This decision by the court has confused freedom of speech with freedom of conduct. An individual who desecrates the American flag is not making a political speech; he or she is committing an act that breaks the law in 48 States.

I believe that States may properly prohibit personal conduct that goes beyond an individual's right to free speech and personal expression. Let us not confuse words with deeds. In my view, that is precisely the confusion that afflicts a majority of the Supreme Court.

In the case the court considered, the defendant in Texas was not charged by the police for what he said, but for what he did. He performed a prohibited act. As everyone but the Supreme Court knows, actions are not the same as words.

The court majority failed to exercise basic common sense in this decision. The simple difference between words and deeds is apparent to most people, but it is a distinction that seems to have been lost on the court.

I think the majority of Americans disagree with the court on this issue. The court majority not only is defying common sense on this matter, but it is out of step with the rest of America.

Mr. MICHEL. I thank the distinguished gentleman.

This might be an appropriate time at this juncture for me maybe to ask a question that I am sure I will be asked, and a number of us who subscribe to the route of amending the Constitution: "Why offer the amendment?"

□ 0040

Some have suggested the Supreme Court's decision can be corrected by statute, thereby making the constitutional amendment unnecessary. But a statute could not possibly solve the problem. The Supreme Court is the final interpreter of the Constitution, and once the Court held that the flag desecration was a form of expression protected by the first amendment, that was the final constitutional word.

Since the Court's constitutional interpretation overrides any proflag statute, there seems little point in following what I would call a losing proposition. The Founding Fathers, while giving the Court the power to be the final interpreter of the Constitution, did not make the power absolute. There are two ways to overrule the Court's antiflag decision.

First, as vacancies on the Court occur, the President, with the advice and consent of the Senate, can select new justices that reflect American beliefs. Second is the mechanism included in the Constitution itself for amending the Constitution, and this avenue was purposely designed to be difficult enough to ensure that we should dearly want the change we propose and be willing to work in support of that change. I believe that our proflag amendment is worthy of this special constitutional amendment process, and then for a little bit of a lesson out there to our listeners, the House and Senate have got to approve identical language for a constitutional amendment by a two-thirds majority, and three-fourths of the States then must approve, also approve the language.

I have also required that the 38 States must ratify the constitutional amendment within 7 years after it has been approved by the Congress. This time limit will ensure that the issue is resolved within a reasonable amount of time. I would like to think that in this case, however, that on as sensitive, emotional, and timely subject that the State legislatures would not require what has by tradition been that amount of time prescribed in the proposed constitutional amendment for having three-fourths of the States ratify it.

ORDER OF BUSINESS

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. LIGHTFOOT] be recognized for 60 minutes and given precedence over my special order, and be recognized out of order.

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

There was no objection.

OUR FLAG

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

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman from California, and to continue with our discussion I yield to the gentleman from Illinois [Mr. MICHEL], our leader, to respond to our colleague from Ohio [Mr. MCEWEN].

Mr. MICHEL. I will be happy to respond to the distinguished gentleman from Ohio.

Mr. MCEWEN. I thank the gentleman for yielding and wish to express again my appreciation, as has been mentioned earlier, for the leadership efforts of the gentleman from Illinois. I especially appreciate his directing our attention to the Supreme Court, which is the reason we are here tonight.

Justice Douglas has said that we are not final as a Supreme Court, we are not final because we are infallible. The Supreme Court is infallible because it is final, it is the last resort, and because of what they have done in recent days it has caused all of us to reflect on the importance of our symbols and our institutions.

The flag embodies all of the emotions that have been expressed here tonight, and we as a people have a right to protect them. Those who are involved in leadership understand what symbols mean, and throughout history we have had those who appreciated it.

Mr. Speaker, I deeply regret there have been those who serve on the Supreme Court who did not understand the significance of what they were doing. This, indeed, in my judgment, is not an expression of free speech. Desecrating the flag is not free speech. As columnist George Wills said this past week, it is not even an inarticulate grunt. It is merely an act of desecration of a symbol of our country which I believe cannot be and should not be tolerated.

Therefore, the suggestion by the distinguished minority leader, a dedicated patriot who has dedicated his life to public service to this country, is absolutely correct in expressing the desire of the legislative branch, that provision that was included in the Constitution as the free expression of the will of the people to say that in a time such as this we can make it abundantly clear by writing into the Constitution a superior expression to the infallibility of the Supreme Court to say this is what we want to be governed by, this is what we want our Constitution to say, and that is what we would have expected of our justices. That is what anyone I think who would have been stopped on the street would have said if this act of desecration of the symbol of the freedom for the world, that which we use to cover our slain and fallen patriots, do we have the right to protect it, the natural response, the overwhelming, inherent response of the American people would be we have the right.

Since the Supreme Court has misunderstood that desire, then it is incumbent upon us, it is our responsibility to allow that expression to be included in the Constitution by the amendment that the gentleman has suggested. I commend him, and I thank all Members here assembled for making this effort, because I think it is very beneficial to the American people to be able to see here that they are the supreme arbiters. This is where the people rule. This is a government of the people, and their will, will be expressed in the Constitution.

I have many other examples, as have been mentioned here tonight, of times in my life when the flag meant something very, very special to me. But I think particularly of a time that moved me to choose public service as my life's vocation. I was 9 years old. I was in the fourth grade. I heard a man by the name of John Noble speak where he talked about being trapped in Dresden, Germany as an American citizen during the time of the bombing of Germany, and shortly thereafter, as the Soviet soldiers marched through Dresden at the fall of Germany, he and his father and his mother sewed the red, white, and blue together to hang out of the window to say that this is where Americans are staying, and for about 7 days they were protected.

Finally the Soviet soldiers walked in, ripped the stars and stripes first, walked down the stairs, captured them, and he was sent off then to spend the next several years in a Soviet gulag. His name was John Noble, and he was able to write a little note under another person's writing privileges to say to his uncle, "Your noble nephew requests," and he got that word in a letter, of course, with another pseudonym written to the United States. It was presented to President Eisenhower, and President Eisenhower in 1953, as a personal request, asked that he be extricated.

He tells about the times that he was moved from Russian gulag to gulag until finally he moved into West Berlin, and he walked into the room where for the first time in many years he saw the Stars and Stripes there on a pole, and he says his knees buckled, and of course, he was under 90 pounds, a man who had been over 200 pounds, but the whole time he was in the Soviet slave labor camps, as were thousands of other Americans, but we could not prove it. But as he said, he walked in, he saw the Stars and Stripes, and he was hit with a flood of emotion that so overwhelmed him, he knew he was now free, and his knees buckled, and the tears that were pent up over the years gushed forward.

I was recently at Operation Quick Look in Germany where they invited for dinner some people to explain their impression of Americans and what their defenses mean. They told similar stories.

There was one woman there in her sixties who told that she was just a young girl, and that they were traveling and they slept in their car for many nights because they were not sure exactly where the lines were, and they would wake up in the morning and they wanted to make sure that the Stars and Stripes could be seen, and on some mornings they would wake up and they would find themselves behind the Soviet lines. One time they had to use all of their possessions, their rings, and diamonds, to bribe the Soviet soldiers to let them go down the road so that when the Iron Curtain fell they would be on the side where the Stars and Stripes were able to fly.

There are those individuals who are willing to crawl on cut glass, those who are willing to get into leaky boats, or to sacrifice everything that they have just for the hope of standing in the shadow of perhaps where that flag flies. And those who understand leadership, and government, and those who understand nationalism, those who understand what drives a people to work as a unit have a full appreciation of that. One must have a goal, one must have a symbol, one must have a common cause.

I repeat, I leave off as I began, I am deeply disappointed that we would have had people in such a position of responsibility as justices of the U.S. Supreme Court who could not appreciate that and would strike down, would outlaw, would say it is a violation for us to protect that symbol of our freedom. I believe they were in error. I believe that it can and should be corrected. For those who are willing to lead that fight, the gentleman from New York [Mr. SOLOMON], and certainly the leader of our Republican cause, a man for whom there is none other for whom I have greater admiration or affection than our Representative, BOB MICHEL, who is the minority leader, the Republican leader, the man who could be and should be Speaker of this House, I thank him for his leadership here tonight.

□ 0050

Mr. MICHEL. If the gentleman will yield for just a moment or two, I might say how beautifully the gentleman from Ohio has expressed himself again in his appreciation of what we are attempting to do.

His mention of the fallible judges that serve on the Supreme Court I think during the course of our discussions that will ensue we will want to be very careful about not condemning the institution of the Court. We condemn the decision but not the institution.

It is just as important as this institution is. We, as a continuing body of differing individuals, make decisions from time to time; we argue with one another as we did earlier today, men of goodwill, but of diametrically opposed views. We will find those views expressed on the Court by the individuals who are privileged to serve from time to time.

So, yes, we object and we are critical of decisions but not of the institution which should be revered, yes, just as much as a legislative body and the executive body as represented by the President of the United States. But we will argue, surely, before the Committee on the Judiciary on the niceties of the language and I will be the last to say that what we are going to be proposing finitely tomorrow—you know, eventually you have got to come down to language. What is it? And you cannot argue any more. And as I indicated, we are trying to keep it as simple as we possibly can with a limited number of words. We will argue over those words, with the constitutional scholars, the if's, the and's and the but's, and it will go on and on. But hopefully the process will be there for us to do that because we have every right to do it and, as I said, I have been very reluctant to introduce any constitutional amendments. This is a

first one for me. While others have felt inclined to do that for other issues and then be denied even a hearing when there has been a large body of thought supporting whatever amendment was proposed, that stifles the process here. It inhibits the process.

So I will hope, and I have been given encouragement from the new leadership in the House of Representatives, that there will be a change and that we will have that opportunity for a hearing not only as I indicated earlier on those who would approach the subject by statute, those of us who think that a constitutional amendment is the much preferable way to go.

I thank the gentleman very much for yielding.

Mr. LIGHTFOOT. I thank our leader.

I know it may seem strange to my colleagues to be here this evening because I very seldom speak on the House floor, which may be a rather strange phenomenon for someone who made his living for about 18 years talking on the radio every day.

One of the lessons that I did learn in that job, somewhat like the little boy who cries "wolf," if you talk all the time, when you have something important to say no one listens. That is the reason we are here at 5 minutes until 1 in the morning.

The only other time I stay this late is when I am the last guy out of the stadium because I forgot where I parked my car and I waited for everybody else to leave so that I can find it.

I would like to take our discussion off on a little different approach as far as the flag is concerned and talk a minute about what is the flag? We all, I guess, are introduced to it as soon as our eyes open, when we start to see, when we go through school, learn the Pledge of Allegiance and what that means.

Many of us go on to spend some time in the military. Then as adults, of course, all of our parades are always headed off with a color guard with Old Glory. In many cases you will see four or five American flags together. Then on the special occasions, the 4th of July, Memorial Day, which I talked about earlier.

But I think if we look at it for a moment, is it a piece of cloth? Sure, I guess in the final analysis we are talking about a piece of fabric which is dyed red, white and blue. But quite frankly it is much more than that.

I think when you look at the flag it is really a portrait of America. If you will study it and look at it closely you can see George Washington at Valley Forge, you can see the Union and the Confederate Armies fighting in the Battle between the States. And if you look closer still you will be able to see it flying over the battlefields in World Wars I and II and Korea and Vietnam and from the snowy mountains of Europe to the hot steamy islands in the Pacific. It also is what inspired Francis Scott Key to write the Star Spangled Banner, which we sing at the start of all of our events.

As one little boy was once asked about the Star Spangled Banner, he thought that the last two words of it were, "Play ball."

But it is good that we hear that often.

It also, I think, is the beacon for freedom around the world. We talk about the Statue of Liberty, that people come to our shores because of her open arms and beckoning the downtrodden and the fallen who want to find freedom.

But there is only one Statue of Liberty and she sits out on Ellis Island in New York Harbor. I have only seen her once. I am sure many Americans have never seen her and probably never will.

But they do see the flag someplace every day.

It is also, I think, what America is today. If you look at the flag and study it for a minute or two, the things you can see in there are the bustling cities of the east coast, you can see the cotton fields and the peanut fields of the South, you can see the oilfields in Texas and the deserts of Arizona, the corn and the soybeans in Iowa, Illinois, Indiana and through the Midwest and the wheat fields in Kansas, Colorado and Montana, backed up against the majestic Rocky Mountains that we all love so much.

Then on the other side of those mountains, if you look at the flag, you will see the forests of the Northwest and the beautiful coastlines of the State of California.

And if you look more closely, you will see the people that make up this great country of ours.

I had a group of Japanese students here about 3 or 4 years ago, and we were taking a tour through the White House. One of the interpreters with the group made the comment that they were so surprised at what they saw in the White House. They said, "Nothing here is from America. The rugs are from France, the pictures from Italy," and so on.

And the only response that I could give at the moment, and as I thought about it in the time since, I think it was correct, because the response was simply this: because that is what America is. Because you can describe most nationalities around the world. If you ask someone for a description of the Japanese, for example, you get black hair, the certain stature, and so on. If you ask for a description of a German, Swede, you name it, also. But you ask for a description of an American, and we are all of those things, black, white, brown, mixed, working together, as the leader said, sometimes against each other but nevertheless we are working in a society here.

To me that is part of the portrait that you see in the flag. But most important to me, what I see in it is really the promise for tomorrow. And when I look at that image and when I see that image, it is really the reflection of the flag that I see in the eyes of my 12-year-old son and what it means to him. It means the opportunity to succeed as well as the opportunity to fail. You cannot have one without the other.

It is the opportunity to dream and achieve those dreams basically limited only by your natural talents and how much commitment you are willing to put into any particular project.

□ 0100

Why would a farm kid from Iowa be here tonight if that were not true?

It is also, I think, the opportunity to live free, but also to accept the awesome responsibilities that go with freedom. That is really what I see in the flag. As I say, it is that flag that is reflected in the eyes of that young man and what his hopes are for the future and his dreams. I guess in response to the ruling that came down from the Supreme Court, as the founders of our country put our system together, our basic function here in the Congress is to make laws and the basic function of the Supreme Court is to interpret those laws. So therefore, a constitutional amendment that has been offered by our leader, I think is most appropriate because our response has to be one of simply making a law that they can interpret in a proper way. I think that is what this is all about.

So I would ask my colleagues should we take a look at the flag, and maybe look a little bit, we have looked at yesterday, let Members look a little bit at tomorrow. What will it mean to the next generation that comes down the line? We heard our Speaker earlier, our leader rather, who should be the Speaker, a Freudian slip there, we heard the gentleman from Illinois [Mr. MICHEL] talk about his experiences in World War II, and the gentleman from New York [Mr. SOLOMON] is still here, and the gentleman from Guam [Mr. BLAZ] is in the Chamber this evening or this morning, depending on what time zone viewers are in. But as we look to those people and the experiences that they have had, and particularly the military, the gentleman from Guam [Mr. BLAZ] was a career military man. One of my favorite stories, I have told it many, many times, not nearly as well as the first time that I heard it, and I do not know if we can coax the gentleman from Guam into telling Members tonight, we will have to clean it up because we are on TV, his story of a young man who was liberated on the island of Guam, who, under most circum-

stances, one would not see that as a very bright future. However, eventually he came to the United States and graduated from Notre Dame and retired as a brigadier general out of the U.S. Marine Corps, and now is serving his country here in the Congress of the United States. Where else in the world can a person do that? That is as red, white and blue a story as I have ever heard.

I am not trying to talk the gentleman from Guam into something, but I think it is something that people would enjoy having you tell.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, I think the gentleman has asked enough interesting questions that I think we should compel the gentleman from Guam to stand up and tell Members why the gentleman from Illinois [Mr. MICHEL] mentioned the 50 States, the 50 stars, the 48 stars representing 48 States when he came to Congress. Here is a gentleman who represents a nation that is not a State of the United States, and I would be interested in his perspective on the flag.

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for his comments, and only say I had an opportunity in February to visit the beautiful island of Guam and stood on the beach where our troops landed in World War II, and when we were in a museum there, the gentleman from Guam [Mr. BLAZ] spotted a photograph. I do not think he had seen it before, taken shortly after they were liberated, and he found himself in the photograph. It was a touching moment for me.

I would be happy to yield to my friend from Guam.

Mr. BLAZ. Mr. Speaker, I was going to sit here and wait until 5 o'clock in the morning, because if that is what I have to do to have an opportunity to speak, I would do that. The reason I would do that is because I feel so strongly about this issue that I regret that I have not the words or the wit or the wisdom to dramatically emphasize the pain that I feel in my heart for what has happened in the last few days.

When I came here, the leader asked me, he said, why had he not seen me lately. He had not seen me lately here because I am one of those Members of Congress, and I have no right to vote in this body. I cannot even vote for President, but alas, I can still fight for my country. All afternoon I looked at the bio of every Member of the House and the Senate, and I am the only one who was actively involved in one way or another in the last three wars we have fought in the memory of anyone that is serving here.

There are only three stripes to be earned in battle in the last 50 years. I am wearing those three stripes. So if there is anyone who feels that he has a right to stand here and make this statement, I feel that I do. However, as disappointed as I am at being unable to vote for President, or here, except in committees, it pales, it pales in comparison to the pain that I suffer at this betrayal, and because my accent sometimes betrays me, I will say the word again: It is a betrayal. After the Korean war or during the Korean war, the Vietnam war, for almost 400 times I folded the American flag and I presented it to survivors, and in each instance a survivor would grab it and cling on to it tightly as the last link to a loved one. By this action, that link has been served because the flag, offending the flag, incredibly, is not an offense in America. Unbelievable.

In World War II, 45 years ago, I bought a picture, during the years we spent on occupied Guam, and in the concentration camps, at the risk of being executed, we made American flags, miniature American flags. At the time of liberation, a prominent artist wanted to paint something that would embody the sentiment of the liberator and the liberatee, and he produced a fantastic photograph or painting which I had reproduced, and here is this painting. The painting shows three American marines and two remaining Chamarro children, and guess what they are holding? A miniature American flag. It shows that it defies gravity because it is sticking up. We made it out of everything: Cardboard, thread, needles, sticks, whatever a person could find. After the war, marines were to tell me that the most beautiful sight they ever saw were men, women and children, emaciated from months in the pen, emerged from the caves and valleys and the jungles, carrying American flags.

I know the gentleman yielded only a few minutes to me, and I hope he will forgive me for being a little expansive, but I just wanted to show the sentiment that I have, because for 30 years I served this marvelous country of ours. Up in Philadelphia a couple of years ago, totally unexpectedly, our leader asked me to address a thousand folks that were gathered in black tie in Philadelphia. I assume, because somebody failed to show up at the last minute, but nevertheless he asked me and I accepted.

□ 0110

Mr. Speaker, I remember saying these words. I said that I was prepared as an officer to be burdened with the guilt all my life, that at one time during the war in which I was involved I might have given an order to men in battle that might not have been the right order, and they were assaulted and killed in action and wounded in action. But I was prepared. I was prepared to suffer that burden until I got to heaven so that I could explain to the men why I had to do what I did.

Mr. Speaker, I told them that when I came to this body, and in the 30 seconds that it took to administer the oath, that 30 years of my life flashed before me as a marine officer, and then, as I watched the majesty of this great body unfold before me, our form of government and that flag behind the Speaker, I said that I was not rid of this sense of guilt, for indeed, if this is what we were fighting to preserve, that flag and this country, then the only lament that I have left in life is that I cannot spare 30 more to the United States defending this flag and this country.

Finally, I want to say that since I am a soldier that I am very partial to soldiering, and I say that I paraphrase a popular thing we saw in a C-ration box in Vietnam, and it goes something like this. For those who have worn the uniform and have fought in defense of that flag and this country, life has a special flavor. Those who have never done what we have done will never ever know.

So, Mr. Speaker, quite possibly the feeling that I have may not be shared by some, but my constituency is not only the people of Guam, but every man and woman who has ever worn the uniform of this great country of ours, the Army, the Navy, and Air Force, and Coast Guard and, of course, my beloved U.S. Marines.

I mentioned earlier that I do not have a vote here. Maybe someday this aging warrior might be admitted so that, when I push my little card in that little slot there, it will not crash the place; huh? I am a very, very troubled person because of that.

So, for those who are vacillating on whether or not we should have an amendment to the Constitution, if they do not want to do it for themselves, for the sake of all my comrades, for me, do it for those of us who cannot vote, the ones whose flags I folded.

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

Mr. LIGHTFOOT. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to say to my fellow Congressman, the gentleman from Guam [Mr. BLAZ] that 30 years ago the Marine Corps was looking for a few good men, and they found one in BEN BLAZ, and he is also one of the finest Congressmen, whether he has a vote or not, that this body has.

I say to the gentleman from Guam [Mr. BLAZ], "We all admire and respect you, BEN."

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

Mr. LIGHTFOOT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I think this gentleman from Guam [Mr. BLAZ] exemplifies what we are talking about. Here is a man that in his mind is treated like a second-class citizen because he does not have a vote on this floor. However, Mr. Speaker, he is a man that has given his entire life fighting, not only for this flag, but for this Constitution and this country, trying to fight for what it all symbolizes and means, that freedom that he wants for his children and his grandchildren, for the people he represents in Guam.

Mr. Speaker, no people that I know of in this whole world have more feeling and more experiences about the loss of freedom than those on Guam, than the ancestors of Guam and what has happened in World War II in Guam, all through the Pacific Rim. This gentleman, in what he has just said, exemplifies why we are here tonight, and why we are so outraged by the decision of the Supreme Court, and why we talked about that symbol of the Stars and Stripes and what it means to, not only us, but people that do not even have a vote. They know what it means probably more than some of the citizens that are here in these United States because they, having gone through every day the struggle for freedom that we take for granted, the struggle for freedom that we take for granted so much that we spit on that flag; not we, but some do, that some choose to burn that flag. To some people even such a slight misuse of the flag as to fly it at night without a light on it or to fly it in bad weather, they have to take it down. I have seen it time and time again; they pull it down from that pole and just kind of throw it over on the bush.

Mr. Speaker, I drive through my district, and a lot of car dealerships seem to fly flags, for whatever reason, in Houston, TX, and they leave them up at night, and, as I drive through my district doing my duties at night, I write down the addresses of whoever is flying that flag in less than respectful situations.

People take for granted what that flag means, so much for granted that they would dare go out, and burn it and defile what this gentleman from Guam [Mr. BLAZ] stands for, defile what the young men that served under this man stand for and died for, to take all that for granted and exemplify it in what, I think, is the decision of the Supreme Court. I think they lightly take what is so important to everyone in this world and just make a simple little thing out of it, but I think the American people have stood up and are saying all over this country ever since that decision, they are demanding that this be turned around through some sort of action of this House.

Mr. Speaker, I hope we are not playing games here in this House that would diminish and defile what the gentleman from Guam [Mr. BLAZ] means to so many of us, and I thank the gentleman from Iowa [Mr. LIGHTFOOT] for yielding.

Mr. LIGHTFOOT. Mr. Speaker, having visited Guam and having met the Governor and many of the constituents of the gentleman from Guam [Mr. BLAZ], I think the thing that we see there is they want him to have that vote, too, but I think what it underscores is that people that do not have the freedoms that we just take for granted are fiercely seeking to get those freedoms.

Unfortunately there are too many who take it for granted and do not respect it as they should, and I think that is probably one of the big fallacies we have in our Government policies because, if something does not have a little value to it, people take it for granted, and they throw it away.

Unfortunately, Mr. Speaker, we approach so many problems around here by just throwing money at situations. Look at the drug problem that we have. Basically it is centered in public housing areas, and, if my colleagues were to analyze those types of areas, they could argue about the quality of it, but, No. 1, we have given them a place to live, we have given them food, we have given them medical care, we have given them everything but responsibility.

Mr. Speaker, I think that is something that we see in this desecration tonight. The people in Guam are fiercely patriotic, and they want to have the right to vote. Personally I think they should have it.

Mr. MARTIN of New York. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Speaker, I thank the gentleman from Iowa for yielding to me. Indeed, it is a humbling experience to be here this evening speaking on this subject and to find yourself following the gentleman from Guam [Mr. BLAZ], my friend who said so much in such a short period of time.

It occurred to me that there is a story I wanted to share with my friend, the gentleman from Guam [Mr. BLAZ], because he and I share some common experiences. We served in the Marine Corps at different times together. We went to a small Catholic school in South Bend, IN, at different times together, namely, the University of Notre Dame. I wanted to share this with the gentleman from Guam, because this evening I was privileged to have dinner here in Washington with a very special person to me, a judge in the southern district of Florida, a Federal district judge by the name of Bill Zloch. You may recall Bill. He was a quarterback for the Notre Dame football team back in 1965; not that I was upset with the Judiciary, but during the course of the dinner I was discussing the decision and Bill pointed out that, you know, it is not just recently that I was sensitive to the desecration or abuse of the colors.

I want to share this with you, because it is the opportunity I had at Notre Dame out of those 5,000 students to meet Father Hesburgh. One evening a friend of mine and I were headed for the library and there in the main quad was the flagpole with the American colors. During the course of a rather nasty and miserable sleet storm, I stopped and I said, "This is awful." We went over and took the colors down and were in the process of folding them, and I know I will get in trouble probably with the gentleman from Indiana [Mr. HILER] and others for pointing out that the rent-a-cops were working there at the time, and they came over and caught us taking the colors down and were folding them. They asked what we were doing.

I said that I was taking the colors down.

When we finished folding it, he reached for the colors, and I said:

> No, you don't deserve to have those because you have obviously abused them. I'm going to take them up to Father Hesburgh.

I was kidding, and I looked up and Father Hesburgh's office was open. His light was on at least. With the police officer right behind me, I said, "Come with me and we will explain this to Father Hesburgh."

My heart was pounding about a thousand beats a minute, because I did not know what Father Hesburgh was going to have to say, and you know, with this police officer right behind me. We went all the way up to the top floor of the dome, banged on the door, and who opened but Father Hesburgh.

He said, "What can I do for you?"

And I said, "My name is DAVE MARTIN from northern New York. This officer—" and the officer disappeared. I mean, he was gone.

I said:

> Well, Father, I want to explain, the colors were flying in this miserable weather and I thought it was most disrespectful and I thought maybe if the officer had to confront you, perhaps they would be taken better care of.

He said, "Come on in." We were in there for 2 hours and I received an education that was well worth the tuition that evening. I am sure you know Father Hesburgh.

I recall him saying:

> Dave, tell you what. Until I can get this thing resolved, why don't you take it back to your room and you take care of it properly and we will get back in touch with you.

Two days later, frantically I get a call from the ROTC to go down and see Major Fisher. He saw me and he said, "Dave, where are the colors?"

I said, "They are on the flagpole."

He said, "I know they are on the flagpole. Where are they when they are not on the flagpole?"

I said, "They are in my quarters."

He said:

Dave, we have a problem. I appreciate your respect for the flag. You are to be saluted for what you have done, but I want you to take them back to that grad student. Explain to him—

that is not the term he used, but he said:

Explain to him how to take care of the colors, because if you keep them in your quarters, we are going to have to call out an honor guard every single morning in the ROTC to take proper care of the colors.

I do not know whether it was my father or whether it was my mother or whether it was the people in the community that I was brought up in, privileged to be brought up in, to pay proper respect to the American colors. I was incensed and outraged when I first heard on the radio and later read in the newspaper the decision by the Supreme Court. I try to back off when I get very uptight in those sets of circumstances and say that I have got to look at it from their point of view. I try and it is difficult.

We all believe in the separation of powers. The decision has been made. We dislike it intensely. I think it is ridiculous, but that is my personal opinion.

It is not just for us as Members of Congress and it is not just for the wonderful people who have taken the opportunity to speak out tonight. It is for all Americans to make a decision and do it quickly, that there has to be a limit to how far you can go in the interest of free speech or whatever. There must be something sacred or sacrosanct, some symbol of America that we say:

No, no. We aren't going to buy this free speech argument when we desecrate the flag. It means too much to too many people.

I am not an artist. I probably do not have the most innovative mind in the world, but even I can think of admirable substitutes, if you want to come up with them to make your point. There is something about those American colors, the freedoms of America that have been properly inculcated in one that bring to you a certain emotion when you see those colors desecrated.

I do not know how many coffins I have had to escort either home to parents or loved ones or to funeral grounds or whatever of people who have fought under that flag. I think it is a desecration to the memory of all those who fought under it if we allow that to be some type of vehicle for free speech.

So as dispassionate as I try to be as my blood pressure rises, I would like not to yell, but I would like to talk and I would like to speak out to my friends and colleagues on both sides of the aisle and to salute the President who is leading the charge to insure that soon, and very soon, we have a proper and needed amendment to the Constitution to protect the flag and also protect the interests of the people who think so much, as a matter of fact who think with their lives of those colors.

Mr. Speaker, I want to thank everyone who has participated in this special order this evening. It is an inconvenience, to say the very least, to the Members who will be here all night long, but it is an important vigil and I think something that hopefully promptly will be ratified by the various States and will become the next amendment to the Constitution.

I salute the gentleman from Iowa for all he has done and thank him from the bottom of my heart for his sincerity and for his interest in trying to rectify what I think was a grievous error by the Supreme Court.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I just want to ask the general and this marine aviator a question.

I did what the gentleman from New York [Mr. MARTIN] did. I thought to myself, wait a minute. There are two good men that we were very proud to see confirmed to the Supreme Court, Justice Scalia and Justice Kennedy. I thought what, without reading their decision, could possibly have gone through their minds? I tried as hard as I could to figure out some rationale, and as I heard it on the radio I was actually called and asked if I would go on a 24-hour news program. I could not belive the words that I was being told as the decision came down. I thought we had a conservative court that understood tradition.

When I got the newspapers and started to read little excerpts and snippets from the decision, I still could not figure out how they could cause such pain to so many people, all those families that these two gentlemen have presented flags to, that knew that a loved one, not just men either, but some women, had died defending what that flag represents and the tremendous heartfelt symbolism in that flag, how they could hurt so many people for a handful.

□ 0130

I started thinking how many people want to burn the flag, the American flag, in a year—100? 60? 6? 3? I realized this guy's case, Johnson's case, is 5 years old in August, and then I realized that there is a practical part of this decision, and Judge Bork was just discussing it with us today.

I will ask and go by rank here and ask the general first. Could he possibly be walking down a street, my friend with that great Biblical name, Benjamin, could he walk down the street and see someone burning the flag where he would not be moved physically to intervene? Could he imagine just standing there and watching?

Mr. BLAZ. The gentleman knows the answer.

Mr. DORNAN of California. I do.

Mr. BLAZ. And the only problem I would have is that of how to keep myself from doing or going beyond the threshold of prudence to respond to that. It would be such an insult to me, but there again, I have to qualify it.

As the gentleman has pointed out, it is possibly because I am denied full citizenship that makes me so protective of what little I have and, consequently, since the only thing that I have really is that flag, and since I do not have the other things that you all enjoy like voting and so on and so forth, and that is all I have, and it is a three-legged stool, and the only leg, one, that is left for me, so I do not know. Maybe at this stage of my life I might be a little bit more gentle than I might have been when I was still in uniform, but I would not enjoy being the other guy.

Mr. DORNAN of California. But the act compels you to act. I will ask my friend, the gentleman from New York [Mr. MARTIN], could he see himself walking down a street, a back alley or Fifth Avenue in New York City where he would come upon a scene where Old Glory is in the street on the ground, and that is enough to move some people to start toward the flag, and then see someone playing with matches getting ready to torch the flag? I ask the gentleman the same question: Could he imagine himself not taking some action?

Mr. MARTIN of New York. I appreciate the spirit in which the gentleman asks the question. I would have to defer responding, if the gentleman really needed an answer, and I would check out what the statutes of limitations are from the last time I had such an experience.

The argument has been made that there is something about the flag that so touches the emotions of most Americans that the use of this as a "vehicle of free speech" is almost guaranteed to cause alarm within the community and trouble and divisiveness and injury and the like.

It is very difficult to control these emotions, because many people, most people, thank God, have not been in the situation of that intense spirit that derives from, for instance, military action, fought under that flag, and when one has had that experience, it is difficult to see those people who can think they can stand back and objectively say, "Well, this is just a demonstration of how I feel on a particular issue that relates to the Government represented by that flag or the country." It is very difficult,

indeed, and unless one has had that experience of finding oneself in a situation that people by their outrageous conduct, looking for the most important symbol of America, looking for that symbol that is likely to arouse the most passionate defenses of people who feel strongly about the flag, use it intentionally to cause disruption. That is a stong argument, because I am not sure at all times I could control my emotions in that instance.

Mr. DORNAN of California. I realize I am speaking to two marines here. Let me ask the son of a marine D.I. who, like my sons, found themselves in an age category where the military had more volunteers than they knew what to do with, and there was not a draft board breathing down their neck that sometimes motivated one to do the best thing in their life—sign up. But, DAVID DREIER, my colleague from California, could the gentleman picture himself walking down a street in West Covina and there is an American flag on the sidewalk and some cretin has matches in his hand and is going to set fire to it? Could the gentleman walk away or not be moved to some action?

Mr. DREIER of California. Let me respond to my colleague by saying that with the colloquy which has just taken place, including our great friend from New York [Mr. MARTIN], our distinguished friend, the gentleman from Guam [Mr. BLAZ], and I look at this great marine, the gentleman from New York [Mr. SOLOMON], and so many other people, and I am in awe, not only just because I am also standing in front of the Stars and Stripes but because I am also standing on the floor of the greatest, most powerful deliberative body ever known to man, but also because I am standing here with so many people who have fought, fought diligently to give me the opportunity to know peace in my lifetime and to give me the opportunity to serve here, and so when I think of the sacrifice which has been made by so many of my colleagues to give me this opportunity, again as I said a few minutes ago, I was not in the military, and I do not apologize for the fact that I was not in the military, but that in no way has prevented me from loving and respecting Old Glory, the single symbol which clearly is the cause of freedom, as I said, throughout the world.

I will tell the gentleman that I remember very well in grade school occasionally seeing the flag, even when it was marching by, possibly get at a lower level than another flag or even dip, and my heart would skip, because this is what I was taught from childhood. I know that every night my family takes it in. I know my friend from Houston, who mentioned his concern about people not taking the flag in at night, the gentleman from Texas [Mr. DELAY], but my father takes that flag in before dark and puts it up every morning.

As one who since we went in rank from General BLAZ to these marines, and we came to the absolute bottom level with me, I have to tell you that the sentiment is just as strong, because I am grateful for the sacrifice which has been made by so many, and it is because of my respect for that sacrifice that I could never stand by and walk along as someone sets fire to the Red, White, and Blue.

Mr. DORNAN of California. Here is the point, and I do not have to ask the gentleman, and I am afraid to ask the gentleman from New York [Mr. SOLOMON], for fear he would think that I actually would question for an instant that action would be immediately taken.

Mr. LIGHTFOOT. It is only 8 hours to dawn.

Mr. DORNAN of California. Right. My conclusion is that this Supreme Court decision violates common sense, because it is unfair to put so many citizens, and because I think we represent hundreds of thousands of people, put them in the position of saying to a person, "I do not care who told you that is your constitutional right, the fight is on," and as I get older and less able, I guess, to defend myself or to exercise direct action, and I know that my dad covered my back in a miniriot in Los Angeles once when he was 82 years old, and if he had ever seen the flag burned in front of him, and he had three Purple Hearts, wound chevrons from World War I, he would have gone into action. He was a welterweight boxer.

It is not right to have a law on the books that inspires good, simple people to have to engage in force to defend something that should not need that kind of defense without the force of law behind it.

We all know that a police officer in a crowd situation can turn to any citizen and assume that is a law-abiding citizen and deputize him on the spot, and that is what officers used to be able to do to save the colors, to defend the flag. We are now put in this limbo situation until we get this constitutional amendment passed, where good citizens are forced to break the law to defend something they love because it symbolizes so much of their lives and so much of the sacrifices that they have made.

I do not want to see those of us who are grandpas who are put in this situation of having to engage in direct action because two good men, and I know they are good men, on the Supreme Court got carried away with what Judge Bork called individualism, and came up dancing on the head of a pin with a decision that flies in the face of common sense.

I do not think our friends Scalia and Kennedy realized the position that they were putting a lot of people in, not just veterans, but everybody. My mother would be in a fight instantly. She has passed away 22 years now, but she loved the American flag. Not by any stretch of the imagination would she have stood around and watched someone defile it or disgrace it.

□ 0140

So it is a bad, bad decision, and we are going to have to pass a good law to cover people who have that natural and I think wonderful impulse to respond to what has been a military cry on the battlefield for at least a thousand years: save the colors.

Mr. LIGHTFOOT. Two quick observations. I think from what our friend, the gentleman from New York, [Mr. MARTIN], had to say a moment ago, and if we are trying to come up with a scale to gauge the gravity of the situation, most of us have certain historical events that when they occurred we will never forget where we were when we heard the news, such as when President Kennedy was assassinated. I remember exactly where I was. Or when Neal Armstrong first stepped on the face of the Moon. This ranks right along with those events. I will never forget when I first heard what they said, and I think that has been demonstrated by what has been said here this evening as well.

The second point, and I think perhaps the gentleman from California [Mr. DREIER] and I probably are maybe a little bit better qualified in this area, but on this whole thing of patriotism, it tends to be tied so much to the military experience. I know of high schools where there is not one single teacher or administrator who has ever served in the military. We ran into that trying to get applications to go to the various military academies.

We see people in places like Guam and other parts of the world who are so patriotic, and we wish that we could just take one-tenth of their enthusiasm and instill it in our youngsters. The question that I think facing us now, in a time of peace, without a military experience is how do we spark that fire in young people so that they will get up and do the kinds of things that Members have talked about here tonight? I think it is a big problem for us.

I am happy to yield to the gentleman from California.

Mr. DREIER of California. I thank my friend for yielding and would like to associate myself with his remarks.

Mr. Speaker, I would to extend congratulations to my good friend, the gentleman from Iowa [Mr. LIGHTFOOT], for standing on his feet for these 60 minutes in the well and yielding time around to all of us

Mr. Speaker, I would like to say that I am gratified that many of my colleagues have stepped to the back of the Chamber, for what I am about to say may be considered rather controversial, and I do not want to be pelted by anyone. And I have to say, Mr. Speaker, I am slightly nervous that the gentleman from New York [Mr. SOLOMON], is here as I am about to say this.

But just a few moments ago I took the opportunity to read amendment No. 1 of the Bill of Rights. And it says.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Mr. Speaker, our distinguished Republican leader, probably 1 hour or 1½ hours ago, stood in the well and said that one of the things we should not do is criticize the institution, the judicial branch of our Government.

Sure, we criticized the decision, we did not like the decision that was made, but we should not criticze the institution itself because, as we had a very vigorous debate just a few hours ago here on the issue of providing training for the police forces in El Salvador, obviously in this 5 to 4 decision on the Court there was a disagreement, it was a very tough call to make.

But what I would like to say, Mr. Speaker, is that now that this decision has been made I believe that we may have seen a very, very positive step taken by the Court. Why? Because their decision in interpreting this amendment has given us the opportunity to establish an amendment to the Constitution, placing this great symbol at an even higher level than it is today. I think that for that reason we may end up seeing a silver lining in this dark cloud. In fact, many of us believe that we should continue to try and take an optimistic approach, and I happen to think that we may be able to have a real benefit coming from what initially looked like a very sad decision.

I thank my friend for yielding and again congratulate him for standing here for this full hour, and thank the Speaker for allowing me to extend this time slightly beyond the 1 hour.

Mr. LIGHTFOOT. I thank the gentleman and the Speaker, and it was no task at all. It was very important that we do this.

ORDER OF BUSINESS

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that I may take my 1-hour special order out of turn at this time.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request of the gentleman from Illinois?

There was no objection.

OUR FLAG

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

Mr. HASTERT. Mr. Speaker, I am grateful for the opportunity of taking this time, and certainly want to thank the gentleman from Iowa [Mr. LIGHTFOOT], my colleague who just left the well, certainly for his ability and for spending some time, in his great old Midwestern way, just to tell what this flag and what this procedure is about. And I certainly appreciate the great testimony that we have had from the generals and the persons who served in the Marines, DAVE MARTIN and JERRY SOLOMON and General BLAZ. It has been a great experience. And certainly I also want to extend my appreciation to the gentleman from southern California [Mr. HUNTER] who has put together this time and certainly this effort this evening.

I was just thinking as we were talking, and the gentleman from California was talking about kids in school that the flag sometimes is the only symbol that they have, and sometimes in schools we take the flag for granted. Very seldom anymore do we actually stand up and give the pledge of allegiance before a class or at the beginning of the day.

When we take this symbol of this country for granted, and then we allow people to take the symbol for their own purposes for granted, we certainly are causing a great disservice not only to ourselves and this Nation, but certainly the generations that have gone before.

I think of an experience that I had not too long ago, a couple of weeks ago in a little town in my district called Warrenville, IL. The VFW there has been trying for almost 35 years to get a World War II vintage tank to dedicate as a symbol to put in front of their little VFW post, as a symbol of one of the first men who died in the Pacific in World War II. He was certainly a hero who stood off a whole Japanese Marine battalion with one machine gun so that an invasion of this island could not take place, and he died in his tank.

That tank was finally put in place, and we presented a flag that had flown over the Capitol of the United States. The thought occurs to me that every child that goes by that very VFW and sees that tank and sees the flag, that will be their only opportunity to touch, to feel, to see, and on some days to hear snapping in the wind the medium that links them with those people who certainly gave a great sacrifice, those people who gave their lives for their country, those people who served and fought and carried the flag in the far corners of this Earth.

On that day it was a very sweet situation, and very sad, because we commemorated those people who fell before, but we also that day had to commemorate the death of a young marine who had just died a couple of weeks ago in the service of this country from that very same town, and had he survived, and had he gone on, he certainly probably would have been a member of that VFW post. But he died, and it was peacetime, and those types of death are even sadder. But yet, he came home in a coffin, and that coffin was covered with the United States flag as it came from the South Pacific, and I had the obligation of passing that flag on that same day to the mother of that son.

□ 0150

And that flag was important. Even though it was not a time of war. Remember, we have to be alert, yes, sometimes we must give up that precious life, those youth who are certainly the lifeblood of this country. In peacetime it is even tougher to do that. But the symbol of that young man's death, the symbol of what he died for, the symbol of what that tank dedication that day at that VFW was the flag of the United States. I think as I go back to my previous profession as a teacher and I think of the many days in history class talking about the Constitution, talking about the history of this country, and I would have probably 20, 30, 35 half-sleepy teenagers before me, and we start to talk about what the Constitution is really about. As I reflect back on that time now, I think of the guys, our forefathers who framed that Constitution.

In that Bill of Rights, which was so ably read a few minutes ago, it talks about freedom of speech, the ability for us to use words, to stand up in a free manner in this body or any other legislative body in this country, city council, county board or school, and express ourselves about what this country means, how we should be one, how we should pick leaders, how we should set our agenda. We do have that freedom of expression.

You know our forefathers, the founders of our Constitution, were very articulate people. They said specifically "freedom of speech;" words, written and spoken words. And when the Constitution was looked at, and I think erroneously by this court, and it said, "No, that means symbolism or art of desecration of the flag, that is a different type of speech," I do not think that is what our forefathers were thinking about. That is not what those very learned and articulate people talked about as speech, words written and spoken. You know this is not the first time this issue has come before this House.

I remember this spring in my home State of Illinois in the city of Chicago some student believed that he could display the flag on the floor to force people to walk upon and trample the flag. We had a piece of legislation before this Congress at that time, that that was freedom of expression, freedom of speech, that we could force people to walk on the flag.

I think we lose our perspective about what freedom of speech is really about and what it really is. I think maybe symbolically, more than symbolically, we need to look and we need to listen, listen to the past; two groups of people, one in the past and one in the future.

The people in the past are those people who died for that flag. I can think of the poem and the poetry of an Illinois poet by the name of Carl Sandburg, in one of his poems he talks about listening to the voices of the dead, those people who lie in prairie graves but yet their messages reach out.

I think of the prairie graves that I visit on Memorial Day as we do with the American Legion, the VFW Honor Guard. In some places there are graves of men who fought in Mexico in 1848, in the Civil War under two flags in 1860, again in the Spanish-American War of 1898, and the famous exploits of Teddy Roosevelt. And certainly in the Fields of Flanders in France in World War I, and in 1943 places like Tarawa, Cassino, North Africa, and in 1951 places like Pork Chop Hill in Korea and, yes, more recently in the jungles of Vietnam. But those voices say something to us. They say something about the sacrifice that we made to keep this country free. They say something to us about what that flag means. And it is more than symbolism, it is something very real and it is certainly, to the members of that Supreme Court, not to be desecrated. And then I think too as probably an old school teacher about those generations yet unborn. If we cannot hand to them the future generations of America—and God help us, I hope they can grow up and live in peace and not have to go to war, that is a sincere hope—but unless we can hand to them the legacy of what that flag means and what people have to give up to make it hang right in this Chamber today, then we do not have a gift to give to the future generations, those generations yet unborn. What pride do we have to pass on if we let that symbol, if we let that flag be desecrated?

I yield to the gentleman from Missouri.

Mr. BUECHNER. I thank the gentleman for yielding.

Mr. Speaker, I certainly would like to join in the gentleman's remarks. He really did touch a note inside my heart when he said something about the people who had gone before us. What we are doing here tonight basically is a vigil. I was wondering would it not be a better place to have this vigil at the Tomb of the Unknown Soldier and where the only gravestone that that soldier has is a flame and a flag, and also think that the Supreme Court has taken away the gravestone of that soldier. If he were buried anywhere in the United States and had a simple tombstone with his name etched on it, with a cross or a Star of David or no denomination, that if the same man that had burned the flag and had spit upon it, had turned over that tombstone, he could be placed in prison. And yet for that unknown soldier, regardless of the war, he does not receive the same amount of care and concern, the same amount of respect as though a person had died with their name etched.

I think that is a bitter irony. If we were to walk down there to that tomb, on the way we might pass some of the other memorials. I have to say that I thought about the wall of Vietnam, the veterans' names etched there, those who died, those that are missing.

A few weeks ago, I went down again and saw the names of some of my friends, including the best friend, probably, that I ever had, male friend, somebody that in college I worked with and we told stories about each other and lied a little bit, drank a little bit, laughed a little bit. And when Buck went to Vietnam I knew that Buck would not come back.

Buck was a little bit different. He reminded me of George Patton when he talked about being reincarnated. He was a warrior. He went to West Point as the oldest student there after having completed 3 years of college. He then decided to go to West Point.

He graduated, I might add, with the most demerits that anyone had had since George Custer. He had been an all-American in high school, football player, an all-American high school track and field, shotput and discus. He was courted by universities throughout this country. He played college football at Kansas University. He did not like the coach, he dropped out and went into the paratroopers. He came out, went into the reserves. He came up to a small college in Atchison, KS, played a little ball with me, worked at a flour mill with me, and a little bit later then one day he said, "You know I am going to take the Reserve test for West Point."

□ 0200

So, Richard S. Thompson, blond, cocky, went to West Point, and then he went to Vietnam. But before he left, he told me that the most important thing for a man to do was to take care of his family and take care of his country. He received the Distinguished Service Cross. He went back three times to bring in his company commander, then his first sergeant, and an enlisted man. On the third trip he was killed by friendly fire.

When I walk to the wall and I put my finger in his initials, I always look down below that, and I see the little American flags that mothers and daughters and sons, brothers and sisters, and wives have left there. Sometimes they leave pictures, teddy bears, baby shoes, but most often they leave flags. To them, those flags are a communication, they are a contact, they are an extension, a way of reaching out of the soul of their loved one who died for this country. I wonder if those people, after leaving that flag there would see someone come by and spit on that flag, or break the little thin stem or burn it, what would they think? If that person was protected by the law for doing it, I cannot help but believe that those people, those gentle, kind, those caring people that had lost someone they loved, I cannot help but believe that they would feel this country had done something very, very, very wrong. They had already given up the life of their loved one, and now the respect that they wanted to share in the death of that loved one would be defiled, would be defamed, would be denigrated.

The flag is not just a symbol, it is not just red, white and blue. It is not something to bring on in a political campaign. It is not something for people who stayed home and did not go to war in whatever generation, can wave and forget about the sacrifice that others have given so that that flag could be waved. The flag is part of the people. It is as much of this Nation as the Constitution, of the words of Abraham Lincoln and Benjamin Franklin or George Washington or John F. Kennedy or of any Member that served in this body, that flag is as much a part of this Nation's soul as the wagon wheels that went across this great Nation on the Conestogas, as a part of the tears that were shed when children died of starvation as we settled this great Nation.

I would hope that what we do here tonight is something that we can share with our children and with our friends as we say to this Nation, to this great Nation that loves its flag, that we want to do something to change what the Supreme Court did. We want to make a difference. We want to answer not just the complaints, but the outrage of Americans.

I want to thank the gentleman from Illinois for taking this time, and also the gentleman from California [Mr. HUNTER] for organizing this. I know that for my friend, wherever he is, probably Valhalla, as he looks down, I know he wishes that the Supreme Court had never rendered that decision. However, we have a chance as Members of this body to rectify it, a

unique situation. We have a chance to say the flag is important, not just in the word of a decision, but by changing the Constitution.

Now, maybe every Member of the Continental Congress would not agree. Of course, they did not agree on a lot of things, but I think that every one of them would say that freedom of speech as they interpreted it then would not have included the burning of the flag.

Mr. HASTERT. Mr. Speaker, I certainly thank the gentleman from Missouri, and think he brings out a good point.

One of the great things about that Constitution that we talk about and we have sworn to defend here, is that we can change it. When the time comes and it needs to be changed and the consensus is there for change, we have the ability to do it. Members talk about people, people criticize and say, "Well, you don't want to mess with the freedom of speech." We are not changing the freedom of speech. We are saying that there is a symbol that represents one symbol that represents this country, and through the process that that Constitution lays out, that we can change it, that we can make that decision here on a timely basis, and then we can move that decision out of this Chamber and out of this Congress to the States and very measured and without any limit on debate and have that decision be a people's decision. That is the great thing about this Constitution. That is the great thing about this flag. It is a symbol that we hold so dear.

I appreciate the comments of the gentleman from Missouri [Mr. BUECHNER]. I think they are very appropriate and very heartfelt. I appreciate him sharing those comments here tonight.

I would like to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, and I thank him and the gentleman from Missouri [Mr. BUECHNER] for their very articulate, very poignant statements. I think the gentleman hit the nail on the head, and I think the gentleman from Missouri [Mr. BUECHNER] touched on it very strongly also. Freedom of speech does not require destruction. Freedom of speech is an alternative to destruction. Our uniquely American alternative to destruction. There are thousands of ways and thousands of phrases and word that people can use to manifest almost any position that they have with regard to any subject. They do not have to destroy something.

Mr. HASTERT. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. BUECHNER. Is it not an amazing irony that in Tiananmen Square where the students that brought out their Goddess of Liberty, which was their symbol of democracy, that one of the first things that the Communists totalitarian government did was to destroy that symbol?

Mr. HASTERT. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I think the gentleman has hit the nail on the head. In destroying the symbol, they crushed the motivation and the morale of those students, and they probably knew that they were doing that. I think in the same way when a person burns an American flag, and there are so many in this country who last saw their loved ones with that body covered by the flag, as the gentleman has stated, you crush them. That is precisely the reason why we should have this constitutional amendment.

Mr. HASTERT. The memory of the gentleman from Missouri strikes a like memory that I have. My very dear friend, somebody who I played ball with all the way through college, through two colleges, as a matter of fact, was a young man from Hopkins, MI, a fellow named Jim Palmlee. When I went to school, everything was mandatory ROTC, and wore the Army green, except Jim decided to be a marine. As I remember, we lined up on graduation day, many of the students in our ROTC uniforms, but Jim in his white Marine dress uniform, standing side by side, and as the flag and the colors were presented in that small Midwestern college, stood at attention, and as everybody kind of drifted away after that ceremony, Jim saluted me.

□ 0210

We were all kind of jealous of that outstanding Marine in his whites. That is the last time I saw him. He went to Vietnam and never came back. His name is certainly on that wall we talk about. But the symbol of what he believed in and the symbol of his sacrifice was that flag. And I can think of his parents who probably are still living up on the farm there in Hopkins, MI, and I wonder what their reaction is when we allow people to desecrate that flag under the decision of the Supreme Court. That is the symbol of their son, their ultimate sacrifice; that is what this country believes in and stands for. I think that was very appropriate, and it certainly brought back memories to me of those thoughts and those people. All of us have those memories.

All of us have those memories.

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

Mr. HASTERT. I yield to the gentleman from Calfornia.

Mr. HUNTER. Mr. Speaker, just reflecting further on this idea that sometimes that flag so symbolizes the existence of a person who serves his country for his loved ones, sometimes that is all there is, and we have with us the gentleman from New York [Mr. SOLOMON] who has been involved in the past in the situations involving American remains being brought back to the United States as men missing in action have been located in Vietnam following the Vietnam conflict.

I just wondered about this, because I guess in some of those situations there is not much left. There may be just a few bones. Yet I would presume that when given a burial, those remnants of what was once an American fighting man are still covered with the American flag, and somehow that flag makes that departed one whole in the minds and in the hearts of the people who loved him.

Mr. HASTERT. Mr. Speaker, the flag is kind of the soul of this country. The soul and the spirit of this country is embodied in it.

Going back to the experience in west Chicago, in the VFW, that is not only the thing that covers the casket, but that is the symbol of the fighting man, whether he comes back in one piece of whether he or she does not come back in one piece, because that flag is what symbolizes what he stood for and what he fought for and what this country stands for. It is just something that we do not tear asunder, because it is sacred. It is as sacred as the soil we stand on.

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

Mr. HASTERT. I yield to the gentleman from Missouri.

Mr. BUECHNER. Mr. Speaker, I am listening to this and I am thinking about the people throughout this world who were in chains in World War II. What would they think today if that flag were defiled by us? When it first came into their village or their town, whether the flag was on the arm of an American serviceman or on the front of a jeep or painted on a tank or flying from an antenna or on the underside of an airplane when they first saw that, I wonder what they would think if they knew that the country that produced that flag would defile it. It probably would boggle their minds.

But I am sure that some of our Supreme Court judges would say that that is all right, this country is great, and it is good that you can do those sorts of things. But a perversion of freedom of the speech does not mean that it is good for this Nation, because freedom of speech is the ability to express one's self. They did not have that opportunity in the towns of Poland, in the towns of France, in the towns of Germany, in the towns of Belgium, or in places in Finland, Estonia, or Latvia. They did not have that opportunity. But Mr. Johnson, who is a celebrity now, had the opportunity to say whatever he wanted. He could have handed out pamphlets. He did

not really have to tear down part of our heritage to have freedom of speech.

I think that that is what rings throughout the dissenting opinion, that it is not as though an amendment would deny somebody the freedom of speech, because Mr. Johnson and any of his ilk could say whatever they would like. They may get punched in the nose, but they could say whatever they like, and the person who punches him would have to take his lumps under the law.

But there is something that is just intrinsically weird about saying we do not have to respect the flag, and that people can do whatever they want. Then what is the next step? Can we do it to a Crucifix or to the Star of David? I do not think so. I hope not. But if we read the logic that tries to find some threat of legal intelligence that says that the flag is just a piece of cloth, then I think maybe the whole world has gone crazy. In a small way, we have a chance to bring a little bit of normalcy back, something that on a day-to-day basis this House does not always do.

I am certainly glad that we are all here tonight talking about this.

Somebody who was talking to me before I came over here asked, "Who in the world knows what you are doing?" We do know that there is a camera that shoots these images out. About the only people out there may be "old Joe 6-pack" or "James 6-pack," people coming off the night shift, sitting down and saying, "What in the world could those people be doing? What could they be talking about? Let me turn up the volume."

That is the same people who have written you and have written me, the people that write the letters to the editor in newspapers throughout this country in the little towns, the once-a-month newspapers as well as the big city dailies. I do not care how many sick op-ed pieces the New York Times writes saying, "Isn't this a great country? You can do anything you want with the flag," I like the letters from the Margaret Whites, the Mary Egans, and the Joe Schwanns, the people who are saying, "You know, what we ought to burn is the Supreme Court Justices' robes, because they don't know what is going on in this country. They don't understand the Constitution."

I do not want to go over there and burn their robes, but I hope they know how mad Americans are about this.

Mr. HASTERT. Mr. Speaker, I can tell the gentleman that people are listening. As a matter of fact, I just got a note that we had a few telephone calls. I said that we heard from the VFW in Illinois, in west Chicago. We got about 10 phone calls, so I know that somebody is listening out there. But the gentleman does bring in a great point.

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

Mr. HASTERT. I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I want to recognize the effort of all my colleagues who are participating in this special order. I also again want to thank, on behalf of all of us engaging in the special orders, the staff of the House who are with us throughout this entire evening. We very much appreciate their indulgence and their thoughtful support of our effort.

Do we in Congress or do State legislators have the power or do we have the legislative authority to prohibit the desecration of the flag? I have concluded that we do and we should.

My purpose tonight is not to discuss the origin of that legislative authority or the particulars of the prohibition but, rather to share a few personal thoughts as to why we as a country should prohibit its desecration. I think we all have our own stories, and I intend to relate a few. I hope that those who succeed me in the well will share with the rest of us some personal anecdotes involving the flag.

We all have in our own minds certain qualities or values or traditions that are embodied in that flag to lead us to the conclusion that we do have the legislative authority, and we already exercise it. We know the circumstances involved in the Supreme Court's decision, and I think we have highlighted the distinction of the dissent, and obviously the dissent is more appealing to us.

But the flag and the burning of the flag was not from my point of view an expression of dissent, but it was a prop used during a series of events or protests during the Republican Convention in 1984. I do not think that any right thinking person—and there will be honest men and women who will disagree with this—who would limit the right of dissent. If we think about it, we are not going to limit that man or anybody of his ilk in his right mind to continue to dissent, to continue to challenge policy, or to continue to challenge individuals, but we do think we have the right to limit, restrict, or prohibit the use of the flag as a prop in that expression of dissent directed toward that policy or toward an individual.

□ 0220

It is our uniform symbol. It reflects a history, a unity, a diversity that is unique and important to us as Americans, and I think everyone has spoken to that tonight as well.

However, Mr. Speaker, I do not think we should forget that it is probably the most visible, the most uniformly recognized international symbol that is respected and regarded as reflective of what this country is all about. Our friends and, perhaps more importantly, our enemies understand what the flag means to us and what it represents. I think our friends and our enemies may neither recognize, nor understand, what the White House might symbolize or mean, or what the Washington Monument might mean, or the Lincoln Memorial, or the words of the Gettysburg Address, or the Constitution or all those other things that are part of our history, part of our destiny, part of our tradition. There may be some confusion out there in the rest of the world as to how they all relate to us, but I do not think there is any confusion about the flag.

Mr. Speaker, everybody knows that the flag is very special, and it means something to all of us, and I guess it is, when one thinks about it, it really means something to our enemies, and I think we lose sight of that. Everything that we stand for, our values, this very process, this ability to come to the floor of this deliberative body to express these very words, the access that we give the body politic to agree or disagree with us, everything that the flag stands for, many of those who do not share our system of government find it anathema and inimical to their system. They know what it means.

Mr. Speaker, they know what it means, and, although I am a veteran, I have to say to my colleagues that my first thoughts, and I listened to the eloquent words of our colleague and friend, the gentleman from Guam [Mr. BLAZ], my first thoughts when I heard of this decision was of the Iwo Jima Memorial, and I noted that in the dissent that some of the facts surrounding that incredible day were recited, and the gentleman from Guam [Mr. BLAZ] knows it better than I, there was incredible hand-to-hand combat between the Americans and the Japanese in ascending that mountain. Almost 6,000 Americans lost their lives during that ascent.

Mr. Speaker, we go from that incident, which is memorialized in hundreds and thousands of incidents throughout all the conflicts in wars in which America has been engaged since the War of Independence, and there are literally hundreds and thousands of personal stories that are not reported, are not memorialized, of soliders going back onto the battlefield to retrieve fallen comrades who were wounded, dying or already dead.

The more recent conflicts were again unrecognized except by the families, perhaps the survivors of those who died in conflicts in the air, those who went down with the ships at sea, and that is woven into that flag, into those

stars, and into those stripes, and into those memories, and into that tradition and into those values that the flag reflects.

Mr. Speaker, I do not think one needs to be a veteran to understand the freedoms that we enjoy, but, as the gentleman from Guam [Mr. BLAZ] alluded to, I think that, if one is a veteran, they may appreciate them just a little bit more.

We are not a militaristic country. We are a proud country. We are a proud country, and we derive our strength, and we have protected ourselves and our friends over the years, from basically volunteer armies. We maintain a standing army, varying in sizes throughout the history of this country, but, when push comes to shove and we get involved in a conflict, there are the professional soldiers that we have to rely upon for leadership and direction.

Mr. Speaker, this is embodied in the service of our colleagues, many of whom serve in this body, but we end up getting volunteers from big cities, and small towns and off from farms to come in and serve. I saw that experience myself during the 2 years I served in the Army. I am thinking of three specific individuals I met during that period of time. I can remember one in particular, a young man, not a terribly athletic fellow, very affable, light-hearted, from a New England community, and he was one of those fellows that, whenever everyone was marching, he would be the only one that was out of step. He was not consciously trying to play games with the sergeant. He just had a tough time marching in step, and whenever we had an inspection of the barracks, his hospital corners were not quite right, and he might get a demerit or two. He never could quite put it together. And I think he admitted more publicly than most that he was fearful of combat, he did not want to go, but he was called, he was an American, and he was going to serve.

Mr. Speaker, there was another fellow that served with me in Vietnam from another part of the country. He was from out West, tall, strapping, good looking, athletic. To him service was both duty and responsibility. There was a bit of the war in him, a bit of the adventurer in him. Whatever motivated him, he was a good soldier, and serve he did.

And there was another young man I ran through a noncommissioned officer school when I was doing some on-the-job training after I completed the school before I went to Vietnam who was our top cadet in that particular training class. He was from a southern family with a proud military tradition. This man was the soldier's soldier, expert in every possible weapon, never a hair out of place, perfectly starched uniform, spit-shined boots, but he just was not all appearance. In his heart and soul he was a soldier. He was where he wanted to be, and he was prepared to serve, willing to serve, accepted it as a responsibility of citizenship, and away he went.

Those three different men, different physiques physically which meant they have different abilities physically, different ethnic backgrounds, from different parts of the country, looking at military service from slightly different eyes; I think this reflects the diversity of the men and women we call and have called upon to represent us in every conflict, in every war, every time we have been challenged by those who find our system of government a challenge to them by those who have sought to inhibit or control our friends, to dominate our friends, those who share values, and share heritage and share those freedoms, and these three men, like the million-plus that have served and died since the Revolutionary War, their lives are somewhere in that tapestry along with the million other lives that have been lost defending this country and protecting friends who share values. They are in that tapestry somewhere. I cannot point to where they are.

However, Mr. Speaker, something about that flag says something about these people, and their sacrifices and their heritage as well as the million men and women who have served and died with them, and it says something in that flag about those who come back from battle bearing permanent psychological scars or physical scars, without a limb or two, or mutilated limbs, hearing impaired, sight impaired. That is in there somewhere. One cannot point it out, but to them and to those of us who truly believe that the flag is much more than a symbol there is comfort to know that that sacrifice is reflected in that flag.

□ 0230

One other story I would share, because I think we emphasize the role of our veterans in our country in the preservation of its freedoms, and we can never ever forget that and we do not during the course of the year. On Memorial Day we think about them, July 4 we think about them, Flag Day we think about them, Veterans' Day we think about them, and every day you look at the flag you should think about the veterans; but it is also woven in that fabric, we have to think about the living as well and about the freedoms and opportunities that the living enjoy in this country because of the veterans and because of the values that flag embodies.

A couple years ago I went to visit a Vietnamese refugee camp in Hong Kong. About an hour outside the harbor on another small island, there are many of them outside of Hong Kong, they had a couple refugee camps where Vietnamese boat people had finally found a place to dock most of them their rickety old boats which they managed to sail with incredible skill and very limited equipment from the South China Sea to Hong Kong. We ran into an old fisherman who had come in the day before. He was not unlike the fishermen that many of us had seen that had worked along the South China Sea during our tour in Vietnam. His face was parched by the salt and the sun. He had hopeful, but rather uncertain eyes. What teeth he had remaining were heavily stained. His hands were kind of knarled, probably a little bit arthritic. He had brought most of his family with him and many, many friends.

He had taken everything he had, which most Americans probably would not find had enough value to donate or to pass on to somebody else, but he had taken everything he had, all his worldly possessions, the most important of which were his family, into a rickety old boat and gone out into the South China Sea. I am not talking about sophisticated navigational equipment, he flew by the stars and the seat of his pants and a hope and a prayer and he managed to get to this island. They gave him a couple options. They said, "We can refurbish you. We can give you some food. We can give you some water, or you can stay here, but if you stay here the chances of you getting anywhere beyond this island are very, very remote, very limited, minuscule." I would say his chances are not real good. He may end up spending the rest of his life on that island, unless we do something here, and I think we should, but he may very well end up on that island because he wanted to get away from Vietnam.

So I asked an interpreter to go over to him and inquire, "Why did you leave everything that you had, take with you most of your family, get in that rickety old boat and make that trip?"

He reached into his pocket and he pulled out an old discolored piece of plastic. He removed from it a tattered letter that he had received years ago from a son who had made his way somehow from Vietnam to the United States. His son had written him and said basically, "Father, you will never understand the freedoms that Americans enjoy or the opportunities that people have. You will never quite be able to understand it, but let me tell you, it is worth risking your life and the lives of others who look for that freedom and the opportunity to try to get here."

We as American citizens, many of our forefathers were refugees, so that is woven into the fabric of that flag as well. You do not have to be a refugee

and you do not have to be a veteran to appreciate what the flag stands for.

I think as legislators we are powerless to consecrate the flag. We cannot do that. America has been doing it for 200 years and Americans do it every day.

Today we had in the Post Office and Civil Service Committee several witnesses from the Federal Government, and they are in that flag someplace as well. We have a doctor from the National Institutes of Health who has given up a very lucrative career in the private sector to spend a lifetime doing research for the National Institutes of Health, looking right now for a remedy and antidote to the scourge of AIDS.

There was a woman who was a Foreign Service officer, who has traveled all around the world. Her children have gone to 20 or 30 different schools in their 12 years, but she did it to serve her country, to serve you and me, and she did it proudly and I am sure in service of the values that the flag represents.

There was an air traffic controller who has been guiding planes through difficult hazardous weather, or even on a clear day when you are around O'Hare Airport and you have 3,000 of them coming in, even on a clear day it is a very difficult job, let alone a bad day.

There was a customs pilot, a man who goes about his job every day on behalf of the Federal Government, who had seen and had two or three of his friends killed during his lifetime of service to the rest of America during a lifetime of service, and most recently trying to interdict and diminish somewhat the scourge of drugs.

You go beyond those who are in public service, and they are in that flag, somewhere, too. You think about all the health care professionals we have.

Think about the nurses tonight in emergency rooms and doctors there, those on the third shift tending to those with wounds and broken limbs and horrible and painful diseases, you think about the medical professionals.

You think about the men and women who go to work every day trying to be as productive as they possibly can, maybe working a second job so their sons and daughters have a chance to go to college or go to graduate school. Maybe it is not something they had, an opportunity they had. They go to work every day and sometimes twice a day to create that opportunity for those sons and daughters. They are in that flag someplace.

And think about people leaving their churches or their synagogues. You cannot see them, but as you and I and many of our colleagues have said, that flag embodies the spirit and the soul of the country, and there is nothing more that reflects the spirit and the soul as the diversity and the opportunity of worship, and that is in that flag someplace.

When you think of the flag, sometimes you think of the Olympians and how proud it is for that one American to walk in every 4 years to represent this country in competition, athletic competition with the rest of the world.

But somehow it is equally as important to think of those kids who participate every year in the Special Olympics, because we as a country hope that we have designed a society that has enough empathy and enough opportunity so that every man and woman, every child, will have the opportunity to reach their full potential, whatever that potential might be. It might have some limits, but whether you are going to represent us in the Olympics every 4 years in international competition, or it is the neighborhood Special Olympics, we hope those children or those adults reach the fullest athletic potential that they have. They consecrate the flag every day as well.

So I congratulate the gentleman and thank him for letting me share part of this hour on this special order.

□ 0240

As I said before, it is not for us to consecrate the flag. As politicians, elected officials, we cannot do it. We are part of that a little bit. We are up there somewhere, too, because we are the most accessible form of government known to man, we continue to be. We are the model to the rest of the world. We are the beacon; but even the Statue of Liberty, as prominent as it is in our minds, I am sure if you ask people around the rest of the world, the flag will probably have greater recognition and probably greater symbolism to them than even the Statue of Liberty. Americans consecrate that flag every day. They consecrate it through their efforts. It involves and embodies our hopes, our aspirations, our successes, our failures, our strengths, our weaknesses, our unity, our diversity. It is all there. It is all there. That is why it is so important to Americans. That is why it is so important for us since we do not have the power to consecrate it, to exercise our legislative authority and make sure that it is not desecrated.

I thank the gentleman.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Pennsylvania for certainly a very apt and moving tribute.

When we talk about it, and certainly the flag is special to those people who served in uniform and certainly carried that flag into battle, but when we look at the youth of this country, the youth that looks for direction, looks for a symbol, searching for what they are about, what their country is about, what their direction is, we do them a disservice if we do not hold that flag up as something special, and if we allow people to desecrate that flag and what the flag stands for in the history of this country.

The gentleman really has touched on some great points, and I appreciate his participation this evening.

When the gentleman from Missouri was talking about what is a flag, it is more than a piece of cloth. And it reminded me, as one stands here in the well and we go through the great stories and remembrances people have, I remember going through a small family-owned business in my district that makes flags, a good enterprise, freedom, that started with a ma-and-pa operation, but to go into that and to see huge rolls of red cloth and white cloth and blue cloth come in, and little ladies sitting there cutting that cloth into strips or into fields and all of a sudden there is magic that happens in that factory, a pride that those people have, because when those strips get sewn together and when that field of blue and those stars get woven into that flag, it is something special, and it is treated special. It is not cloth anymore. It is a symbol of this country, and I had to take my hat off to those people in St. Charles, IL, who were making those flags day in and day out, hundreds of them a day, some of them were huge, I mean, bigger flags than I ever saw, and they must fly them in Texas or someplace, but bigger than I ever saw, 150 feet by 100 feet, huge flags. When that cloth came together and when that star field became part of that, that was something special. Those people treated that, and it was not a big huge hunk of cloth anymore. It was a symbol of this country. Those people treated it special, and they consecrated that flag as part of this Nation.

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

Mr. HASTERT. I am happy to yield to the gentleman from Missouri.

Mr. BUECHNER. Mr. Speaker, I just think that maybe the last note before we conclude is that if one of those great big flags was burned, it would probably be enough to pollute the air, and this Government would allow, and that Supreme Court would permit, the arresting of those people.

It is a little strange that we would care more about the air than we do about our heritage.

Mr. HASTERT. That is why we are here. We are here, and maybe one of the problems with the Supreme Court is they do not go home every weekend. Maybe they live inside this Beltway, and how we construe the laws and words and feelings and editorials, that all of a sudden we think make this place work, but when one goes home and deals with people and that great network that the gentleman talked

about and how people are woven into that tapestry and see what they believe in and what they work for and what their aspirations are and what they hope for their children and the things they hold reverent, that flag is there. I think maybe those Supreme Court Justices probably in their own minds and academia and studying the law for years and years, probably they thought they made a good decision, but they did not go home. They lost touch with what the people really stood for.

I think that is something that we need to keep in mind here, and really that is our purpose here. It is our purpose, and we are elected to stand up and uphold that Constitution, but our purpose is to reflect what people in this country believe in, to reflect what this country stands for, and certainly to make that constitutional change is timely and important, not just for the actions that happened in 1984 or at the Art Institute in Chicago, IL, when the flag was desecrated on the floor, but for the future for those people who are our children today and will be our adults and leaders, and certainly those generations that are yet unborn to the country.

I want to, first of all, before we yield our time here, thank the gentleman from California, and certainly this great staff and the Speaker who has been standing here and tolerating this and giving us this time. We appreciate your efforts.

Mr. BUECHNER. Will the gentleman yield?

Mr. HASTERT. I am happy to yield to the gentleman from Missouri.

Mr. BUECHNER. To quote George M. Cohan, "It's a grand Old Flag," gentleman.

ORDER OF BUSINESS

Mr. RIDGE. Mr. Speaker, I ask unanimous consent that my special order be taken out of order, and that I be allowed to proceed at this time.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE TAPESTRY OF AMERICA WHICH WE CALL OUR FLAG

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

Mr. RIDGE. Mr. Speaker, I think that with few exceptions each and every one of my colleagues will probably spend part of their Fourth of July participating or observing in at least one parade, and if not that, many, many more, and if it is like the parades we have attended in the past or certainly will attend in the future, merely observing those at the parade or along the parade route will give one certainly some indication and some barometer of what the men and women we represent feel or how they feel about the flag.

If Members have ever watched it, watched the flag going down a parade route, there will be some people who will stand, there will be some people who salute, there will be some people who put their hand over their heart, and many will do some combination. The point being that in that tapestry of America which we call our flag, different people look at it and within those stars and within those stripes, they see different things. It may have been an opportunity afforded an individual member of that family because they were here in America; it may be the memory of a loved one, a relative, who served in conflict or who just served in peacetime service. It may be a political event of some significance, but the point being that that flag, that piece of fabric, that some of the judges alluded to was just a symbol, means different things to different people, and the beauty of the flag is that it catches all of us in our own experiences within its tapestry, and when we look at it, although it is an expression of our unity, it is also an expression of our diversity, our oneness and our pluralism. It evokes, it elicits, all kinds of feelings from us.

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

Mr. RIDGE. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman.

Let me just say that it is 3 o'clock in the morning, but some of the words I have heard have been absolutely profound including the gentleman's, and as he was reciting in his colloquy with the gentleman from Illinois, the reason why the Vietnamese went through all types of hardships and persevered to try to get to this country that we still do not understand completely, and how he was motivated, it occurred to me that this flag had a different meaning for a lot of people.

Somehow one can be an American and can be brand new in this country and be perhaps as good an American or a better American than people who have been here for hundreds of years.

□ 0250

I reflected on what Ronald Reagan said in one of the last speeches I heard him make as President of the United States. He said you can go to France, but you cannot become a Frenchman. You can go to Japan, but you cannot become a Japanese. You can go to Italy, but you cannot become an Italian. But you can go to America and you can become an American. Maybe that is why the flag is so important to us, because we are not people who are bound or trademarked by our ancestry, by the fact that we have been attached to the land for thousands of years, because none of us have, except native Americans.

There is a certain inner property that is given to Americans upon simply entering this country and being involved in defending our freedoms and exercising our best abilities in this free marketplace, and it is almost something that is undefinable.

But as the gentleman was talking about that, I was reflecting that I just read a news article the other day that said that of the seven valedictorians in the high schools in the Boston area, 13 of them were foreign born, and it mentioned that most of them had come to this country only a few years ago. Some of them did not even speak the language a few years ago, and one of them was deaf. When the school administrators were asked how these kids could achieve so much when they apparently started with such a disadvantage, their only answer was that somehow they had a motivation that had been given to them by their parents, and that was extraordinary, and much more than that, that was given to the children of the general communities, these new Americans, these new immigrants and the children of the immigrants.

There is indeed a specialness about being in this country that seems to be more achieved by people who have just arrived, because they see the contrast between that which they see now in this flag and all of the freedoms and opportunities embodied in this flag, and that which they left behind, whether it is Vietnam or North Korea or some other place where a totalitarian system is in charge.

So we do not have pedigrees in this country, and we do not have thousand-year attachments with our farms and our land as such, as they have in other places. Maybe that is why the flag is so important, because it is the last thing that we see in many cases covering the bodies of our loved ones. It is something that people from a dozen different lands follow into battle, and many of our battles have been fought by immigrants, by people who are brand new. If we look at every war from the Revolutionary War onward, and look at World War I, it was fought by all of the people that came in and were part of the Teddy Roosevelt melting pot, who ended up bearing arms in Europe to protect the rights and achieve freedom for our brethren in Europe, and for the other Western democracies, people who had been brought together by this unique, compelling magnet called America.

So the flag is a piece of uniquely American property. It is not just a symbol, and for some people it is all they have.

My father was here when the Iwo Jima Memorial was put up, and he was a marine. Once a marine always a marine, as many Members here who were marines will tell us, including General BLAZ.

Mr. RIDGE. And General BLAZ will not only remind you, but he will remind you again and again and again.

Mr. HUNTER. The gentleman is correct. And one of my father's proudest possessions was that he had Ira Hayes' autograph. Ira Hayes was a Pima Indian who helped raise the flag at Mount Suribachi, and he was here when they dedicated the Iwo Jima Memorial and that flag, and that is one reason why I was a Vietnam veteran, and perhaps the gentleman from Pennsylvania, he and I have talked about this and worked to some degree, wanted to see an uplifting symbol at the Vietnam Memorial for Vietnam veterans. I think the gentleman in the well was very much an advocate of putting that flag up. Somehow he wanted to have something other than two dark walls with a lot of names on them, walls that incidentally seem to be lower than ground level, somewhat dismal I thought. But the one thing we thought that would be uplifting would be to have an American flag. And one thing that really bothered me was when he tried to get that flag right in the middle of that memorial, because I wanted it to be right there in the center of the memorial where it would be flying almost over the name, one member of the Fine Arts Commission in rejecting that said that the American flag is a long, stringy obstacle that is incompatible with the shape and the symmetry of this memorial, and so they approved it a little bit outside. But still that flag flies very close to that Vietnam Veterans' Memorial. I like to think that that is one uplifting aspect of that memorial that makes it worthwhile.

Mr. RIDGE. I certainly appreciate the gentleman's comments, and also his energy and enthusiasm today in arranging this series of special orders this evening in support of our minority leader, BOB MICHEL, and the President, in elevating this issue, and it will become a debate on a level that I think it certainly deserves. With many pressing problems, it seems that in this body we are finally going to get around to addressing some of them. But clearly on that agenda, at the top of the list, of which there can at least be none more significant or of greater importance than this one, I thank the gentleman for his interest, and particularly his leadership in arranging this evening.

Mr. HUNTER. Let me just say frankly that it has been very worthwhile just to be here for this Member, just to listen to gentlemen like my friend, the gentleman from Pennsylvania [Mr. RIDGE] and others who made some very profound statements. I was very, very impressed with many of the Members tonight. I think this has been an important meeting.

Mr. RIDGE. It has been easy to stay.

I yield to my friend and colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my good friend from Pennsylvania, a fellow member of the Committee on Banking, Finance and Urban Affairs, and of the Subcommittee on Housing.

Mr. RIDGE. We are not going to talk about supervisory goodwill tonight.

Mr. DREIER of California. Within a very few hours we are going to begin a markup on a bill and have hearings in the Housing Subcommittee. I am also pleased to see my other colleagues from the Committe on Banking, Finance and Urban Affairs, a new Member, the gentleman from New York [Mr. PAXON].

I was just informed probably 2 hours ago by our very able, crack staff member, Mr. Ron Phillips, who is here, of something that I just personally witnessed. As I was walking through here, I heard my friend from Pennsylvania talking about the important symbolism of July 4 and the fact that Members will be participating in so many events on that Independence Day. He talked about the important signification that the American flag would have next to the Vietnam Memorial.

I found that our mere presence here, Mr. Speaker, being led by the gentleman from California [Mr. HUNTER], and others, is creating another important signal which I doubt any of my colleagues are aware of. I just this moment went outside and witnessed this. In fact, we have a very cool evening outside here in the District of Columbia, and I recommend that when we have a little break my colleagues go out and see this same thing.

Mr. Speaker, do my colleagues know that when a House of the Congress is in session that the stars and stripes stay flying above that House? If one were to walk out on the East Front of the Capitol, as I just did 5 minutes ago, they could look over to the other body, which we are now permitted by a change in the rules here to call the Senate, we can look at the Senate Chamber and the staff is there without the flag hanging above it. Yet when one looks back above this Chamber, by being here in session, talking about the American flag, we are creating that symbol which at this moment is flying well lit above this Chamber. I think that we have got just one other little demonstration here of what it is that we are doing and how it is represented very well.

Again I appreciate the eloquence of my friend from Pennsylvania and appreciate being able to participate during his hour and to carry out what I think is an important message to my colleagues.

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

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

Mr. RIDGE. I am very pleased to yield to my friend and neighbor, the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, it is, as my friend from California has just said, a great privilege to join in the gentleman from Pennsylvania's hour here on the floor.

□ 0300

It is certainly a pleasure to serve with you in this House. We are just a couple of miles from each other, Erie County, PA, and Erie County, NY.

There are few people that I have greater respect for in this Chamber. So it is great to be here.

You know, we were sitting in back waiting to come down, and someone said, "Gee, you know, is it really worth this staying up all night? So many Members coming down here?" You have to wonder sometimes if the message is getting through, but I believe it is, I think it is. For those who are back in their districts this weekend the message came through loud and clear. I think you would have to agree. The people in our communities understand better than all the legal scholars in Washington, all those learned men and women on the Supreme Court, I think the people in our districts understand what this issue is all about, why we are here tonight.

And it is important, I think you would agree, that we are here tonight because unfortunately there are some in this Chamber, as I heard my friend and colleague, Mr. HASTERT from Illinois say earlier, that do not get outside the beltway very often, do not get outside their districts, and they are not listening. For those who are listening, I hope the public will understand why we are here. We need them to send a message back here, a message loud and clear. I do not think this should be a close vote. I do not think the vote on a constitutional amendment, as it comes down the road and, hopefully, soon, should be a vote that is decided by a couple of Members. It should be an overwhelming vote. As a matter of fact, I am hoping every Member in this House will support our initiatives to move this constitutional amendment forward. But that is why we are here tonight, to encourage every single citizen in this country to take pen to paper, to pick up the phone, to stop down at the offices of their Representatives and to say to

them, "We want to know how you stand. We want you to go back and make this a top priority because that flag is central to this country."

My friends, I am just amazed at this Chamber. The first time I walked in here, it seems like a couple of days ago, for the first time, and I looked around, it is not an overwhelming Chamber in terms of grand beauty. It does not just overwhelm you. It sort of creeps up on you, the majesty of this room.

But the one thing that stands out in an otherwise very subdued room, no matter where you stand in the Chambers of the Congress of the United States, is that flag. No matter where you stand, it is the colors that stand out so vividly in this room. More people, I have brought so many people, my parents, my friends and relatives down here since taking office. And no matter where you stand the one thing that just jumps right out of the center of this Chamber is the flag of the United States.

There in only one thing above that flag, "In God We Trust," is the only thing more important in this room, that flag. And I just hope that all our constituents back home will take the time over the next few days—I know their Representatives are going to be home. If they do not get home often, they are going to be home on the Fourth of July marching in those parades behind all those flags. Tell that Congressman and Congresswoman how you feel. I think, my friends, we will get a strong, clear message and our colleagues in this Chamber will get a strong, clear message that as central as this flag is in this Chamber, it is to our constitutents, it should be to our fellow Members even if the Supreme Court does not think so. We will then get that amendment passed.

Mr. RIDGE. I appreciate the gentleman's comments, particularly the suggestion that in a participatory democracy not only do you have the opportunity to express your views, I think it is also the responsibility of citizenship that if you feel strongly about a particular issue, and hopefully there are strong feelings out there about this particular issue, that they are communicated in one form or another. It is that first amendment, that freedom of speech, we want it there for you to avail yourselves of it. But there are times when it not only presents an opportunity but also perhaps a responsibility.

I yield to my neighbor.

Mr. PAXON. Earlier our colleague, Mr. DREIER, mentioned that he did not have the privilege of serving in the military service. I did not either.

In 1972 I was a high school student. It was the end of the draft in this country. Like most students, the draft was over and our lives went on. Unfortunately or fortunately, however you look at it, for you, Mr. HUNTER, and many others, you took up the cause for this country. I hope that in some small way, some very small way tonight, those of us who did not have the chance to serve will listen to you, will listen to what many had to go through to fight for this country, as my parents did. My father served overseas in World War II. My mother served in the service during World War II. I hope we listen to what you have to say, to the type of feelings that you have felt about this flag and all it has stood for over the years to you as veterans; but that we can now in some small way return something, in some small measure, by standing up for that flag with you in this very noble effort.

I cannot help but remember the many times back in my community in western New York and across this country during those years of Vietnam when the flag was held in very low respect by a very, very few people in this country who abused, misused this flag. Thank God that is not occurring very widely today.

But I was so disheartened to see the day after the Supreme Court ruling a return to what we saw during those years when I was growing up watching television in Buffalo, the flag burnings, the desecration of the flag by a few during the war, the Vietnam war, and now it is happening again following the Supreme Court decision. Hopefully, we will see a good result in spite of the poor decision of the Supreme Court, my friend. And that result will be, when this is all over, a greater respect for this flag because this process either here in these Chambers today or across the country will cause people to stop and reflect on the value of that flag, the symbolism of that flag, on the values of this Nation that the gentlemen fought for, that many in this room have fought for over the years in many different wars and conflicts and that will, as a result of this awful Supreme Court decision, we will all have a better appreciation of the flag and what it means to this country.

Mr. RIDGE. I thank the gentleman for his contribution.

The gentleman reminds me that during that particular period of our history, in addition to burning the flag which was, unfortunately, a frequent expression of protest, and as I think my colleague from California pointed out, there are ways and devices that you can protest that can be as meaningful and potentially as productive but it does not include spitting upon, burning or ripping the flag asunder, that very flag which gives you that opportunity and protects your freedom to dissent.

But there was another symbol that disturbed me during that particular period of time and perhaps even more so thereafter, particularly when we listened to the debate from time to time on the floor here, that it was the peace symbol. I do not know of a man or woman in this Chamber or in America who would not wish and hope and pray for peace for all mankind. But the uniqueness of this country and the sacrifice of the veterans who have fought to preserve the peace is that there is an element that politicians often miss, and that is peace without freedom is not part of our heritage and not part of our values, not part of our tradition. It is something that we cannot accept for ourselves and for others who try to promote internal democratic reform.

So it is not just peace that we are about and as represented by that flag, but certainly that flag represents peace with freedoms, freedoms and opportunities.

I have to say that during a trip that I made a couple of years ago to Vietnam, the influence of America was still very profound and observable. When you traveled, and admittedly there were some other Western influences in the southern part of Vietnam as well, but when you traveled in North Vietnam there was still a sense that I got from my brief travels there and that there was a melancholy, there was a despair, there was not much hope. It was an economic and social and educational and political condition that had been endured for decades, if not centuries, and people were basically inclined to continue to endure it.

But in Saigon, there was still some life, still some hope, there was still, albeit private discussion, there was still the discussion among those in some of the shops, some of the people were able to meet with, among those Vietnamese with whom Americans had come into contact, there was still that hope that maybe there would be a better day for Vietnamese in Vietnam. And in the alternative maybe, somehow, some day they could get to this country to enjoy not only the peace they enjoy now—they are at peace by and large now if you exclude the excursion into Cambodia and some of the others—but a people by and large had peace, but peace certainly without freedom and without any prospects for freedom in the future.

□ 0310

When Members talk about the Chamber, it brings to mind my first, my most vivid recollection of the Chamber in 1981, actually before I was sworn in, when our Leader hosted a dinner in the Hall of Statues, and Members could look down the long corridor, and it truly is a majestic Chamber and an incredible sight. Members look down the corridor and look across the Speaker's chair and right behind the Speaker's chair is the

American Flag. My first recollection, my first memory as a potential Member of the House of Representatives is not so much the Chamber, but the Flag above the Speaker's chair. I will never forget that.

When Members think of this House, there are some traditions that I also think reflects the respect and the sensitivity that all Americans have to the Flag. It is traditional when the President walks down the aisle to give his State of the Union address, for Members of the Senate and Members of the House and members of the Supreme Court and everybody else, and everybody practically in this Chamber, to stand up; but for their own reasons, and based on their own reasons, and based on their own tradition or whatever it is, members of the media choose not to. That is regardless of whether the President is Republican or Democrat. It makes no difference. They remain seated during the entrance of the President of the United States.

It is heartening to note, and I think important to note that those same men and women who occupy that space above the Chamber when we recite the Pledge of Allegiance in the morning, stand up with the rest of the body and join the Members. So clearly, the Flag is more important than any single legislature, than any single President. It embraces and embodies all Members, and I think that is recognized by the fact that above Members in this Chamber, at least it seems to me on those occasions when I have been privileged to be on the floor when we have had that recitation in the morning, everybody, regardless of who they are or what their profession or what their interests or what they may do under other circumstances, stand up and represent and recite the Pledge of Allegiance.

I notice my friend from Guam was making some notes, and he has been intently and not endured, because I know he would not want me to use that to describe what he has done, but having sat here for a couple of hours with other Members, and very much a part of the group, and having made some notes, I wonder if he had any additional observations he cared to share with the Members that may have been elicited by comments of colleagues?

Mr. BLAZ. Mr. Speaker, I thank the gentleman for additional time here. I have observations about this subject. We just do not have enough time to accommodate me.

Mr. RIDGE. I might interrupt my colleague after listening to the eloquent and emotional remarks earlier this evening, I mentioned to the gentleman from California [Mr. HUNTER] that in your observation about the burden of having cared with regard to whether or not you gave the wrong order or a bad order in the heat of combat, he and I were absolutely convinced that none of your soldiers and the men whom the gentleman commanded ever thought that the gentleman did anything wrong, certainly not in the heat of battle, and we are pleased to be here on the floor tonight and give an opportunity as fellow veterans to share that with the gentleman.

I yield to the gentleman from Guam.

Mr. BLAZ. Mr. Speaker, as the gentleman was talking and others were talking about your own experiences, it occurred to me that the gentleman from New York [Mr. SOLOMON] who traditionally wears his flag when he goes out, every day, and even when we go overseas, so I checked up on that. The problem that I had was I stopped doing it when we went overseas because it got very expensive. I went down to the supply store in the House. They are a dollar, $2 each, and the minute a person goes about in a foreign country, people start pointing at it. Naturally being in love with my flag, I want to share it, share that love with other people, and my wife reminded me that this was getting to be a very expensive proposition. However, it was one of those things that a person could not possibly, the sentiment could not possibly convey to others who do not experience it. A person just cannot convey that feeling that a person goes through, and others were mentioning that we hoped that people back home may see what we are doing.

The truth of the matter is, it really should not make any difference if they see this. There is a purpose for me, a purpose for you, a purpose for all us being here, and just being here ought to be good enough, just to be here in this effort to try to call attention to this. In my case, I guess I feel that way because it is already tomorrow. I should mention that when I go home at 7 o'clock in the evening, my Fax at home is percolating because it is already tomorrow. I am reading tomorrow's paper today. We are 1,600 miles closer to Moscow than we are to my own capital.

We raise the flag before anyone else does. When America was feeling bad because of December 7 being Pearl Harbor Day, we were feeling bad because it was on the Feast of the Immaculate Conception of December 8 in Guam, so our own recollection of Pearl Harbor is different from everybody else's.

When I talk about the flag, we are a step ahead simply because there is no other community in America, no other community in America that has been subjected to the kind of tribulations that we have defending the flag. My community where we are, way out in the Pacific Ocean, has been occupied by Spain, has been occupied by the Japanese, has been occupied, of course, now by America, and we speak all the languages. That is why I have such a very unusual name. I look like Norman Edwards' brother, but I speak like the gentleman from Texas [Mr. BUSTAMANTE], but I am from Guam. I am in the Hispanic Rights Caucus, Human Rights Caucus. I am so thrilled because no one challenges my being an American, despite looking the way I do. So I have strong sentiments about this subject. They are corny to a lot of people, but it is good corn. It is good corn because I know that I feel sorry for those who have never felt how I have felt for this country. I feel sorry for those who have never loved as I love this country, and that flag that is a symbol of our country.

So asking me to say a few words is unfair, because a few is a few thousand words on the subject. I go back to my earlier statement about what we did during the war. It never occurred to anyone making a little American flag in a concentration camp and being caught, that it was not worth doing it because the penalty was death. It was worth doing it because it kept you alive knowing that that is the flag. It kept you alive.

So to those who say it does not have any meaning, I can pity them if it does not have meaning to them. The gentleman mentioned earlier about my being in the Marines, or words to that effect, kind of hinting like a needle.

Dick Cheney said the other day in a meeting, he said he discovered in the first few days that he was in the Department of Defense, that no one ever leaves the Marine Corps. The reason I am bringing that up is because maybe those Members who are in the Marines are just a little bit gung-ho for the flag, at least demonstrably so. Why do we do that? I think it has to do with the way that we were trained and the way that the flag at Iwo Jima has imbued so much in Members, an enormous amount of sense of purpose, sense of urgency, sense of loyalty.

□ 0320

Mr. Speaker, I was in Iwo Jima. I, despite what I look like today, I was too young to be in Iwo Jima, but the men who went to Iwo Jima were launched from my territory after we were captured, and we were launched from there. So, as soon as I became an officer, I saw an opportunity to go to Iwo Jima, and I went up to Mount Suribachi, it is many years later, but I could still almost smell the stench of gun powder, and I walked the sands of Iwo Jima.

However, Mr. Speaker, what impressed me the most at Mount Suribachi was that flag. It was still flying even then years later when we reverted to Japan. The Japanese and the Americans got together, and they made a metal replica of our flag, and

Admiral Nimitz's words are still there to this day, and the words are, among those Americans who fought on Iwo Jima, that uncommon valor was a common virtue, uncommon valor.

Mr. Speaker, what spurred these men to such uncommon valor? What spurred these men to make uncommon valor such a common virtue? It was the flag that they were carrying with them. It was the flag of their country.

So, as I mentioned earlier, it is possible that some do not share the sentiments that the gentleman from Pennsylvania [Mr. RITTER] and I share. He has been very modest tonight. I know his record. I know that he has been where a lot of people have never been. So, I noticed that, as he spoke tonight, I was listening, and indeed very attentively, but he has not mentioned too much about his combat record, and perhaps it is not necessary.

Mr. Speaker, I want to correct some impression, some misimpression, that was made by me. One does not need to be a soldier to be an American. One does not need to be a soldier to appreciate what we have. I was only saying that I do not expect others, however, being a soldier all my life, to have the same enthusiasm because I see the flag from a different perspective than most people have seen it.

A Senator from New Mexico, whom my colleagues may know, Harrison Smith, was an astronaut. He attended the beloved school up there by that little place in Massachusetts, and he was telling me that, before he went to the Moon, he was a geology professor and was an expert in lunar geology. And he said before he went to the Moon that he knew so much about the Moon surface that, when he got to the Moon, he had no difficulty placing names and what not because he had seen so many photographs.

However, Mr. Speaker, on his way back from the Moon he said that he finally realized that he could never again teach what he taught at Harvard with any degree of confidence akin to what he had before because of having seen the Moon, and, having been up there, he came to the realization that he may be able to teach the technical aspects of what he saw, but he could not convey the dimension of having been there in words.

Mr. Speaker, that is the problem that many of our people may have. They cannot appreciate perhaps, and I am talking even of our friends in the Supreme Court; it is possible that they look at it strictly from the black and white letters that are before them. It was a painful decision, but they did not convey in their decision any indication that it would have the impact that it had across this great country of ours.

So, Mr. Speaker, I would hope that those who may indeed be listening to us may be stirred into some kind of action because, as was pointed out earlier, there are very few things that lure this aging warrior out of his lair in Longworth, very few things. I like it there. I listen to my staff, I work with my constituents, almost on a 24-hour basis, and since I still do not have the right ticket to come and vote here, I come here ever so infrequently. However, when I do, I try to make a point, and, boy, this point today is that I want to urge for the sake of our country, for the sake of our children and for the sake of us, those of us from non-States on the periphery of the Republic, that we are never embraced because we were never part of the Union, but we are still here.

Mr. Speaker, the irony of this whole thing that we are talking about tonight is that my territory processed a quarter of a million Vietnamese through the territory of Guam, welcomed them to America, and every one of them that came to America now at this point enjoys more privileges of this great Nation than those of us who greeted them to America in the first place.

In addition, Mr. Speaker, we love the country as much, if not more, if not more.

Someone mentioned earlier also the international symbol that this flag has. When I was going to Vietnam, my 6-year-old son named Tom, good name, Irish name, he gave me a flag that was made out of a piece of cloth, and it was done in school, and he had volunteered to make this flag, and, as I was leaving, boarding the train that was to take me to where I was going, he said, Tom, "Dad, I got a present for you." He said, "I want you to wear this flag so the enemy will know you're an American."

Mr. Speaker, that was 20 years ago, and I have been trying to figure out just what this young boy of mine really meant. The ambiguity could have not been calculated because he was not old enough to design something like that. But I think he was so sure that, if I were wearing an American flag, it would have such an impact on those who do not, they they will have second thoughts about doing anything.

Mr. Speaker, he was so sure that, when I came back he said, "Do you still have the flag?"

Not only do I still have the flag; the flag is in my office, one of my prize possessions.

Finally, and this is a personal story, but, by golly, this feeling that I have is so personal. One of the great joys that anyone has in life is to return to a scene of battle where he had fought. I have done that many times, but to show my colleagues the great American democracy that we have, when my concentration camp was liberated in 1944, I looked at the Marines. I said in my broken English, "What outfit, Mister?"

Two Marines said, "Ninth Marines."

Now that is the Marines meant regiment, Ninth Marines. It did not mean much to me. In the course of time, in the natural order of things a la democracy Amercian style I was able to be a marine. I was to be a colonel and, unbelievably when I reported overseas as a colonel, the general said to me, "You will proceed to the next camp. You are now the commander of the Ninth Marines."

Mr. Speaker, I say that for those people who do not have an American story to tell. I cannot imagine any other country that would permit its citizens, particularly from the way that I started in law, to enter into the Corps, to rise, and in the natural order of things command the very regiment that liberated him.

But guess what? That was not the most beautiful part of the story.

□ 0330

The most beautiful part of the story was when I was being relieved. The officers on their own had a little ceremony. I was watching it, 5,000 men in my regiment before me, and all of a sudden they were changing flags and then a general officer came to me, senior to me, and he said, "This flag of the regiment, flown in combat in Vietnam, is presented to you by the officers and the men of this regiment."

I looked at the general, knowing that he was the commander of the regiment when that flag was flown. I was his successor. I knew in my heart that he would have loved that flag, but he was giving it to me.

So you see, I am not a good witness. I am an outstanding witness for the United States. I am defense exhibit A for America. I have been to where no one has been. I have stood in line for citizenship. I have studied English. I may even be close to mastering English, but I have not changed my love, my love for the flag, and for my friends who may be listening to me and may not feel as I do, I feel sorry for you, because you do not know how to love. You do not know how to love.

I appreciate the gentleman from Pennsylvania giving me time. For those who do not know the gentleman from Pennsylvania, there stands an American soldier. I am proud of him.

I am even proud of you, DUNCAN.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, I am just another private in General BLAZ' army.

Mr. RIDGE. That is exactly right, and the Congressman from California and I will follow the general anywhere, absolutely.

I thank the gentleman again for sharing part of himself with us. I guess it is those kinds of experiences that the gentleman shared with us

and that are now shared with many other people in this country that are woven into the tapestry of that flag that elicits such warm inspiring response and thought from you about the flag.

It is special, and we as a country are fortunate to have a symbol, in a sense. You cannot get away from using the word, but it is so much more than that. Not only are we fortunate to have one, but I think we are entitled to have something that we revere, that we truly hold sacrosanct, that reflects all of us.

Like any other monument, like any other memorial, any other thing that we could point to in our long and proud tradition that truly represents all of us, as I said, there has probably been no more moving and personal tribute to the flag, to our country, to its freedoms and, most importantly, to its opportunities, than the witness of General BLAZ. He is a star witness. He is exhibit A and we are proud to be associated with such a good man, I say to the gentleman from Guam [Mr. BLAZ].

Mr. DREIER of California. Mr. Speaker, will the gentleman yield to me?

Mr. RIDGE. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding to me.

I want to join in paying tribute to our distinguished colleague from Guam and, of course, once again to my good friend, the gentleman from Pennsylvania. I do not want to repeat the same speech which I have over and over again, but I continue to be in awe of all of you.

I stand here once again, Mr. Speaker, as the nonveteran here who still loves the flag and loves the United States of America.

Now, I know I went up in the eyes of our friend, the gentleman from Guam [Mr. BLAZ] when he heard that my father had been a drill instructor in the Marine Corps and forced me through those very, very trying Marine pushups where I had to clap my hands for 18 years; but I do want to say that as someone who did not fight for the country, I turned 18 as the Vietnam war was winding down, coming to an end, so I did not go into the military. I have to say once again as a nonveteran here, thank you to those of you who did make the sacrifice for me to stand here as a Member of Congress and to those all the way back to the Revolutionary War.

As I stand here looking at my friend, the gentleman from Pennsylvania, directly over his left shoulder I look at the portrait of the one person who is not an American who has his picture hanging in the U.S. Capitol, and that is General Lafayette, who made the initial sacrifice with financial resources for the struggle for freedom in this country.

As my friend knows, I had visited many of the same trouble spots around the world as he has. As he knows, I have had the opportunity to go to Vietnam, it was just 3 years ago, dealing with our POW-MIA crisis, which continues to be one that is very near and dear to the hearts of all of us in this Congress.

I just want to say once again, Mr. Speaker, as the guy who is the nonveteran here, thank you, that there are a great many of us who even if we did not sacrifice militarily for our country, we do believe very strongly in the Stars and Stripes which we proudly look at and now almost daily pledge when the Congress is in session.

I should also say again to my friend that I just walked over to my office and that great symbol which we by our mere presence here are keeping on top of the Capitol is still there because we are are in session. The Stars and Stripes are waving above the most powerful deliberative body ever known to man.

Mr. RIDGE. Mr. Speaker, I appreciate the gentleman's contribution, and I reiterate what I mentioned before. We are often referred to as a powerful deliberative body, and it remains to be seen, history will judge whether we have exercised that power in a prudent, just, and proper manner, but we are virtually powerless to consecrate the flag because America has been doing it for 200 years and Americans do it every day; but we do have, hopefully, the authority to make sure that you cannot desecrate it. That is obviously one of the reasons we are out here tonight.

We appreciate the contribution of the gentleman from California [Mr. DREIER].

The gentleman did bring up one other matter that I would like to refer to very briefly. The gentleman mentioned the POW-MIA issue. It has been mentioned a couple times this evening, particularly with reference to Vietnam. We know we still have 2,200 men missing from that war. We would be remiss in the course of discussing and memorializing the sacrifices of those who have gone before us, the 8,100 men who are still missing from Korea, and I am told there are over 50,000 still unaccounted for from World War II. Somewhere and somehow when their families, close relatives and distant relatives and friends and perhaps would-be friends take a look at that flag, they seen in that flag perhaps the faces of those men, if not the face perhaps it reminds them of their sacrifice and their pain, but it means something very, very special to them, something not to be spat upon, ripped apart or burned.

□ 0340

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

Mr. RIDGE. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I just wanted to tell the gentleman that as he was speaking and having the dialog with the very articulate gentleman from Guam [Mr. BLAZ], the phones in the cloakroom have been lighting up. We have some people who think that what the gentleman has been saying is very, very important, and some offers to wake up America and make sure that they hear it at 3:40 a.m. eastern daylight time of all the benefits of the gentleman's words, so I wanted to thank the gentleman for what he said, and apparently he is having a great impact on this country.

Mr. RIDGE. I appreciate the gentleman's comments.

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

Mr. RIDGE. I am happy to yield to the gentleman from New York [Mr. PAXON], my friend and neighbor.

Mr. PAXON. I just could not help as I was sitting over here as the gentleman was speaking. I want to commend the gentleman for his eloquence today, and certainly the gentleman is lending a tremendous honor to the flag he so well has served both in the military and in this Congress.

As I was sitting over here listening to the gentleman's words, I had a sense of deja vu. It was not too long ago that I served in the New York State Legislature, the New York State Assembly. In the 6 years that I served in that house, we carried on a fight much similar to this, and I had forgotten about it and was reminded about it, just hearing someone mention the pledge. I served in a State assembly where it was not allowed to start our sessions every day as we do here with the Pledge of Allegiance. The leadership of the New York State Assembly refused to allow the Pledge of Allegiance to be said, and it took a band of us similar to the group here today to stand up and to say that we are not going to tolerate this body starting its session and not taking just a moment to honor the pledge and all that it stands for, and just that sense of deja vu just overwhelmed me, because it was a tough fight. It took us 5 or 6 years to get that State assembly finally to pass a resolution to institute the Pledge of Allegiance at the beginning of our sessions.

My friend, I cannot help but recount this story, because I used to go around and talk to grade school classes and try to encourage support for our effort to get the assembly to move. Young children in elementary schools, their eyes wide, said, "We just don't understand that. We start our classes every day with the pledge. Why can't the

New York State Legislature do the same?"

We finally prevailed upon them. The reason there is a sense of deja vu is I see a headline in the paper that says our Speaker raises questions about whether we should pass the constitutional amendment on the flag, and I just hope that we can have not a 6-year struggle or a 5-year struggle or a 5-month struggle to have this House act as we had to, unfortunately, in the State legislature, to build up public support over many years and make it a very controversial and unfortunately partisan issue. We cannot afford to do that here. I think that would do a disservice to this flag. We want people on both sides of the aisle, Republicans, Democrats, liberals, conservatives, people from all parts of this country joined together to ensure that this constitutional amendment is passed swiftly, that the decision of the Supreme Court is an unpleasant memory very quickly. If we do that, we will not have to go back to our constituents and tell them that we failed, and that with their support and their guidance, we will succeed as we succeeded in New York. We can prevail.

If I may just add one other thought: This has not been an easy year to serve in the Congress. There have been many problems of this House, and as we go back and hold town meetings, I know we all get back to our district people who come to us and say, "What can we do about the Congress? How can we make them responsive?"

This is a rare opportunity for this Congress to show how responsive it is, to act quickly, to act swiftly, to act responsibly to deal with an unfortunate decision of the Supreme Court, and I think we can restore much credibility to this House by acting in that way and to uphold the feelings of the people of this country and our committee.

Mr. RIDGE. I thank the gentleman, and I congratulate him on his success in the New York State Legislature and look forward to his leadership to a similar success in this Chamber.

In conclusion, I remind my colleagues that in the Constitution that was sent to all of us and that many of us sent to our constituents that was provided by the Bicentennial Commission on the Congress of the United States, the introduction says that the Declaration of Independence offered the promise of this country, and the Constitution gave it its fulfillment. I would suggest to all of the Members that the flag of this country is an affirmation of those. It is a reminder of a proud past, of the individual and collective efforts of a great country and a great people, and also a confirmation that in the future the freedoms and opportunities that we have inherited because of the sacrifices of previous generations are our responsibility to pass on to those generations to succeed us.

I thank my colleagues for sharing this hour and spending most of their time on the floor this evening with me.

ORDER OF BUSINESS

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to go out of order.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPERIENCES WITH OUR FLAG

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

Mr. FIELDS. Mr. Speaker, it is quite an honor to follow the gentleman from Pennsylvania [Mr. RIDGE] and his eloquent presentation tonight. It is now 3:45, and I would have to say that the remarks I have just heard not only from the gentleman from Pennsylvania [Mr. RIDGE] but my good friend, the gentleman from California [Mr. DREIER], and the gentleman from Guam [Mr. BLAZ], the gentleman from New York [Mr. PAXON], and the gentleman from California [Mr. HUNTER] certainly are titillating and invigorating at this late hour.

I have to say to my good friends, the gentleman from California [Mr. DREIER], and the gentleman from California [Mr. HUNTER], some people whom I entered Congress with in 1981, and in fact I guess I first met the gentleman from California [Mr. DREIER] and the gentleman from California [Mr. HUNTER] in December of 1980 when we were first elected, and we came up for a school, some instruction, and I have to say that I was quite impressed with them at that time, and that impression continues. I have to say that they literally have untiring energy for putting a special order together tonight.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I want to say that we are especially privileged, and I am speaking in behalf of my California colleague, the gentleman from California [Mr. HUNTER] and I to be a member of the same class which brought this great Texan, the gentleman from Texas [Mr. FIELDS] here, a real patriot, a guy who is here in the spirit of Sam Houston, and also a proud flag-waving American.

I think that it is important, since my colleague just mentioned the fact that we came in in that really famous class of 1980, we saw what was clearly the greatest class.

Mr. FIELDS. Reclaiming my time, I just wanted to point out to the gentleman that we came in 1980 filled with a spirit to change America, and in the last 8½ years, I think there have been quite a few changes. Tonight we are here to protect a very valuable American symbol.

Mr. DREIER of California. Absolutely.

Mr. FIELDS. We have that same spirit, the spirit of change.

I yield back to the gentleman from California.

Mr. DREIER of California. And I just wanted to say that the gentleman was absolutely right in underscoring the change which has taken place in the past 8½ years since we have been here, because we came in following the leadership of Ronald Reagan, that great President who talked about change at the time, and then during the last campaign in December, in November, of last year, who underscored the fact that when our opponents were saying that they were calling for change, President Reagan said, "We are the change," and so my friend is absolutely right that as we stand here tonight, it is to protect the tremendous accomplishments which we have attained over the past 8½ years, and I know that my friend is very well prepared to fill this hour with eloquence.

I am going to sit back and listen to his tremendous insight. I thank the gentleman for yielding.

Mr. FIELDS. I appreciate the gentleman's kind remarks.

As I was beginning to say just a moment ago, literally, my friends, the gentleman from California [Mr. HUNTER], the gentleman from California [Mr. DREIER], and others have untiring energy, and as I was coming over here from my apartment tonight, I felt tired, and I was thinking, "You know, this is something that is quite unusual. The last time I did this was with the gentleman from California [Mr. HUNTER] and the gentleman from California [Mr. DREIER] when we were talking about the voluntary prayer constitutional amendment, and we stayed up all night talking about that very important constitutional amendment." Then I began to feel very guilty, because I was thinking about the millions of Americans, people like the gentleman from Guam [Mr. BLAZ], who has served this country with such distinction and how could I feel tired taking a little bit of the early morning hours to come over and discuss something that is so very important.

Mr. Speaker, I am here tonight to talk about the constitutional amendment of the gentleman from Illinois [Mr. MICHEL] and some of the experiences I have had with our flag.

□ 0350

The amendment of the gentleman from Illinois [Mr. MICHEL], the leader of the Republican Party here in the House of Representatives is very simple. It is an amendment to the Constitution, and it says the Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States. In fact, BOB MICHEL's constitutional amendment is very similar to my constitutional amendment that I introduced last week.

I have to say as someone from Houston, TX, I was embarrassed that the person who brought the suit that literally went to the Supreme Court and resulted in the decision was from Houston, and I must point out to my colleagues that that person is not representative of people from Houston, TX, nor is that person representative of Texans, and I personally do not believe that that person is representative of all Americans.

I am quite disturbed at the Supreme Court's decision. But what is new? I have been disturbed at Federal judges for many, many years. In fact, this being my fifth Congress, I have introduced for the fifth time an amendment to the Constitution that would limit Federal judges to 10 years. When our forefathers created this great country and drafted our Constitution, I think they were inspired by divine wisdom. I think they created the greatest country and Government that has ever been created, and it was the intention of our forefathers to give people like myself, elected representatives, the opportunity to pass laws, and then we would have a separate branch of Government who would intellectually sit back and make sure that what I do as a Congressman and what Senators do, or even what the President of the United States does in the executive branch, that those actions comport with the Constitution, that they are in line with the Constitution, and that is why the people in the judiciary, our Federal judges, were given lifetime appointments, so that they could sit back and interpret what people like myself do. That system worked very well until about 40 years ago, and then instead of interpreters, we had a group of Federal legislators, people who did not have to be responsive and responsible to the American people, people who were not elected, who could basically sit back and render decisions that affected the lives of Americans.

That is I think why we have decisions rendered by our Federal court system like the flag case. I do not believe that this particular decision is representative of the American people. But it is important for the American people to understand that our only remedy with this particular decision is through the constitutional amendment process. It is a very difficult process, and it is the reason that the American people must rise up and support our efforts in the U.S. Congress, because we have to have a two-thirds vote here in the House of Representatives. There must be two-thirds vote in the U.S. Senate. And then, if we are fortunate and we are able to get a constitutional amendment through the House and the Senate, it must then go to the States, and three-fourths of those States must ratify it.

I am convinced that if we get BOB MICHEL's proposed constitutional amendment to the floor of the House, we will get the two-thirds majority. I am convinced the same thing will happen in the Senate. I am convinced that three-quarters of the States will ratify this constitutional amendment.

But the real problem at this point is getting this constitutional amendment out of the Judiciary Committee and getting that brought to the floor of the House of Representatives. That is where the American people must play a role. They must target their efforts at the Judiciary Committee here in the House of Representatives, and do what is their right in our constitutional democracy: Make their views known, ask their representatives to be responsive, and then we have representative government.

Andrew Jackson said one person with courage makes a majority. Once we deal with this constitutional amendment in regard to flag desecration, I would hope that the American people would rise up and say we must have reform in our Federal judiciary, we must return to the intent of our forefathers and have Federal interpreters instead of having Federal judicial legislators, because there is absolutely no response that a citizen can make to a Federal judge. That is why we have to go through this extraordinary process of a constitutional amendment.

When I think back to people in my district, people who like the gentleman from Texas, General BLAZ, who have served their country with distinction, I think about a very distinguished black man who works at the Veterans' Hospital named Clarence Sasser. Clarence is a Medal of Honor winner. He did some very heroic things as a medic in Vietnam and was wounded countless numbers of times. I think about another Medal of Honor winner from Texas, Roy Benevidos, or I think of a constituent of mine named Freddie Rios who was in Vietnam and should have been a Medal of Honor winner when one looks at all the acts of valor that Freddie participated in as a soldier in Vietnam. And I think about how those people not only talked about patriotism, they went out and practiced patriotism in defending this country, fighting for this country.

I think about my father, and I think about a story that he has told my brother and myself for many, many years about World War II. We have heard people talk about the Marines, and I am here to talk a little bit about the Air Force.

My dad was straight out of Humble High School in Texas, had never been outside of Texas, and he joined the Air Force, and he was a second lieutenant. He was a bombadier on a B-24 Liberator. In fact, the gentleman from Texas, Congressman BLAZ, might be interested to know that he was in the Pacific theater. I am not sure exactly all of the island groups and all of the campaigns he participated in. But he was a young, 19-, 20-year-old Texan who was flying in this plane. My father could not even swim, and whenever he was not on a bombing mission, he was down in the turret with a 50-caliber machinegun.

He tells the story about one day being sent out on a lone reconnaissance mission to look at the target for the coming days, and they were the only plane out. They were attacked by nine Japanese zeroes. I can just imagine the fear of my father, being young at the time, not being able to swim, all of these zeroes coming at him, and he said he prayed, and he asked God to be with him. And in the process of that particular fight, three zeroes were downed, and the plane was able to come back to base and literally covered with holes from the enemy planes. He tells me the first thing that he saw when the plane was making its initial pass over the field was the American flag waving in the breeze, and for him it meant that he was safe, that he was home, that he was back within the arms of his countrymen.

I have never forgotten that story. I think that experience, coupled with everything else that my father experienced in World War II, and having been brought up with great reverence for the flag, influenced by our business. We own a cemetery and a couple of funeral homes in Texas, and I remember when I was a young boy my father on Veterans Day and Memorial Day always gave my brother and I the job of putting out the flags in our cemetery.

□ 0400

And we would literally have 50, 60, 100 American flags. My brother and I would be given these boxes that we would put on the back of the tractor and we were told, "Do not ever let a flag fall our of that box. Never let soil touch that sacred fabric."

And we would drill the little holes, we would put the pipes in, put the flags up and we would always do so with great reverence.

Then after we were finished, we would take the tractor, drive through

the entire cemetery looking at what we had done. I will never forget that we had some vandalism, some people would go and steal "Old Glory."

I will never forget the night that we sat out in the cemetery late into the morning hours just to stay there to protect that flag.

That has left an indelible impression on me, and it was something that my father passed on to my brother and me. That has not been the only experience, however.

When I was elected to Congress, I was given an opportunity to go to West Germany to see how prepared we are in the event that there was some terrible war in Europe. I went on a regularly scheduled C5. It was not a junket. But we flew, and I saw literally 10 bases in 48 hours.

One of the bases that I saw was a base called the Alpha base that literally sits on the border between East and West Germany in the traditional invasion route from East to West, called the Fulda Gap. As we came to that particular base, I noticed that there was a fence, a fence that stretched in two directions to the horizon. The fence was, I would say, 10 to 15 feet tall. There were explosive charges every 50 yards.

The fence was set about 100 yards inside of East Germany. So the East Germans could come on the western side of the fence and mow the grass so that they would have a clear shooting path of anyone who was able to get through the fence. On the eastern side of the fence there were concrete bunkers, guard towers every quarter of a mile, attack German shepherds on the eastern side of the fence.

That fence was meant to keep people inside Germany, not to keep people on the outside from going into East Germany. And when I arrived, I was taken to an observation tower that literally sat on the border between East and West Germany.

If I had fallen out of that particular observation tower, I would have fallen into Communist East Germany. I looked to my left, and I saw two little wooden crosses. I asked the commander who was standing beside me what those two little crosses represented. When he told me that they represented an older gentleman and his daughter who had somehow snaked their way through the fence and were running for freedom when they were machinegunned at the last moment, at that point I understood what freedom and liberty and self-determination meant.

I looked over the fence with just total revulsion, and I saw this little village, and I asked the commander what village was that? And he said, "Well, Congressman, it is really not a village. It is just buildings because the East Germans have moved people out of that proximity to the border and they only allow those people to come in during the day when they can be watched." He said further, "You know, Congressman, that is why I want to have the largest American flag that I can have because I want people to realize that we are here and that the American flag is flying and that that flag represents freedom and all the aspirations for the people who live behind the Iron Curtain; that that flag represents hope."

Sometimes I think that as Americans we take this country for granted and we do not realize that the flag of this great country is not only something that we salute, something that we feel good about, but it is the beacon for countless millions of people around the world. To me that is one reason that this flag has got to be protected.

The only way we can do that is with a constitutional amendment.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DELAY. I thank the gentleman for yielding.

It is great to see my neighbor from Texas be here tonight and help us with this special order on the flag. The gentleman is a great American, the gentleman who represents that flag in Houston, TX, and around the world and does such a great job in representing his constituents from Houston.

Mr. FIELDS. Let me reclaim my time for just a moment, since the gentleman is a fellow Houstonian, I would ask him if he felt the same embarrassment that I felt that the person who brought the case that went all the way to the Supreme Court claims Houston as his home? I have to believe that that is not a native Houstonian.

Mr. DELAY. No, he is not even a native Texan.

Mr. FIELDS. I am glad to hear that. I was afraid somebody would say he was a Texan. It would be embarrassing.

Mr. DELAY. Maybe he was born in Texas, but he certainly does not represent nor have the Texas spirit.

Mr. FIELDS. That is absolutely correct.

Mr. DELAY. On the other hand, I was very proud of my State.

Mr. FIELDS. If I could reclaim my time for a moment, let us assume he is not a Texan and let us also hope that he moves some place else, hopefully out of the country, because he has that freedom.

Mr. DELAY. Yes, he certainly would have that freedom. And there are plenty of ships that we could urge him to get on, even Soviet ships every now and then pull into the ports of Houston. And I think maybe that would be a good way to practice his freedom that is protected by the American flag.

But I will tell you something, on the other hand I am very proud of my State as being the State that put him in jail, arrested him, and it is the State that had a law against desecration of the flag when he went up to Dallas for that great convention of the grand old party, the Republican Party, and felt like that in order to get attention he had to burn the flag, because I think the Republican Party represents the best of what that flag has to offer.

Mr. FIELDS. Reclaiming my time, it is my understanding, and the gentleman can correct me if I am wrong, but that individual not only burned the flag, but in the process he was chanting about how he wanted to spit on the American flag.

Now to me I think that his freedom to make that statement is very important. That to me is freedom of speech, and that should be protected. Even if I find it repulsive, he has the right to make that statement. And I would come to this floor for a special order to protect his right to make whatever verbal statement that he wants to make about the flag or about this country or about me or even the gentleman from Texas. But I do not think he has the right to burn America's symbol. In fact, if you look at laws that we currently have in this country, free speech does have parameters.

First of all, a person cannot threaten the life of a President. That is an offense.

Second, if someone stands up and makes a slanderous or libelous statement, that person can be taken into court and there can be an adjudication and that person could pay money damages.

And third, there are certain types of pornographic expressions that can be regulated and controlled by State jurisdictions.

So that is the limit. When we talk about free speech and free expression in this country, we need to understand there have been recognized parameters.

Mr. Speaker, I yield back.

Mr. FIELDS. I will tell you, I like the way Pat Buchanan put it in a column just a few days ago where certainly the gentleman, Mr. Johnson, has the freedom in this country to say whatever he likes, no matter how abhorrent and obnoxious and disgusting, whatever he may be saying, as long as it does not offend me and people around me. And I think Mr. Buchanan put it best, "He can say whatever he likes, but if he is going to spit in my mother's face, he is going to meet with a fist." It is sort of the same thing.

□ 0410

The gentleman from Texas and I would defend to the death his right to say what Mr. Johnson's right to say whatever he likes. He goes too far when he desecrates everything we believe in and everything that we stand

for. He is not desecrating a piece of cloth. He is desecrating everything that America is and lives for and fights for and dies for. That flag draped around those coffins of those men that died for the freedom, and Mr. Johnson's right to express himself is the Nation, and its fingers and hands, caressing that coffin, thanking that person and forever being indebted to that person for giving up his life for the freedoms that we enjoy.

It is not just something that a person can spit on or that a person can burn or even allow to touch the ground. The way that we even display our flag is so important and so sacred and so meaningful to so many people. I am very disappointed at times how people have little or no regard for that flag or that Pledge of Allegiance. I can remember just last week a Member of this House participating in this special order, the gentleman from New York [Mr. SOLOMON] was incensed that in this gallery, in these hallowed halls of freedom where we have a new custom of reciting the Pledge of Allegiance every day, one morning we were having a ceremony reciting the Pledge of Allegiance and everyone rose, and everyone rose in the gallery, but there was a couple in the press that did not stand up, and the gentleman from New York [Mr. SOLOMON] was outraged at that and made sure that those two in the Press Gallery stood up for the Pledge of Allegiance.

We just take everything so much for granted. We have become so lazy and lackadaisical in our approach to our flag and at the same time to old traditions that we hold so dear. We ought to be so cognizant of the fact that the flag means so much to so many people, that so many people died for that flag that we ought to revere how we display it. The rules by which many people follow the displaying of our flag, it is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flag staffs in the open. When a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

I am sorry to say in a lot of cases in Houston, TX, where I am driving through I see people have become too lazy to even take their flags down at night and do not have them properly illuminated and show such disrespect for the flag. Even here in Washington, DC, I was driving just to the east of here and the service station had a flag up on the staff that I know they had not taken down in what probably was months, because the flag was dirty and faded and misused and abused. We just treat things so cavalierly. It is a shame, now, and because we have treated the flag so cavalierly and with little or no regard for the tradition of the flag, we have allowed a lot of what we do in our society to take a back seat to importance. I think it is unfortunate that we are treating our flag in our society and our traditions and long-held traditions with little or no regard.

Mr. FIELDS. Mr. Speaker, if I could reclaim for just a moment, because I think the gentleman is making an excellent point.

I had the opportunity to share with my good friend from Texas that my wife and I are expecting a child in December. I just found out yesterday that there is going to be a little girl, so my whole perspective on life has begun to change, and I know the gentleman has probably experienced this, having children of his own, but I was thinking about this when I was preparing for these remarks tonight, what the flag meant to me.

From kindergarten on up what an honor it was to be asked to stand up and lead the Pledge each day. At our school, it was something that you work for. In other words, if you made good grades, if you had good conduct, then you were asked to be the leader. I think about all the little school functions we had, when I was a freshman football player, played on Thursday nights, and the varsity played on Friday. My freshman year in high school I was given the responsibility of raising the flag for the football game. What a tradition that is in Texas. What an honor it was for me to go down in front of everybody in the stands and be responsible for raising that flag.

So now in my mind I am thinking what does this mean to the future of my little girl? Is she going to grow up with that same reverential feeling that I have for the flag? What does the Supreme Court decision do to her as she matures and grows older? I know I will do my best to do what my father did in instilling patriotism and respect, but I also think society has a responsibility. How can other people in the world respect our flag if we do not? Where does this all lead? Eventually, will people be writing slogans on public buildings like the Capitol? Will people go to Mount Rushmore and decide they want to chisel in their name, or they want to do something else? Where does this really lead, Members? I think the time for action is now.

I do not know if the gentleman from Texas agrees with me, but people have got to realize that this is important. The American people have got to stand up in unision and demand a constitutional amendment. It is our only remedy.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I think the American people are starting to speak in great numbers across this country. If I may take the gentleman's time, and I looked up a wonderful passage entitled "So Proudly We Hail: The History of the United States," by William Furlong and Byron McCandless, and I think it so appropriately states what we are talking about here tonight. It goes like this:

On Sunday, July 20, 1969, Col. Neil A. Armstrong and Col. Edwin E. Aldrin, Jr. mounted the 50-star flag on the Moon. In 1976, the year of our country's bicentennial of its independence, an unmanned American space craft, marked with the U.S. flag, made a successful landing on Mars. Thus, in the course of its 200-year history, the flag that was to represent a new constellation among the nations of the world was carried not only to the far corners of the globe, but also out into the universe.

On Earth, another type of probing has been going on; this is the effort to determine the limits of free speech and the relationship of the flag to symbolic acts. During the 1950's and 1960's, a number of public actions and demonstrations in support of civil rights occurred. In the trials that followed the arrests of participants in such activities, symbolic expressions were recognized as legal. The Supreme Court stated that the 1st and 14th amendments to the Constitution protected those individuals who were communicating ideas by marching, picketing, and patrolling on streets and highways.

On July 5, 1968, Congress passed a law "to prohibit desecration of the flag, and for other purposes," which became the major Federal legislation on the subject. The law states that: "Whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both."

The constitutionality of this law has been challenged; however, due to several instances of disrespectful treatments to the flag. On January 20, 1969, while waiting for the start of the Inaugural Parade in Washington, DC, Thomas Wayne Joyce tore the fabric of a flag which he carried, tied it to his index finger and waved it above his head with his fingers in the "V" sign. On May 6, 1970, a group of students assembled in the ROTC building at the University of Arizona as a part of protest against the war in Vietnam. Sharon K. Crosson and another woman carried a 50-star U.S. flag into the gathering and set the flag on fire. In both cases the U.S. Court of Appeals struck down any arguments concerning symbolic speech, and found both parties accused of disrespectful treatment of the flag guilty.

Since the end of the Vietnam war in 1975 public protests by Americans involving act of disrespect to the flag have become rare. Further, the bicentennial provided Americans a new feeling of pride in their heritage and on the ideas and symbols that united them. Displaying the flag in public over individual, business, and local government properties became very important following the seizure of the United States Embassy in Teheran, Iran, in 1979. Americans showed their concern for their fellow country men by displaying the flag. (And Iranians their contempt by burning it.)

What does the flag symbolize? Over the years statesmen, legislators, judges, and citizens have given various definitions. To Justice Felix Frankfurter of the U.S. Supreme Court it was "the symbol of our national unity, transcending all internal differences, however large, within the framework of the Constitution." Robert G. Ingersoll required

a paragraph to define what the flag symbolized. For him, it was among other things, "the emblem of equal rights. It means free hands, free lips, self-government, and the sovereignty of the individual. . . " During a 1967 debate in the House of Representatives over the flag profanation law, it also took a Congressman a full paragraph to define the symbolism of the flag. These difficulties suggest that perhaps Woodrow Wilson was closest to the mark when in 1917 he defined the flag as "the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation."

□ 0420

Mr. Speaker, it means so much to so many Americans, and for the Supreme Court to take the action that they did, not that I deny that institution the right to take that action, but I think those five individuals that took the action to defend someone and reverse the decision and defend someone who burns the flag, I think that was categorically wrong and a huge mistake, but it is one that we have to change by the use of the power that is vested in this institution and the power vested in us as Representatives of the people, and I think the people are going to speak through this body.

Mr. FIELDS. Mr. Speaker, I thank the gentleman from Texas [Mr. DELAY] very much for his eloquent remarks and his dedication here on the floor.

Just a moment ago when the gentleman from Texas [Mr. DELAY] was talking about the flag as a symbol, I was thinking back to a trip that the gentleman from California [Mr. HUNTER] and I took several years ago when we were asked to go to El Salvador and to meet with President Duarte, then President Duarte, to communicate how important democratic reform was in El Salvador, and I will never forget when we landed, we were put in some vans, and the vans in San Salvador had bulletproof plating on both sides, and one immediately became aware that one was in an area where there had been hostile action. We were taken from place to place there in El Salvador in those bulletproof vans, and each night we went to a hotel that had security forces just to protect us while we were there. It is about a 40-minute drive from the center of San Salvador to the airport through jungle where there had been some communist guerilla raids, and I do not know if the gentleman from California [Mr. HUNTER] feels the way that I did, but I remember driving up to that airport when we were ready to depart and seeing the American flag on the plane and feeling that finally we are safe, that we do not have to worry anymore because now we are back to America because that flag represents something very special.

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER], my friend.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Texas [Mr. FIELDS] for yielding, and, when he talked about that scene, that American flag on that plane as we drove to the airport, my memory was sparked, and I had to come out and just say a few things about it.

Mr. Speaker, I am reminded by the gentleman mentioning that, and I felt the same way he did, that here is our ticket back home to America, that beautiful, wonderful country where people do not shoot other people for exercising free speech, and for talking and living free and worshipping free.

I thought about something that the Speaker said, the former Speaker, the gentleman from Texas [Mr. WRIGHT] in a conversation with the President about how other people feel about America and the flag. He said that he was in Central America one time, and he said on a wall somebody had written, "Yankee, go home," and he said someone came back the next day and in somebody else's handwriting under it in Spanish it said, "And take me with you," and I think that reflects to some degree the enormous awe that not only we have for this country, but for that flag, and I have heard so many people speak so profoundly tonight.

Mr. Speaker, I mean this has been a wonderful special order about what the flag means. I think it has an almost mystical meaning for other people because so many of them know that their relatives and their friends have gone to that country known as America with nothing and have enjoyed wonderful, wonderful lives because of this tremendous freedom that we have.

Mr. FIELDS. Mr. Speaker, if I can reclaim my time, because the gentleman from California [Mr. HUNTER] has just sparked a memory in me. He mentioned the gentleman from Texas [Mr. WRIGHT], our former Speaker.

Well, like my father; I used my father as an example earlier, a 19-20-year-old Texan volunteered for the Air Force during World War II. I related this to Speaker WRIGHT one time, and he told me about his experience as a B-24 pilot in the Pacific theater. In fact he told me, and, TOM, this is just demonstrative of the service of young people for our country defending that flag, but he told me about the first time they were flying to Hawaii, and the navigational system was not what it is today on those old B-24 Liberators, and he said that he kept seeing the gas gauge go a little bit further down, a little bit further down, and they did not know exactly whether they were going to make Hawaii or whether they were going to actually find Hawaii, and he talked about what a good feeling it was when they finally broke into the daylight in the early morning hours, and there were those islands and the American flag on the bases, and what it meant to him as a young man.

Mr. Speaker, I have the feeling that that experience can be repeated tens, if not hundreds of millions of times, by people who have served this country.

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

Mr. FIELDS. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, as the gentleman from Texas [Mr. FIELDS] and the gentleman from California [Mr. HUNTER] were talking, I was just thinking that, "Wouldn't it be nice if we could take Mr. Johnson with us, you know, on the different occasions that Congressmen go all over the world and witness the lack of freedoms that are all over the world?"

Mr. Speaker, I also experienced the sort of same experience that the gentleman from Texas [Mr. FIELDS] did in seeing the American flag when being in a country with little or no freedom. My wife and I went to the Soviet Union and spent a long time there, not as a guest of the state, but as a guest of the Soviet Jewry going all through Moscow and Leningrad hiding and sneaking around so that we would not be caught, or at least the Soviet Jews would not be caught or be seen by the Soviet police. Seeing how other people in the world live, especially in the Soviet Union, and the things that are done to people just for being a Jew or for believing a certain way where everything is taken away from these people, and they live in terrible conditions, but even as we were there I saw a very dull city of no color, so sad and melancholy, hardly a smile on people's faces, and the same in Leningrad. We spent almost 2 weeks there in that country, and I know when my wife and I got to the airport in Leningrad waiting to board the plane to come back to America, the plane was a PanAm, and my wife stood at the window looking out onto the tarmac waiting for that plane to arrive, and she stood at that window for an hour and a half. She would not move from the window, scared to death that that plane would not come and that she would not be allowed to get on that plane to come back to America.

Mr. Speaker, when that plane touched down, and she saw the American flag on the tail of that plane, she felt incredible relief by just seeing the good old Stars and Stripes knowing that she was going to go back to freedom, the freedom that Mr. Johnson in Texas just throws away and flicks it away as he did back when he burned our flag.

□ 0430

It raises a fire in your belly about why would someone just want to

flaunt that freedom in front of those who worked so hard to protect that freedom.

I can remember being down in Nicaragua, and as luck would have it, I was invited to go out and witness a demonstration by those who want freedom in Nicaragua. We went out to Nam Dinh. We saw free speech there, Sandinista style. We drove up and we saw the demonstrators starting to stage their demonstration and hundreds of interior police were all around the demonstration area and the demonstration route and this was a "legal demonstration." They came in and started beating people, throwing them into trucks and whisked them away and then the demonstration started again and went on for, oh, an hour or so and gathered again at the end. The troops came in and beat up the people, picked up their leaders and whisked them off to put them in prision, the kind of freedom of speech that I think Mr. Johnson was calling for. Maybe he ought to go into other countries and see the other styles of freedom of speech, but it is not freedom of speech to desecrate everything we stand for and love and believe in.

Mr. FIELDS. Mr. Speaker, I appreciate again the gentleman's eloquent remarks.

I see my good friend, the gentleman from New York [Mr. PAXON], standing.

I have to say, it is very inspirational to see someone in their first term come out and participate in an all night special order like this. I want to commend the gentleman for doing this, and I yield to the gentleman from New York.

Mr. PAXON. Mr. Speaker, I thank my good friend, my new friend from Texas. It is a pleasure to be here, particularly to spend some time on the gentleman's time on this floor tonight.

This is just a great experience to sit here this evening and listen to men and women come down to this floor to talk about their personal experiences. Our good friend, the gentleman from California [Mr. HUNTER] was just here and we were talking about the fact this is what the Founding Fathers had in mind, not 1-minute speeches for the TV cameras every day, but rather an in-depth discussion of the real issues facing this country.

Maybe the Supreme Court did us a favor. I do not agree with their decision. The vast majority of Americans do not agree with the decision.

Mr. FIELDS. Mr. Speaker, if I could reclaim my time for just a moment, the gentleman mentioned Congressman HUNTER. Normally he is very modest, but Congressman HUNTER served his country with distinction in Vietnam, in fact was involved in some of the hotter fire fights that people in our country experienced and did so with great valor and great courage. Of course, he was much smaller at that particular time. He could run a lot faster, but anyway, he is a great hero. I know sometimes he is very modest.

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

Mr. FIELDS. I am very happy to yield to Mr. Modesty.

Mr. HUNTER. Mr. Speaker, in the interest of truth in advertising, I have to protest and say that I simply showed up for work in Vietnam. There are a number of Members of Congress here, including the gentleman from Guam [Mr. BLAZ] and the gentleman from Pennsylvania [Mr. RIDGE] who did participate in heavy, heavy combat.

Then, of course, the gentleman from California [Mr. DREIER] has told us many times that he comes from the other side, the absolute civilian side, and still is every bit as patriotic as we are, and in fact he is.

Let me say that I was just a person who showed up for work and I am simply an infantryman in General BLAZ's battalion.

Mr. FIELDS. Mr. Speaker, I appreciate the gentleman's comments and his extreme modesty.

I just want to point out that we have someone who really fits the title of hero, someone who really fought for the flag.

I yield to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Well, the gentleman from California [Mr. HUNTER] is the inspiration for this event this evening. When Congressman DUNCAN HUNTER comes around and grabs you by the lapels and says, "We're going to go out there tonight, we're going to spend this evening talking about this very important issue," you cannot turn him down. He is an enthusiastic man. He has been up in my district and when he left it took about a week for all that enthusiasm to leave our community.

Mr. HUNTER. You went back up in the polls.

Mr. PAXON. I just cannot help but reflect again, maybe that Supreme Court did us all a favor. We are going to spend some time talking about this issue. We are going to spend some time talking about our values.

Congressman DAVE DREIER and I were reflecting on the fact that we were in high school at the time of the last conflict this country was involved in, the Vietnam War. There is a whole generation in this country, 20 to 25 years old and younger, whose memories are only of a nation at peace, only of this country during a time of peace. This is not to say that we have not had in the past few years times when we have had to send young men and women to places of potential unrest or unrest in this world, but generally this country has known peace for almost a generation. People 20 to 25 years old in this country, their memories are of peace.

Sometimes we need to sit down and reflect on the sacrifices that have to be made. You know, those young men and women in China are making sacrifices to have what we have today, this right to stand here and talk like this. They are losing their lives to do that. In Poland, behind the Iron Curtain, in the Soviet Union and in many of the Baltic Republics, they look at this flag, many of them look at this flag as a symbol of what they want, what they are willing to fight and die for.

So I think this type of event this evening, as unfortunate as that Supreme Court decision was, does cause us to reflect on the values behind that great flag that hangs behind our distingished speaker this evening.

You know, if we spend a little time doing that over this Fourth of July weekend, maybe it will be so much better for this country. I hope the men and women of this Congress go back home and we all will have a chance to talk to our constituents, not only to take some time to reflect on the sacrifices that my family made. My dad served in North Africa and in Italy during World War II.

□ 0440

My mother served in the service during World War II, and I have a 102-year-old grandmother this year who, during the war, gave up her job, went every night to work in a defense plant in Buffalo, NY, and countless millions of Americans gave those kinds of sacrifices during that war, during Korea, during Vietnam.

We need to reflect on that, because that is what this debate is all about. This debate is not about a piece of cloth. It is not about even one gentleman's protest from Texas, unfortunately, and it could have been any State that brought forth this person, brought forth this conflict. It is not about that. It is about the values we see in that flag. That is why the gentleman's comments this evening are so appropriate. It is so very, very appropriate that we spend this time and, again, as I said earlier, many Americans will wonder as they read their morning papers over coffee and sit there this morning wondering, "What are those men and women up to in Congress? Why are they taking this time?" I hope in the coming days, the next few days as we lead up to July 4, a very, very important time in our country, that their evening has benefited as we look to the values symbolized by that flag.

Mr. FIELDS. Reclaiming my time, I appreciate the gentleman's very eloquent remarks. I think that he is very insightful in finding the positive, that there is a very good purpose in what

the Supreme Court has done. It can be a very positive product.

The question, I have always believed that God has a purpose in everything that happens, and here I can see a purpose, because it is making Americans not take our flag for granted, realizing that it is more than just cotton or nylon fabric, that the flag represents the traditions, it represents words like freedom and patriotism and self-determination, that that is what we are here saying tonight, that that is a symbol.

I have just a few minutes remaining, and, again, I want to quote Andrew Jackson, who said, "One person with courage makes a majority." For there to be any movement on this particular issue, for there to be a constitutional amendment that would prohibit desecration, it is going to take the American people rising up en masse and not asking Congress, the House and the Senate, to take action, but demanding that the House and the Senate take action, and also I think we are fortunate in that the Supreme Court rendered their decision prior to July 4, because we have a time to rally.

I know in my congressional district in Houston, TX, I am going to do everything possible to get on TV, to get on the radio and make people aware that they have a remedy. The remedy is a democratic remedy through Congress, and then we have the remedy of voting upon this constitutional amendment, two-thirds of us passing it both in the House and the Senate, and then it goes to the States for ratification. I am convinced we can be successful if we have that ground swell of support. That is democracy in action.

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

Mr. FIELDS. I am happy to yield to the gentleman from New York.

Mr. PAXON. The gentleman has just hit the nail on the head. This can be a unifying force bringing all parts of our country together in a cause.

I just wanted to mention one thing this morning. People may be watching this when they get up this morning and they are wondering what they can do. Make sure not only they contact their Congressman or Congresswoman, or they can circulate a petition. All they have to do is write on the top of it: "We want the Congress to reverse that Supreme Court decision. We want them to do that." And they can circulate that in their workplace, circulate that in their families, send it down to their local Congressman or send it here to the Congress of the United States, and they will get the message.

Mr. FIELDS. Again, I think a very important point, unifying force in America, and we are not trying to limit anyone's freedom. We are trying to protect an American symbol.

I have just 1 minute. I will be glad to yield to my friend from California, but before I yield, let me again compliment the gentleman for being the inspirational, intellectual force behind this special order.

I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his kind remarks. Let me just say that I thank him and his fellow Texan [Mr. DELAY], for the very articulate statements and very profound statements that they have made.

Let me thank also our staff people, who have been running this thing with us all night, Maureen Mingey and Ron Philips of the House Republican Research Committee, who have really been working giving us background information on the flag and what it means to this country, and we appreciate that.

I thank the gentleman very much for what he has contributed.

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to proceed out of order with my special order.

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

There was no objection.

THE SILVER LINING IN THE DARK CLOUD OF THE SUPREME COURT DECISION CONCERNING OUR FLAG

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

Mr. DREIER of California. Mr. Speaker, I very much appreciate the fact that we are taking this time to let our colleagues who might be seeking this in their offices here, and it is apparent that we have a rather empty Chamber, but I have to say, Mr. Speaker, that we certainly do have a great deal of quality here in the House of Representatives to focus attention on the Supreme Court decision which many people over the past several days have said was a horrible one.

I am happy so say that my friend from Texas [Mr. FIELDS], who just preceded me, and my friend from New York [Mr. PAXON], talked about the fact that there truly is a silver lining in the dark cloud of this decision.

A little while ago now, several hours ago, Mr. Speaker, I read the first amendment to the Constitution. I am going to read it once again. The first amendment reads, "The Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the Government for redress of grievances."

Mr. Speaker, I have a great deal of respect for the Supreme Court, but I was, of course, one of those who was saddened by the decision of the Supreme Court that we would tolerate the burning of the American flag, which we all know is that great symbol which is right behind us here in this Chamber, in fact, the focal point of this Chamber which truly is the spot which represents the greatest deliberative body on the face of the Earth.

Mr. Speaker, I do believe that there is a silver lining in this dark cloud of the decision, and that silver lining is the fact that we now have the opportunity to amend the U.S. Constitution.

Our great Republican leader, the gentleman from Illinois [Mr. MICHEL], stood here and said that in the 30-some-odd years he has served as a Member of the House of Representatives, he has never supported, never introduced an amendment to the Constitution, and this issue was of such great importance to him that he chose to offer a very carefully worded amendment to the Constitution.

Mr. Speaker, I hope that we will proceed with the two-thirds vote which we need, and then the process will begin.

We will send it to the States for ratification, and I am confident that since 48 States now have laws which prohibit the desecration of the American flag, that at least 38 of those 48 States that have those laws will, in fact, ratify this amendment, and when we reach the magic number of 38 State legislatures which choose to support this constitutional amendment, there is no doubt about the fact that we will have another great celebration as we bring about this amendment.

I guess what I am saying again is that the silver lining in the dark cloud is the fact that we do not get to sleep this evening, that the wonderful people who have made the sacrifice to be here with us including our distinguished new Speaker pro tempore, the gentleman from Mississippi [Mr. PARKER], who has joined us, another real patriot, and I have just had the opportunity to speak with him. We are here, and we are really celebrating the American flag as we get ready to move toward the Fourth of July, and we have got a lot of things to talk about in the next several hours.

I would like to begin by yielding to my very distinguished friend and colleague from Houston, TX, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding. It is a real pleasure to be on the floor of this House with the gentleman from California [Mr. DREIER], whom I know and I have traveled with. I know him to be a man who truly believes in those freedoms

that we hold so dear that we know are guaranteed in that Constitution, especially the freedom of speech.

The gentleman from California has a real drive to bring freedom to others around this world and has sacrificed personal time and energies to travel all over this world in the cause of freedom.

□ 0450

I hope the gentleman will allow me, I am not known around this country for my eloquence, to read an article by George Will a couple of days ago on this subject. I think George Will expresses what I feel at this moment about this issue, and if the gentleman will permit me I would like to read that into the RECORD.

Mr. DREIER of California. Mr. Speaker, I look forward to hearing it.

Mr. DELAY. Mr. Speaker, the material follows:

[From the Washington Post, June 23, 1989]

FAR OUT WITH THE FIRST AMENDMENT

Gregory Lee Johnson has achieved about as much as he is apt to. He has become a minor footnote in the ongoing story of the reduction of the First Amendment to mashed potatoes.

At the 1984 Republican National Convention in Dallas, Johnson was among those demonstrators whose varied activities included burning the American flag while chanting, "America, the red, white and blue, we spit on you." Convicted under a Texas statute forbidding flag desecration, Johnson stopped spitting and started calling for protection under the Constitution of the Republic he execrates. An appeals court overturned his conviction, holding that the flag-burning was "symbolic speech," a freedom to be preferred over Texas' interests in preserving the flag as a symbol and preventing breaches of the peace. So far, so very boring. It is not reasonable, but neither is it new.

In the Supreme Court on Wednesday, Justice Brennan barely had to break a sweat in arguing (joined by liberals Marshall and Blackmun and conservatives Scalia and Kennedy) that the appeals court had a peck of precedents on its side. That is, alas, too true.

But Brennan was on thin ice in arguing that flag burning is not equivalent to "fighting words" that can be punished because they are "likely to provoke the average person to retaliation." Homer nods and Brennan does not know Dallas. However, Brennan finished with a flourish of libertarian boilerplate (". . . a reaffirmation of the principle of freedom and inclusiveness that the flag best reflects . . . it is the nation's resilience, not its rigidity. . . .") of the sort stored in quantity in the word processors of First Amendment fetishists.

Then the dissenters were heard from.

Chief Justice Rehnquist (joined by White and O'Connor; Stevens dissented separately) cleared his throat with a dollop of Emerson ("By the rude bridge that arched the flood . . .") and a dash of Whittier on Barbara Frietchie ("Up from the meadows rich with corn . . ."). Rehnquist's point was that the flag is not just another of what Brennan blandly calls "designated symbols." The flag Rehnquist, is not simply another "idea" or "point of view."

Indeed, Justice Blackmun once wrote that "The flag is a national property and the nation may regulate those who would make, imitate, sell, possess or use it. . . . There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial. . . . The flag is itself a monument, subject to similar protection."

Rehnquist said that democracies legislate against conduct considered evil and profoundly offensive to the majority, be that conduct murder, embezzlement, pollution or flag-burning. The Constitution limits the ability of majorities to impose their preferences, but democratic values require respect for the majority in close calls.

What is close about this call? The federal government and 48 states have—had, until this week—laws forbidding flag-burning. Chief Justice Warren believed government has "the power to protect the flag from acts of desecration." Justice Hugo Black, often called a First Amendment "absolutist," said: "It passes my belief that anything in the federal Constitution bars a state from making the deliberate burning of the American flag an offense."

The First Amendment is an amendment to a political document. It is not the whole document. Those who framed the amendment believed in freedom for all speech not injurious to the health of the republican form of government. Such a government is a constitutionally guaranteed right. Laws against flag desecrations express the community's legitimate concern with cultivating and husbanding that health.

Brennan, who probably can pump libertarian orthodoxy while he's answering his mail or doing crossword puzzles, said that banning flag-burning would be tantamount to allowing government to "prescribe what shall be orthodox." Rehnquist replied that flag-burning is no essential part of any exposition of ideas. Johnson was free to say anything about a flag. But flag-burning is "the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others."

Rehnquist would have done well to add that the First Amendment protects not "expression" but speech, meaning language addressed to others for the purpose of communicating and persuading. Speech, unlike an "expression" such as flag-burning, is intrinsically connected with the distinctive human capacity, reason, by which individuals govern themselves and communities achieve self-government.

Unfortunately, it is too late for reason to insinuate itself back into First Amendment law.

I think that so graphically explains what we are talking about here tonight.

Mr. DREIER of California. There is no doubt about the fact that it underscores the message very clearly, and I thank my friend for his fine contribution.

One of the most important points that was made in that article by Mr. Will is the fact that there are certain items which cannot in any way be desecrated. For example, it is clearly a violation of law for someone to spray graffiti on the Washington Monument. We have not heard a hue and cry for people to be allowed the ability to deface one of these monuments. I think that we need to recognize that this symbol is more important than any of those monuments, because this is a symbol which is looked to throughout the world, and that is why while many believe this decision was incorrect, we do now have this opportunity to bring about this amendment to the Constitution.

Those of us here in Washington who have been here for a number of years may have a tendency to have a rather blase view toward this beautiful sea of monuments from Arlington Cemetery, the Washington Monument, the Jefferson Memorial, the Lincoln Memorial, the Vietnam Memorial, and of course this great and beautiful U.S. Capitol, and the American flag is another very important one. But it is one, Mr. Speaker, which circulates not just throughout this country, as we have been saying, but throughout the entire world.

My good friend from New York [Mr. PAXON] looks as though he is anxious to make a contribution, and I am happy to yield to him.

Mr. PAXON. Mr. Speaker, my friend from California, with whom I serve on the Committee on Banking, Finance and Urban Affairs, has spent so much time this year, and it is a pleasure to be here because the gentleman is truly a patriot and a great freedom fighter in the best sense of the word, carrying on the struggle of all parts of this world for freedom. The gentleman has spoken out eloquently over the years, and I do not think there is a harder working Member of this House than the gentleman from California [DAVE DREIER] and so it is a pleasure to be here.

The gentleman from California mentioned the 38 States, and we are going to be looking to those States, we are going to be looking to the State legislators to act on this constitutional amendment.

Mr. Speaker, I think it would be insightful to read if I could this brief amendment. A lot of people certainly will think it is one of those typical laws we are always passing, a big volume of new laws, but this is eloquent in its simplicity, I think the gentleman would agree. This is the Bob Michel amendment on the Constitution.

□ 0500

Let me read it briefly:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

Let me repeat that: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

Of course, we are going to be looking, once we pass this, and I think you know and I know and the Speaker pro tempore, the gentleman from Mississippi [Mr. PARKER], and our friends here this evening believe this Congress is going to act quickly. And once it does, we are going to turn to those States.

So tonight we appeal to our constituents to contact their Members of Congress, and when the Sun comes up, so that they will know where to get a hold of their Congressman or Congresswoman, back in their offices, but if they do not we will give them a number so that they can contact their Congressman or Congresswoman. They should tell their Representatives, "Let us get this passed." Then they have to do a second thing, they have to pick up a phone or a pen and write to the local State legislator or representative, State senator, and urge them to have passed in their State legislature this amendment and to do so quickly.

If I could also impose upon the gentleman's time to read from an editorial that appeared in the June 23d edition of the Washington Times entitled "Under Which Flag?" let me read as follows:

In 22 pages of the tedious pedantry that has come to substitute for judicial wisdom, the U.S. Supreme Court has pitched out the statutes of 48 states and a 1967 federal law. By extending the protection of the First Amendment to the burning of the American flag, the five justices who constituted the majority in the case of Texas vs. Johnson seem to think they have struck a blow for freedom of speech and constitutional integrity. In fact, they have helped weaken the psychic and emotional substratum on which American freedom rests.

During demonstrations at the Republican National Convention in 1984, Gregory Johnson a member of the Revolutionary Community Youth Brigade was observed ripping down Old Glory from a local bank. While Mr. Johnson poured lighter fluid on the banner and set it afire, his comrades chanted "America, the red, white and blue, we spit on you." Appealing his subsequent conviction under Texas law for desecrating a venerated object, Mr. Johnson was quick to seek the protection of the political system on which he spat and whose symbol he torched.

Five years later, the opinion delivered for the majority of the court by Justice William Brennan is to constitutional law as the chant of Mr. Johnson's comrades was to poetry. "If we were to hold that a state may forbid flag-burning wherever it is likely to endanger the flag's symbolic role but allow it wherever burning a flag promotes that role—as where, for example, a person ceremoniously burns a dirty flag—we would be saying that when it comes to impairing the flag's physical integrity, the flag itself may be used as a symbol—as a substitute for the written or spoken word or a 'short cut from mind to mind'—only in one direction. We would be permitting a state to 'prescribe what shall be orthodox' by saying that one may burn the flag to convey one's attitude toward it and its referents only if one does not endanger the flag's representation of nationhood and national unity." Had Jefferson and Madison used prose and logic like this, we'd still be bowing to the descendants of George III.

Mr. Brennan held that "The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong." But what he and his colleagues in the majority miss is the truth that persuasion operates only when interlocutors share a set of common facts, ideas, values and symbols. Mr. Johnson and others who militantly reject and scorn the basic symbols of national identity have deliberately withdrawn from and rejected the common ground that makes politics by persuasion possible.

Ultimately, Americans do not revere the principles of the U.S. Constitution because they have studied them in graduate seminars or law schools. They revere them because these principles are intimately enveloped in images and symbols that every school child learns and loves: The national anthem, the Pledge of Allegiance, the history and folklore of the founding, and the flag itself as the preeminent emblem of the nation's experience and aspirations.

This is what Justice John Paul Stevens, in his dissent, tried to express in his insight that "a country's flag . . . also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas." In stripping both the states and the federal government of the authority to protect that emblem from the moral proletariat that despises it, the court has merely facilitated the further subversion of our nation's characteristic ideas through calculated insults to their symbols.

I thank the gentleman for yielding.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his fine contribution.

Mr. Speaker, I would like to specifically ask unanimous consent that my distinguished colleague from New York have the opportunity to very carefully revise and extend his remarks.

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

There was no objection.

Mr. DREIER of California. Mr. Speaker, one of the things that we have been talking about is the fact that the American flag is a symbol to all Americans of freedom, hope, and opportunity. But one of the things that we mentioned earlier and I would like to point to specifically is that the stars and stripes behind us here clearly are that beacon of hope to peoples around the world.

Mr. Speaker, just a few hours ago I stood here when we were offering an amendment which I am pleased to say narrowly carried, an amendment which will allow us to provide training to law enforcement officials in El Salvador. During that debate we talked about what it is that some others might want to do to prevent us from the opportunity to place our hands over our hearts and look to the red, white and blue and pledge allegiance.

I would like to share with my colleagues, Mr. Speaker, some photographs, something that I witnessed just a few weeks ago. We were talking in debate about El Salvador. We referred to the fact that for the first time in the history of this tiny country, on the Ishthmus of Central America, we saw the transition from one democratically elected government to another.

The cause of democracy is clearly on the move. Throughout this decade we have seen elections held in 13 countries which had not been held for years, in some cases, or decades before that. But there are forces out there, Mr. Speaker, which would very much like to prevent us from being able to pledge allegiance to this flag and exercise the kind of freedom that we enjoy.

Well, just before that transition in El Salvador, in fact about 36 hours before that transition, we saw the local law enforcement officials in El Salvador, right outside of San Salvador, seize the largest cache of weapons which had ever been seized throughout the history of the very tragic war which has been going on for a decade in El Salvador.

I would like to share with our colleagues here briefly, Mr. Speaker, a couple of these pictures.

We have in this photograph here, Mr. Speaker, the chairman of the joint chief of staffs, who happens to be here in Washington, has been here the last couple of days. In fact, I know he is just getting ready to return to El Salvador. I refer to Colonel Ponce. He is standing over part of this cache of weapons. It included 283 Soviet-made AK47's.

□ 0510

It can be seen, Mr. Speaker, this lineup is very lengthy with these weapons. It included Hungarian-made pistols, North Korean-made weapons, Romanian-made weapons, and a wide range of items which had been produced by Soviet bloc countries. I have a big pile of them.

I point to this, Mr. Speaker, as we are talking about the American Flag so that we can recognize that there are forces throughout the world that desperately want to prevent the United States from having the opportunity to exercise those first amendment rights which I just read from a few minutes ago.

While many of our colleagues have been talking about their personal experiences as they relate to the American flag, I spoke a few moments ago about the fact that we are making history as was pointed out by our very qualified staff member, Ron Phillips, who asked me to go outside and look at the Capitol from the east front, and I chose to do that.

Mr. Speaker, as I have said awhile ago, we are making history because there is a symbolism that is taking place with this special order which we have been talking about throughout the night, this group of special orders and by the mere fact that that body is in session. If one were to go out on this beautiful, crisp, reasonably clear, reasonably low humidity, they would see, looking back at the Capitol the view.

I yield to the gentleman from California [Mr. Cox].

Mr. COX. Mr. Speaker, it is dawn outside right now, and it is beautiful with the Moon and the blue sky now with the Capitol dome in the background.

Mr. DREIER of California. Mr. Speaker, I thank my friend from Orange County for his contribution. I know that the sunrise on the east coast is a great one here. He likes to often watch it in his district in southern California. I have been inside, but when I was last outside it was dark. I looked back at the Capitol from the east front and saw that over at the other body, we now call it the U.S. Senate, since we had a change of rules here. We used to, in the last Congress, have to refer to it as the other body. Now we call it the Senate. There is no flag waving over the Senate because they are not in session. The mere fact that we have been in session all night has kept the Stars and Stripes waving above this Chamber.

There is another experience which I had which I would like to share with our colleagues, Mr. Speaker, and that is the one that I had on February 14, 1986—I was in Hanoi, Vietnam. This was referred to several hours ago. In fact, one of our colleagues reminded me of this particular experience, and I was reminded of that happening. Over the desk of one of the legislative assistants in my office, Roberta Meyers, is a picture I brought down, actually two pictures, Mr. Speaker, and maybe I should give the explanation before I actually show this.

I had a moving experience when I went into what is known as the War Museum in Hanoi, Vietnam. A very dreadful place. There we saw the very famous tank that many people will remember having seen knock down the palace gate in Saigon. We saw the photographs of prisoners of war. We saw the remnants of aircraft that they proudly pointed to. One of the other displays in the War Museum in Communist North Vietnam in Hanoi was a case in which they had the flags of the nations which they claim to have defeated. There were several flags there, including the orange and black flag of South Vietnam. One of the most dreadful of the things, Mr. Speaker, was to see the Stars and Stripes we have hanging right behind the Members here, pointed down in this case. It literally made my stomach turn, to see for the first time in my life a nation proudly claiming to have defeated the United States of America.

Mr. Speaker, I found that we had the ability, because there were several Members in this group, to distract one of the Communist guards who had been following Members around Hanoi, monitoring our every move. We successfully distracted this guard for just a few moments, because we observed that in these very dusty, covered cases were the flags of the nations that they had defeated, pointing downward, the little bit of the staff was sticking out of the back. So what we did, Mr. Speaker, is we were able to get behind that and very carefully and gingerly roll up the staff of the red, white, and blue, so that we could only see the stripes and, in fact, one could easily surmise from looking at it, that it was the flag of another country. Mr. Speaker, I would like to share with my colleagues this photograph, and if I could explain it, we have this case here, and we can see the flag of South Vietnam which is pointed downward along with the rest of the flags here, and Members have to imagine this, Mr. Speaker, the greatest Nation on the face of the Earth, to have anyone claim that they have successfully defeated this Nation was a gut-wrenching experience. So when I walked in and saw this, we then, as I said, Mr. Speaker, were successfully able to distract one of those guards. Here, Mr. Speaker, is the finished product and one can see looking at this case that while there are some red stripes there, one could not totally conclude that it was the flag of the United States of America.

As I said earlier, with all the proud veterans around here talking, I still considered myself a real patriot, even though, as my friends from Orange County and I turned 18 as the Vietnam war was coming to an end, so I was not in the military. When I went to Hanoi, Vietnam, 3 years ago, Valentine's Day, February 14, and saw the American flag in that condition, it was, needless to say, distressing. However, all of the Members there got this sense of exhilaration, Mr. Speaker, when we were able to take that flag and at least in some way cover up the fact that they were able to proudly claim to have defeated the United States of America.

I know a number of my colleagues are here and they have some very eloquent statements they would like to provide, and would like to first call on our very able colleague who arrived from New York, succeeding a very good friend of mine, the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I congratulate the gentleman from California [Mr. DREIER] on his eloquence and on the beautiful story he just told of his experience with our flag in a foreign land.

As my distinguished colleague from California pointed out, I am a new Member of Congress. I join a number of new Members from California here, along with the gentleman who just spoke from California, and I think it is interesting to note we are here this evening, actually this morning now, to talk about the Supreme Court decision that has raised such a furror throughout the country. It is fitting, I think, that we have Representatives from California and New York on the floor at the same time because indeed we have a strong voice, united voice, from sea to shining sea.

I would like to, if I might, make a few remarks, and these remarks are quotes from our most recent past President, the great President Ronald Reagan.

□ 0520

Mr. Reagan was a true patriot. Mr. Reagan rallied this country around the flag and around the principles of democracy and indeed began what I think is the march of democracy around the world.

Mr. Reagan proudly on many occasions pointed to the flag and to the principles represented by our flag and our Nation to inspire not only the citizens of this great country but citizens all around the world. And if I might, this is a quote that Mr. Reagan made on Memorial Day, May 31, 1982, at Arlington National Cemetery:

> In America's cities and towns today, flags will be placed on graves in cemeteries; public officials will speak of the sacrifice and the valor of those whose memory we honor. . . . We must try to honor them—not for their sakes alone, but for our own. And if words cannot repay the debt we owe these men, surely with our actions we must strive to keep faith with them and with the vision that led them to battle and to final sacrifice.
>
> Our first obligation to them and ourselves is plain enough: The United States and the freedom for which it stands, the freedom for which they died, must endure and prosper. Their lives remind us that freedom is not bought cheaply. It has a cost; it imposes a burden. And just as they who we commemorate were willing to sacrifice, so too must we—in a less final, less heroic way—be willing to give of ourselves.

These words are just as true today as they were then. They were just as true 200 years ago as they are today. Throughout our history men and women of America have pledged them-

selves by their valor, their courage, their free spirit, and their efforts to protect free speech around the world, through the wars that this Nation has fought.

President Reagan time and time again brought us back to those basic values that the Nation has held so dearly. We have talked about free speech, and indeed the Supreme Court decision presented a very unusual concept of free speech, one that I think is out of tune certainly with America. Earlier in the evening one of our distinguished colleagues held up a post office box. There is a law in this country against the damaging or desecration of Government property. Another of our colleagues held up a dollar bill and challenged the individual who burned our flag to do the same to that dollar bill. If indeed that individual did, he would be in violation of our laws. How in God's name can we allow the burning of our flag and yet have laws that would make it illegal to tear up or burn a dollar bill or to damage a post office box? What sort of logic does that represent, Mr. Speaker? The logic certainly defies me and my constituents from whom I have heard on a regular basis since this decision. They are outraged by it.

From my own personal experience, my father, who is a former Member, has decided to lower his own personal flag at home at halfstaff in silent protest over this decision, and he has received many, many comments about that silent protest of his. He feels very strongly, my neighbors feel very strongly, my constituents feel very strongly, and I would like to congratulate this distinguished gentleman from California [Mr. DREIER], our task force chairman of our party, who put this special order together and who gave me the privilege of joining my distinguished colleagues here on the floor from sea to shining sea to raise these points.

To continue, Mr. Speaker, I would like to ask my colleague, the gentleman from California, what the people of California think about this decision.

Mr. DREIER of California. Mr. Speaker, I would be happy to yield to my friend from Orange County, my fellow Californian, and as I yield to him for what I know will be a very eloquent response, I would like to say to my friend, the gentleman fron New York, that I share the great concern, but I have made an attempt over the past several hours to make this evening sort of a celebration. It is a celebration of the fact that we are going to be amending the U.S. Constitution.

Of course, it is a very dark cloud that this decision has offered us, but I would like to think that this is a silver lining within the dark cloud of this decision, and while I congratulate our former colleague, the gentleman's father, for placing the flag at halfstaff, I hope very much that we will be able to have this celebration of the beginning of our move toward a constitutional amendment, and then we will continue to talk about it as we wait for the 38 States to ratify.

Mr. Speaker, I, too, look forward to hearing from our new colleague, the gentleman from Orange County, California [Mr. Cox] about what our fellow Californians have to say about this decision. I am happy to yield to the gentleman from California.

Mr. COX. Mr. Speaker, I thank the gentleman very much. I thank my distinguished colleague from nearby parts of California, which arguably are as pretty or perhaps prettier than mine in Orange County or those of the gentleman from New York.

There is no question that this is not a regional issue. If ever there were an issue that bound our country together, it is this one. I think the sentiment in New York, the sentiment in California and everywhere in between, in Alaska and Hawaii, is exactly the same.

Mr. DREIER of California. And even in Utah, I suspect.

Mr. COX. And even in Utah.

Mr. Speaker, this is a bittersweet occasion. It is a time for lowering our flags to halfstaff for some, it is a time for rejoicing at the prospect of using article V of the Constitution for others, but there is still another reason for rejoicing. We are about to have our Nation's birthday, and while it is a dubious birthday present to be here discussing the legalization of flag burning, the exercise may very well be worthwhile. It has caused me, I know, to reflect on the real meaning of the founding of our country and to think back to 1776 and what it must have been like for those freshmen Members back in those days. Of course, I am a new Member of Congress myself.

Mr. DREIER of California. And the gentleman is doing an extraordinarily able job, I should underscore, as a new Member, because of the great experience he has brought with him here to this job.

Mr. COX. Mr. Speaker, I appreciate the gentleman's saying so.

Certainly serving as a new Member of Congress has given me a new perspective of what the job was of those Members of the spanking-new Continental Congress in 1776. Think of what they faced. Put yourself as a legislator in their shoes. The King had just decided in the early part of 1776 to rule out any political concessions, and Great Britain had opted instead for all-out war to put down the rebellion. And it was a hot summer here, a hot summer on the eastern seaboard, when the Members of the Continental Congress met and decided at great length what they were going to do, and on July 4 they passed a resolution that was drafted by Thomas Jefferson of Virginia, Benjamin Franklin of Pennsylvania, Roger Sherman of Connecticut, and Robert Livingston of New York. That declaration, of course, was our Declaration of Independence that said that the United States was once and for all a free and independent nation.

While that must have been an exhilarating feeling, they were responding to an all-out declaration of war by the strongest power on Earth, and any feeling of exhilaration they had must have faded mighty quickly, because the troops that assembled under George Washington just 2 days later were the first of many to die for their country. And one of the first acts of that Continental Congress was to adopt a new flag for the purpose of protecting the soldier and seaman who were captured by the British, because once captured, under the flag, they were entitled to be treated as prisoners of war rather than summarily hanged.

So in that way I think it is clear that the birth of our Nation and the adoption of our flag as our national symbol are very much interwoven, and it is very appropriate that on the eve of our Nation's birthday we are talking about those two things right now.

Mr. Speaker, I have obviously got much to say on that subject, but I would be happy to hear the views of my colleagues.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his excellent contribution. It is very appropriate.

We have been talking over the past several hours about what July 4 means to us and what Members of Congress will be doing on the Fourth of July. We will certainly be celebrating our Nation's birthday, the birth of our independence, and it is appropriate that as we look toward that day we talk about the American flag.

Throughout the evening we have been talking about individual experiences, from those of my friend, the gentleman from Texas [Mr. FIELDS] who talked about his great ability to lead the Pledge of Allegiance in his kindergarten classroom, to the very, very sad experience when at a military funeral the American flag was handed to the mother of a fallen soldier. So I think it is an important opportunity for us, and I thank the gentleman for his very able contribution.

Mr. Speaker, I would like very much now to yield to my classmate and my friend, the gentleman from Utah [Mr. HANSEN], who came here in 1980, at the same time, coming here with that great Reagan revolution to the U.S. Congress.

□ 0530

Mr. HANSEN. Mr. Speaker, I appreciate my friend, the gentleman from California [Mr. DREIER] yielding.

Mr. Speaker, I have been in this political game now for almost 30 years and from a city councilman in a small town, in Farmington, UT, to the State legislature in Utah, to speaker of the house in Utah, and then to the U.S. Congress. Over that period of 30 years it has been a great privilege for me to stand and put my hand over my heart and pledge allegiance to the flag.

I remember as a young man in Farmington, UT, I had the privilege of working in with some fear and trepidation to the city council with all those old gentleman with beards who used to run that town; they were all in their sixties and seventies. And I remember a very good friend of mine by the name of Hess, and I remember very distinctly that his son was an officer, a pilot, and was flying in Vietnam. And I remember walking into a city council meeting one night, and I could see the distress on his face and how he felt about things, and I said, "What seems to be the problem here?"

He said, "I just want to tell the members of the council that my son, Jay, Maj. Jay Hess, was shot down. He was flying the old thud at the time," and we did not hear anything about Jay.

The whole town was worried about it. There were prayer meetings in the local churches. Everyone was concerned about what happened to Jay Hess. For almost 24 months none of us knew or had any idea at all what happened to that man who was serving this country over there in Southeast Asia.

And then apparently we found out that he was in the Hanoi Hilton, that he was in jail, and so they allowed him 27 words, and they said, "Major, you can send 27 words out. We're going to audit it. We're going to look at it. We're not sure your family will know you're here."

And so he wrote down some words to his wife, his father, his mother, his children; he had five children, as to where he was and what he was going, but he wanted these people to know where Jay Hess was and that it was truly him, and so he wrote words that went like this.

He said, "These things are important." He started out, and he said, "Country." He talked to his young sons about scouting, he called upon them to be active in their church. He told them to keep records, to take pictures and that he would see them, and he ended it this way, "Press on."

They knew that this was colonel, later colonel, then Maj. Jay Hess.

I still remember distinctly when they let those young fellows out. We all went to the Salt Lake City airport, and the Air Force plane came in. There probably was not a dry eye in the place. The flag was flying. People were very patriotic. We went to the local courthouse. The place was packed. There was literally hundreds of people there as he stood and saluted the flag, and he said how he thanked God that he got out of that Hanoi Hilton.

Later on, as I went with Jay around Utah, we talked together, I listened to him, and he often talked about what they did as prisoners. One of the things that they did, and keep in mind that they were in absolute terrible conditions, is they found some red thread, they found some blue thread, and they took an old white T-shirt, and they put on the symbol of the flag of the United States of America.

Now take into consideration some of America's finest in this demeaning situation, and every morning they would stand, they would pledge allegiance to the flag of the United States of America, and they kept that hidden, and they would develop ways to talk to one another, communicate. They would tap on the walls; they started their own way of communication, and later how grateful they were to the President of the United States, to Congress and the good Americans who stood by them as they went through that literal hell in Hanoi.

This kind of reminds me of myself, not that I have any great experience such as that, but, as a young boy, I read a very patriotic story about a bird, and I was amazed that in the First World War we used homing pigeons. I did not realize that we did that, and in this thing I was so taken with this that I went to my parents and asked could I have that opportunity to buy some, and they said, "Oh, my goodness, we couldn't let you do that."

We lived by the University of Utah. My sisters thought it was a terrible idea, but I finally prevailed upon them to do it. They said if I cleaned out a place behind the garage I could do this.

I did it. I built the pan. I later bought the birds. Everything I did for years was on me.

I still recall those pigeons being taken all the way to Barstow, CA, how they would come home, and I had a record at one time of a pigeon doing 80 miles an hour. It must have had a whale of a tailwind.

From a young boy doing all these things, taking care of them, feeding them the proper things, even keeping genealogy on them, I remember coming home one day and every bird was gone. I do not know what happened to them. I guess they were stolen.

Later, or after a year of working in Idaho, I came home, and my mother and father were standing there, and they said, "We've got a present for you."

I went out there, and the whole backyard area they put in rabbits. Over a period of time I would say I am very grateful. I went out there. The hutches were done. The rabbits were there, the food was there, and, as I took care of them in a very shabby way, it was within 6 months they were all gone.

Now, as I look at the difference and what is the difference between the pigeons that I took care of and the rabbits is that I did it. I did everything with the pigeons. I won the record. I took care of them, and then I look back and say that the rabbits were all given to me.

I use that analogy to say, "What's the difference?" The difference is in America the things that we believe in, the things that we fight for, the things that we love, mean a lot to us, and those things that are given to us and we receive very freely do not mean as much.

Now go back to the story of the Hanoi Hilton. These guys were over there giving their all. Many of them did give their all. We are still wondering where a lot of them are. We look at some of the people, friends I know during the Second World War who were in submarines tell these chilling stories that, as depth charges were coming along, they could hear two clicks before a depth charge went off, and then does that mean that he has got you or not?

How about these people who were in those B-17's and B-24's flying over Europe? How about the people in Vietnam? How about those of us?

I still remember as a young sailor in the United States Navy, I was 18 years old and involuntarily drafted into the Navy and thinking at the time of all my friends who were in Korea. I think of the time of flying in distant airplanes, the old BP-4Y. I think of all of our good young people that we put out on the field and say, "What do they do?"

Well now everybody in America has something that they feel strong about, the flag of the United States. It is like those of us who went through a lot for something, and those of us who worked our way through college, those of us who did something we are proud of, a business we started, something we did. We tie that to the flag of the United States. Americans all over say that when they look at the flag, it is more than just a piece of silk with colors on it. It is a symbol of what they believe in, what they love, what they would die for, and so when someone comes up and says, "Red, white and blue, spit on you," we are offended. We are totally offended at that.

Mr. Speaker, we do not believe that anyone has that right. I guess we cannot do much about what happens in Iran and a number of other different areas, but we are totally offended when someone in our own Nation does it. It is one of those things that in

America we say, "O.K., take all the great legal minds, and there are dozens of them on this floor. Let them all pool together, but that means nothing to us and they try to interpret the first amendment."

Mr. Speaker, what means things to us is this is a symbol that since the time of George Washington to George Bush we believe strongly in these things, and so like Jay Hess who said, "These things are important," Mr. Speaker, there is 250 million Americans out there that are echoing the words of Maj. Jay Hess who was locked in the Hanoi Hilton. "These things are important."

We do not care much about these folks over in the Supreme Court. They can do their thing. I personally feel like Thomas Jefferson, that they made a gross mistake in this particular area.

I applaud the actions of President George Bush when he said that we should now have the 28th amendment; I guess it would be the 28th, Mr. Speaker, that would become an amendment to the Constitution that we could not burn the flag and we could not desecrate the flag. I look at how this would come about.

My colleagues realize that this would pass by two-thirds of both Houses, and then it would take 28 States to ratify it. People have said that would take a long time.

Go back to the time that the vote was given to the 18-year-olds. That did not take much time at all. Go back to the time of the equal rights amendment which never did pass, and I say, "Thank the Lord for that."

But this one would pass in a hurry.

As one of the past panel members of the National Conference of State Legislators, I can feel and prophesy, and I do not think I would be a false prophet, that this would go through 50 States very rapidly, and then Americans, which is the vast, vast majority of us, who are offended by this desecration of something that means so much to us would feel we have made a dramatic step forward.

□ 0540

It takes a lot for us as Americans to get excited about something. We are kind of a sleeping giant. We go to work, we go to church, we do our own thing. It takes a lot to get us excited; but Mr. Speaker, I want you to know and the American public to know that we are upset. We now believe there has been a mistake made. We now want to rectify it. We now want a change and that change will be the amendment to the Constitution.

I respectfully say and urge State legislators in all 50 States to seriously consider the actions of President George Bush when he has called upon us to make this dramatic change and the House should go forward and be the leader.

I compliment those who have taken the time for this special order on something that is near and dear and very, very close to the hearts of all good Americans.

I thank my friend, the gentleman from California, with whom I have served these past 9 years and appreciate the great leadership that he always takes in these areas, and also my good friend, the gentleman from California Mr. DUNCAN HUNTER, who has done such a good job and all those who have participated.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his very able contribution and appreciate the focus on the issue which has been near and dear to so many of us, and that is the plight of those classified as prisoners of war and mission in action. There is a very direct correlation when we look at this issue of the American flag and the POW/MIA issue.

Mr. Speaker, I am particularly pleased that we now are able once again to make this bipartisan special order. I am especially happy to welcome our new colleague, and I yield to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I thank my friend, the gentleman from California, for yielding to me. This truly is a bipartisan effort. I think the evening started with the gentleman from Mississippi Mr. SONNY MONTGOMERY.

The entire situation is really sad whenever our country gets to the point when we have to face a problem like this. There is a lot of reaction out in the country of anger, but I think as much as anything else, most people are just disappointed.

Two weekends ago before the end of school, my children were up here before I took them back home to Mississippi to spend the summer: my wife and my 3 children. I have a 15-year-old son and an 8-year-old daughter, and a 4-year-old son. We went to New York City. They had never been to New York. One of the things they wanted to do was to go and see the Statue of Liberty. It was my privilege to take them there.

The Statue of Liberty means a lot to many people. It means a lot to us here in this country. Evidently it means a lot to people all over the world.

In Tiananmen Square, we saw the Chinese students build a replica of that statue. I think when we saw the armored personnel carriers hit the statue and knock it down, everybody felt a little odd.

That statue was not something that originated here. It was a gift to our country from the people of France.

Everybody remembers a couple years ago when we had the 100th anniversary of that statue. That statue means a lot to this country. It is a symbol and symbolism is important.

I do not think anybody would argue with the fact that if someone were to express their freedom of speech by attacking that statue and harming that statue in any way, that we have laws that are available to us to incarcerate those individuals, to punish them for harming that statue but we are talking about something much more important than just the Statue of Liberty. We are talking about a symbol that has been with us since the beginning of our country. We are talking about something that means much more than a gift from the French people. We are talking about our flag.

Now, I could sit up and say, well, everybody has a right to do pretty much anything they want as far as free speech or whatever, and I think they pretty much do in this country. I think we as a government have a right, too, to require certain things of individuals.

I come from people in the Deep South who believe strongly that for every right an individual has, there is a corresponding responsibility and that responsibility is something that you have to uphold and you have to followthrough with.

Over 7,000 times we in this country have tried to amend the Constitution, over 7,000 times. Not many people realize that. We have only amended it 26 times. One time we amended it and took it back. So our track record as far as the Constitution is pretty steady. We do not take changes lightly. I do not take this change lightly, either.

I personally feel, and I am not a lawyer, and I might say that I am not ashamed of that fact, but I am not a lawyer. I am not an expert on the Constitution, but from the people that I have talked to and those individuals who have discussed the implications of this Supreme Court ruling, really the only thing that we can do, I think, is amend the Constitution.

This issue is so important, it is so vital, not only is it vital I think to our country from the standpoint of correcting a wrong, but I think as a symbolic gesture on the part of our country in reaffirming our faith in this land.

I really do not think we have a choice. We have to support that strongly. I believe it will go through the Congress about as fast as it possibly could go through, and when it is introduced, and I understand that the minority leader is going to be introducing a bill and I might say the first cosponsor on that bill is my colleague, the gentleman from Mississippi, Mr. SONNY MONTGOMERY, it will go through quickly, and I urge my colleagues to support it.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his

very able contribution. I appreciate the contribution of all my colleagues in this particular hour. We of course are going to be continuing here.

Just in closing, I would like to express my appreciation to Chris Heil, who is sitting here, his colleagues, Judi Mazur, Charles Gustafson, Susan Hanback, Tony Tartaro, Aubrey Redling, Katie Teel, Ed White, and Dick Creeger, and all the people here who have stayed up all night, and the gang downstairs. They are going to be staying with us, I am told, throughout this entire day as we continue with the Foreign Assistance Act, without any rest at all, so I think we owe a tribute to them on the spur of the moment making this sacrifice to be with us. We greatly appreciate it.

I thank all my friends here who have very ably contributed to this, and I am pleased to say there is going to be time for more, Mr. Speaker. I will be turning the reins over to my distinguished freshman colleague, the gentleman from New York [Mr. WALSH].

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent that we now proceed with the special order by the gentleman from New York [Mr. WALSH].

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

There was no objection.

OUR GREAT STARS AND STRIPES

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

Mr. WALSH. Mr. Speaker, I thank the gentleman from California for that hour in which he presented and joined with other colleagues on both sides of the aisle to discuss this very timely matter.

I think what really makes these statements poignant are the personal comments that the individual Members have made.

I know my colleague, the gentleman from California, talked about the very first flag. I can remember as a school child in 1960 taking part in I believe it was a nationwide effort to determine what the new flag would look like as we added the States of Alaska and Hawaii to the Stars and Stripes. I can remember with a pencil and paper trying to figure out what would be the best possible design and looking at the designs that had been offered. There were some fairly major changes that were proposed and there were some not so major, but all of my classmates were so excited that there was to be a change in the flag. Some people wondered whether indeed we should change the flag, but as we have added States, we have always accommodated those new States as stars in the blue field, along with the red and white stripes.

□ 0550

I was reminded again of that discussion when I came to Washington as a new Member of Congress. On the roof of this august body, just above my colleague from Buffalo and my colleague from California, in the center of the ceiling, all of the stars of the 48 States are represented circling our Great Seal, and I was informed by one of the Members from Hawaii who at that time was a Delegate to the Congress about to become a Member of Congress that the stars from Hawaii and Alaska were not represented on the ceiling, and they, working with the new Representative from Alaska, figured out a way to add those two additional flags to the ceiling just as we in America accommodated the States of Hawaii and Alaska on the flag. Those show the continuum of the great tradition and the great history of our flag from its very beginning. It changed and grew with our country, and many have pointed out that it is a monument, and it is a monument but it is a living monument, a monument that has grown and shared the experiences of this still rather young Nation and all of its trials and tribulations throughout that 200-year period.

I would like to ask my distinguished colleague from Buffalo, a member of the great New York State delegation, to maybe make some of his own personal comments about his own experiences.

Mr. PAXON. I thank the gentleman very much.

It is just a great honor to share this new morning. We have been here all evening, and as my distinguished colleague, the gentleman from California [Mr. COX] mentioned, he took a step outside, and I did a few minutes ago, and it is a beautiful morning coming up here, the sun just starting to rise, dusk breaking over the Capitol, and the flag flying all night as our friend, the gentleman from California [Mr. DREIER] said, when we are in session, the flag is up there, and the light is on the flag. It is just an incredibly beautiful sight with the Capitol dome in the background. This building is full of symbols and meaning much like the flag. I think the gentleman would agree.

The gentleman noted the ceiling and talked about the stars around that great eagle. Also around the ceiling are the seals of all of the 50 States, and it is very appropriate tonight, this morning, that we make reference to that, because what we are undertaking here is not just going to involve this Chamber or this Government at the Federal level, but it is an effort of the Federal Government and the States, because we are going to need our colleagues in the New York State Legislature, in the California Legislature, and in those State legislatures from coast to coast, all 50 of them, to join with us in this.

It is, I think, an exciting moment. There are not many opportunities, as our friend, the gentleman from Mississippi [Mr. PARKER], has said; there are very, very few times in the history of this country that we are going to have the chance to amend that Constitution. We do not do it lightly, but as I said earlier this morning, the Supreme Court handed us a decision we do not agree with, but it may well be the opportunity of a lifetime to bring this country together on this issue, to reflect on the values symbolized in the flag and in the symbols of this Chamber in the ceiling and in the seals of these great States, and reflect on all that we have been given and all that we have to continue to fight for as Americans.

Mr. WALSH. It is so true that we are so fortunate to have the freedoms that we have in this country, but those freedoms, as the gentleman from Mississippi pointed out, are certainly our rights but, with those rights go responsibilities, and I think we, as a Congress and as a nation, have a responsibility to give our flag the protection that it deserves.

My distinguished colleague, the gentleman from California [Mr. COX], has noted that earlier in the evening, and as we move into the morning, I am sure he could expand upon those earlier thoughts.

Mr. COX. The gentleman was making some personal observations, and two personal observations have occurred to me about this flag-burning decision and about July 4 and about how we have come to this pass and the historic opportunity to do a great thing for our country, and yet a troubling circumstance for the time being.

I, of course, had the opportunity to work in the White House with Ronald Reagan. The gentleman alluded earlier to the spirit that Ronald Reagan developed in this country. He brought America back. It was morning in America. There was a renewed sense of patriotism.

If we remember back in 1984, we were hosting the Olympics, and it was perhaps the high water mark of patriotism in America for years, and that was the year, 1984, that the Republicans met in Dallas for their national convention.

I was there at the Dallas Republican National Convention, and it was just outside that the protesters were spray-painting buildings and turning over potted plants, about 100 of them, who were moving down the streets. This

was their way of really staging, of course, an antidemocratic event to state their objection to this American patriotism, which is protected by our very system, our first amendment.

None of those people were charged with any crime, but one of them, passing in front of a public building, an office building in Dallas, saw a flagpole with a flag on it, hauled down the flag, literally stole the flag, handed it off to Gregory Johnson. Gregory Johnson unfurled it in front of the city hall in Dallas and poured kerosene on it and lit it on fire, and they all stood around and watched it burn up. That was the circumstance that led to his arrest. They stood around and they chanted, of course, "America, red, white, and blue, we spit on you." None of them were arrested for this. This is all legal protest.

One man out of the 100 was arrested for defiling the national flag.

Five years of lawyers' arguments then took place, and now this past week the Supreme Court finally ruled in his case after great expense by one vote that his conviction would be overturned.

Interestingly, two Reagan appointees to the U.S. Supreme Court were part of that 5-to-4 majority narrow one-vote victory. The first Justice, Antonin Scalia, the second Justice, Tony Kennedy, and shortly after I began work in the White House, someone slipped me a confidential note and said that the Chief Justice of the United States had determined to retire, to spend full time on the bicentennial of the Constitution, but that he was not going to make public the news of his retirement until President Reagan announced his selection for a successor.

It came to me secretly to prepare dossiers for the President's review of a dozen candidates to replace Chief Justice Burger, and eventually the President narrowed it down to two men, Antonin Scalia and Robert Bork. As the President later said, it was so close those two that one could have thrown a dart to pick one or the other. Of course, he ended up picking Antonin Scalia.

Very soon thereafter another appointment came to President Reagan, and this time he right away picked Judge Bork. I worked very hard for Judge Bork's confirmation, but that was not to be, and shortly thereafter President Reagan nominated Justice Kennedy, and Justice Kennedy's nomination I worked also very hard for, and he was successfully confirmed.

Today I had the chance to meet with Judge Bork and talk with him for over an hour about the flag-burning case, and he said that he would have voted with Chief Justice Rehnquist and the four-person minority on the Court, which would have made it a 5-to-4 decision the other way. That is the way history works in our country. It is that close.

What he said is that we are not talking about amending the Constitution. We are talking about changing a one person, 5-to-4 vote on that Court, and that is what America is up to right now.

The amendments that we are considering would do nothing more than restate the law that has been in place in 48 States for years and years in this country. They would do nothing new. They would simply preserve the status quo. I think that is very appropriate.

Judge Bork echoed the dissenters on the Supreme Court when he said, "Isn't it ironic that this Government can conscript its citizens, force them, force them to fight, perhaps die, for their flag, but this same Government does not have the power to protect the national symbol, the banner under which they fight?"

□ 0600

That is wrong. That is wrong and we ought to fix it.

Mr. WALSH. The interesting thing, and our distinguished colleague from California made the point earlier on, is that this is really a truly great opportunity for this Nation. This Supreme Court has done more probably to crystallize what the flag stands for than any other, and I think we as a nation perhaps in our youth more than at any other time take for granted what that flag stands for, and as this effort continues to grow across the country from the Congress into the 50 States and into the legislatures and into the neighborhoods and into the main streets of certainly Syracuse but also of the great towns and cities throughout the Nation, I have a feeling that this is going to be a very positive, exciting effort.

I am again reminded of a personal experience that took me outside of this country when I was a young man as a member of the U.S. Peace Corps. I remember leaving the country for the first time in my life, getting on a plane at an airport in San Francisco, CA, and leaving behind the Nation that I have known and loved my entire life for a period of 2 years. I did so with a great deal of trepidation, going out to see what the rest of the world looks like. I was reminded throughout that 2-year period on a daily basis from my own personal experiences that I gained and from my own reflections of what a great Nation this is that it would provide us with the freedoms that we have.

I remember going to the Philippines and landing in Manila and spending some time there undergoing some training, and doing a little sightseeing while we were there. I remember going past the American Embassy in a taxicab with some of my friends and colleagues and seeing that flag high above that large white building, and seeing a line of people out at the front of the Embassy and down the street. I said to the taxi driver, "What are they doing?" He said to me, "They want to go to America. They are standing in line to be processed to become American citizens."

As I looked at that line and I looked at that building and the flag above them, it reminded me once again that countries throughout the world are striving for the freedom that we were born to have. It is an amazing feeling.

I was reminded again when I reached the nation where I was going to serve those 2 years, and it was in the early summer, and this was an experience that I repeated two more times while I was there, on the Fourth of July we were all invited to the Embassy for an American picnic with hotdogs and Coca-Cola and the American flag, and English, and the ability to discuss our Nation's politics, and philosophies, and our own individual ones. And everything in that country was completely foreign to me, the language, the religion, the culture, the people. But it was an interesting thing. As all of us Americans gathered on the Fourth of July, those several summers in Nepal, the people who worked at the Embassy, the people in the streets of Nepal whom we met coming and going would point to the flag and they would say, "You have what the rest of the world wants." The more I saw that and the more I heard that, the more I as an individual appreciated those freedoms, because I think we take them for granted in this country. I really think we do.

But the men and women over the years who have struggled to defend our Nation against its enemies have that appreciation.

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

Mr. WALSH. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. The account he just gave is a very touching account, and it poignantly points out what we have been talking about here all night long, about our desire to protect that symbol of freedom.

I had to come back to the microphone because I walked back into the Cloakroom and happened to sit down next to what was lying in the chair next to me. I picked it up and it was the New York Times from yesterday, and in the New York Times I happened to notice that there was an op-ed piece there by Ira Glasser who happens to be the executive director of the American Civil Liberties Union, more affectionately known in the last election as the ACLU. Once again they proved to be out of step with the mainstream of America, because Mr. Glasser made some comments in his

editorial piece that once again inflamed my passion about what is going on and what has happened to this flag.

He points out that the first amendment is indivisible and that what the flag stands for includes the freedom to defile it. He talks about others who have burned the flag, including James Meredith who burned the flag on a street corner in Harlem. Mr. Glasser points out that by burning the flag he symbolically increased the visibility of his protest, and because he burned the flag his protest was covered by television cameras and his message reached millions.

I assume that if Mr. Meredith came over here and put a torch to this Capitol Building, I imagine the television cameras would also show up, and his act would reach millions. Mr. Glasser points out that the President of the United States, President Bush, in calling for the constitutional amendment protecting our most precious symbol of this country, Mr. Glasser says the President has abdicated his responsibility.

It just boggles my mind that an American citizen thinks that that wonderful symbol of freedom, that wonderful symbol that we all hold dear, the American flag, is just something that you can take out and burn so that television cameras will turn on, and it is just a simple expression of speech.

It is not an expression of speech. As I said earlier in the evening, speech is just what it is, it is speaking from the mouth and not defiling something people hold dear, like this building or the monuments around this town.

How can the ACLU and people who give money to Mr. Glasser continue this kind of diatribe against the principles of this country, against what we hold dear? How can people continue to support this kind of action, this kind of organization like the ACLU that just spits in the face of freedoms of this country? It spits in the face of the values that we hold so dear in this country.

Mr. COX. Mr. Speaker, if the gentleman will yield, I could not agree more. The critical distinction here is between on the one hand respecting the right to exercise freedom of speech, and defiling the flag of the United States of America, which is the very source of that right.

I mentioned two Reagan appointees for whom I worked for their confirmation who were in the majority. Reasonable men can differ about the scope of the first amendment, but here the critical distinction is that while I have not spoken with them, I am absolutely certain that Justice Scalia and Justice Kennedy who wrote a separate concurrence with the majority opinion, saying while he joined in Justice Brennan's decision, nothing is more personally distasteful to me, and it pains me to hear, I could not believe these justices could not, would not in an instant support the right of the American people, and the people in the State legislatures in the 50 States to adopt a constitutional amendment to preserve the status quo.

This is a very narrow and easily-understood circumstance, a unique circumstance. It is our national symbol, and it will do great justice to us in this country very promptly to act on this amendment. I think that is where Ira Glasser and Justices Kennedy and Scalia who voted with the majority of the Court would part company on this one.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I thank the gentleman for yielding and for his very thoughtful remarks on the flag just now.

It occurred to me also we have a real problem here in that in every other instance of freedom of speech there are limitations, or you do not go beyond the pale of certain activities and certain comments. For example, we have libel laws to protect our people from being libeled, and we have slander laws for the print and media, and there are limits to what individuals can say about others. There are limits about what one can say about corporations. Everyone has protection ala the Supreme Court, except the flag.

There are also limits on shouting "fire" in a crowded theater. There are limits to all of the great freedoms we have in this Nation. But specifically, the greatest freedom I think we do enjoy is the freedom of speech.

Now we come up with the idea that the concept in its broadest definition, the freedom of speech, could cover the desecration of the symbol of our flag, and I have been taken by the comments all night long. But one that does stand in my mind is when a President, who is a Democrat, Woodrow Wilson, continued to say that the character of our flag is given to the world generation by generation.

□ 0610

This is how each generation accepts that change, accepts that responsibility and defines the honor, the prestige and the glory of the flag, determines how it is accepted around the world. It is ironic to me, standing in the United States of America, in Washington, DC, our Nation's Capital, with other fellow Members of Congress equally concerned about this true crisis, and it is a crisis of the spirit, crisis of the heart, crisis of the soul for America, that we stand here guarding in our small way tonight the precious freedom that other people die for and strive for.

I would like to relate one story if I might very briefly.

In making 17 trips to Central America with refugee supplies, clothing, et cetera, for the refugees primarily in Nicaragua, from the Communist regime there, I was being served dinner one night prior to returning back to the United States by the young lady, about 21, I assume, who was practicing her English. I said during the conservation, "I know you probably would like to come to the United States." She said, "My greatest dream is to come to the United States. I feel as much allegiance for your flag as I do my own." And I asked her why she felt that way. And when she was finished, she said, "I can't come." We forget about the freedoms that we have.

Now Costa Rica is probably the freest, the most liberal and certainly the most progressive State in all of Central America, if not all Latin America. It has a history of freedom, democratically speaking, democratic organizations as long as our own, or over 125 years. She says, "I can't come, because I am young, unmarried, and I have no property," which is very interesting. Translated, it means simply so many young people around the world, even in countries as free as our own, dream of coming to this country, but they cannot because they do not have a family to go back to, they do not have property which makes them leave something of value in their own country, and they are young so that they go where the most opportunity present itself. That young lady, and thousands like her around the world, thousands like her in her own country of Costa Rica, longs to come to the United States and knows that four out of five people who come here under protection of this beautiful flag, Old Glory, will not go back to their own country. We have freedoms represented by this flag, we have freedoms that are symbolized by this beautiful flag that go beyond the imagination of most Americans.

I thank the gentleman for yielding.

Mr. WALSH. I thank the gentleman from Ohio for his comments. They are very appropriate, very much to the point which has been made over and again. We have laws in this country, as has been stated, that they are making it a violation of the law to damage a post office box, a dollar bill. The gentleman from Texas pointed out that if someone came and desecrated the Capitol, that certainly the TV cameras would show up. But I would add that the police would also show up because that is a violation of the law.

Mr. COX. I should add that there are statutes on the books still valid after this recent Supreme Court decision that make it unlawful to use the flag on a commercial product. We cannot crassly commercialize the flag, but we can burn it up and defile it.

Mr. WALSH. Is it not amazing that we have a law stating that, not allowing it to be commercialized, but yet allowing it to be desecrated. There is something wrong with the very fiber of that decision. I think the American people sense it. We certainly sense it and the President senses it, and that is why you have a process in this country whereby the Supreme Court indeed is not supreme. The people are.

If the people of this country want a law, there is a way to put that into the Constitution, and it is through a constitutional amendment. Our great President, President Bush, has asked us to begin the proceedings to do that. I think this special order certainly shows the concern and the sincerity and the forthrightness of the Congress to begin that effort.

I yield to the gentleman from Buffalo, NY.

Mr. PAXON. I thank the gentleman from New York.

Mr. SPEAKER, listening to he gentleman's words, it strikes me how much history there is in his involvement in this House. His father served in these Chambers and now he is here.

Mr. COX. It is true, as the gentleman from Ohio said, in Woodrow Wilson's words, "Passing America down from generation to generation."

Mr. PAXON. Exactly. Maybe someday one of our children can serve in this House also. but the fact of the matter is that we come and we go. The Members of this House come and go. We have had a 50-percent turnover in these Chambers since 1980. We are here for a few terms, some more, but eventually we move on. That flag stays over this building, stays hanging in the most prominent place in these Chambers. The only thing above the flag, "In God We Trust," the flag though occupying a center role in these Chambers down through history.

As we talk about that Supreme Court decision, I hope that we will reflect on the permanence of that flag. It changes because of the number of States we have added. But the flag stays. What it means and symbolizes as it stays, though we come and go, is that our job is to protect all that flag stands for and all it symbolizes, regardless of who we are individually.

The Chambers are empty now. In a matter of about 4 hours we will be in session, this room will be filled again. But it is so very important that we all do our job to protect that flag so that when your children serve here and our children down the road, that they look up to that flag as a symbol of strength and the values of this country for years to come.

If I may, if our friend from California would yield, because of his background at the White House as one of the counsels to one of the greatest Presidents in the history of this country, Ronald Reagan: Many times in the past weeks since this decision has come down, many of my constituents who are not lawyers, I am not one and most are not, they say to me, "We don't understand it. It was always the law of the land that you couldn't defile the flag. What happened? Are all the laws thrown out?" That is the question asked of me time and time again.

Maybe the gentleman can elaborate and clarify it for my constituents and his, and for all the Members of this Chamber, exactly what has happened.

Mr. COX. Well, that is a very good question, and the answer is as difficult to give as it was for the nine Justices of the Supreme Court to agree upon themselves. They split 5 to 4. They asked the same questions, really, only in much more complicated lawyer-like, justice-like fashion.

What happened is that decisions of the Court concerning symbolic speech were pushed just a little bit further and, I think, to the commonsense viewpoint of most Americans, pushed just that little bit too far where no longer did the original logic hold true. The gentleman mentioned that we have within us, within our system the power to amend the Constitution and that makes the people supreme, our colleague from New York made this point just a few minutes ago. And I think that is another silver lining, if you will, to this decision.

Article 5 of the Constitution is just as surely an essential part as Article 1 which creates this Congress, as any other part of the Constitution.

□ 0620

Article V is the amendment article. In the view of some, and certainly the view of Thomas Jefferson, who wanted to see the Constitution as an organic thing that the people had control of, we do not use article V often enough. Today the Wall Street Journal ran an editorial and said all of this Flag stuff is fine, and you can blow a lot of hot air, but we have real problems. We have a budget deficit running out of control. If we are going to amend the Constitution, for God's sake, why do we not have a balanced budget?

I think this exercise is getting all the State legislators involved and the President of the United States and this Congress in using article V and hopefully adopting in relatively rapid fashion within a year will prove that the Constitution is a living document that we can amend. Article V is real, and as a result we might get a balanced budget amendment, we might get some of the amendments we need in order to make some sense out of our sometimes chaotic system here in Washington.

With all due apologies for the lawyer-like meanderings of each of our wise Justices of the Supreme Court, there is some good in this decision, and on the eve of the Fourth of July, I think it is terrific we have the greatest constitutional mind in America kick off a debate that will go on across the dinner tables at home across America the Fourth of July weekend.

Mr. WALSH. Mr. Speaker, I yield to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. The comments by our mutual friend and gentleman from California are very interesting and call for a great deal of introspection, and cause me to think back to the building of the strength of our Nation, which is on the backs of the people and hearts and the soul and the loyalties of the people. I am particularly impressed, today standing here, by going through some of the Flag material I had in my office, and I wanted to read this and share this with my friend on the floor and with our country. It is a simple piece entitled "I Am Your Flag," written by James R. Howerton. Now, James Howerton is from Pendleton, OH, and was police chief for that community of about 55,000 to 60,000 people for a couple of decades. Jim, about 12 years ago, on "I Am a Loyal American Day," now "All American Day," July 1 through July 4, he wrote a tribute to the flag, and I thought it would be interesting to share this with Members, written by a man serving in World War II and now passed away, a good friend of mine, and a friend of everybody's. It says, "I am your Flag:

I have never transgressed upon foreign soil, except to defend the dignity of man
I have never flown over concentration camps, except when they were free
I have never flown over a grave except in humble thankfulness
I have left my shores with your men eager for battle and returned saddened by death
I have fallen in battle—been grabbed up by eager hands and carried on
I have gone into battle with young boys and returned with battle-hardened men
I have draped the caskets of a million fallen warriors—been folded gently and handed to a weeping mother
I have been carried in victory; but never in defeat
I have looked down upon kings and all the great men of my time
I have been burned, cursed, and spat upon
Yes, you may be disgraced; but I have lived in so much glory that I can never be disgraced.
I belong to no one and yet I belong to everyone.
For I am a symbol of your heritage of freedom.
And so I shall be as long as there is an America.

I think all of the legal speak notwithstanding, that there is no greater tribute to a nation than just one ordinary American citizen who cared to call upon to fight for his country, did so, and came back, cared enough to write to me one of the nicest tributes,

meaningful tributes to the symbol of our country I have ever heard. I think it is fitting at this moment that we realize what we are here for all night. To me, it is for the purpose of expressing to people of the United States that we do care, and that their flag which this generation loves and cares so much about will not be torn asunder by a wrong verdict, nine very well-meaning people, but a mistake. I think it is important to realize we are here for the people of the United States who overwhelmingly care about the respect that the average citizen around the world should show to a flag that stands for so much freedom and so much sacrifice and so much opportunity.

Mr. WALSH. Mr. Speaker, I thank the gentleman for his comments. It has been noted that the flag hangs over in the center of our body. Indeed, it hangs, it flies in the center of every American city and county of any size, and all the county squares and town halls throughout the country. That flag is the centerpiece. We all know it. We all love it from the youngest to the oldest citizen of this country, even know what it stands for.

I was reminded of that as I came, and of our own "Star Spangled Banner," as I walked down to the Capitol grounds this morning, I looked up at that light that sits at the top of the rotunda of the Capitol, and that light is always on when Congress is in session, and as I looked at that light, and I looked at the flag flying next to it, I was reminded of the words of the "Star Spangled Banner" that said, "Bombs bursting in air," and our flag stood amidst the battle of that great War of 1812, and the light that shines above the Capitol tonight as the day grows brighter, that light does not diminish, and the effort that was begun at the end of the day yesterday goes through the night and begins a new day today.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me once again. I had to get up one more time. We have been up here talking about this flag, this piece of cloth, and what it means to so many Members, the Members here, some being veterans, some not being veterans, all being great freedom lovers and lovers of the flag, trying to express what it really means to me.

I was walking along, coming back onto the floor and passed by George Russell, one of the recording clerks here, and I wanted to also thank again, as we have all night, the employees of the House, the clerks that are always staying up here, and George said something about, this is one of the all-nighters, and there have only been three that we know of, that he really enjoys being part of because of what the flag means to him. I said to George that when Americans see the burning of their flag, and we have all talked about it being symbols, but maybe it is a symbol, more importantly, Americans see themselves being burned. I think that says it probably better than any that have said it tonight. We see ourselves being defiled. We see ourselves being desecrated, because we see everything that we believe in being burned and defiled and desecrated, and it goes against the very grain of what America is.

I appreciate the gentleman for taking this time and being up all night to participate in this all-night special order.

Mr. WALSH. Mr. Speaker, I thank the gentleman from Texas. This is certainly an honor and a privilege for me to take part in a small way in this special order. It is truly a privilege, and as a Member of this body, I consider it one of my highest privileges yet as a Member of Congress. We all treasure our experiences here, and this is one that I will treasure, for many, many years to come.

As a candidate for this office, I came to Washington and met with the gentleman that I replaced here, Congressman Wortley, several times, and one of those times was a very, very hot July day, and as we came into the Capitol, we met with him, and we immediately left and drove up to Arlington National Cemetery where a former prisoner of war, MIA, was being laid to rest. I will never forget that day as long as I live. I had never been to Arlington before, and standing there with Congressman Wortley, and following as we did the caisson, with the riderless horse, and the full military honor guard, was a stirring experience for me.

□ 0630

That man's heritage stood next to his grave, his wife, his children, and his children's children, and the flag that was draped over that casket went with him to his grave. The children, his wife, and his brother were so proud, so proud of that man, so proud of his contribution to this country. Those sorts of feelings go deep, very deep, in all of us, and that is what the flag is all about in this country.

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

Mr. WALSH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I think the gentleman makes an excellent point. The gentleman from Texas just a few minutes ago pointed out that the American people certainly feel that the flag is the embodiment of all that we hold most dear as a nation. It is a great unifying force for this Nation.

Just to build off the point the gentleman just made, there are a couple of things from history that we ought to reflect on, because I think they say precisely what the American people feel about the flag.

Woodrow Wilson back in 1915 said:

> The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under that flag.

In other words, everything we are and everything we want to be is embodied in the flag.

Henry Ward Beecher also made a point about the flag. He said this:

> A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth.

That is emblematic of the rest of the world, but in the American democracy the flag is even more important than it is in other nations because we have few unifying symbols in a democracy. We have no kings, we have no things that unify us in the way of personalities. We have a flag, and it has become extremely important to the American people to have that unifying symbol. That has been true throughout our history.

It seems to me that when we hear the great revulsion of the American people, with all of us experiencing contacts, and receiving hundreds of letters in our offices, when we hear the American people speak out, with 71 percent of them believing that a constitutional amendment should be passed, what they are really saying is that which really unifies us as a nation needs to be protected, and that somehow we have gone badly astray here when we think we can destroy our unifying symbols and not have it make a great impact on the Nation as a whole.

I think that is what we are hearing here. I think that is what we have spent the night trying to remind ourselves of and remind the nation of, that indeed what has been done here has to be corrected. It is clear that a constitutional amendment is going to be necessary to correct the damage that has been done by the Court's decision.

I certainly appreciate the efforts of the gentleman and the rest of our colleagues who have come in and spent the night to help focus the attention of the Congress and to help focus the attention of the Nation on that which is most important to us as a democracy, and that is the flag which unifies us and makes the American people one and whole.

Mr. WALSH. Mr. Speaker, the gentleman's remarks are absolutely right on, and I think it is worthy of noting that we have throughout the night and into the morning had the Representatives of the House, we represent-

atives of the people, representing people from every State, from sea to shining sea, across the country—Ohio, California, Pennsylvania, Texas, and New York. The people of the United States are speaking, and their representatives are addressing this very, very timely and important issue.

The gentleman from California [Mr. DREIER] said again and again that this is a unique opportunity for this Nation. It has made us face an issue that the Supreme Court has put before us. Is this freedom of speech? We think not. Freedom of speech is the spoken word. The flag is central to the focus certainly of this body, as we can see at the front of this Hall, and central to the focus of this Nation. In every State, every city, and every town, the flag is at the center, and this flag has inspired Presidents and poets and individual citizens to put to words and phrases some thoughts that inspire us as perhaps only our flag can inspire.

If I may, I would like to read a statement given by our great President, President Reagan, 6 years ago, on July 3d, regarding our flag. The President said this about the flag:

I am whatever you make me, nothing more.
I am your belief in yourself, your dream of what a people may become
I am a day's work of the weakest man and the largest dream of the most daring.
I am the clutch of an idea and the reasoned purpose of resolution.
I am no more than you believe me to be, and I and all that you believe I can be.
I am whatever you make me, nothing more.

The flag has stirred us in word and deed throughout our entire 200 years of history.

Mr. Chairman, if the gentleman wishes me to yield at this time, I would yield to the gentleman from California [Mr. DORNAN], who, if my memory serves me, began this special order tribute many, many hours ago.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding.

To keep the chronology straight, may I ask the Chair how much time is left on this special order?

The SPEAKER pro tempore (Mr. BROWDER). The gentleman from New York [Mr. WALSH] has about 10 minutes remaining.

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

A FURTHER TRIBUTE TO THE AMERICAN FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, it is presently in the early morning, about 6:30 on the east coast, and in California it is 3:30, so that would make it 1:30 in Hawaii, our newest State. And across the international date line, this day is just ending in the United States' territory of Guam. That is where America's day begins, at daybreak. When "Old Glory" goes up in Guam, the day begins for America.

This is the day, as they used to say on the television shows, and through the mouth of Walter Cronkite, a day like any other day that illuminates our times.

I believe we started off on a wonderful bipartisan note here last night with special orders by some Members of the Democratic majority, including CHARLIE WILSON of Texas, an Annapolis graduate. In his special order there were stirring words about the flag.

I had not known that CBS last night, starting with Dan Rather, throwing the ball to Lesley Stahl, completely misinterpreted what we were doing here and actually put out some disinformation and said that a partisan fight was developing here in Congress, and that our friends and colleagues across the aisle were worried that somehow the Republican Party, the party that has taken the White House four out of the last five elections, was running away with the flag and making it a partisan issue. What a lot of baloney that is.

We will be glad to yield any Member of the majority in the U.S. House of Representatives. I do not know of one Member who has participated in special orders all night long in this vigil of respect to "Old Glory" who is doing it for any partisan advantage or who is not willing to welcome any American aboard, anyone of any political persuasion, to pay honor to our national symbol.

The phones have been ringing all night long in the Cloakroom. The rules of the House say we must direct all remarks through the Speaker to our fellow colleagues. If anybody is following the proceedings of the House, they are doing it by visiting with us, they are in the very few seats that are in the gallery, or they are doing it through national technical means, that is, television, watching in congressional offices, staff or Members themselves, or anybody else across the country. They are watching where I watch the floor proceedings in the House, and even in the Foreign Ministry at Moscow. I walked in the Foreign Ministry last August with my 28-year-old son, I opened the door of the conference room, and good heavens above, there were Russian Communists watching "Money Line" on CNN.

□ 0640

They were waiting to turn on the proceedings of the House floor, and I stood there, and I said, "Moneyline? Why that comes ahead of Crossfire. If they run one of my old tapes, you'll be watching that on Crossfire while I sit in Moscow itself," and they smiled and said; this was Gorbachev's main translator, Victor, who was on his way to a high assignment in the United Nations. He said, "Oh, Congressman, we watch you all the time, but only on serious matters." He said, "We have cable television here in the Foreign Ministry of the Soviet Union and your own embassy. Not even at the ambassador's home can you get American television. This was a gift from Ted Turner during the Good Will Games."

So, Mr. Speaker for all I know they are in Moscow at this very moment. Let's see, in Moscow, why it is the shank of the morning. It is coming up on 1 o'clock, 2 o'clock in the afternoon in Moscow.

So, to our friends in the Foreign Ministry in Moscow I say, "As you look across the city, at the American embassy and see Old Glory flying over the center of communism, know that this is a bipartisan vigil paying respect to 'Old Glory'."

I have had a love affair with the American flag my whole life, and I do not know where it began, but, as other Members said last night, DAVID O'BRIEN MARTIN who said, maybe it was his mother, maybe it was his father. I know my mother was born in Jersey City. Her first home was on Hamilton Street, and one can look down the street, and there is the Statue of Liberty looming so large that it makes one realize how close to the Jersey coast Bedloe's Island, renamed Liberty Island, is.

My mother dropped out of school at an early age because her father was ill. She went back into the convent and then came back to join the Zigfield Follies with her younger sister to help feed the family. She met a stagedoor Johnnie; he was a young businessman back from World War I. My father received three wound chevrons; that is what they called Purple Hearts in World War I, and he had carried a little tiny American flag next to the Cross of Jesus with him all through combat in World War I. I still have the cross. I still have the cross; we have lost the flag, but I can remember all during my youth that an American flag flew over the small desk next to my bed.

My first automobile, I put an American flag on the back next to the license plate. My second car was an MG. Most people in those days, when they wear the little sportscar hat, they put two British cloisonne flags on either side of their MG. I put two little American flags on my car as I had two American flags on the side of my red, white, and blue bicentennial van that was stolen a few years ago and at this moment is still running, illegal people desiring to be American, or at least work here back and forth through the

district of the gentleman from California [Mr. HUNTER] probably at this very moment.

Ford Broncos that I own, there are American flags on either side of the Bronco. Do my colleagues know where those flags come from?

The very first check I ever wrote in a campaign was my bicentennial campaign for Congress in 1976. People said I was crazy to spend so much for bumper stickers, but they were vinyl bumper stickers, the ones that last for years and years, and I lifted the idea from a great U.S. Senator, Jim Buckley. My bumper sticker began with an American flag, and I used to tell people, "If you're taking a bumper sticker to be courteous, go ahead and cut off my humble name, but save that flag because they sell for a dollar fifty, but you're getting it for free," and some people took that idea. I used to see my American flags on cars, but not my bumper sticker.

I have taken a leaf from the Presidency of the United States. When the flag flies directly over the White House, it means the President is in residency, and, when I am home in my home in Gardena Grove, CA, my wife puts out the American flag. It stays lighted all through the night, and it means the Congressman is in residency. When the house was shot up in some sort of a lover's quarrel across the street, my wife said, "Are you sure they meant to shoot up the house across the street? Our flag was out showing you were in residency."

I said on the floor last night to three American Marines, "You are never a former Marine. You're a Marine all your life," that would they ever pass a flag being burned on the street without having to get directly involved, and of course the question begged the answer. All three of them said of course not, and that is one of the things I find offensive about this decision is that it puts people into the position of having to take direct action against something that is now legal, and that is an offense to decency in this country.

Mr. Speaker, we got our first negative call in the cloakroom about 20 minutes ago, and let me also join my colleagues in thanking the staff here. I say to them, "You people look marvelous, a little better than we do, but I know that you don't look forward to working here all night long or even going late with special orders, but you're always good spirited about it. Even if you don't totally believe it, you always compliment us for our special hours," and I think that the unsung heroes of the House of Representatives and the U.S. Senate are our great staffs who work so hard, and that includes our police officers. That includes our great Capitol Hill Police force who occasionally don their Sunday best to mingle with the crowds in the gallery and observe their Congressmen at closer quarters than just stopping traffic in the streets and saying, "One more for the procrastinators as we weight into a late debate."

Here was one of the first calls we got last night. I know they are asleep, and I feel badly, so I will send them the RECORD.

A proud mother called, an angel she is, Angela Devito. She wanted to talk to the Speaker of the House. I believe that politics is not as important to these people as respecting the flag. This mother wanted to tell a story about her son. Kenneth Louis Devito, named after his dad, Kenneth Joseph Devito. They live in Peekskill, NY. This young 13-year-old American lad heard over the radio that it was legal to burn the American flag, and he was shocked, and he went to his mother and said, "Mom, I'm going to do something about this."

She said, "Sure you are, Ken. What are you going to do to change the Supreme Court?"

He said, "I'm going to help get a law passed to turn this around."

She said, "All right, Ken, see what you can do."

That day he visited people on the city council. He then went to see the mayor of Peekskill, Richard Jackson, who let him speak to the town council. The idea came up for a poster contest which the town is sponsoring.

Mr. Speaker, he has been unflagging over the last week in his devotion by going around talking to every person he could at this school. He is a freshman in high school at Franciscan High. He is in the ninth grade.

He called his Congressman and spoke personally on the phone to the gentleman from New York [Mr. FISH].

His mother made him a T-shirt that says, "Help Kenneth save the flag," and Kenneth Louis Devito told his mother the other day that he thinks someday he would like to sit on that town council, and then run for the mayor's job in Peekskill, NY, and then go to the assembly, as did one of our speakers here this morning from the State of New York, and then he wants to come to Congress.

Mr. Speaker, I think Kenneth Louis Devito is off to a great start, and one of these days that young man will probably sit in this Chamber and put his right hand over his heart and pledge to that beautiful flag that is displayed behind our Speaker and look back to when he was 13 years of age. The spirit of public service got to him because he heard those unbelievable words that it was a constitutional right to burn Old Glory.

There was some talks in the Cloakroom a few days ago about a poem on Barbara Fritchie that we all remember from school. As with most of the poetry that I was asked to remember in school, that came because either I was being prejudiced against because I had bright red hair and it stood out in class, so I was always nailed or I was shooting off my mouth, and the nuns were giving me a punishment, but I remember this one, and I went to our great staff over there at the Library of Congress and found out that two or three Members were doing the exact same thing at the moment, and we got the poem delivered to us, "Barbara Fritchie," by John Greenleaf Whittier. I went downstairs to look up the years of birth and death for John Greenleaf Whittier to try and figure out the date of the poem, and I see that he died the year my father was born, 1892. He lived a long life, as artist, and poets and sculptors sometimes do because of their tranquil pursuits, and he lived to be 85 years of age. He probably wrote this shortly after the Civil War.

□ 0650

It is based on some fact, the story of Robert E. Lee's invasion, the people would have called it in the North, in one of the border States in Maryland, the town of Frederick.

I would like to recall my early years at De La Salle Grammar School on the Island of Manhattan when I first encountered this poem and read it for you, through my sleepy voice on this early June 29.

Barbara Fritchie, by John Greenleaf Whittier:

BARBARA FRITCHIE

Up from the meadows rich with corn,
Clear in the cool September morn,

The clustered spires of Frederick stand
Green-walled by the hills of Maryland.

Round about them orchards sweep,
Apple and peach tree fruited deep,

Fair as the garden of the Lord
To the eyes of the famished rebel horde,

On that pleasant morn of the early fall
When Lee marched over the mountain-wall;

Over the mountains winding down,
Horse and foot, into Frederick town.

Forty flags with their silver stars,
Forty flags with their crimson bars,

Flapped in the morning wind; the sun
Of noon looked down and saw not one.

Up rose old Barbara Fritchie then,
Bowed with her fourscore years and tens;

Bravest of all in Frederick town,
She took up the flag the men hauled down;

In her attic window the staff she set,
To show that one heart was loyal yet.

Up the street came the rebel tread,
Stonewall Jackson riding ahead.

Under his slouched hat left and right
He glanced; the old flag met his sight.

"Halt!"—the dust-brown ranks stood fast.
"Fire!"—out blazed the rifle-blast.

It shivered the window, pane and sash;
It rent the banner with seam and gash.

Quick, as it fell, from the broken staff
Dame Barbara snatched the silken scarf.

She leaned far out on the window-sill,
And shook it forth with a royal will.

"Shoot, if you must, this old gray head,
But spare your country's flag," she said.

A shade of sadness, a blush of shame,
Over the face of the leader came;
The nobler nature within him stirred
To life at that woman's deed and word;
"Who touches a hair of yon gray head
Dies like a dog! March on!" he said.
All day long through Frederick street
Sounded the tread of marching feet:
All day long that free flag tossed
Over the heads of the rebel host.
Ever its torn folds rose and fell
On the loyal winds that loved it well;
And through the hill-gaps sunset light
Shone over it with a warm good-night.
Barbara Fritchie's work is o'er,
And the Rebel rides on his raids no more.
Honor to her! and let a tear
Fall, for her sake, on Stonewall's bier.
Over Barbara Fritchie's grave,
Flag of Freedom and Union, wave!
Peace and order and beauty draw
Round thy symbol of light and law;
And ever the stars above look down
On thy stars below in Frederick town!
—*John Greenleaf Whittier.*

Well, when schoolgirls and schoolboys, if they still study that poem following the Civil War, learn about Stonewall Jackson, one of the greatest heroes to the South during the Civil War, West Point graduate if he had lived, not been killed accidentally by one of his own young southern sentries, would have been the greatest general of the war on either side, wherever he chose to fight. It is a nice mixing of the agony of that conflict that put brother against brother to honor both Barbara Fritchie of Maryland and the great southern Gen. Stonewall Jackson.

Another poem followed this one in the book. They Xeroxed it in the Library of Congress for me. It is one that I remember just as well and it is cut in the middle of the poem, so maybe in a 1-minute at the beginning of our day after the Library of Congress has been opened for an hour, I will get the second half of this poem and recite this one, because I love this, and I remember it well, "The Flag Goes By."

This will stir some memories of school days. It is by Henry Holcom Bennett. I am not that familiar with Mr. Bennett.

How many remember this one, when America was still enjoying the great hat industry. Most males wore hats. I remember that. My dad must have owned 50 hats. This poem really meant something. The flag did not pass where an American male did not take his hat off and hold his hat over his heart. Now I am sometimes saddened at great American sports events where you see some of the younger men and women standing there, not knowing what to do with their hands. They look around and see that some people have their hands on their hearts. They see this look on their faces. "I wonder why they are doing that?"

It is just such a simple little gesture. It is actually the civilian salute. If you are in military uniform, you come to attention. Your left hand thumb goes along the seam of your trousers. You bring your heels together, toes at a 45-degree angle, and you salute smartly as straight as you can make your arm and hand, but if you are a civilian the salute to the flag is to put it over your heart.

When BOB MICHEL, combat veteran of World War II, opened up our vigil last night on our side of the aisle, he recalled the respect with which the flag is handled at funerals. I have been over to Arlington more times than I choose to for American heroes that I did not know, and for too many that I did know personally, the last time being just a few weeks ago when a friend that I came to know on my television show, after he had escaped with God's good luck from 5 years of Communist captivity, Col. Nicholas Rowe, one of our early Green Berets, just beloved because he commanded the John F. Kennedy Special Forces Center they have in Georgia.

I watched again how beautifully our third army regiment, the Old Guard from Fort Meyers out there in those beautiful hills at Arlington Cemetery, how slowly and beautifully they fold the flag with their white gloves, smoothing out each seam and then coming to incredible precision attention, turning it and giving it to the commanding officer of the honor guard and then he would gently go over and present the flag, in this case to Nick Rowe's wife, with his daughter sitting there and all of them shedding tears, and how the mother and the commander of the honor guard would for a moment both hold Old Glory. The commander always traditionally whispers something of how the fallen hero will be missed, the great sacrifice he made for his country. It is a moving sight.

I watched it when two of my friends that had flown with me in the Air Force in peacetime, who later gave their lives in Vietnam, were buried. I went over there for the burial of the remains that came back from Hanoi, 15, 20 years later, with wives that I had come to know and work with during the POW/missing in action struggle over the years.

I remember being in this well once talking about an American who went back to Saigon to get friends out, Tucker Grooverman. He served in the Marine Corps, worked in the CIA.

One gentleman tragically took the well on the other side and indicated he deserved to die because he had gone back to Vietnam when he should not have, that he had been in a covert program or something.

Tucker Grooverman could be heard screaming as he was being tortured in one of the Saigon Communist prisons shortly after Saigon was overrun by the Communists on April 30, 1975.

I went to Tucker Grooverman's funeral.

I went to the funeral of a man who died in a helicopter watching Los Angeles freeway traffic, but who had been shot down in a U-2 over the Soviet Union in Sverdlovsk, May 1, 1960, Francis Gary Powers. He served his country well in the Air Force, was a farm boy from West Virginia.

□ 0700

I remember his sad funeral over there as they handed the flag to his wife. The reverence that we show this flag in times of national loss, I think I have found out that most of my colleagues who have passed on with their boots on serving in this Chamber by driving to work and noticing suddenly that the flags are at half mast around Washington, DC, and if I had been daydreaming that morning and driving in, turned the radio on, and learned that a great American like Claude Pepper, 88 years of age, passed on, still serving in the House.

I remember when young Bill Steiger died. He was only 40 years of age. He has already been here 12 years. He had just had the greatest glory of his carreer, the Steiger amendment, which has become law without even a House floor vote, because it was an idea whose time had come to cut the capital-gains tax. We were coming into caucus shortly after an election. The House was in recess, and the Republican Conference came back to meet in the Cannon Building, and there was the flag over the Cannon Building at half mast. Young Bill Steiger had died at such an early age.

When we bring that flag down to half mast and people all across the country honor a hero, how incongruous that we would assume that somebody who did not like that person or their politics could then go out on the street and burn flags in the street while other flags are flying at half mast.

The gentleman from Illinois [Mr. MICHEL] reminded me of ceremonies around here, and I thought of one that he and I were at for about the fifth time this year where in the rotunda they called for presenting the colors, and Old Glory comes in, and it is followed by the division flags of the 16 American divisions that liberated the concentration camps, the Nazi death camps, on the western front of the Second World War, six armored divisions, the Thunderbird Division, the Rainbow Division, which was formed out of National Guard units in World War I that my dad served in for a while that has that beautiful rainbow symbol. All of these flags passed slowly in front of the assembled crowd, some of them survivors, Jewish

survivors of the Nazi horror, other survivors of different faiths, and to see the respect paid to our colors in that rotunda chamber during a ceremony so fraught with deep agony because of the survivors that were there and the glory of the American kids that kicked in the gates under General Patton and other commanders to see this hell on Earth, display before them of these walking skeletons reaching out their hand at the vision of the Stars and Stripes flying.

I remember reading a story once about an American fighter pilot in a Mustang flying over a camp, and he was about to strafe it. He thought it was a German military camp. There the prisoners had created an American flag out in the courtyard, and it was July 4, 1944, and most of those prisoners probably went on to die, but somehow or other out of cans or cloth or pieces of wood they made an American flag out, so the Mustang pilot rocked his wings and proceeded to strafe the gun towers only, because he knew that was a prison camp.

I am going to ask tonight that every body who has tracked this vigil find a flag story, something in their family's past, something personal to them, something they read about that has stuck in their mind, some beautiful story about reverence to the American flag. Please, do not send it to me unless you are my constituent; send it to your Congressman and ask your Congressman or woman to came down in this well, both sides of the aisle, and during a 1-minute or short special order at the end of the day, and after all one does not have to ask for a 5-minute special order. A Member can get a 1- or 2-minute special order or 5 or 10 or 15 or 20 if it is a longer story. Ask your Member to relate that story on the floor of the House to share it with all America. I just hope people will send in as many flag stories as they possibly can.

I am happy to yield to the gentleman from New York [Mr. SOLOMON]

Mr. SOLOMON. I just want to thank the gentleman from California. He is one of the Members of this Congress I deeply admire and respect for what he believes in and for the way he goes about expressing it.

He has talked about the expression and the flag, and I am very troubled about what is going to happen in this country when we talk about the Supreme Court decision on the flag and the ramifications of that, because standing on the public corner in a public place in a neighborhood at 3 a.m. in the morning in a residential neighborhood, shouting obscenities; is that freedom of expression?

Mr. DORNAN of California. No.

Mr. SOLOMON. Standing in a theater and shouting "fire"; is that constitutionally protected? Is that a right under the Constitution, or is that inciting to riot and endangering human life? Is burning the American flag, desecrating the American flag, is that a constitutional right, or is that a slap in the face to every patriotic American citizen?

The truth is now it is a constitutional right, and something has got to be done about it. Why? The gentleman was with me as we mentioned before in Hanoi, and we talked about the hope of the people, and that hope being America symbolized by that American flag.

The entire world is looking at us today to see what we Americans are going to do about this Supreme Court decision. I hate to think what will happen to this great country of ours if we do not reinstate constitutionally the protection and honor of that flag, because if we do not, let me tell the gentleman that there are going to be innocent Americans, well-meaning Americans, patriotic Americans, who will end up in jail, who will end up maimed or injured, some old disabled American veteran who is going to be on the street when there is a mob out there desecrating the American flag, a mob of the Communist Youth Brigade that is desecrating our flag; what does this gentleman think is going to happen? What is that disabled American veteran going to do who served in World War II and perhaps is living out the remainder of his life and now he is going to jump into that fray? He is going to go to jail. We cannot allow that to happen. That is why this Congress in a bipartisan way, and I hope before, as the Sun has now risen, I hope before we finish that we can read off the names of all of those Members who have participated on both sides of the aisle, not like Dan Rather likes to stir things up and say it is a political fray brewing. We were Americans. We were Republicans and Democrats who stayed here all this night. We are into the ninth hour, I think, now, as I understand, since we adjourned the regular business. We have to act on this constitutional amendment. We have to do it immediately and put it out to the States to be ratified, because if we do not, that is what is going to happen to God-loving, well-meaning, loyal American citizens. We cannot let that happen.

I admire the gentleman and respect him for taking this part of the special order here tonight.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I am happy to yield to the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I just wanted to add a small comment in my own way.

The gentleman from California [Mr. DORNAN] has been most eloquent as usual in describing his feelings about the flag and to hear him when he participates in that deep emotion.

When the gentleman mentioned that Nick Rowe was a friend of his whose funeral the gentleman attended, my first association with Nick Rowe goes back to the first appearance in Congress when he escaped from Vietnam, and I had the privilege of serving here 22 years ago. We did a TV show together. Actually he did one for me. I did one with Nick Rowe. We did not do it together.

Mr. DORNAN of California. He came to Capitol Hill then?

Mr. DONALD E. "BUZ" LUKENS. Yes. And I saw Nick at home in my district in Ohio. I thought Nick Rowe was a genuine, great American hero, but in mentioning that marvelous person and the ultimate sacrifice he made for our country and his country, it reminded me of a story he told. I am not sure, but I think it was on camera here on Capitol Hill where we had the TV studio, and we went down and made the tape. He spoke about the efforts he and other POW's extended in making miniature American flags and how they made those miniature American flags because they represented freedom out of that captivity and the prison camps that the Viet Cong and actually the North Vietnamese Army maintained for Americans, and told how that symbol helped crystallize the love and the desire to be free and kept him sane and kept him really as far as he was concerned, he said, kept him motivated to escape after 4 years in captivity, and he still had the desire to get out of there.

He said that flag he hid on his person others could have been killed, and he could have been killed for just possessing of that flag, and how far we have come in this country, I think, in diluting, in deference to the Supreme Court, in diluting the meaningfulness and beauty and the purity of that symbol of freedom around the world. I just wanted to share that with the gentleman.

Mr. DORNAN of California. I just went off on one of my infamous tangents there after talking about "The Flag Goes By" by Henry Holcomb Bennett. It is a 32-line poem. It is beautiful. I only have the first 16 lines, so by way of a teaser, I will recite that and get the rest in a 1-minute the rest of the day:

THE FLAG GOES BY

(By Henry Holcomb Bennett)

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!
Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;

But more than the flag is passing by:
Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips;

□ 0710

I would like to tell a story. In September of 1968 I had an opportunity to go to Vietnam for the third of my eight trips during the course of our struggle which President Reagan called a noble struggle, and I still believe it was, to keep liberty alive in half of the war-torn nation of Vietnam, as 33,629 Americans gave their lives, and many are still in wheelchairs today, as the gentleman from New York [Mr. SOLOMON] said, to keep half of another Asian country free, the northern country being Korea.

Who knows if we had succeeded in Vietnam if I might not have a dealership in my hometown of Garden Grove for an automobile produced in Vietnam, as the Hyundai dealership for all of America is headquartered in Garden Grove, CA? Who can say with any certainty that the Olympics might not have taken place in Saigon City in the year 2000 or 2004 or 2008? Who would have believed on Heartbreak Ridge and in Korea on Pork Chop Hill where men were in hand-to-hand combat with Communist forces outnumbering them 2 to 1, who would have believed in the heroic Marine withdrawal at Chosen Reservoir in the freezing winter of 1950? Who would have believed that 38 years later after that deadly struggle at Chosen that the Olympics would be celebrated, setting a record for the number of nations to participate, that they would be celebrated just a few miles to the south in Seoul, Korea? Nobody. That was a noble cause in Vietnam.

I have been there twice since my 9th and 10th trip, and it is hard to believe that North Vietnam won the war, it is such a God-forsaken place. Only Managua on this planet, and that includes Haiti, and Ethiopia, and other poor countries who are struggling, Bangladesh, I have never visited any place that is as distressed as Managua, Nicaragua or Hanoi, Vietnam. They are literally on their back, and if they were not still brutal, oppressive regimes, American aid would be flowing there like it flows from our Treasury and with young people there to follow the money and dispense it with love and care, and by AID or volunteer groups, they would be the beneficiaries of America's success with free enterprise.

But on this trip to Vietnam in September of 1968 during and just after what was called mini-Tet, the major Tet offensive for the Communists being the Tet so-called religious holiday during which they attacked on January 30 through the first 2 weeks of February early that year in 1968, and that was the highest fatality period for Americans. I remember in one 10-day stretch, the first 10 days of Tet, 1,111 Americans were reported dead. But at the end of that year I came back and spent time in all four corp areas, and I was traveling with unusual company, Gary Crosby, Bing Crosby's older son who was asked to go to Vietnam. I had appeared for awhile as a copilot on a TV series called "12 O'Clock High," a tiny little moment in the sun there in Hollywood terms, and the two of us went on what the USO calls a hand-shaker tour.

The advantage of a hand-shaker tour over Bob Hope, for example, and a greater American never walked on the stage in this or any other country, Bob Hope tours played to thousands upon thousands of people, but for security reasons could not get right up in the frontlines where the fighting had taken place just maybe a few hours before, and in one case we were there mintues after a firefight. And Gary Crosby and I made it a policy to visit not only the men in the field, but to visit those hospitals and yes, visit the morgues.

I remember we traveled for 1 day and rode on some of the armored personnel carriers following the tanks of the 11th Infantry Regiment, Armored Cavalry Regiment, and it was commanded at that time by the son of Gen. George S. Patton, and we went into one of the hospitals in the Third Corps area near where the regimental headquarters was for the 11th Cavalry Regiment. And we were going through talking to the various troopers, and one of the heroic young American nurses came up and said, "Gary and Bob, would you please come over and talk to this trooper. He's been in the hospital about a week. He is the most terribly injured man I have ever taken care of here, and he heard that Gary Crosby was coming to visit the hospital, and he wants to talk to you."

I said, "Sure, let's go."

When we approached his bed, Gary pulled up short and his eyes filled with tears, and I looked at Gary, and then I looked at the bed, and I will describe this scene to my colleagues as accurately as I can.

This young man had been in one of the M-113's of the 11th Cavalry, and he had taken a direct hit from a Chinese-supplied rocket supplied to the Viet Cong forces in that area of Vietnam, and it had killed most of the young troopers in the APC. And this young trooper had lost both his legs, both his arms, one of them just above the wrist, the other one almost completely. He was lying on his stomach on the bed with his face over the top of the bed in a net so that his face was pointing down. His head was completely shaved, and I had never seen metal or stainless steel stitches before holding his skull together actually. It was a terrible wound on his head.

Gary went down on one knee and then realized that he could not talk, and he motioned to me to kneel down next to him, and he whispered through a choking voice, "I can't I can't speak to him. You talk to him."

So I knelt down, and I saw that this trooper was missing most of his face on one side, and was drooling freely from the wounds to his throat and his mouth into a bowl that was under his face, his face down in this net.

You always wonder what to say to a wounded man in a hospital bed, and it usually comes out something like, "How are you doing, trooper?" And he said, "Fine, Gary," assuming that he's talking to Gary Crosby. And he said "How you guys doing?" And I nodded, and I found that I could hardly speak myself.

Then he said the following words to me, calling me Gary, he said, "Gary, we have been getting magazines from America." It took him much longer to say this because it was painful and his voice was very gutteral because of his wounds. He said, "We have been getting magazines from the Democratic convention in Chicago last month, and I see that in America they are flying enemy flags in the parks in Chicago and that people are burning our flag." And I said, "Well, just a few weirdos and creeps do that, and most people respect what you are doing, trooper." And he said, "Gary, can you make me a promise?" And I said, "Yes." And he said, "Will you promise to never allow anyone to fly an enemy flag in front of you or to tear down our flag?"

□ 0720

And in Gary's name and for myself I told this young 11th Cavalry trooper that I would never ever watch an enemy flag fly in our country as long as the war was going on, and I kept that promise, and that I would never again and never have, that I would never watch the flag of our country disgraced. I am going to keep that promise to that 11th Cavalry Regiment trooper. And I expect most Members in this Chamber will intervene if they see the flag being burned.

As JERRY SOLOMON said a few moments ago, no American citizen should be put in the position of having to use force to defend the flag, and not have the force of law on his side.

Mr. Speaker, I yield to the distinguished colleague from the Committee on Armed Services, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. I thank the gentleman for yielding.

Mr. Speaker, I extend my congratulations for this ongoing effort for some of the very poignant stories that the gentleman has provided for us, someone who I think is probably one of the most experienced Members of Congress and who I think is one of the

most vocal supporters of not just our flag and what it means but our country and the greatness of our democracy around the world.

Perhaps later on we can relate one of the stories that I have heard so well. For instance, when the gentleman went into the hall of the great assembly in Moscow and shouted out as loud as he could in front of our American colleagues as well as some Soviet officials, the virtues of democracy and all the fine things our country stands for.

Mr. DORNAN of California. I knew it would be my one opportunity to speak to the Soviet Congress, even though there were only Americans in the chamber.

Mr. WELDON. The gentleman shouted out the ideals which the flag stands for around the world, and I commend him for that.

I also want to thank everyone who has participated in this special order and let the people of America who are now awakening into a new day know that this ongoing sentiment being expressed here in Washington really comes from the hearts of representatives from all over America. The gentleman is from California, I am from Pennsylvania. It crosses our great land. It crosses all ideological lines.

We have Members of both parties here, Members who represent rural areas and our urban areas. Each Member has related specific instances in their lives that have impacted them relative to the flag and what the flag means in terms of symbolism in relation to our great Nation.

It was a despicable act that occurred in Texas in relation to the flag, and I have had a tremendous outpouring of feelings from my constituents, not just my veterans but from all walks of life, from school children, from teachers, from professionals, and housewives.

Mr. Speaker, I want to relate, if I might, with the gentleman a few of the incidents that have touched my life and the meaning that the flag has had as I developed in my career and ultimately here in the Congress.

The flag has been a symbol of what America stands for. It really has been a bridge to our past and it will be a bridge to our future. It is the one symbol that we all can relate to.

In years gone by, past generations have been able to relate to the flag and to the symbolism in terms of what it means in terms of our democracy here in this country.

I will relate to you the experiences I had as a teacher in one of the poorer communities in southeastern Pennsylvania, directly adjacent to the city of Philadelphia. The young children I would deal with on a day-to-day basis, oftentimes would come to school without a decent meal, oftentimes would have family problems at home or only have one parent in the household; yet young children who had a reverence for the flag and for this country that you could see in their eyes.

As a teacher for 7 years in Darby Borough, oftentimes the community would rally around events that centered around the flag and the appropriate celebration of the flag. As a mayor in my home town, as a local official, the flag has been a rallying point for communities all across America. There is no better example of what America stands for than the typical Fourth of July parade, Memorial Day parade, or the Flag Day celebration.

I take great honor in representing a district that includes the borough of Yeadon in Pennsylvania. The borough of Yeadon is the founding home of Flag Day. The gentleman who started Flag Day, Mr. Thomas Kerr, his grandson taught school with me in Darby for 6 years and came up with the idea that we as a nation should have 1 day a year that we set aside to honor the flag and all that it means to our country and to all those people who had served under that flag in defense of freedom around the world.

Each year the borough of Yeadon has a major celebration that brings together people from all over the tristate area around Philadelphia. People come to celebrate the flag and what it means and to relate their personal stories that the flag has had a tremendous impact on their lives in one way or another.

I think that is typical of communities all over America, not just in the birthplace of Flag Day but in small town USA and in our larger cities. The flag has been a rallying point for people who want to talk about the freedoms and the ideals upon which our country is founded.

I relate to my experience as a Member of this body, prior to coming here, having the ability to travel around the world, being over in Europe and the Middle East and in the Persian Gulf area right after the U.S.S. *Stark* was attacked. But I think of two specific trips that I took that bring back special memories of the flag and what it means to other nations.

One was to Managua, Nicaragua, during a very difficult period a little over a year and a half ago. Arriving in Managua and traveling through the city, listening to different people talk about the very real problems they were experiencing, I was touched by some of the mothers of political prisoners, one of whom had a flag she had kept as kind of a personal symbol of what we have in this country, that she hoped one day her loved ones would have. That was simply the freedom to live their lives and the freedom that we oftentimes times take for granted here in America.

I think back to that very tender moment that we had in discussing the unbelievable situation that occurred with both her father and her brother as they were carted away by the Communists in Managua, and the fact that she had not heard from them for a period of 9 months.

I think of my trip to the Soviet Union, and having an advantage of being able to speak the language and understanding the culture of the Soviet Union. I have been to that country on two specific occasions.

One time I recall visiting in December 1984, spending 3 weeks in the Soviet Union. As most people do when they travel to the Soviet Union, they like to take little trinkets or gifts that they can leave with the citizens of that country.

In 1984 I was trying to establish a feeling among the Soviet people that I met that the American people deeply wanted to have better relations but that we had some problems with the way that their Government and the way the Communist Party in fact was persecuting people.

The one thing that I had taken with me on that trip that became almost like a piece of gold was a series of small American flags that I had. Every place I went in Moscow, Leningrad, Minsk, when I traveled down to the Soviet Republic of Georgia, which in recent times has been in a terrible state of turmoil, and visited with people and stayed in homes in Tublizi, Bitumi and Kobleti, the one thing that these families asked me for, and when they saw it they all wanted to have one for themselves to hang on their wall, was the American flag. They wanted the American flag because it was something that they could symbolically identify with our country. And these people that I met even in the Soviet Union, these average citizens, farmers, housewives and engineers, wanted to be able to relate to us. And they could do that through the symbolism of that flag.

I left about 45 flags throughout the Soviet Union on that visit. I still communicate with some of those individuals. As a matter of fact, just last year one of them had the fortune of being able to travel to the United States. And along with their travels they brought out this flag that they had carried from the Soviet Union as a symbol of wanting to have better relations with our country and also as a remembrance of the special time that we had had together during my visit to the Soviet Union.

I think of an experience that I try to take advantage of at least twice a year that I think every American should have the opportunity to participate in. That is a naturalization ceremony.

Before coming to Congress, I was the chairman of my county council in the

county that I represented of 600,000 people. It has a broad diversity of socioeconomic background.

As chairman of the county council, we developed a tradition of the naturalization ceremony that would really be fitting for those people who are renouncing their allegiance to the country of their birth and taking up allegiance to America.

If you ever want to get a feel for what America is all about and what the flag means, not just to us but to foreigners who want to become Americans, attend a local naturalization ceremony.

I have spoken at probably 8 or 10 of them in my own area, and I can relate to you that there is no more moving experience than to sit in a room with 120 or 150 individuals from all the nations of the world, from Great Britain, from South America and Central America, from the Far East, from Canada, and to listen to these very personal stories of what it means to be able to give up the allegiance to the country where they were born and to be able to become an American citizen.

□ 0730

The one symbol that we use repeatedly in that ceremony in that process is the American flag. On numerous occasions, as the flag is presented to those people who in fact are becoming American citizens, there are tears rolling down their eyes because of what it means to them to be able to say that they are now an American citizen and they will proudly uphold and defend not just our Constitution but will proudly take care of and honor that flag which represents in a symbolic way all that our country stands for.

Mr. DORNAN of California. If I may reclaim my time, I agree with the gentleman, this is the most moving ceremony we can participate in. This is Boy Scout ceremonies and going to one of the service academies to watch some of the young cadets that we have appointed in passing in review behind the colors.

Does the gentleman know where he will be this coming Fourth of July, in 6 more days?

Mr. WELDON. Mr. Speaker, in seven different parades in seven communities starting at 9 o'clock in the morning and ending probably at 7 o'clock at night.

Mr. DORNAN of California. Mr. Speaker, I bet one of the nighttime ceremonies at the conclusion of a fireworks display there will be burst of fireworks that displays the American flag, glowing in three different colors. Whenever that happens, is it your experience that the crowd comes up with a very special "oooh," "aaah" sigh when they see "Old Glory" there in fireworks? I think as moving as some of these ceremonies have been, the one that most got to me was one that I did not attend but watched on television as part of the bicentennial celebration, and they were the lucky foreigners about to become American citizens on the Fourth of July 1976. They began the third century of the country, the first day of the rest of their lives as American citizens. That was a beautiful ceremony that took place all across the United States.

Mr. WELDON. The gentleman is right, as July 4 approaches there will be hundreds and thousands of ceremonies at that time.

Let me relate another example I had with the Soviets. In 1986 I hosted a delegation of 14 Soviet political leaders in my district and in America. Having them in my district, I wanted to give them a feel for what America was like. I felt that in coming to Washington and New York, they go into lectures and there are debates and discussions. I wanted to give these political leaders, these dedicated hardcore Communists a feel for what we are like as a people, and to be able to try to get inside their heads, if you will, to let them be able to relate to Americans. The experience that I think gave that impression the best happened on a Friday evening in my district. We have a summer concert series, we bring in musical groups from around the country. This one particular night we had the U.S. Navy Band playing before 15,000 people in this outdoor amphitheater. We had the Soviets to a dinner, hosted by our local Lions Club at a local restaurant, and we were trying to explain the context of what Lionism means in America to the relationship to our service clubs, and how they do not have anything similar in the Soviet Union. We went to this concert almost in the middle of the program by the Navy Band. The Navy Band knew in advance that we were going to be bringing the Soviets in. The Soviets felt that everything we were doing up until that point in time had been kind of prearranged for them, that everything they were seeing was not really necessarily true, but a case that we were showing them the best of what our country and my own particular county had to offer.

As we walked them into that outdoor amphitheater with 15,000 people there, and sat them down, the Navy Band played a rendition from a Soviet musician, then they played the "Star Spangled Banner," and then finally, John Phillip Sousa's famous composition, ending with the fireworks. As the 15,000 people in that amphitheater began to sing the "Star Spangled Banner," there was an unbelievable electricity in the air that overwhelmed the Soviets. There were no words that had to be spoken to them about our country, about the flag, about the symbolism and about all these thousands of people from all walks of life, rich and poor, who stood there together, showing their pride in their country in the way that they sung that song.

Mr. DORNAN of California. Mr. Speaker, if the gentleman can hold his thoughts one second, he is on a roll. I want the gentleman to go into the next special order. I want to ask the Chair how much time I have left, and if he has recorded who is the next special order, because the gentleman from Arizona [Mr. KYL] is here, stayed up all night for our vigil, one of our great freshman Members, the gentleman from Florida [Mr. GOSS] is here, the gentleman from California [Mr. DREIER] wanted to be recognized for a minute for commenting.

The SPEAKER pro tempore [Mr. BROWDER]. The Chair is not certain.

Mr. DORNAN of California. Mr. Speaker, take Mr. KYL, and can Mr. KYL at the beginning recognize the gentleman from Pennsylvania [Mr. WELDON] to wrap up and I will take 30 seconds and give my last minute and a half to the gentleman from California [Mr. DREIER], who courageously unfurled the colors in a war museum in Hanoi as I kept a guard active, so we would not have to see the stars.

Let me say why I love this vigil, because I can still remember the thugs in Tehran carrying out the garbage in an American Flag, the formal flag from the Embassy lobby with the gold braid, they carried out the garbage. I was 9 years of age when the colors came down on Corregidor on the forces of Japan and took it down and making Skinny Wainwright witness it and put it on the ground and walk on it. When a boy is raised with parents who teach him to love the flag, he cannot stand this sight. I wish we had House rules that allowed the cameras to zoom in around here, look at this first Flag case. There is Old Glory in disgrace, upside down, other American battle flags, not because we lost the war in Vietnam, because we packed up and left our allies to the untender mercies of the Communists. I looked at this and I said to the gentleman from California [Mr. DREIER], "Oh, God, Dave, at a prayer, look at our flag upside down, because we walked off the battleground with total air-naval supremacy and never having lost an inch of ground for more than a few minutes." I said, "I cannot stand to see that." DAVE DREIER cased the joint, walked around the back side, says, "Keep the guards busy," I went to the front and double talked the guard pretending I knew he spoke English and was stonewalling him and pointed to the sky in an imaginary SR-71 flying over photographing. DAVE moved behind the case, grabbed the pole, and began to furl the colors until they were wrapped up tightly in the upper left-hand corner of our ensign where the beautiful stars representing each

State are displayed were hidden beneath the red which symbolizes the blood of every American fighting man who died in Vietnam, 58,156. Some may still be alive, missing in action, and the white for the purity of our country, that was all that was left. We did not have to see the full colors. The blue for faith. Thank you, DAVID, a courageous act. If they took you prisoner, believe me, JERRY SOLOMON and I would be on the floor making special orders every day until Congressman DREIER was released from Hanoi.

On that note, I close with a promise, the gentleman from New York [Mr. SOLOMON], more than anyone on either side has faithfully worn an American Flag on his lapel since the gentleman first came here. Today I raise my right hand and pledge that I will secure one of these flags today. I will wear it on the Phil Donohue Show tomorrow, and I will wear an American Flag at least regularly until the Court decision is overturned. Let us, all of us on the floor at this moment, people give us this things, let us collect as many flags as we can and start wearing them, even in place of our badge, our congressional badges. Our faces are known to the guards because they sit in our galleries to protect us. Let us start wearing those flags at least until this is overturned.

PATRIOTISM FOR THE FLAG

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

Mr. KYL. Mr. Speaker, I would like to begin by yielding to my colleague, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I will finish up the comments I have. Once again, I want to congratulate and commend my good friend and colleague, the gentleman from California [Mr. DORNAN] for an outstanding job.

Another incident involving the flag I think all Members can relate to is the very touching time when a flag is used to drape the coffin of a deceased hero. As a Member of Congress for 3 years, one of the most difficult tasks I had was to accompany the family, the relatives, the two young children of sailor Tom McMillan on board the U.S.S. *Stark* when she was attacked. I had to try to explain to their two young children what it meant to lose their dad in defense of our Nation and freedom over in the Persian Gulf. Anyone who says they have the right to desecrate the flag when it symbolically represents things like what Tom McMillan had done for the country and the sacrifice he made in giving up his life, I cannot agree with.

□ 0740

I think that hits at the very soul of what America is all about. But I think the thing the flag really symbolizes is that it represents the hope that everyone has for a better life because they live in this free America.

I think of my experiences in my hometown, a town that suffered at the hands of a national motorcycle gang, the Pagans, a town that in the mid-1970's had a tremendous problem. People had lost pride in themselves, but the one thing people never lost sight of was the fact that this is America and they had a chance to change their quality of life, and that under this flag and this democracy they can change the situation they are experiencing. That flag gave the people of my hometown hope, and even during my most depressing years, when we had murders and robberies and economic stagnation, people still had hope, and twice a year we still had those massive celebrations of pride in our Nation and pride in our community, and symbolically that was represented by a proud display of the flag in front of everyone's home.

Today that community has turned itself around, because they believe in what our country is all about—being able to change and deal with some of the problems we have locally, as well as nationally.

As a person who grew up in a large family, the youngest of nine children in a rather poor community, with neither parent having the ability to go through high school because of their own family pressures, the one thing we were taught is that in this great land you have a responsiblity to put back, and you also have a responsibility to protect those symbols that represent freedom and democracy, one of which is the flag.

I can recall as a youngster growing up with my 6 brothers and 2 sisters that the one feeling we had above all else was that the flag was to be revered, and that it was an object that represented what America was all about. Each of my 6 brothers served in the military. I had a brother in the Navy during World War II, a brother in the Air Force during the Korean War, 2 brothers in the Army during the Vietnam conflict, one in the Coast Guard and one in the Marine Corps, a brother-in-law who was a retired Air Force lieutenant colonel, and it was a family that is steeped in the pride of this country. And the one symbol we have related to since the first memory I have as a youngster growing up is what the flag meant, not just to our Nation but what it meant to us as a family.

I think that is true of most families in America. The flag is really a symbol of what they have contended with, the problems and the struggles that America has gone through. For anyone as an individual to be able to think that they can desecrate this symbol, I think that has to be changed, and it has to be changed through legislation and, if necessary, through a constitutional amendment.

I would hope that all of us here today, in calling attention to this despicable incident that occurred and this terrible ruling that was put forth by the Supreme Court, will join in working to make real change.

Mr. Speaker, I know that my colleague, the gentleman from Arizona [Mr. KYL] is a true patriot in this body, and that he will be leading that fight. I thank him also for his leadership in this special order.

Mr. KYL. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WELDON] for his series of eloquent statements. I think it is interesting that we have a special order on the flag, when anyone even begins to talk about the flag, it brings out stories in all of us. We all, as Americans, have emotional stories to tell about the flag, personal experiences and things that we have witnessed.

And does that not say something to us? It evokes this feeling in us that is almost indescribable. It is hard to put in words, but it means so much to all of us.

Mr. Speaker, I know that the gentleman from Florida [Mr. GOSS] wanted to speak for a moment, and I am happy to yield to him.

Mr. GOSS. Mr. Speaker, I thank my esteemed colleague, the gentleman from Arizona [Mr. KYL], for the opportunity to speak.

Following up on this, when I was walking around this morning, I went outside to take a look. Some of the things we see around here we take for granted, there is just no question about that. Maybe we are guilty of being a little too complacent and too comfortable about some of the things we see everyday. We see the American flag here at the Capitol. This morning, walking around outside this magnificent building, I looked up and I saw the flag on the Russell Building standing up there in the silent dawn flapping in the breeze, and then I look over and saw the flag on this building and I looked over and saw the flag on our Rayburn Building standing out against the sky. It is a sight we all see, and I think it probably thrills us all, but in the rush of business perhaps we forget. I think that every American and probably every lover of democracy anywhere in the world has somewhere in their mind's eye some special recollection, some memory that stands out that pictures our great flag at some moment in their life that meant something. I was trying to recall just in the short time that the 101st Congress has been in session these past 6 months or so some spectacular things where the

flag has been an important part of the ceremony or such an important part of the event that it gave meaning to what we were doing and to what the event was about.

Sadly, I traveled to Norfolk to the Naval base with many of our colleagues for the very touching service there to commemorate the loss of life on the U.S.S. *Iowa*. The flag was an intricate, interwoven part of that ceremony. We could not help but have great pride in the Nation and great gratitude in our hearts for the people who are defending us out there under that flag, and even in those saddened moments, when accidents happen and we have disability and death on behalf of our country, somehow there is comfort in looking up and seeing the flag and knowing that the Nation goes on despite the great sacrifices that have been made.

Just a few weeks ago many of us were in Tallahassee, FL and Miami for the interment of Claude Pepper, our great colleague from this body, and for me I will never forget in my mind Claude's final scene, with the folding of the flag and the presentation of the flag to the family. It was an intensely touching moment. With us standing on that hilltop, with the thunderstorm in the background and the peal of thunder as the flag was handed to the family, it was just something that any of us who were there, I am sure, will never forget.

I remember the inauguration, and that was a happier moment. What an incredible ceremony that was, and what an important part of the ceremony it was to remind us of what democracy is about and what the flag is about.

I remember speaking on Memorial Day in my district at Memorial Cemetery and looking out across the great expanse and seeing all the little flags marking the gravesites and all the people there who had come to remember and how important the flag was to them.

Just recently I came back from Panama. That is a troubled nation, as we all know, at this time, and as I was going about my business down there and making my rounds, thinking that this may be a little uncomfortable, I came to a place where I looked up at the administration building of the canal, and there was "Old Glory" flying. That gave me the sense that there were friends nearby.

I think that any of us who have served overseas in one capacity or another or who have been involved in the well-being of our Nation feel very strongly. But I certainly feel that patriots and patriotism are what makes America great. It is the spirit of America. We may come up with the most logical decisions, but if those decisions do not have the spirit of America, they are not American decisions in my view.

I think what has happened is a terrible slap in the face to us and to our veterans and to all American citizens. I think it will be misunderstood despite the logic of the court decision. I know it will never be accepted in my heart or in the hearts of most Americans. But I think that after anger comes sadness, and perhaps some of the thoughts I have had about this, thinking about these things through these hours and listening to the magnificent stories and the brilliant oratory of people like our colleague, the gentleman from California [Mr. DORNAN], and many others who have had so many more experiences and perhaps have been in such greater peril than some of us, are shown in our feelings, and my feeling is that our hat has got to be taken off, as the gentleman from California [Mr. DORNAN] said, for the flag, and we can stand for nothing less.

□ 0750

Mr. Speaker, I appreciate being given the opportunity to say that this morning. It really comes from the heart, and I know that all of us, I believe every Member of this body, has the same thought, whether we are all here to say it in one way or another, and that is a very good feeling, and that is certainly going to sustain me through the day despite that very poor decision.

Mr. KYL. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for his eloquent testimony as to the reason we are here today.

I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from Arizona [Mr. KYL] for yielding, and I would like to say that I feel slightly invigorated. I feel as if I have just gotten off the red eye from Los Angeles, which is often the case. I have an opportunity, like a number of my colleagues, to take a shower and shave, and I just did that. I walked home and did that, which I always do when I get off the red eye, but I come with the sense of reinvigoration, not because I feel like I got off the red eye, but because I really look at what we have been doing for the past 8 to 9 hours as really a celebration because we have been bemoaning the fact that this horrible Supreme Court decision was made, and while I do not agree with it, I do not think there is anyone here who agrees with the decision and thinks it was a right one, but I do know that the gentleman from Illinois [Mr. MICHEL] stood in the well several hours ago and underscored the fact that it is important for us to continue to maintain that great reverence, not just for "Old Glory," but for the judicial branch of our Government and for the institution of the Supreme Court.

So the reason I am saying, Mr. Speaker, that this is a celebration is that we have spent a longer period of time than certainly has ever been spent here talking about the American flag, and we are embarking here on an amendment to the U.S. Constitution.

Now we may not like exactly what brought about the fact that we are doing this, but, nevertheless, this is a celebration that we begin with this special order planned by our distinguished friend, the gentleman from California [Mr. HUNTER] and his able assistant, Mr. Phillips, and I hope very much that we can move forward, pass this with a two-thirds vote here in the House, send it to those 38 States and look forward to ratification. Once again those State legislatures, as 48 of them have in the past, passing laws to make it a crime to desecrate the flag, they are going to have an opportunity to pass this constitutional amendment, and I believe it is a great opportunity, and I just would like to make one other point that I have been making throughout.

Mr. Speaker, I am still standing here looking at the poster which at about 9 o'clock last night I was holding up during the debate on our amendment dealing with police training in El Salvador, and so many people have been talking about the fact that in the United States of America the American flag is so revered.

However, Mr. Speaker, I cannot help but think as I look at part of the cache of 283 Soviet-made AK-47's how they would very much love to be able to prevent us from having the opportunity to do that, so we still face some very serious challenges; one of them is directly to our South.

So, we have to be very vigilant as we deal with this issue, and the people throughout the world who are seeking freedom look to the stars and stripes as their real beacon of hope, and we have got to with this constitutional amendment continue to expand that. I am convinced that we are going to do that, Mr. Speaker.

I thank the gentleman from Arizona [Mr. KYL], my friend, very much for offering me the opportunity to participate during his time. I have been here all evening, and I have to say I hope that I am providing the representation that his son, who is a constituent of mine, is a student at Pomona College, would want.

Mr. KYL. Mr. Speaker, I appreciate the comments of the gentleman from California [Mr. DREIER] about the future, the youth of our country and about what we are here today doing. Mr. Speaker, I would like to reiterate and to remind our colleagues why we are doing this and why our colleague, the gentleman from California [Mr. HUNTER] suggested yesterday that it would be a good idea for us to have a

special order. It is not simply to vent our feelings and our emotions about the flag. We will certainly have a lot of opportunity to do that over the Fourth of July, and many of us do it every day in different ways.

But the purpose of this special order of course is to commence a process, to begin something, to start something new, as the gentleman from California [Mr. DREIER] just said, to begin the process of amending the Constitution of the United States of America, and there is something beautiful about that process, about the fact that we have the ability to do that in this country, to change things when they are not exactly the way we would like to see them, and I particularly would like to follow up on a point that my colleague, the gentleman from California [Mr. DREIER] made.

Mr. Speaker, I practiced law for 20 years, much of it constitutional law. I have appeared before the U.S. Supreme Court. I have the highest regard, not only for the Court as an institution, for a coequal branch of Government, but also for the individual members of the Court, the Justices on the Supreme Court. They are all highly motivated, patriotic, very erudite Americans, and the opinion that was rendered with respect to the American flag did not come easily to the members of that Court, those who were in the majority, in the very close 5 to 4 decision.

As a matter of fact, in a couple of the opinions the authors went to great pains to say that it pained them deeply to rule the way they ruled. They did not really want to rule the way that they ruled, and I think that is an important point, Mr. Speaker, for us, for our colleagues, to appreciate here.

Americans can have difference of opinion. We can disagree with the most fundamental things to Americans, and yet, unlike the Communists, unlike the Chinese, for example, who simply declare an end to a day of freedom and gather in around them the thugs and the forces, the military, that control thought and opinion in that country and stifle all further debate, say that the discussion has ended. We permit the discussion to go forward in a system of law because we live under law rather than under the rule of men, and it is the genius of our system created by our Founding Fathers that, when we believe the Constitution needs to be amended, we have the ability to do that. That is something which is unique to the people of this country and also specifically to the Members of our body, the legislative branch of our Government, and that is why, Mr. Speaker, we are having this special order, to commence the process of amending the Constitution.

I want to make a point here to my colleagues. We need to do this quickly because the American people want the Constitution to allow the flag to have a special place in our country, a place which will protect it from desecration. Our Supreme Court has now spoken in a very closely divided decision, has said we cannot rule that the Constitution prohibits the desecration of the flag, to which we are all saying, "All right then. We will make it possible to protect the flag by amending the Constitution, and we have it within our authority to do that."

So we, Mr. Speaker, will engage in the process of hearings, and I hope very quickly bring to the floor of this House an amendment to the U.S. Constitution which prohibits the desecration of the flag, and we will do that by enabling the States and the U.S. Congress to pass laws prohibiting the desecration of the flag. We will then turn that constitutional amendment over to the States, and I think all of us hope that in a matter of just a very few months that the requisite number of States, three-fourths of them, will have adopted this constitutional amendment so that it will become a part of our Constitution.

Then, Mr. Speaker, there is something else that I think would be appropriate for this body to do and for the Senate to do, and that is to pass a law implementing this constitutional provision, doing what the Constitution permits the U.S. Congress to do, to pass a law that relates to the jurisdiction of this Congress over the various Federal facilities and Federal land and other areas of Federal jurisdiction where it would be appropriate for a Federal law, as opposed to individual State laws, to make it a criminal offense to desecrate the flag, thus showing to all of the States what a model piece of legislation would be.

I hope, Mr. Speaker, that this could be done very quickly to demonstrate to the American people that we care because they are frustrated right now. They really want us to do something.

Let me just as a matter of parochial interest read to you something that came from my home State, the State of Arizona, from the State Department of Arizona, Department of Legionnaires, some 30,000 members strong who passed the following resolution very shortly after the Supreme Court's decision.

The State Department of Arizona, the American Legion, does strongly implore the Congress of the United States to immediately initiate the process for amending the Constitution in order to protect the flag of our country from desecration by irreverent persons.

Now that says it all, Mr. Speaker. Every State, groups from throughout this country, want us to act, and we know that we must act to amend the Constitution, and then, when that process is completed, we can pass a statute which makes it a criminal offense to desecrate our flag.

□ 0800

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

Mr. KYL. I am happy to yield to my great colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Well, Mr. Speaker, I say to my fine friend from Arizona that I thank him very much.

As has been mentioned, most of the states are participating. I would like to point out to the gentleman in the well that this is bipartisan. We certainly want to thank our colleagues on the other side of the aisle for helping to set up this all night special order about our great flag, the desecration and the burning of the flag, but I still want to make this point.

This is nonpartisan. We are all participating, Democrat, Republican, whatever you are.

I say 99 percent of the people of this country did not support what the Supreme Court did and that ruling should be overturned by an amendment, or by legislative action.

Mr. KYL. Mr. Speaker, I thank the gentleman for offering his comments.

As a matter of fact, I think the gentleman from the other party on which I sit was one of the very first speakers last night to rise in this special order and to make a special point of it.

Everybody in this body knows that when it comes to patriotism and standing up for the things that need to be done in this country to preserve that which our flag stands for, no one takes a better seat than the gentleman from Mississippi [Mr. MONTGOMERY], and everyone on this side of the aisle certainly respects that.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman.

Mr. KYL. Mr. Speaker, the gentleman from California [Mr. DORNAN] made the point when he spoke that this is a purely bipartisan effort. This is not a partisan matter. After all, Americans believe in this country and the flag is what symbolizes what we believe in. It knows no bounds in terms of religion or political party or geographical location, so it would be totally improper for anyone to believe that.

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

Mr. KYL. Certainly, I am happy to yield again to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, to follow up on that, as the gentleman knows, we have a congressional prayer breakfast this morning. I hope after the gentleman finishes his remarks that he will come down to the prayer breakfast.

Mr. KYL. I thank the gentleman for reminding me, Mr. Speaker, and as I leave this podium and turn it over to someone else, I would like to make the point that the Supreme Court has grappled with a lot of tough decisions over the years. One area it has had trouble with is this matter of religion and Government and the intertwining of the two. The Court naturally has wanted to try to prevent the Government from imposing a religion on the people and to permit the free exercise of religion, the two aspects of our religious clause in the Constitution, so it has tried to keep religion out of public life to the degree that it thinks it is important to do so, but I think all of us sometimes believe that the Court will sometimes wink at some of the precedents because it knows full well that the American people overwhelmingly believe in doing certain things. That includes, for example, speaking of God in this public institution, in this very Chamber, in this room.

The Supreme Court references God every day when it begins its deliberations, and as the gentleman from Mississippi said, we are about to leave, some of us, to engage in a breakfast in which we engage in prayer and we talk about things that are very important to all of us, God, our country. We do that in this very building.

I do not think that the Supreme Court or anyone in this building would believe that that is an improper use of a public institution.

It goes to show that there are some things that are so transcendent, that mean so much to all of us, that you can have all the words on paper you want to, but they do not detract from the fact that we want to do these things. We will do these things and nobody is going to take those rights away from us. That is what we are all about here, Mr. Speaker, insuring that in the future our Constitution will permit bodies all around this country to prohibit the desecration of that flag, which is the symbol of liberty and everything that the people in this country believe is so fervently.

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

Mr. KYL. I yield to the gentleman from Florida.

Mr. JAMES. Mr. Speaker, it is said that sometimes the darkest hour is before the dawn. Indeed, I think this may well be the case in this instance.

The Supreme Court in its decision has been in some media presentations applauded, I think wrongfully so, for their decision in upholding the first amendment.

We understand the academic arguments that make an analogy between an act and speech. I am sure our forefathers did not appreciate the nicety of that connection. In fact, burning the flag, as the dissenters pointed out in the opinion, had nothing to do with freedom of speech.

What is most alarming about this decision and concerns me the most is that the Supreme Court actually reversed itself, and this has not been written about or discussed.

Mr. KYL. Mr. Speaker, may I reclaim my time for just a moment so that I can turn the podium over to my colleague, the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, I yield back the balance of my time so that the gentleman from New York [Mr. SOLOMON] can begin his special order.

ORDER OF BUSINESS

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to have my special order taken out of order at the present time.

The SPEAKER pro tempore (Mr. BROWDER). Is there objection to the request of the gentleman from New York?

There was no objection.

THE WRONGFUL SUPREME COURT FLAG DECISION

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

Mr. SOLOMON. Mr. Speaker, in order not to interfere with the flow, I yield to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, I am concerned about the opinion that the Supreme Court has written, for the same identical reasons that have been expressed by all the Congressmen during the night.

I am concerned also for additional reasons, for academic and legal reasons and for reasons that relate specifically to the law and the rulings of the dissent.

The decision that was made is outrageous for all the reasons that have been stated, but it is outrageous as a matter of law also.

I am concerned, because whether the Supreme Court liked the rulings of the prior court, it was totally unnecessary to reach the decision they did as a matter of case law and their own court rulings.

Now, 80 years ago in Halter versus Nebraska, as was pointed out in the dissent, the court upheld the constitutionality of the Nebraska statute that forbad the use of representations of the American flag for advertising purposes upon articles of merchandise. That to some may not immediately alert them that that is a case in point. It clearly is. Burning of the flag is far more of an issue than using the flag in advertising, so it is case in point, as lawyers say.

So the court has ruled very clearly. You cannot desecrate the flag even to the extent of using it in advertising. That has been the law of the land for at least 80 years, and in fact it was the law of the land as understood by our forefathers and constitutional lawyers prior to that decision.

So while the court, a slim majority, felt that they had to further rule on that, is a great surprise to me, quite frankly. I suppose they are asserting their independence from the will of the people and that is a flexing of their muscle. I do not think that is a valid reason for a ruling, nor do I think it is acceptable to reverse a clear ruling of that very court, especially when you have to go through the contrived exercise of saying that an act is synonymous with speech.

Though there is some logic in the application of the major opinion, certainly it is not strong enough logic to overturn their own decision.

So it is amazing that this even occurred. However, as I said in the beginning at my presentation, it is darkest just before the dawn. They may well have done us a favor because now we will have a constitutional amendment, I am convinced of that, which will honor both freedom of speech and the flag. The exception will solidify the rule, meaning by that you will have a very specialized symbol mentioned specifically in the Constitution and because of that exception you will further establish the fact of freedom of speech, freedom of speech in very necessary and real causes and ways.

□ 0810

So good can come from bad, and the emotional feelings of the public, and so it will solidify that symbol, and I applaud the President of the United States and I applaud the Congressman. I am convinced that there will be a proper amendment in a very short period of time.

Mr. Speaker, I am further convinced that it will serve the purposes of our Constitution by having that amendment both in regard to the flag and the other rights that are so clearly expressed there.

Remember, this was not the entire Court. It was a slim majority, and the Court, thank goodness for our Constitution, does have the final word on our Constitution, but we have the final word as to what amendments go in that Constitution, "we" meaning the Congress and the people of these United States. So the process has worked, will and can work, and it only symbolizes what we are all about and what the flag is all about, and the process that will follow from this.

We may not be able to always balance our budget, but we can certainly, because of our Constitution and because of our system of checks and bal-

ances, be able to solve in a peaceful way these types of problems involving laws that the public wants changed. So it really purifies and justifies and explains the beauty of the approach that our forefathers took and further defines and exemplifies what that flag stands for.

Mr. SOLOMON. I certainly want to thank the gentleman for the compelling and eloquent statement.

Mr. Speaker, let me first of all thank the Doorkeeper, Jim Molloy, for bearing with us for this 9-hour vigil that has taken place. It is now 10 after 8 o'clock in the morning, This special order started at 11 o'clock last night. My good friend, the Republican whip, the gentleman from Georgia [Mr. GINGRICH], will be thanking the staff later, but let me first yield to a new Member and an outstanding Member of the House, the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Speaker, I thank the gentleman from New York for yielding.

In looking at the flag-burning issue, I looked at this week's issue of Newsweek magazine and an article entitled "Burning the Flag: What Are the Free Limits of Speech?" It talks about Gregory L. Johnson, the protestor at the 1984 Republican National Convention whose arrest brought about this recent case by the U.S. Supreme Court on the burning of the flag.

Mr. Johnson, according to Newsweek's article, is an avowed Communist, committed to world revolution. Further, Mr. Johnson himself added, and I quote, "It is a sham to talk about freedom of expression in the United States. This is still an oppressive Supreme Court and an oppressive Constitution." Obviously by those remarks, Mr. Johnson has no regard for this country or its flag, and I just have a hard time understanding, with the history of the American flag and what was said in the dissenting opinion of the Supreme Court by Justice Rehnquist, Justice White, and Justice O'Connor, how the majority of the Court could find in Mr. Johnson's favor and allow him to burn the U.S. flag.

At the time many years ago of the American Revolution, the flag served to unify the 13 colonies here at home while obtaining recognition of national sovereignty abroad, and I am now looking and reading from the dissenting opinon by Justice Rehnquist, Justice White, and Justice O'Connor on their thoughts on the history and the thoughts about the U.S. flag.

Ralph Waldo Emerson's Concord Hymn describes the first skirmishes of the Revolutionary War in these lines:

"By the rude bridge that arched the flood
Their flag to April's breeze unfurled,
"Here once the embattled farmers stood
And fired that shot heard round the world."

For many, many years beginning with the Revolutionary War, we have a history of the U.S. flag that the dissenting opinion of this Court was based on. I think we have a right, as Americans and as a Congress, to have a law that speaks to the desecration of the flag of the United States of America.

During that time, there were many colonial and regimental flags, adorned with such sumbols as pine trees, beavers, anchors, and rattle snakes, bearing slogans such as "Liberty or Death," "Hope," "An Appeal to Heaven," and "Don't Tread on Me." The first distinctive flag of the Colonies was the "Grand Union Flag"—with 13 stripes and a British flag in the left corner—which was flown for the first time on January 2, 1776, by troops of the Continental Army around Boston. By June 14, 1777, after we declared our independence from England, the Continental Congress resolved:

"That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation." 8 Journal of the Continental Congress 1774-1789, p. 464 (Ford Ed. 1907).

One immediate result of the flag's adoption was that American vessels harassing British shipping sailed under an authorized national flag. Without such a flag, the British could treat captured seamen as pirates and hang them summarily; with a national flag, such seamen were treated as prisoners of war.

During the War of 1812, British navel forces sailed up Chesapeake Bay and marched overland to sack and burn the city of Washington. They then sailed up the Patapsco River to invest the city of Baltimore, but to do so it was first necessary to reduce Fort McHenry in Baltimore Harbor. Francis Scott Key, a Washington Lawyer, had been granted permission by the British to board one of their warships to negotiate the release of an American who had been taken prisoner. That night, waiting anxiously on the British ship, Key watched the British fleet firing on Fort McHenry. Finally, at daybreak, he way the fort's American flag still flying; the British attack had failed. Intensely moved, he began to scribble on the back of an envelope the poem that became our national anthem:

"Oh! say can you see by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, thro' the perilous fight,
O'er the ramparts we watched were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thro' the night that our flag was still there.
Oh! say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?"

The American flag played a central role in our Nation's most tragic conflict, when the North fought against the South. The lowering of the American flag at Fort Sumter was viewed as the start of the war. G. Preble, History of the Flag of the United States of America 453 (1880). The Southern States, to formalize their separation from the Union, adopted the "Stars and Bars" of the Confederacy. The Union troops marched to the sound of "Yes We'll Rally Round The Flag Boys, We'll Rally Once Again." President Abraham Lincoln refused proposals to remove from the American flag the stars representing the rebel States, because he considered the conflict not a war between two nations but an attack by 11 States against the National Government. Id., at 411. By war's end, the American flag again flew over "an indestructible union, composed of indestructible states." *Texas* v. *White*, 7 Wall. 700, 725 (1869).

One of the great stories of the Civil War is told in John Greenleaf Whittier's poem, Barbara Fritchie:

"Up from the meadows rich with corn,
Clear in the cool September morn,
"The clustered spires of Frederick stand
Green-walled by the hills of Maryland.
"Round about them orchards sweep,
Apple and pear tree fruited deep,
"Fair as the garden of the Lord
To the eyes of the famished rebel horde,
"On that pleasant morn of the early fall
When Lee marched over the mountain wall;
"Over the mountains winding down,
Horse and foot, into Frederick town.
"Forty flags with their silver stars,
Forty flags with their crimson bars,
"Flapped in the morning wind: the sun
Of noon looked down, and saw not one.
"Up rose old Barbara Fritchie then,
Bowed with her fourscore years and ten;
'Bravest of all in Frederick town,
She took up the flag the men hauled down,
"In her attic-window the staff she set,
To show that one heart was loyal yet.
"Up the street came the rebel tread,
Stonewall Jackson riding ahead.
"Under his slouched hat left and right
He glanced; the old flag met his sight.
" 'Halt!'—the dust-brown ranks stood fast.
'Fire!'—out blazed the rifle-blast.
"It shivered the window, pane and sash;
It rent the banner with seam and gash.
"Quick, as it fell, from the broken staff
Dame Barbara snatched the silken scarf.
"She leaned far out on the window-sill,
And shook it forth with a royal will.
" 'Shoot if you must, this old grey head,
But spare your country's flag,' she said.
"A shade of sadness, a blush of shame,
Over the face of the leader came;
"The nobler nature within him stirred
To life at that woman's deed and word;
" 'Who touches a hair of yon grey head
Dies like a dog! March on! he said.
"All day long through Frederick street
Sounded the tread of marching feet:
"All day long that free flag tost
Over the heads of the rebel host.
"Ever its torn folds rose and fell
On the loyal winds that loved it well;
"And through the hill-gaps sunset light
Shone over it with a warm good-night.
"Barbara Fritchie's work is o'er,
And the rebel rides on his raids no more.
"Honor to her! and let a tear
Fall, for her sake, on Stonewall's bier.
"Over Barbara Fritchie's grave,
Flag of Freedom and Union, wave!
"Peace and order and beauty draw
Round thy symbol of light and law;
"And ever the stars above look down
On thy stars below in Frederick town!"

□ 0820

Mr. Speaker, I appreciate the opportunity to spend a few minutes this morning talking about the history of the flag of the United States.

Looking at the dissenting opinion, as we continue on through it and see through the First World War, the Second World War and the great history, and the people who have given of their lives, the prisoners of war, the missing in action that have served this country in battle, one wonders how a majority of the U.S. Supreme Court could ever come up with a ruling as they made recently on the desecration of the U.S. flag.

I thank the gentleman for yielding.

Mr. SPENCE. Mr. Speaker, few decisions in the 200-year history of the U.S. Constitution have engendered more negative response from the American people than the 5-to-4 decision by the Supreme Court regarding the burning of the American flag.

Like most Americans, I am deeply saddened by this decision. In my judgment, the decision represented not only a bad legal precedent, but it sent the wrong signal to patriotic Americans as well as to people all over the world that the most democratic and free Nation on Earth has no regard for the very symbol of its liberty.

Every American schoolchild knows about Francis Scott Key. Every schoolchild knows about the Battle of Iwo Jima. Throughout our history, young Americans have died, from the Revolution to the Vietnam war, in defense of the flag. How can we so unceremoniously disregard our history and the memory of millions of Americans who have fought under that banner by now saying that it is no longer in vogue?

We are told by some misguided people that desecration of the flag is nothing more than an expression of free speech. This is nonsense—pure and simple. It is also a step toward anarchy and the destruction of our laws and symbols. No nation can long exist that takes such a flippant attitude toward its history and the symbols which represent that history.

If we fail to reverse this tragic, unnecessary, and legally questionable decision, we will have failed the sacred memory of those who went before us to die for our freedom. We will have failed ourselves and we will have failed future generations of Americans who will be called upon the defend our beloved country in time of peril.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Mississippi for that most eloquent statement.

Let me say to those other speakers here this morning that we do have to vacate this Chamber in a very few minutes. But first I would like to yield to one of the outstanding new Members from the State of Louisiana, Mr. CLYDE HOLLOWAY.

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

I just want to say a few words. I am sure there is not very much I can say that has not been said here during the night. I guess about all I can do is give a little testimony of my own as to what the flag means to me as an individual, this country that we live in and what it means, and what I feel it means to the people who are out there in the rank and file of our country.

First of all, I would say that when I go into my district to speak to children, the first thing that I always like to tell them is the loyalty that they should pay and the honor that they should pay to the flag. That is kind of hard to do after the Supreme Court decision. To think that one of our schoolchildren could see one of these very radical people who probably do not belong in this country out burning one of our flags that we are speaking about that means so much to us, and to the veterans, and to the people who have died, but not only the people who have fought and died but to the people who have served this country from here at home during wartime, the people who have served in this Congress, the people who have served the Government, who have been public servants for all of these years, it means a great deal to all of us. I guess I have to go back to my upbringing which was as a very poor southern boy.

There are very few countries in this world where a person could rise to this height. I guess that is the basis of my testimony, how many countries have some of the rights and the first amendment rights that we have in this country?

I think the Supreme Court has gone far, far too far with this decision to say that a person has under the first amendment the right to destroy our flag. Sometimes I get very hostile when I think of it and say that people should take it in their own hands when they see someone burning the flag. I think I heard the gentleman from California [Mr. DORNAN] say one time that maybe this provision allowed us to create a riot, and then maybe there could be something done to prosecute that person who started it. In my opinion, that is what a person is trying to do in a country like this when they burn a flag, and maybe that is all they are trying to do, I do now know. But it is very tough for me to take it, and it is very tough for me as an individual who I feel could not be here in any other country.

So in saying what the flag means to me, it is very close to my heart. I think it is very close to the heart of the people in my district.

So it is quite and honor for me to be here and to be able to just say a few words here on the floor on the flag.

I hope this constitutional amendment will move forward. There are many on this floor, and the President says he is going to send one down too, maybe as early as tomorrow. I hope we can move, because I think the time is right now. I was saddened to see a poll say that only 69 percent of the people in this country favored an amendment. I do not believe that. I cannot believe only 69 percent of the people, I have to believe that 99 percent of the people in this country favor us passing an amendment to preserve the flag, and if there is one thing that means something to us in this country, it is the flag. So I have to believe that if there is 1 percent, and I cannot believe there is even 1 percent, but if there is 1 percent, we must go forward, we must do whatever it takes to move this legislation through here, to get this amendment passed and get it out to the States, the 50 of them who will overturn their Constitution.

So hopefully we can move forward. I appreciate the service of the gentleman from New York to this country, because he has been to my district before, and been with some of my veterans groups, and I appreciate that very much.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Louisiana for that compelling and most sincere statement.

Mr. Speaker, I yield briefly to the gentleman from California [Mr. DORNAN], a great American who has been with us every single hour of the night.

Mr. DORNAN of California. Mr. Speaker, I would say to the gentleman from New York I believe wanting to burn the flag is an unnatural act. For unnatural acts in one category we have these blow-up balloons that you can take home, these female figures you blow up, and who cares what you do with those things?

But I have a solution for those that have this urge to commit this heinous crime, this unnatural act of burning the flag. On the Fourth of July ask the fireworks man who at the conclusion of the fireworks is going to set off the display of the American flag where the crowd goes, "Oooh," and we see Old Glory. If he gets to light the torch to that beautiful, fantastic, fantasmagoric, red, white, and blue when the flag goes off, then maybe he can hold back that unnatural urge until the next Fourth of July.

I would say to the gentleman from New York Mrs. DeVito called. You will recall that in the shank of the night here I mentioned Kenneth DeVito, this 13-year-old freshman from Francisca High, and how his mom had made him a T-shirt that said, "Help Kenneth Save the Flag," and he visited the city council and the mayor, and that inspired him to run for the Congress, and I cannot say much more about it because I did 15 minutes on it, and on Ken senior, and Ken junior. But he called his Congressman, HAMILTON FISH. Kenneth DeVito is devot-

ed to this cause and it is happening all over the country.

A quick flag story. Back in 1962 I had a new Buick convertible, five kids under seven. I took them to the beach. I had the American flag on the aerial on my new Buick convertible. We spent some time in the Will Rogers State Park, which we have, and we came climbing up to the bluff and the car is gone; 6-year-old, 5, 4, 3, 2, and one about 6 months old, standing, shaking, shivers as the Sun goes down and no car. I called the police and called my dad or my brother to come out and pick me up. We get home and a police call is waiting.

"We found your car, Mr. DORNAN, and it is out here in the San Fernando Valley." Do you know what the car thieves did? They left Old Glory flying from the aerial. I guess that is honor among thieves.

□ 0830

I will be on "Phil Donohue" with our colleague, the gentleman from California [Mr. EDWARDS], who does not want to do anything on the flag issue. Also appearing is Joey Johnson, the young creep who burned the flag in Dallas. Yes, I will suggest to Joey that he has had a great effect on the free enterprise system. I predict, I bet we all agree, that more flags will be flying this weekend through the Fourth of July holiday than have flown since the great Fourth of July between victory in Europe and victory in Japan in 1945. I bet that every hardware store in this country sells out their American flags.

Folks, wear them on your lapel. Put them on your hats. Get the expensive sticker put on the side of the camper, on the side of your Cadillac El Dorado. Let Americans fly the flag over these holidays and remember that battle cry, on battlefields for history, "Save the colors." Men have died doing that. Congress should do no less. God bless JERRY SOLOMON and Kenneth DeVito.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for the inspiring speech, and thank so much my colleagues.

Mr. Speaker, let met, before yielding to the Republican Whip, let me first of all say how grateful I am to have the last hour of this special session which was called today to pay respect to that flag, in this third longest in the history of this House of Representatives.

DUNCAN HUNTER, would you stand up, please, from California. I want to personally pay tribute to DUNCAN HUNTER, a Member from California, who organized this entire special order, on both sides of the aisle. Let me say that I think you can sum up this whole special order here this evening that has lasted for 9-plus hours, by the hundreds of phone calls we have received across this Nation. I think the 40-some Members who have stayed here all night to sell those heart-rending stories of their constituents, and what that flag means to them. One phone call which came about 15 minutes ago came from a disabled American veteran who was in the Bataan Death March, who was a prisoner of war for 3½ years in Japan. He kept himself alive by every single night drawing a picture of the American flag, in the sand, which was the floor of his 2×4 cubicle. He was imprisoned for 3½ years. Falsely puts his hand on that flag, drawn in the sand. He posed a question to me because he had just realized, he said, "JERRY, what happens if I am walking down the street and I see this Communist youth brigade that BOB DORNAN and you will be sitting next to that creep on "Phil Donohue" next week, what happens if I see him desecrating that American flag?" He says, "I won't be able to stop myself. I will have to jump into that fray. What happens? Will I go to jail?"

Ladies and gentlemen, that is why we must change that Constitution. We must do it now and put it out to the States as the gentleman from Louisiana has said, and DUNCAN, I want to thank you from the bottom of my heart, because I think we need to mention those Members of this country representing all of those people across this Nation on both sides of the aisle, both political parties, starting with our great leader, BOB MICHEL, who spoke so eloquently at 11 o'clock last night, followed by DUNCAN HUNTER, followed by NEWT GINGRICH and BOB WALKER, and a great American Democrat on that side of the aisle, SONNY MONTGOMERY, who I served with on the Committee on Veterans' Affairs for 10 long years, to BEN BLAZ from Guam, a Marine Corps general and now a Congressman of the United States of America. DAVE MARTIN, from New York, LARKIN SMITH, who just spoke so eloquently a few minutes ago, from Mississippi, TOM RIDGE from Pennsylvania, BOB DORNAN, and we will never forget him and the eloquent speeches he has made from California. DAVE DREIER from California, BEN GILMAN from New York, DENNY HASTERT from Illinois, TOM DELAY from Texas, BOB MCEWEN from Ohio, JIM HANSEN from Idaho, DAN BURTON from Indiana, JIM LIGHTFOOT from Iowa, DON RITTER from Pennsylvania, JACK FIELDS from Texas, MIKE PARKER from Mississippi. We could go on down the line on the other side of the aisle to people like CHARLIE WILSON from Texas, CARROLL HUBBARD from Kentucky, GEORGE SANGMEISTER and BILL LIPINSKI from Illinois, CURT WELDON from Pennsylvania, JOHN KYL from Arizona. CRAIG JAMES spoke a few minutes ago from Florida, CLYDE HOLLOWAY, who just spoke a few minutes ago. I know we missed some, but those people from across this Nation stayed up all night to try to focus on this issue that means so much to the American people.

So in yielding to the Republican Whip, I want to thank all of those, but first I yield to the gentleman from California, so responsible for this.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, because I think we all owe a great debt of gratitude to the gentleman from New York [Mr. SOLOMON] who worked this thing all night long, a great veteran, Marine Corps veteran, and leader in veterans' affairs. Thank you for everything you have done to make this special order a very special order. If we had no cameras, no publicity, whatever, the in-depth discussions that we had about the flag and its meaning to us have really forced us to analyze what this country means to us. I think it was a very profound and moving experience.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for all he has done for America and does in this Congress.

I yield to the gentleman from Louisiana.

Mr. HOLLOWAY. Mr. Speaker, I want to say thanks to Congressman HUNTER, but I want to say there may not be that many more flags flying, but we will all see those flags out there, and they will mean more to us, I think to each and every one of us because we usually fight, and when we are down, we come back up fighting, and thanks for the opportunity to be here.

Mr. SOLOMON. Mr. Speaker, I will at this time yield to our great whip from Georgia, NEWT GINGRICH.

Mr. GINGRICH. Mr. Speaker, I thank my friend from New York for yielding. First of all, we are very grateful to everyone on a bipartisan basis who made this possible and to the staff who made this possible. I want to thank the Democratic Congressmen who presided all through the night: Congressman VALENTINE, Congressman FROST, Congressman COSTELLO, Congressman PARKER, Congressman BROWDER, and now, Congressman TANNER, for providing and making it possible to have this series of special orders.

In addition, as everyone who watches C-SPAN knows, there are reporters who take down our words and who have been here all night and will be here today, showing extraordinary commitment to make the function. They include Charles Gustafson, Susan Hanback, Tab Redling, Tony Tartaro, Katie Jane Teel, Judi Mazur, and Chris Heil.

In addition, transcribers, people you never see, but they have been typing the special orders all night long, and they will continue to serve the House today. Those transcribers who are

downstairs who are taking the words of the reporters and again to transcribe them include Tony Jackubosky, Pat Vasselo, Karen Ilsemann, John Ulmer, Mary Wood, Barbara Wilmoth, Marion van den Berg.

And the RECORD clerks, Ed White, George Russell, Dick Creeger, Heather Mapes, and people throughout the building who have made this possible.

Thank you to everybody who serve above and beyond the call.

Finally, we need to thank Congressman MICHEL, the Republican leader in the House, and Congressman MONTGOMERY, one of the leading Democrats in the House, for their bipartisan efforts. They have introduced a very simple amendment. The operative passage, and this is how simple it would be, would say,

The Congress and the States will have the power to prohibit the physical desecration of the Flag of the United States.

In closing, I want to make two quick points. Many, particularly in the press, seem to misunderstand why this is an important issue. Let me suggest to them it would serve them well to read the dissent by Justice Rehnquist and Justice Stevens. In those two dissents, those able and learned men, each on the Supreme Court, outlined why the flag is an unusually important symbol, why the Government has the right to restrict certain action, even under the free speech clause and they make the case that just as in the name of freedom of speech, you could not desecrate the Lincoln Memorial, you could not desecrate the Jefferson Memorial, you could not desecrate the Washington Monument, similarly, we do have the right to allow extraordinary freedom of speech without giving up the single most powerful symbol which binds together this extraordinarily diverse Nation.

Last, it would seem to me it is precisely the right to amend the Constitution which should be pursued in this case, the right to amend the Constitution is itself written into the Constitution. Ironically, those who say we should not amend the Constitution on this occasion do so in the name of the first amendment to the Constitution, that the right of free speech protected by the Supreme Court the other day is a right granted only because the Congress initially amended the Constitution.

I go back and remind our listeners and remind our colleagues, surely an amendment which say specifically and directly as the Michel amendment does say,

The Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States.

Surely such a simple and correct protection can hardly be a threat to freedom of speech in any reasonable way.

□ 0840

Last, I have been asked as people called in all night, as our colleague pointed out, what can individual citizens do over the Fourth of July? In addition to flying the flag and wearing the flag on your lapel and otherwise speaking out, let me suggest that every citizen in America who cares about this issue can act by contacting their Congressman and their Senator and by making clear that they want to see an amendment brought to the floor and passed in the next few weeks. Every citizen has a chance over this Fourth of July to turn our national holiday, our celebration of national unity, into a time of effective action to in fact protect the flag of the United States.

Mr. Speaker, I thank the gentleman from California [Mr. HUNTER] for having organized these special orders, and I thank the gentleman from New York [Mr. SOLOMON] for yielding to me.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Georgia [Mr. GINGRICH] for that very compelling speech. I want to say just this: In carrying out what NEWT GINGRICH just said and what BOB DORNAN said about displaying the flag, one of the oldest newspapers in America, the Troy Times-Record, which incidentally is the home of Uncle Sam in upstate New York during the battles of the Revolutionary War, suggested in an editorial this morning that all Americans in my congressional district fly the American flag from now until the day that the 38th State ratifies the Constitution, putting back in respect for the flag of the United States of America.

I would suggest perhaps to all of us from all of the constituencies across America that we urge our constituents to do the same thing. Let us fly "Old Glory" from now until the 38th State ratifies that constitutional amendment, and I predict it will happen within a year from now.

Thank you all so much for participating in this third longest session of the U.S. House of Representatives. God bless you and God bless America.

Would you all join me in the Pledge of Allegiance?

Mr. SOLOMON 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.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT), for today until 7 p.m., on account of official business.

SPECIAL ORDER 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. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.
Mr. HUNTER, for 60 minutes, today.
Mr. ARMEY, for 60 minutes, today.
Mr. FIELDS, for 60 minutes, today.
Mr. PORTER, for 60 minutes, today.
Mr. HANSEN, for 60 minutes, today.
Mr. RIDGE, for 60 minutes, today.
Mr. HASTERT, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, today.
Mr. SMITH of Mississippi, for 60 minutes, today.
Mr. MICHEL, for 60 minutes, today.
Mr. DORNAN of California, for 60 minutes, today.
Mr. WALKER, for 60 minutes, today.
Mr. DREIER of California, for 60 minutes, today.
Mr. KYL, for 60 minutes, today.
Mr. WALSH, for 60 minutes, today.
Mr. HYDE, for 60 minutes, today.
Mr. HOLLOWAY, for 60 minutes, today.
Mr. BLAZ, for 60 minutes, today.

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

Mr. ANNUNZIO, for 5 minutes, today.
Mr. HUBBARD, for 60 minutes, today.

EXTENSION OF REMARKS

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

Mr. BEREUTER, during general debate on H.R. 2696, in the Committee of the Whole today.

Mr. KANJORSKI to revise and extend immediately prior to the Conte amendment in the Committee of the Whole today.

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

Mr. HORTON.
Mr. PORTER.
Mr. GREEN.
Mr. BROOMFIELD.
Mr. SCHAEFER in two instances.
Ms. SNOWE.
Mr. WALSH.
Mr. BAKER.
Mr. CLINGER.
Mr. CONTE.
Mr. YOUNG of Florida.
Mr. COURTER.

Mr. DONALD E. "BUZ" LUKENS in two instances.
Mr. RIDGE.
Mr. GEKAS in two instances.
Mr. DORNAN of California.
Mr. WELDON.
Mr. SOLOMON.
(The following Members (at the request of Mr. JONES of Georgia) and to include extraneous matter:)
Mr. LIPINSKI.
Mr. GLICKMAN.
Mr. HAMILTON.
Mr. DOWNEY.
Mr. UDALL.
Mr. TORRES.
Mr. TRAFICANT in two instances.
Mr. FORD of Michigan.
Mr. MAZZOLI.
Mr. KILDEE.
Mr. BRYANT.
Mr. LAFALCE.
Mr. NEAL of Massachusetts.
Mr. LANTOS.
Mr. SMITH of Florida.
Mr. CARDIN.
Mr. FUSTER.
Mrs. BOXER.
Mr. MATSUI.
Mr. BONIOR.
Mr. OBERSTAR.
Mr. DARDEN in two instances.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A Bill and Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 633. An act to promote the development of technologies which will enable fuel cells to use alternative fuel sources; to the Committee on Science, Space, and Technology.

S.J. Res. 19. Joint resolution to designate November 8, 1989 as "Montana Centennial Day," to the Committee on Post Office and Civil Service.

S.J. Res. 155. Joint Resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day," to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1184. An act to allow the obsolete destroyer U.S.S. *Edson* (DD 946) to be transferred to the Intrepid Sea-Air-Space Museum in New York before the expiration of the otherwise applicable 60-day congressional review period.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 43 minutes a.m.), under its previous order, the House adjourned until today, Thursday, June 29, 1989 at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and delegations traveling under authorization from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the second and third quarters of 1987 and the second, third, and fourth quarters of 1988 in connection with foreign travel are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
A. Mario Castillo	3/29	3/31	Austria		570.00						570.00
	3/31	4/2	Czechoslovakia		302.00						302.00
	4/2	4/4	Berlin		549.00						549.00
Commerical transportation							2,868.00				2,868.00
Chairman E de la Garza	4/11	4/13	Italy		332.50						332.50
Codel	4/13	4/16	Czchoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Hon. Charles W. Stenholm	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Hon. Robert F. Smith	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Hon. Steve Gunderson	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
A. Mario Castillo	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Charles Rawls	4/11	4/13	Italy		332.50						332.50
	4/13	4/16	Czechoslovakia		453.00						453.00
	4/16	4/20	Germany		754.00						754.00
Military transportation							8,197.00				8,197.00
Codel other expenditures:											
Representation function, Bonn, Germany									884.97		884.97
Local transportation, Bonn, Germany									506.66		506.66
Representation function, Verona, Italy									1,208.06		1,208.06
A. Mario Castillo	5/26	5/27	Mexico		152.00						152.00
Commercial transportation							378.00				378.00
Committee total					10,810.00		52,428.00		2,599.69		65,837.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, July 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Curtis L. Marshall	10/19	10/21	U.S.S.R.		[3] 550.00		2,853.00				3,403.00
	11/13	11/17	British Columbia		521.33		[4] 306.00				827.33
James K. McCallum	10/29	11/5	Japan		2,009.00		2,350.00		126.63		4,485.63
	11/13	11/18	Spain		1,060.00		2,447.00				3,507.00
Rodney H. Moore	10/30	11/6	Japan		2,009.00		2,678.00		96.61		4,783.61
Kurt R. Oxley	10/15	10/23	United Kingdom		1,182.00		2,633.00				3,815.00
Jeffrey R. Pike	10/29	11/4	Japan		2,009.00		2,420.00		96.62		4,525.62
	11/12	11/21	Spain		1,060.00		2,555.00				3,615.00
Gerald Seifert	10/27	10/30	United Kingdom		([5])						
	10/30	11/8	Switzerland		2,050.00		2,824.00				4,874.00
Committee total					12,450.33		21,066.00		319.86		33,836.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Cash advance from Department of State; traveler returned $185.
[4] State Department issued reimbursement to traveler after trip.
[5] No per diem allowance in London, guest speaker at University of Wales.

WALTER B. JONES, Chairman, July 12, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE OF VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. G.V. Montgomery	4/14	4/17	Philippines		300.00		[3] 5,933.10 [4] 50.00		648.33		6,931.43
Hon. Claude Harris	4/14	4/17	Philippines		300.00		[3] 5,933.10 [4] 50.00		648.33		6,931.43
Hon. J. Roy Rowland	4/14	4/17	Philippines		300.00		[3] 5,933.10 [4] 50.00		648.33		6,931.43
Mack G. Fleming	4/14	4/17	Philippines		300.00		[3] 5,933.10 [4] 50.00		648.33		6,931.43
Rufus H. Wilson	4/14	4/17	Philippines		300.00		[3] 5,933.10 [4] 50.00		648.33		6,931.43
Louise D. Medlin	4/14	4/17	Philippines		300.00		[3] 5,933.10 [4] 50.00		648.33		6,931.43
Committee total					1,800.00	35,898.60	3,889.98	41,588.58			

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.
[4] Local.

G.V. MONTGOMERY, Chairman, July 31, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Claude Harris			Equador		250.00		[3] 662.89				250.00 662.89
Hon. Bob McEwen			Panama		194.00		([4])				194.00
			Honduras		92.00						92.00
Committee total					536.00		662.89				1,198.89

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] T-43 training mission flight.

G.V. MONTGOMERY, Chairman, Sept. 28, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Marcy Kaptur	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Hon. Dan Burton	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Hon. Michael Bilirakis	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Hon. Jack Davis	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ms. Gloria Royce	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Ms. Susan Short	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Mr. Kingston Smith	6/4	6/8	France		814.00		[3] 1,456.97				2,270.97
Committee total					5,698.00		10,198.79				15,896.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.

G.V. MONTGOMERY, Chairman, July 31, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles B. Rangel	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Benjamin A. Gilman	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Frank J. Guarini	8/9	8/11	Netherlands		332.00						322.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
William J. Hughes	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Edolphus Towns	8/9	8/11	Netherlands		332.00						322.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria								144.00
	8/19	8/22	Italy		388.00						388.00
Military transportation							12,474.09				12,474.09
Larry Coughlin	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		388.00						388.00
Military transportation							8,575.99				8,575.99
John T. Cusack	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Elliott A. Brown	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
George R. Gilbert	8/9	8/11	Netherlands		332.00						322.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Rebecca L. Hedlund	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Committee total					21,916.00		120,842.80				42,758.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Oct. 28, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SPEAKER-AUTHORIZED DELEGATION TO NETHERLANDS, FRANCE, PORTUGAL, MOROCCO, NIGERIA, AND ITALY, EXPENDED BETWEEN AUG. 8 AND AUG. 22, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ben Proctor	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Hayden Gregory	8/9	8/11	Netherlands		332.00						332.00
	8/11	8/13	France		460.00						460.00
	8/13	8/15	Portugal		318.00						318.00
	8/15	8/18	Morocco		375.00						375.00
	8/18	8/19	Nigeria		144.00						144.00
	8/19	8/22	Italy		582.00						582.00
Military transportation							12,474.09				12,474.09
Committee totals					4,422.00		24,948.18				29,370.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Sept. 15, 1987

EXECUTIVE COMMUNICATIONS, ETC.

1385. Under clause 2 of rule XXIV, a letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report, titled "First-Line Supervisory Selection in the Federal Government", pursuant to 5 U.S.C. 1205(a)(3), was taken from the Speaker's table, referred to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 1312. A bill to amend the Domestic Volunteer Service Act to extend through the fiscal year 1992 certain authorities contained in such act relating to national volunteer antipoverty programs; with amendments (Rept. 101-116). Referred to the Committee of the Whole House on the State of the Union.

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. FAWELL (for himself, Mr. GOSS, Mr. SAXTON, Mr. LAGOMARSINO, Mr. MADIGAN, Mr. DANNEMEYER, Mr. RITTER, Mr. RHODES, Mr. GRANT, Mrs. BENTLEY, Mr. HUNTER, Mr. GINGRICH, Mr. STEARNS, Mr. HASTERT, Mr. KOLBE, Mrs. SAIKI, Mr. SLAUGHTER of Virginia, Mr. LEWIS of Florida, Mr. MILLER of Ohio, Mr. BAKER, Ms. SCHNEIDER, Mr. SCHAEFER, Mr. SMITH of Mississippi, Mr. WOLF, Mr. TAUKE, and Mr. DREIER of California):

H.R. 2770. A bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ERDREICH (for himself, Mr. BEREUTER, Mr. GARCIA, and Mr. PAXON):

H.R. 2771. A bill to reauthorize the National Flood Insurance Program and the Federal Crime Insurance Program through September 30, 1991; to the Committee on Banking, Finance and Urban Affairs.

By Ms. KAPTUR:

H.R. 2772. A bill to require that certain information relating to nursing home aides and home health care aides be collected by the National Center for Health Statistics and the Bureau of Labor Statistics; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. KLECZKA (for himself and Mr. WISE):

H.R. 2773. A bill to amend the Freedom of Information Act, and for other purposes; to the Committee on Government Operations.

By Mr. MOODY:

H.R. 2774. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute on Population and Human Reproduction to be coordinated with the National Institute of Child Health and Human Development by a National Science Policy Committee for Research on Human Development, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MORRISON of Connecticut:

H.R. 2775. A bill to designate the park located across from the Embassy of the People's Republic of China in the District of Columbia, as "Tiananmen Square Memorial Park"; to the Committee on Interior and Insular Affairs.

By Mr. PALLONE:

H.R. 2776. A bill to designate "The Most Beautiful Lady in the World," by Helmut Christopher Calabrese and Paul L. Calabrese, as the official anthem of the Statue of Liberty; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Mr. CARPER, Mr. BEREUTER, Mr. SPRATT, Mr. BENNETT, Mr. DERRICK, Mr. PALLONE, Mr. TORRICELLI, Mr. MORRISON of Connecticut, Mr. BOSCO, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. TALLON, Mrs. COLLINS, Mr. OWENS of New York, Mr. NEAL of North Carolina, Mr. JONTZ, Mr. RAVENEL, Mrs. LOWEY of New York, Mrs. BOXER, Mr. HAWKINS, Mr. PANETTA, Mr. KASTENMEIER, Mr. WELDON, Mr. LEWIS of Georgia, Mr. ATKINS, Mr. FLORIO, Mr. SAXTON, Mr. WEISS, Mr. LANTOS, Mr. FEIGHAN, Mr. WOLPE, and Mr. HILER):

H.R. 2777. A bill to establish a national environmental policy on the participation of the United States in the multilateral development banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETRI:

H.R. 2778. A bill amending section 700 of title 18, United States Code, to set criminal penalties for desecrating the flag of the United States; to the Committee on the Judiciary.

By Mr. RIDGE (for himself, Mr. GONZALEZ, Mr. MCDADE, Mr. WYLIE, Mr. FRANK, Mrs. ROUKEMA, Mr. GAYDOS, Mr. BOEHLERT, Mr. BARNARD, Mr. CLINGER, Ms. KAPTUR, Mr. LEWIS of Florida, Mr. ERDREICH, Mr. RITTER, Mr. MFUME, Mr. COUGHLIN, Mr. CARPER, Mr. MCDERMOTT, Mr. KANJORSKI, Mr. COSTELLO, Mr. HATCHER, Mr. KOLTER, Mr. ECKART, Mr. MURPHY, Mr. VENTO, and Mrs. PATTERSON):

H.R. 2779. A bill to amend the Housing and Community Development Act of 1974 to

revise and improve the Community Development Loan Guarantee Program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RINALDO (by request) (for himself, Mr. LENT, Mr. DINGELL, and Mr. MARKEY):

H.R. 2780. A bill to improve the communication between registrants of investment company securities and their beneficial shareholders by requiring nominee shareholders to deliver proxy materials and information statements to such beneficial shareholders, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 2781. A bill to provide better services for individuals with Alzheimer's disease and related dementias through improved biomedical research, health services research, and training of health care personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Ms. SCHNEIDER, Mr. LEWIS of Georgia, Mr. BATES, Mr. LIPINSKI, and Mr. RANGEL):

H.R. 2782. A bill to authorize the suspension of duty-free treatment to wood products under the Generalized System of Preferences to beneficiary countries that do not implement appropriate reforestation programs, and for other purposes; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. FRENZEL, Mr. OBERSTAR, Mr. STANGELAND, Mr. SABO, Mr. WEBER, Mr. PENNY, and Mr. SIKORSKI):

H.R. 2783. A bill to improve the management of certain public lands in the State of Minnesota; to the Committee on Interior and Insular Affairs.

By Mr. WISE:

H.R. 2784. A bill to require that buses purchased with Federal funds be alcohol fueled, natural gas fueled, or LP-gas fueled, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. JAMES:

H.R. 2785. A bill to amend the Federal Election Campaign Act of 1971 to adjust certain contribution and expenditure limitations, and for other purposes; to the Committee on House Administration.

By Mr. OWENS of Utah (for himself, Ms. SCHNEIDER, Mr. FUSTER, Mr. BATES, Mr. SOLOMON, Mr. KASICH, Mr. FISH, Mr. NEAL of North Carolina, Mr. FORD of Tennessee, Mr. DEFAZIO, Mr. EVANS, Mr. LEWIS of Georgia, Mr. FORD of Michigan, Mr. ANDERSON, Mr. MINETA, Mr. RAVENEL, Mr. HENRY, Mr. BENNETT, Mr. LEVINE of California, Mr. OWENS of New York, Mr. PALLONE, Mr. TORRES, Mr. DOWNEY, Ms. PELOSI, Mr. BOUCHER, Mrs. BOXER, Mr. SCHEUER, Mr. GREEN, Mr. KASTENMEIER, Mr. DIXON, Mr. SMITH of Florida, Mr. MILLER of California, Mr. BOEHLERT, Mr. LEHMAN of California, Mr. MCHUGH, Mr. WELDON, Mr. EDWARDS of California, Mr. KLECZKA, Mr. BROWN of California, Mr. CROCKETT, Mr. TOWNS, Mr. LIPINSKI, Mr. CLEMENT, Mr. DELLUMS, Mr. WEISS, Mr. BUECHNER, Mr. KOSTMAYER, Mr. WOLPE, Mr. DE LUGO, Mr. LELAND, Mr. HUGHES, Mr. HAMILTON, Mrs. SCHROEDER, and Mr. SKAGGS):

H.R. 2786. A bill to provide for a timely analysis of all factors relating to the restoration of gray wolves to Yellowstone National Park and surrounding public lands, and for other purposes; jointly to the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs.

By Mr. WELDON (for himself, Mr. FRANK, Mr. KOLTER, Mr. DANNEMEYER, Mr. BLILEY, Mr. CHAPMAN, Mr. LAGOMARSINO, and Mr. JAMES):

H.R. 2787. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide specific definition of the requirement that a purchaser of real property make all appropriate inquiry into the previous ownership and uses of the real property in order to qualify for the "innocent landowner" defense; to the Committee on Energy and Commerce.

By Mr. ALEXANDER (for himself and Mr. ANTHONY):

H.J. Res. 339. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical abuse, misuse, and improper display of the flag of the United States; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 340. Joint resolution proposing an amendment to the Constitution of the United States with respect to burning the flag of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Florida:

H.J. Res. 341. Joint resolution designating November 1989 as "An End to Hunger Education Month"; to the Committee on Post Office and Civil Service.

By Mr. WATKINS:

H.J. Res. 342. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the acts of physical abuse, destruction, and desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. HERGER:

H.J. Res. 343. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the acts of physical abuse, destruction, and desecration of the flag of the United States; to the Committee on the Judiciary.

By Mrs. PATTERSON:

H.J. Res. 344. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, Presidential, State, and local elections; to the Committee on the Judiciary.

By Mr. SARPALIUS:

H.J. Res. 345. Joint resolution designating the week of March 1 through 7, 1990, as "National Quarter Horse Week"; to the Committee on Post Office and Civil Service.

By Mr. WALGREN (for himself, Mr. WELDON, Mr. BOEHLERT, Mr. COSTELLO, Mr. BUECHNER, and Mr. CLAY):

H.J. Res. 346. Joint resolution to designate October 29, 1989, as "Fire Safety at Home Day—Change Your Clock, Change Your Battery"; to the Committee on Post Office and Civil Service.

By Mr. BRYANT:

H. Con. Res. 161. Concurrent resolution expressing the sense of the Congress that the States should retain authority to regulate alcohol beverages; to the Committee on the Judiciary.

By Mr. CLINGER (for himself, Mr. GLICKMAN, Mr. ATKINS, Mr. BALLENGER, Mr. BARNARD, Mrs. BENTLEY, Mr. BOEHLERT, Mrs. BYRON, Mr. CAMPBELL of California, Mr. CARR, Mr. CHANDLER, Mr. CHAPMAN, Mr. CLEMENT, Mrs. COLLINS, Mr. COUGHLIN, Mr. CRAIG, Mr. DEFAZIO, Mr. DELAY, Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. FALEOMAVAEGA, Mr. GINGRICH, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HENRY, Mr. HOCHBRUECKNER, Mr. INHOFE, Mr. KYL, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. MCCRERY, Mr. MCEWEN, Mr. MARLENEE, Mrs. MARTIN of Illinois, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mrs. MORELLA, Mr. MRAZEK, Mr. PACKARD, Mr. PARKER, Mr. PARRIS, Mr. PAXON, Mr. PETRI, Mr. RINALDO, Mr. ROWLAND of Connecticut, Mr. SABO, Mr. SHAYS, Mr. SKAGGS, Mr. SKEEN, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr. SPRATT, Mr. STANGELAND, Mr. TALLON, Mrs. UNSOELD, Mr. VALENTINE, Mrs. VUCANOVICH, Mr. WALSH, Mr. WELDON, Mr. WHITTAKER, and Mr. WISE):

H. Con. Res. 162. Concurrent resolution relating to the establishment of a new comprehensive national aviation policy for the United States; to the Committee on Public Works and Transportation.

By Mr. FAWELL (for himself, Mr. GOSS, Mr. SAXTON, Mr. LAGOMARSINO, Mr. MADIGAN, Mr. DANNEMEYER, Mr. RITTER, Mr. RHODES, Mr. GRANT, Mrs. BENTLEY, Mr. HUNTER, Mr. GINGRICH, Mr. STEARNS, Mr. HASTERT, Mr. KOLBE, Mrs. SAIKI, Mr. SLAUGHTER of Virginia, Mr. LEWIS of Florida, Mr. MILLER of Ohio, Mr. BAKER, Ms. SCHNEIDER, Mr. SCHAEFER, Mr. SMITH of Mississippi, Mr. WOLF, Mr. TAUKE, and Mr. DREIER of California):

H. Res. 191. Resolution providing for the consideration of the bill (H.R. 2770) to amend title XVIII of the Social Security Act; to the Committee on Rules.

By Mr. BROWN of Colorado:

H. Res. 192. Resolution amending rule XLVI of the Rules of the House of Representatives with respect to the number of mass mailings which a Member may make in any calendar year using the franking privilege; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

161. By the Speaker: Memorial of the House of Representatives of the State of Illinois, relative to legislation to correct the "notch" in Social Security benefits; to the Committee on Ways and Means.

162. Also, memorial of the House of Representatives of the State of Illinois, relative to restrictions on the use of tax-exempt bonds; to the Committee on Ways and Means.

163. Also, memorial of the House of Representatives of the State of Illinois, relative to a fair and balanced trade policy regarding the importation of foreign steel; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 12: Mr. JOHNSON of South Dakota.
H.R. 140: Mr. FORD of Tennessee.
H.R. 145: Mr. EVANS, Mr. HEFNER, and Mr. PARKER.
H.R. 239: Mr. HAYES of Illinois and Mr. CAMPBELL of Colorado.
H.R. 292: Mr. WOLPE.
H.R. 332: Mr. SUNDQUIST.
H.R. 401: Mr. LONG.
H.R. 496: Mr. WOLPE, Mr. PERKINS, Mr. APPLEGATE, Mr. FRANK, and Mr. MANTON.
H.R. 499: Mr. WALSH.
H.R. 504: Mr. WALSH.
H.R. 505: Mr. SKELTON, Mr. MCNULTY, Mr. RITTER, Mr. PALLONE, Mr. SOLOMON, Mr. GORDON, Mr. EDWARDS of Oklahoma, Mr. WALGREN, Mr. SMITH of Texas, and Mr. MILLER of Washington.
H.R. 570: Mr. BONIOR.
H.R. 572: Mr. BURTON of Indiana.
H.R. 574: Mr. ROHRABACHER, Mr. MCEWEN, Mr. GINGRICH, Mr. COX, Mr. HOLLOWAY, and Mr. WEBER.
H.R. 638: Ms. PELOSI, Mr. HOYER, and Mr. BUECHNER.
H.R. 665: Mr. DORGAN of North Dakota and Mr. YOUNG of Florida.
H.R. 697: Mr. HOLLOWAY.
H.R. 746: Mr. THOMAS of California, Mr. PRICE, Mr. BUECHNER, Mr. LAUGHLIN, and Mr. FISH.
H.R. 747: Mr. WATKINS, Mr. GILLMOR, Mr. HERTEL, Mr. SHUSTER, Mr. SIKORSKI, Mr. MCNULTY, Mr. SMITH of Mississippi Mr. PAYNE of Virginia, Mr. WHEAT, Mr. PALLONE, Mr. WALSH, and Mr. WYLIE.
H.R. 796: Mr. SISISKY, Mr. EVANS, Mr. HENRY, Mr. ROSE, Mr. SIKORSKI, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. GRANT, and Mr. STOKES.
H.R. 875: Mr. PARRIS.
H.R. 885: Mr. MARTINEZ.
H.R. 919: Mr. BRYANT.
H.R. 930: Mr. HOUGHTON and Mr. BRENNAN.
H.R. 993: Mr. HAWKINS, Mr. HAYES of Illinois, and Mr. CROCKETT.
H.R. 995: Mr. OXLEY and Mr. ECKART.
H.R. 1025: Mr. FAUNTROY.
H.R. 1044: Mr. DELLUMS.
H.R. 1068: Mr. BUECHNER.
H.R. 1079: Mr. EDWARDS of Oklahoma and Ms. KAPTUR.
H.R. 1085: Mr. HAYES of Louisiana and Mr. ERDREICH.
H.R. 1095: Mr. BEVILL, Mrs. BOXER, Mr. BRYANT, Mrs. COLLINS, Mr. KANJORSKI, and Mr. PENNY.
H.R. 1136: Mr. ROBERTS, Mr. BARTON of Texas, Mr. DOUGLAS, Mr. BROWDER, Mr. STALLINGS, Ms. PELOSI, Mr. SOLOMON, Mr. STUMP, Mr. MILLER of Washington, and Mr. DURBIN.
H.R. 1185: Mr. OWENS of Utah and Mr. SOLOMON.
H.R. 1236: Mr. WOLPE, Mr. LIPINSKI, Mr. TORRICELLI, Mr. FROST, Mr. RICHARDSON, and Mr. MRAZEK.
H.R. 1286: Mr. EMERSON, Mr. SKELTON, Mr. CAMPBELL of California, Mr. BILBRAY, Mr. MARTINEZ, Mr. LANCASTER, Mr. SISISKY, Mr. ANDERSON, Mr. STARK, Mr. LAGOMARSINO, and Mr. LEHMAN of California.
H.R. 1287: Mr. LANTOS and Mr. SHUMWAY.
H.R. 1295: Mr. ROTH.
H.R. 1306: Mr. FLORIO and Mr. FUSTER.
H.R. 1317: Mr. MADIGAN and Mr. MFUME.
H.R. 1398: Mr. ACKERMAN, Mr. BERMAN, Mr. BUSTAMANTE, Mrs. COLLINS, Mr. CONYERS, Mr. DELLUMS, Mr. DYMALLY, Mr. EVANS, Mr. ESPY, Mr. FAUNTROY, Mr. FRANK, Mr. GARCIA, Mr. KILDEE, Mr. LELAND, Mr. MOODY, Mr. OWENS of New York, Mr. RANGEL, Mr. STOKES, and Mr. WISE.
H.R. 1432: Mr. FASCELL, Mr. CROCKETT, Ms. OAKAR, Mr. BILBRAY, Mr. WISE, and Mr. EVANS.
H.R. 1582: Mr. ROYBAL.
H.R. 1612: Mr. DELLUMS, Mr. DYMALLY, Mr. HAYES of Illinois, and Mrs. COLLINS.
H.R. 1617: Ms. OAKAR, Mrs. MEYERS of Kansas, and Mr. NATCHER.
H.R. 1643: Mr. ACKERMAN.
H.R. 1648: Ms. OAKAR.
H.R. 1704: Mr. PRICE, Mr. TOWNS, Mr. WEISS, Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mr. PANETTA, Mr. SAXTON, and Mr. FAUNTROY.
H.R. 1760: Mr. WYDEN.
H.R. 1762: Mr. EDWARDS of Oklahoma and Mr. GEJDENSON.
H.R. 1955: Mr. PARRIS and Mr. ROBINSON.
H.R. 2002: Mr. WEISS, Mr. SMITH of New Jersey, and Mr. COX.
H.R. 2051: Mr. FRANK.
H.R. 2055: Mr. SCHUETTE.
H.R. 2069: Mr. HOLLOWAY.
H.R. 2096: Mr. RICHARDSON.
H.R. 2098: Mr. OWENS of New York, Mr. GEJDENSON, Mr. MYERS of Indiana, Mr. DE LA GARZA, Mr. DERRICK, Mrs. MARTIN of Illinois, Mr. THOMAS A. LUKEN, Mr. DARDEN, Mr. SIKORSKI, and Mr. MCMILLAN of North Carolina.
H.R. 2131: Mr. FISH, Mr. DONNELLY, and Mr. KANJORSKI.
H.R. 2142: Mr. STENHOLM and Mr. EDWARDS of Oklahoma.
H.R. 2165: Mr. BATEMAN.
H.R. 2186: Mr. FAWELL, Mr. MCEWEN, Mr. SHAYS, Mr. PARKER, Mr. COBLE, Mr. LAGOMARSINO, and Mr. FUSTER.
H.R. 2192: Mr. WISE.
H.R. 2217: Mr. ECKART and Mr. GEJDENSON.
H.R. 2228: Mr. OBEY.
H.R. 2290: Mr. ATKINS, Mr. PARRIS, Mr. KOLTER, and Mr. WALSH.
H.R. 2319: Mr. WHEAT, Mr. OWENS of New York, Mr. FROST, Mr. TORRES, Mr. PALLONE, Mr. SKAGGS, Mr. PERKINS, Mr. WYLIE, Mr. DYMALLY, Mr. ROGERS, Mr. KLECZKA, Mr. OXLEY, and Mr. STANGELAND.
H.R. 2323: Mr. OBERSTAR, Mr. PENNY, Mr. OWENS of Utah, Mr. DONNELLY, Mr. KENNEDY, Mr. MAVROULES, Mr. FASCELL, Mr. DE LUGO, Mr. CAMPBELL of California, Mr. ENGEL, and Mr. MOLINARI.
H.R. 2336: Mr. PARRIS.
H.R. 2373: Mr. ROE and Mr. LEWIS of Georgia.
H.R. 2386: Mr. ECKART, Mr. SHAYS, Mr. KANJORSKI, and Mr. BOEHLERT.
H.R. 2395: Mr. SUNDQUIST, Mrs. SAIKI, and Mr. FISH.
H.R. 2426: Mr. GEJDENSON, Mr. COUGHLIN, and Mr. COURTER.
H.R. 2507: Mr. DARDEN and Mr. GREEN.
H.R. 2529: Mr. ACKERMAN, Mr. NIELSON of Utah, and Mr. PENNY.
H.R. 2545: Mr. FAUNTROY, Mr. FROST, Mr. FUSTER, and Mr. ACKERMAN.
H.R. 2584: Mr. MOODY.
H.R. 2611: Ms. SNOWE, Mr. PANETTA, Mr. MILLER of Washington, Mr. COX, Mr. LEWIS of California, Mr. COURTER, Mr. FAUNTROY, and Mr. LAFALCE.
H.R. 2625: Mr. ATKINS, Mr. BATES, Mrs. COLLINS, Mr. DEFAZIO, Mr. GLICKMAN, Mr. JONTZ, Ms. KAPTUR, Mr. KENNEDY, Mr. LEHMAN of California, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. PENNY, Mr. SMITH of Florida, Mr. VOLKMER, and Mr. WEISS.
H.R. 2629: Mr. SKELTON.
H.R. 2654: Mr. SMITH of Mississippi, Mr. BALLENGER, Mr. KYL, Mr. GINGRICH, Mr. WALKER, Mr. ROTH, Mr. IRELAND, and Mr. HANCOCK.
H.R. 2694: Mr. ECKART, Mr. ROBINSON, and Mr. HAMMERSCHMIDT.
H.R. 2700: Mr. RICHARDSON.
H.R. 2706: Mr. JOHNSON of South Dakota.
H.J. Res. 31: Mr. BOSCO and Mr. SAVAGE.
H.J. Res. 47: Mr. AKAKA, Mr. BUECHNER, Mr. CARPER, Mr. CONTE, Mr. FEIGHAN, Mr. FROST, Mr. FUSTER, Mr. GORDON, Mr. GUNDERSON, Mr. HOUGHTON, Mr. LEACH of Iowa, Mr. LEVIN of Michigan, Mr. LIVINGSTON, Mr. MARTIN of New York, Mr. MCHUGH, Mr. MILLER of California, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. PANETTA, Mr. REGULA, Mr. SABO, Mr. SIKORSKI, Mr. SISISKY, Mr. SOLOMON, Mr. STARK, Mr. TALLON, Mr. VANDER JAGT, and Mr. WALGREN.
H.J. Res. 149: Mr. ASPIN, Mr. GALLEGLY, Mr. LELAND, Mr. ROHRABACHER, Mr. ANDREWS, Mr. ARMEY, Mr. AUCOIN, Mr. ORTIZ, Mr. BERMAN, Mr. BEVILL, Mr. BONIOR, Mr. BRUCE, Mr. BUNNING, Mrs. BYRON, Mr. CARR, Mr. DEFAZIO, Mr. FLAKE, Mr. DICKS, Mr. DIXON, Mrs. UNSOELD, Mr. EARLY, Mr. EDWARDS of California, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GEKAS, Mr. GEJDENSON, Mr. HAWKINS, Mr. HAYES of Louisiana, Mr. HOCHBRUECKNER, Mr. HUCKABY, Mr. JONES of North Carolina, Mr. JONTZ, Mr. KASICH, Mr. KENNEDY, Mr. KOSTMAYER, Mr. THOMAS A. LUKEN, Mr. MCCANDLESS, Mr. MCCLOSKEY, Mr. TAUZIN, Mr. AKAKA, Mr. BILBRAY, Mr. BROWN of California, Mr. CARDIN, Mr. CLARKE, Mr. COOPER, Mr. DELLUMS, Mr. DINGELL, Mr. DYSON, Mr. FALEOMAVAEGA, Mr. BATES, Mr. HOAGLAND, Mr. MARTINEZ, Mr. SOLARZ, Mr. RAY, Mr. ESPY, Mr. GONZALEZ, Mr. HARRIS, Mrs. KENNELLY, Mr. ATKINS, Mr. BEILENSON, Mr. BORSKI, Mr. BRYANT, Mr. CHAPMAN, Mr. CLAY, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DOWNEY, Mr. TANNER, Mr. NEAL of Massachusetts, Mr. HEFNER, Mr. PALLONE, Mr. MCDERMOTT, Mr. ENGEL, Mr. GAYDOS, Mr. HALL of Texas, Ms. KAPTUR, Mr. LAFALCE, Mr. MARKEY, Mr. MILLER of California, Mr. MONTGOMERY, Mr. MRAZEK, Mr. PANETTA, Mr. PERKINS, Mr. PRICE, Mr. ROBINSON, Mr. SABO, Mr. SARPALIUS, Mr. SAWYER, Mr. SHARP, Mr. SISISKY, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. SYNAR, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. YOUNG of Alaska, Mr. TRAFICANT, Mr. MAVROULES, Mr. MINETA, Mr. MOODY, Mr. OLIN, Mr. PAYNE of Virginia, Mr. PICKLE, Mr. RICHARDSON, Mrs. ROUKEMA, Mr. SAVAGE, Mr. SANGMEISTER, Mr. SCHUMER, Mr. SIKORSKI, Mr. SKELTON, Mrs. SMITH of Nebraska, Mr. SKEEN, Mr. THOMAS of California, Mr. VALENTINE, Ms. LONG, Mr. MCEWEN, Mr. LANTOS, Mr. LEVINE of California, Mr. CONYERS, Mr. BROOKS Mr. CLEMENT, Mr. STARK, Mr. SCHEUER, Mr. STENHOLM, Mr. TALLON, Mr. WAXMAN, Mr. WOLPE, Mrs. LOWEY of New York, Mr. POSHARD, Mr. YATRON, Mr. WILSON, Mr. WALGREN, Mr. LEATH of Texas, Mr. MICHEL, Mr. COSTELLO, Mr. FAUNTROY, Mr. RANGEL, Mr. UDALL, Mr. HUBBARD, Mrs. BOGGS, Mr. MURPHY, Mr. STAGGERS and Mr. STOKES.
H.J. Res. 163: Mr. SCHUMER, Mr. MARKEY, Mr. SCHIFF, Mr. OLIN, Mrs. UNSOELD, Mr. MAVROULES, Mr. SAWYER, Mr. BUECHNER, Mrs. KENNELLY, Ms. OAKAR, Mr. LEHMAN of California, Mr. BRENNAN, Mr. DELLUMS, Mr. BORSKI, Mr. BERMAN, Mr. DWYER of New Jersey, Mr. DIXON, Mr. ROSE, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. ANDREWS, Mr. NEAL of North Carolina, Mr. BARTLETT, Mr. WALSH, Mr. CAMPBELL of Colorado, Mr. SHARP, and Mr. DURBIN.
H.J. Res. 164: Mr. SMITH of Mississippi, Mr. HEFNER, Mr. SAWYER, Mr. ENGLISH, Mr. KANJORSKI, Mr. GORDON, Mrs. KENNELLY, Mr. BATEMAN, Mr. TANNER, Mr. COURTER, Mr. SOLARZ, and Mr. STEARNS.

H.J. Res. 171: Mr. AKAKA, Mr. ANDERSON, Mr. AUCOIN, Mr. BATES, Mrs. BENTLEY, Mr. BEVILL, Mr. BLAZ, Mrs. BOXER, Mr. CAMPBELL of Colorado, Mrs. COLLINS, Mr. CONYERS, Mr. COSTELLO, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DONNELLY, Mr. DURBIN, Mr. DYMALLY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FAZIO, Mr. FUSTER, Mr. GREEN, Mr. HAMMERSCHMIDT, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HORTON, Mr. HOYER, Mr. KASICH, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCEWEN, Mr. MCNULTY, Mr. MANTON, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PANETTA, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PORTER, Mr. RANGEL, Mr. RAVENEL, Mr. ROE, Mr. ROGERS, Mrs. ROUKEMA, Mr. SABO, Mrs. SAIKI, Mr. SAVAGE, Mr. SKEEN, Mr. SMITH of Mississippi, Mr. TALLON, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UPTON, Mr. VALENTINE, Mr. WAXMAN, Mr. WILSON, Mr. WOLF, Mr. WOLPE, Mr. ATKINS, Mr. GORDON, and Mr. JONTZ.

H.J. Res. 174: Mr. FISH and Mr. STEARNS.

H.J. Res. 199: Mr. BEVILL and Mr. MONTGOMERY.

H.J. Res. 200: Mr. OWENS of Utah, Mr. NIELSON of Utah, Mr. BARTLETT, Mr. PRICE, Mr. KOSTMAYER, Mr. FUSTER, Mr. RANGEL, and Ms. KAPTUR.

H.J. Res. 220: Mr. CROCKETT, Mr. COSTELLO, Mr. TOWNS, Mr. HORTON, Mr. TALLON, Ms. KAPTUR, Mr. HAYES of Illinois, Mr. RANGEL, Mr. FAUNTROY, Mrs. COLLINS, Mr. WALSH, Mr. TRAXLER, Mr. MURPHY, Mr. MILLER of California, Mr. MATSUI, Mr. BENNETT, Mr. STOKES, Mr. SABO, Mr. PAYNE of Virginia, Mr. GORDON, Mr. FROST, Mr. FAZIO, Mr. DWYER of New Jersey, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DYMALLY, Mr. ESPY, Mr. EVANS, Mr. FUSTER, Mr. GARCIA, Mr. GRAY, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. OWENS of Utah, Mr. PALLONE, Mr. ROE, and Ms. OAKAR.

H.J. Res. 221: Mr. ANNUNZIO, Mr. AUCOIN, Mr. CRANE, Mr. FISH, Mr. FROST, Mr. GEJDENSON, Mr. GREEN, Mr. SHAW, and Mr. WOLPE.

H.J. Res. 227: Mr. SCHAEFER and Mr. UPTON.

H.J. Res. 230: Mr. KASICH, Mr. SHAYS, Mrs. COLLINS, Mrs. BOXER, Mr. PETRI, Mr. CLAY, Mr. SCHUETTE, Mr. SKAGGS, Mr. LENT, Mr. FRANK, Mr. HAMMERSCHMIDT, Mr. DIXON, Mr. BARTLETT, Mr. MAZZOLI, Mr. DARDEN, Mr. GEJDENSON, and Mr. FISH.

H.J. Res. 231: Mr. HALL of Ohio, Mr. COUGHLIN, Mr. DE LUGO, Mr. ASPIN, Mr. HALL of Texas, and Mr. DWYER of New Jersey.

H.J. Res. 271: Mr. JONTZ, Mr. FUSTER, Mr. FAZIO, Mr. LIPINSKI, Mr. SMITH of Vermont, Mrs. SAIKI, Mr. SMITH of Florida, Mr. DELLUMS, Mr. LAGOMARSINO, and Mr. OWENS of New York.

H.J. Res. 273: Mr. DEWINE, Mr. SCHIFF, Mr. GEJDENSON, and Mr. HUGHES.

H.J. Res. 294: Mr. SENSENBRENNER and Mr. SMITH of Mississippi.

H.J. Res. 303: Mr. HOLLOWAY, Mr. EMERSON, Mr. DORNAN of California, and Mr. BILIRAKIS.

H.J. Res. 307: Mr. SPENCE, Mr. HOLLOWAY, and Mr. EMERSON.

H.J. Res. 308: Mr. BILIRAKIS, Mr. RHODES, Mr. SCHUETTE, Mr. GRANT, Mr. WILSON, Mr. HUNTER, Mr. SKEEN, Mr. SHUMWAY, Mr. HANSEN, Mr. ROBINSON, Mr. HUCKABY, Mr. BARNARD, Mr. HOLLOWAY, Mr. WYLIE, and Mr. TAUZIN.

H.J. Res. 309: Mr. DORNAN of California, Mr. PACKARD, Mr. HUTTO, Mr. NIELSON of Utah, Mr. SCHUETTE, Mr. RAVENEL, Mr. SAXTON, Mr. LEATH of Texas, Mr. KOLTER, Mr. ROBERTS, Mr. WILSON, Mr. HANSEN, Mr. SPENCE, Mr. BARNARD, Mr. DANNEMEYER, Mr. BILIRAKIS, Mr. RHODES, Mr. BOEHLERT, Mr. HUCKABY, Mr. HOLLOWAY, Mr. HUBBARD, Mr. LOWERY of California, Mr. EMERSON, Mr. PAXON, and Mr. TAUZIN.

H.J. Res. 317: Mr. LANCASTER, Mr. DYSON, Mr. BLILEY, Mr. PERKINS, Mr. HEFNER, Mr. PACKARD, and Mr. DORNAN of California.

H.J. Res. 318: Mr. STUMP, Mr. DORNAN of California, Mr. PACKARD, Mr. HUTTO, Mr. SKEEN, Mr. SCHAEFER, Mr. NIELSON of Utah, Mr. WILSON, Mr. LEATH of Texas, Mr. SAXTON, Mr. BALLENGER, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BEVILL, Mr. SCHUETTE, Mr. KOLTER, Mr. HANSEN, Mr. EMERSON, Mr. SPENCE, Mr. FIELDS, Mr. BOEHLERT, Mr. GUNDERSON, Mr. CAMPBELL of California, and Mr. BARNARD.

H.J. Res. 319: Mr. GALLO and Mr. HOLLOWAY.

H.J. Res. 322: Mr. PACKARD, Mr. WHITTAKER, Mr. ARCHER, Mr. SMITH of New Hampshire, Mr. LOWERY of California, Mr. SPENCE, Mr. GEKAS, Mr. BURTON of Indiana, Mr. DORNAN of California, Mr. RAVENEL, Mr. SKEEN, Mr. NIELSON of Utah, Mr. SCHAEFER, Mr. KYL, Mr. BARNARD, Mr. ROGERS, Mr. SAXTON, Mr. SHUMWAY, Mr. COURTER, Mrs. JOHNSON of Connecticut, Mr. BUNNING, and Mr. QUILLEN.

H.J. Res. 324: Mr. ROBERT F. SMITH, Mr. SKELTON, Mr. RHODES, Mr. MCGRATH, Mr. ROBINSON, Mr. PACKARD, Mr. WATKINS, Mr. SOLOMON, Mr. SHUMWAY, Mr. HUNTER, Mr. HANSEN, Mr. HOLLOWAY, Mr. BUECHNER, Mr. WYLIE, Mr. DERRICK, Mr. FIELDS, Mr. HUTTO, Mr. BEVILL, Mrs. BENTLEY, Mr. RITTER, Mr. APPLEGATE, and Mr. PAXON.

H.J. Res. 331: Mr. HOLLOWAY and Mr. PAXON.

H.J. Res. 335: Mr. HOLLOWAY and Mr. EMERSON.

H. Con. Res. 35: Mr. HOLLOWAY.

H. Con. Res. 79: Mr. COURTER, Mr. BUSTAMANTE, Mr. FROST, Mr. MORRISON of Connecticut, Mrs. BOXER, and Mr. DONNELLY.

H. Con. Res. 92: Mr. EVANS, Mr. SLAUGHTER of Virginia, Mr. COURTER, Mr. SUNDQUIST, Mr. SCHULZE, Mr. UPTON, Mr. WOLF, and Mr. HOLLOWAY.

H. Con. Res. 124: Mr. DANNEMEYER, Mr. JACOBS, Mr. LELAND, Mr. DINGELL, Mr. HAWKINS, and Mr. APPLEGATE.

H. Con. Res. 156: Mr. HOLLOWAY, Mr. JONES of Georgia, Mr. UPTON, Mr. MONTGOMERY, Mr. PARKER, Mr. EDWARDS of Oklahoma, and Mr. GRANT.

H. Res. 116: Mr. OWENS of Utah, Mr. SPRATT, Mrs. COLLINS, Mr. MRAZEK, Mr. GARCIA, Mr. FROST, Mr. DYMALLY, and Mr. LEWIS of Georgia.

H. Res. 130: Mrs. LLOYD, Mr. BUECHNER, Mr. ROYBAL, Mrs. BOXER, and Mr. FORD of Michigan.

H. Res. 184: Mr. SPENCE, Mr. BARNARD, Mr. DANNEMEYER, Mr. BOEHLERT, and Mr. HUCKABY.

H. Res. 189: Mr. AKAKA, Mr. APPLEGATE, Mr. ARMEY, Mr. BALLENGER, Mr. BARTLETT, Mr. BEREUTER, Mr. BOEHLERT, Mrs. BOGGS, Mr. BROOMFIELD, Mr. BROWDER, Mr. BROWN of Colorado, Mr. BUECHNER, Mrs. BYRON, Mr. CAMPBELL of Colorado, Mr. CARR, Mr. CHAPMAN, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mr. COMBEST, Mr. COUGHLIN, Mr. COURTER, Mr. CRANE, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAVIS, Mr. DE LA GARZA, Mr. DELAY, Mr. DEWINE, Mr. DICKINSON, Mr. DICKS, Mr. DIXON, Mr. DUNCAN, Mr. DURBIN, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. FAWELL, Mr. FAZIO, Mr. FISH, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILLMOR, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GRADISON, Mr. GRANDY, Mr. HALL of Texas, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOPKINS, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUCKABY, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. JAMES, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LENT, Mr. LEWIS of Florida, Mr. DONALD E. LUKENS, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCHUGH, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MAZZOLI, Mr. MCGRATH, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. MINETA, Mr. MOLINARI, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURTHA, Mr. NATCHER, Mr. OLIN, Mr. PACKARD, Mr. PARRIS, Mr. PASHAYAN, Mr. PAYNE of Virginia, Mr. PERKINS, Mr. PETRI, Mr. PICKLE, Mr. QUILLEN, Mr. RAVENEL, Mr. REGULA, Mr. RIDGE, Mr. RITTER, Mr. ROBINSON, Mr. ROHRABACHER, Mr. ROTH, Mr. ROWLAND of Georgia, Mrs. SAIKI, Mr. SAXTON, Mr. SHAYS, Mr. SKELTON, Mrs. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. ROBERT F. SMITH, Mr. SMITH of Texas, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. STUMP, Mr. SUNDQUIST, Mr. SWIFT, Mr. TAUZIN, Mr. THOMAS of California, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WELDON, Mr. WHITTEN, Mr. WILSON, Mr. YATES, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida.

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