

HOUSE OF REPRESENTATIVES—Tuesday, May 8, 1990

The House met at 12 noon.

Rabbi Arthur Schneier, Park East Synagogue, New York, NY, offered the following prayer:

You have delivered my soul from death.—(Psalm 116).

You have saved me from the Holocaust and, 43 years ago today, on May 8, 1947, You brought me to the land of freedom and opportunity, the Nation of immigrants. This year you have given me the privilege to preside over the centennial of my congregation, Park East Synagogue, a major spiritual center in New York.

God bless America that gave so many of us a new lease on life and remains the beacon of hope and faith for those deprived of human dignity and freedom, the home of churches and synagogues, where each one of us can worship freely and gain strength through moral values.

The ideology that sought to bury us is now on its death bed. And You, oh Lord, are very much alive in the hearts of millions, who are hungry not only for food but yearn for spiritual sustenance. "In God we trust" is now proclaimed by nations of the velvet revolutions. The spirit of America has captured the hearts and minds of people throughout the world and, as they grope to find their way from totalitarianism to democracy—sometimes impassioned by nationalism and ethnic strife—may we share with them the benefits of pluralism and tolerance and the blessing of unity in diversity.

God bless America * * * Stand beside her and guide her.

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. BUNNING. 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. BUNNING. 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 263, nays 106, answered "present" 1, not voting 63, as follows:

[Roll No. 97]

YEAS—263

Ackerman	Fish	McCrery
Akaka	Flake	McCurdy
Anderson	Ford (MI)	McDade
Andrews	Frank	McDermott
Annunzio	Gallo	McEwen
Anthony	Gaydos	McHugh
Applegate	Gejdenson	McMillen (MD)
Archer	Gephardt	McNulty
Aspin	Geren	Meyers
Atkins	Gibbons	Miller (CA)
AuCoin	Gillmor	Mineta
Barnard	Gilman	Moakley
Bartlett	Glickman	Montgomery
Bateman	Gonzalez	Moody
Bates	Gordon	Murtha
Beilenson	Gradison	Myers
Bennett	Grant	Nagle
Berman	Gray	Natcher
Bevill	Green	Neal (NC)
Billbray	Guarini	Nielson
Bonior	Gunderson	Nowak
Borski	Hall (OH)	Oberstar
Bosco	Hall (TX)	Obey
Boucher	Hamilton	Olin
Boxer	Hammerschmidt	Ortiz
Brennan	Harris	Owens (UT)
Broomfield	Hatcher	Packard
Brown (CA)	Hayes (IL)	Panetta
Bruce	Hayes (LA)	Patterson
Bryant	Hefner	Payne (NJ)
Bustamante	Hertel	Payne (VA)
Byron	Hoagland	Pease
Callahan	Hochbrueckner	Pelosi
Campbell (CO)	Horton	Penny
Cardin	Hoyer	Perkins
Carper	Huckaby	Petri
Carr	Hughes	Pickett
Chapman	Hutto	Pickle
Clarke	Jenkins	Porter
Clement	Johnson (CT)	Poshard
Clinger	Johnson (SD)	Price
Coleman (TX)	Jones (GA)	Quillen
Combest	Jones (NC)	Ravenel
Condit	Jontz	Ray
Conte	Kanjorski	Richardson
Conyers	Kasich	Rinaldo
Cooper	Kastenmeier	Ritter
Costello	Kennedy	Rose
Coyne	Kennelly	Rostenkowski
Darden	Kildee	Roth
Davis	Kleczka	Rowland (GA)
de la Garza	Kolter	Roybal
Dellums	Kostmayer	Russo
Derrick	LaFalce	Sabo
Dicks	Lantos	Saiki
Dixon	Laughlin	Sangmeister
Donnelly	Leath (TX)	Sarpalius
Dorgan (ND)	Lent	Sawyer
Downey	Levin (MI)	Saxton
Duncan	Levine (CA)	Scheuer
Durbin	Lewis (GA)	Schiff
Dwyer	Lipinski	Schneider
Dymally	Livingston	Schulze
Dyson	Lloyd	Serrano
Early	Long	Sharp
Eckart	Lowe (NY)	Shumway
Edwards (CA)	Manton	Shuster
English	Markey	Siskis
Erdreich	Martinez	Skaggs
Espy	Matsui	Skeen
Evans	Mavroules	Skelton
Fascell	Mazzoli	Slatery
Fazio	McCloskey	Slaughter (NY)
Feighan	McCollum	Smith (FL)

Smith (IA)	Tallon
Smith (NE)	Tanner
Smith (NJ)	Tauzin
Smith (VT)	Taylor
Solarz	Thomas (GA)
Spence	Thomas (WY)
Staggers	Torres
Stallings	Torricelli
Stark	Towns
Stearns	Trafigant
Stenholm	Unsoeld
Studds	Valentine
Swift	Vander Jagt
Synar	Walgren

NAYS—106

Armey	Hefley	Paxon
Baker	Henry	Regula
Ballenger	Herger	Rhodes
Barton	Hill	Ridge
Bereuter	Holloway	Roberts
Billakis	Hopkins	Rogers
Billiey	Houghton	Rohrabacher
Boehler	Hunter	Ros-Lehtinen
Brown (CO)	Inhofe	Roukema
Buechner	Jacobs	Schaefer
Bunning	James	Schroeder
Burton	Kyl	Sensenbrenner
Chandler	Lagomarsino	Shays
Clay	Leach (IA)	Slaughter (VA)
Coble	Lewis (CA)	Smith (TX)
Coleman (MO)	Lewis (FL)	Smith, Denny
Coughlin	Lightfoot	(OR)
Cox	Lowery (CA)	Smith, Robert
Crane	Machtley	(NH)
Dannemeyer	Madigan	Smith, Robert
DeLay	Marlenee	(OR)
DeWine	Martin (IL)	Snowe
Dickinson	Martin (NY)	Solomon
Douglas	McCandless	Stangeland
Dreier	McGrath	Stump
Edwards (OK)	McMillan (NC)	Sundquist
Fields	Mfume	Tauke
Gallely	Michel	Thomas (CA)
Gekas	Miller (OH)	Upton
Gingrich	Miller (WA)	Vucanovich
Goodling	Molinar	Walker
Goss	Moorhead	Weber
Grandy	Morella	Whittaker
Hancock	Murphy	Wolf
Hansen	Oxley	Young (AK)
Hastert	Parris	
Hawkins	Pashayan	

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—63

Alexander	Hyde	Rahall
Bentley	Ireland	Rangel
Boggs	Johnston	Robinson
Brooks	Kaptur	Roe
Browder	Kolbe	Rowland (CT)
Campbell (CA)	Lancaster	Savage
Collins	Lehman (CA)	Schuetz
Courter	Lehman (FL)	Schumer
Craig	Lukens, Thomas	Shaw
Crockett	Lukens, Donald	Sikorski
Dingell	Mollohan	Spratt
Dornan (CA)	Morrison (CT)	Stokes
Emerson	Morrison (WA)	Traxler
Engel	Mrazek	Udall
Fawell	Neal (MA)	Vento
Flippo	Nelson	Vislosky
Foglietta	Oakar	Volkmeyer
Ford (TN)	Owens (NY)	Watkins
Frenzel	Pallone	Wilson
Frost	Parker	Wyllie
Hubbard	Pursell	Young (FL)

□ 1224

So the Journal was approved.
The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will ask the gentleman from Indiana [Mr. McCLOSKEY] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. McCLOSKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3910. An act to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1424. An act to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States.

WELCOME TO RABBI ARTHUR SCHNEIER

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

Mr. GREEN. Mr. Speaker, it gives me great pleasure to welcome my friend, Rabbi Arthur Schneier, of the Park East Synagogue in New York City, who gave today's opening prayer.

Rabbi Schneier's visit today is part of the commemoration of the 100th anniversary of this synagogue, which was founded in 1889.

As Rabbi Schneier noted, today is also the 43rd anniversary of his arrival in the United States as a refugee from Europe.

The Park East Synagogue is renowned for its contributions to Jewish life in New York City as well as throughout the United States and

abroad. The synagogue, its rabbi, and its congregation have contributed to interreligious harmony and have been in the forefront of concern for Soviet and Eastern European Jewry and the State of Israel.

The Park East Synagogue has benefited from the spiritual leadership of Rabbi Schneier for the past 28 years. Rabbi Schneier also leads the highly respected human rights organization, the Appeal of Conscience Foundation. This group of leaders from the Roman Catholic, Protestant, Greek Orthodox, Armenian Orthodox, and Jewish faiths has visited many countries including the Soviet Union, Hungary, and China in an effort to protest repression of religious activity.

On behalf of all of my colleagues, I extend a warm welcome to Rabbi Schneier and those members of the Park East Synagogue who made the trip to Washington to witness this extraordinary occasion. I should also like to thank Rabbi Schneier for giving the prayer today and for his dedication to the worldwide Jewish community and to interreligious accord.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4641

Mr. STALLINGS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4641.

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

There was no objection.

FAMILY—THE REAL ISSUE IN THE FAMILY AND MEDICAL LEAVE ACT

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

Mr. SMITH of Florida. Mr. Speaker, the real issue in our consideration of the Family and Medical Leave Act is in the bill's first word: Family. This is a bill about giving American families a chance.

A recent Gallup Poll shows that four out of five Americans feel employees should be with their children during the first weeks of life and should be able to care for severely ill family members, without risk of losing their jobs. Americans believe in family.

This bill will not burden business. It responds to the legitimate concerns of employers by providing for only unpaid leave. In fact, GAO estimated that the annual cost of the bill would average only \$5.30 per employee. Additionally, this legislation will encourage employers to invest in an experienced, well-trained, high morale work force.

It seems that everyone these days is bemoaning the decline of the American family and the loss of an experi-

enced, motivated American work force. Well, Mr. Speaker, this bill encourages businesses to retain our most experienced workers. And, most of all, this bill responds to the concerns of America's most important group—our families.

□ 1230

KEEP THE DOLLAR BILL

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

Mr. CONTE. Mr. Speaker, a bill now lurking in the Subcommittee on Coinage and Consumer Affairs would replace the American dollar bill with a copper coin.

Beware of it: it does not simply add a dollar coin—it eliminates the dollar bill completely. It is a bad, bad idea.

Think of all the change we'd have to carry. We would have to strap coin dispensers to our belts and walk around like gas station attendants or popcorn vendors.

But even if we got used to that, the whole idea is shameful. Imagine taking away the dollar bill—the symbol of prosperity, the image of our country's greatness, the emblem of American economic might—and replacing it with a giant penny.

A giant penny, Mr. Speaker.

What a pathetic statement of American decline. Why not make whiffleball the national pastime, or change the Statue of Liberty for a statue of Bozo the Clown while we're at it?

Mr. Speaker, the dollar bill is just like the American flag. It is a symbol of our country. Let's keep it.

SUPPORT FAMILY AND MEDICAL LEAVE

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

Mr. McDERMOTT. Mr. Speaker, today less than 10 percent of the population represents the kind of family we used to see on "Ozzie and Harriet." Today most of our children have mothers who work outside the home.

When these children suffer a serious illness, mothers and fathers must too often choose between keeping their jobs or caring for their children.

As a physician, I have seen parents agonize over this decision. We all know that such a conflict benefits neither the family nor the employer—and certainly not the patient. Whether you are young or old, illness is a time when you need your family the most. No one should have to live with the grief and guilt of abandoning a child or parent in a time of need. No responsible employer should ask that of an employee.

The Family and Medical Leave Act will guarantee working families a chance to care for their loved ones. This legislation will not cost the Federal Government one penny, and the average annual cost to employers is estimated at about \$5 per employee.

We are not often presented with legislation that offers sensible, cost-effective, and compassionate solutions. The Family and Medical Leave Act is one of these, and I urge the President to support it.

NO COMPROMISE ON FEDERAL MANDATES

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

Mr. BALLENGER. Mr. Speaker, the Family and Medical Leave Act (H.R. 770) or a similar bill will be considered by the House later this week. I encourage my colleagues to vigorously oppose H.R. 770 or any so-called compromise.

The central problem with any legislation is simply a matter of policy. The Federal Government should not adopt a policy that mandates benefits for businesses. Instead, it should leave these decisions to businesses and their employees. I recognize the value of family and medical leave benefits; however, I do not believe the Federal Government should mandate these benefits to the exclusion of others deemed more valuable by various segments of the work force.

I believe the Federal Government should continue to allow companies the flexibility to provide their workers with the benefits they choose. My company in Hickory, NC, is a good example of business offering a benefit mix that helps the business and meets the desires of the workers. We provide a number of employee benefits, including health insurance, life insurance, a retirement plan, and maternity and family leave.

Congress should continue to encourage employers to provide flexible packages. However the decision on what is in the package should not be made by Washington politicians and bureaucrats.

Vote "no" on mandated leave!

CUT AID TO A CORRUPT MILITARY IN EL SALVADOR

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

Mr. McCLOSKEY. Mr. Speaker, it has been reliably reported that several items of evidence in the slayings of six Jesuits and two women in El Salvador have mysteriously disappeared and at least four soldiers with potentially incriminating evidence have been sent

abroad. Reportedly they will be unavailable to testify.

Perhaps these latest outrageous developments could comprise at least one of the final straws ultimately causing a not so mysterious disappearance of U.S. aid to a substantially corrupt military.

These revelations hopefully will generate support this week in this Chamber for the provisions in the supplemental foreign assistance bill to withhold 50 percent of the El Salvador military aid remaining in 1990 and in 1991.

TAX ASSISTANCE FOR BUSINESSES UNDER AMERICANS WITH DISABILITIES ACT

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

Mr. DELAY. Mr. Speaker, the Americans With Disabilities Act has been reported from four committees and it is now headed for the House floor for consideration.

Both Republicans and Democrats have attempted to amend provisions they have found objectionable. However, the momentum behind this bill has been a major factor in defeating amendments which would clarify and improve the bill.

There is however, Mr. Speaker, one issue that has not yet been considered in any of the four committees, and that is the issue of providing tax assistance for businesses who will be required to make accommodations under the bill.

Mandating access for the disabled is a reasonable requirement. Mandating that a business spend money to provide that access is something different. But to leave the spending mandate open-ended—with the courts determining how much small businesses must spend to accommodate the disabled—is unheard of!

Mr. Speaker, this Congress cannot pass the ADA unless it also allows for a tax credit for businesses who will be forced to spend money on accommodations for the disabled.

PRESIDENT MUST PRESENT A TAX LIST TO THE AMERICAN PEOPLE

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

Mr. TRAFICANT. Mr. Speaker, in 1988 Candidate Bush said "Read my lips: no new taxes." Now the President is singing a different tune. He is saying, "What I really meant was no new income taxes."

Tricky, tricky, tricky. I guess now the President is saying that raising old taxes is OK, or inheritance taxes is all

right, or sales taxes, that is all right as well, and maybe even a few hidden taxes.

This is a joke. A tax is a tax is a tax. It is time for the President to prepare that tax list and send it to the American people so they can check it twice.

Mr. Speaker, Candidate Bush said "Read my lips." He did not tell the American taxpayers to read his mind. Democrats should stand here and make sure he presents that tax list to the American people.

SATELLITE VIEWERS' RIGHTS ACT OF 1990

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

Mr. TAUZIN. Mr. Speaker, tomorrow I will introduce the Satellite Viewers' Rights Act of 1990. As dish sizes shrink and cable rates inflate, the future of the satellite dish industry brightens. The thought of having the diversity of cable programming delivered through a satellite to a flat dish receiver no bigger than a dinner napkin is absolutely revolutionary. Revolutionary, but also very real. Investors large and small are lining up to take their best shot at this new medium. From telecommunications giants like NBC to entrepreneurs like Dan Garner of Little Rock, AR, men and women of vision see the opportunity in the future of direct broadcast satellite services.

Through this napkin-sized antenna, citizens of Japan and Germany are already receiving satellite programming. And it is coming to America soon.

□ 1240

I believe that we must encourage this technology for the United States. Technology demands that we look at the future and encourage fair, competitive, and aggressive marketplace competition through access to programming at prices that are fair and competitive for consumers, and apply these technologies in those competitive terms to Ku-Band direct broadcast satellite service, as I have done in the Satellite Viewer's Rights Act of 1990.

The sky is opening to new television opportunities. Our bill will keep those skies open and keep prices fair and competitive.

UNBRIDLED'S SUCCESS AT TARTAN FARMS, OCALA, FL

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

Mr. STEARNS. Mr. Speaker, great stretch runs are the stuff of legends in the Kentucky Derby, but few winners

have ever finished as powerfully as Unbridled did Saturday.

The colt flew the final quarter mile at Churchill Downs in the fastest time since Secretariat to win the 116th running of America's most famous race.

I take considerable pride in the success of Unbridled. He was born and bred at Tartan Farms in my hometown of Ocala, FL.

Mr. Speaker, Unbridled's success is also a success for Florida's thoroughbred breeders. The thoroughbred industry has more than \$4 billion invested in Florida and provides more than 30,000 jobs.

Unbridled is the fourth Florida bred colt to win the Kentucky Derby. The honor also went to Needles in 1956, Foolish Pleasure in 1975, and Affirmed in 1978. Of course Affirmed went on to win the Triple Crown with victories at the Preakness and Belmont Stakes.

I am delighted that Unbridled is continuing Florida's tremendous thoroughbred reputation.

SOUTH CAROLINA COMMUNITY EXTENDS THANKS TO STATE OF MARYLAND

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

Mr. TALLON. Mr. Speaker, I rise today to extend a warm thank you to the State of Maryland from a community in South Carolina that was practically destroyed by Hurricane Hugo this past September.

In the days and weeks immediately following the hurricane, help began to arrive from all over the country. This help came in many forms and from many sources, but the help that came from Gov. William Donald Schaffer and the State of Maryland was especially helpful and meaningful to the Berkeley County community of St. Stephen.

Mayor Robert Hoffman of St. Stephen has repeatedly praised the outstanding assistance that his town received from Governor Schaffer and the people of Maryland. The compassion and heart-felt support that Governor Schaffer offered was a tremendous boost in St. Stephen's first steps toward recovery from the devastation of the hurricane.

In these days of budget constraints and the attitude of looking out for one's own interests, the people of Maryland proved to the community of St. Stephen that human compassion comes first.

I join the people of St. Stephen in publicly thanking Governor Schaffer and the people of Maryland for their outpouring of help, both in material supplies and human understanding.

FAIR REDISTRICTING NEEDED

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

Mr. SCHIFF. Mr. Speaker, we have heard a lot of talk lately about the need for campaign finance reform.

I agree that we need finance reform, but finance reform will not result in true campaign reform if legislatures can continue to gerrymander districts.

If a district is noncompetitive in voter registration, like many districts are today, there is no reform.

The Republican campaign reform plan would prohibit State legislatures from dividing cities, counties, and other governmental units to create new district boundaries unnecessarily.

This legislation would prevent State legislatures from freely gerrymandering districts for partisan political advantage.

Mr. Speaker, this legislation is long overdue.

The American people deserve fair redistricting after the 1990 census, and fair redistricting is essential to campaign reform.

HAVE A HEART, MR. BUSH

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

Mr. DURBIN. Mr. Speaker, consider this situation: The mother of a dying child, after years of suffering, finally realizes that the end is near. She goes to her employer of several years and asks for leave without pay for several weeks to be with her dying child. The employer tells her that he cannot guarantee her job when she returns. After the child's death, she comes back to find the employer refuses to rehire her.

In George Bush's view of America, our Government should have no voice in this brutal decision to punish a grieving mother. In George Bush's view of America, this mother who is faced with a cruelty of life now faces a cruel treatment from her employer with no legal recourse.

President Bush's threat to veto the Family Medical Leave Act betrays any notion that there is a kinder and gentler bone in this administration.

Have a heart, Mr. Bush. Support the American family during those tragic moments which can face any of us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore (Mr. MAZZOLI). The Chair would observe that the President should be addressed through the Chair and not directly.

ADVERSE EFFECTS OF CLEAN AIR ACT

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

Mr. APPELGATE. Mr. Speaker, following up on my friend, the gentleman from Ohio [Mr. TRAFICANT]: "Read my lips," Mr. Bush said, "no new taxes."

Yet the clean air bill that is before us is one of the biggest tax increase bills in the history of this country. Call it whatever you want to call it, taxes, increased bills, but there is going to be an 18- to 40-percent increase in utility bills, there is going to be an increase in the cost of products we are going to have to pay for. There is going to be an increase in the amount of foreign imports, and there are going to be hundreds of thousands of jobs in the steel industry and the coal industry that are going to be lost, and there are going to be lost Federal taxes.

Dr. Wilbur Steger, a professor at Carnegie Mellon Institute in Pittsburgh, who wrote an analysis of jobs at risk and job losses resulting from the proposed Clean Air Act amendments said that he is perplexed that anybody could support this bill when his analysis shows its passage could have a detrimental effect on 240,000 jobs in West Virginia and Ohio alone.

So what I am saying, Mr. Bush, is common sense must prevail. Take a look at the economic impact. Do not devastate a region. Help us.

DISCONTINUE AID TO EL SALVADOR ONCE AND FOR ALL

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

Mr. DeFAZIO. Mr. Speaker, unfortunately our Government seems to have become a bit ho-hum about strange doings in El Salvador. Despite thousands of opposition and labor leaders mysteriously having disappeared or been murdered, we have dumped nearly \$100 million a year into military aid and hundreds of millions more into other assistance for El Salvador.

When the six Jesuits and their housekeeper were brutally murdered last fall, it seemed things might change and our level of tolerance had finally been exceeded. But now it seems it is back to business as usual, or perhaps unusual in El Salvador.

First we heard that the colonel arrested in the killing of the six Jesuits was taking vacations with his family in a resort in the south of the country on a beach. It is tough when you are put in jail, and he needs those vacations.

Then we heard that the colonel's notebooks had mysteriously gone on vacation, and then the log book for

the night of the killings disappeared, and now the four key, material witnesses have abruptly gone overseas to study, perhaps with U.S. aid.

Mr. Speaker, with all of these mysterious disappearances, unscheduled vacations, and unanticipated overseas trips, it is time that military aid for El Salvador disappeared once and for all.

SEVERE PROBLEMS REMAIN WITH U.S. MERCHANT MARINE

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

Mr. PICKETT. Mr. Speaker, last year the National Commission on Merchant Marine and Defense issued its final report documenting the severe decline in the U.S. merchant marine industry and recommending action to reverse this trend. Neither Congress nor the President has acted on the recommendations to begin correcting this extremely serious deficiency in U.S. military and industrial policy.

Without an adequate U.S.-flag fleet of commercial vessels and the people to man them, we risk finding the United States in the position of being unable to transport needed troops, supplies, and vital equipment across the oceans in a national emergency. Additionally, effective competition in world trade will be hampered if we depend upon others to carry more than 95 percent of all U.S. oceanborne commerce.

With a dwindling number of ships, fewer licensed seamen, and a severe deterioration in the U.S. shipbuilding and ship repair industries, it is essential that we move quickly to rebuild our maritime resources. With the lessening of East/West tensions, the time is ripe for us to turn our attention to an effective sealift capability and a renewed effort to restore this Nation's merchant marine fleet.

As a first step, our distinguished colleague from Florida, Mr. BENNETT, has introduced H.R. 2463 to implement the recommendations of the Commission, and I urge others to join in this effort.

□ 1250

FAMILY AND MEDICAL LEAVE

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

Mr. LEVINE of California. Mr. Speaker, Donita Mellon was a nurse in a Los Angeles hospital. After a full year of unsuccessful treatment for an enlarged cystic ovary and a fibrous uterus, she was advised to have a hysterectomy and told she would need 8 weeks for recuperation.

When Ms. Mellon asked her supervisor for the time off, he told her that

because he wanted her to work during the holidays, she could either have the surgery in October or wait until after the new year. Otherwise, she would lose her job. Unfortunately, the earliest the surgeon was available to operate was in November.

As promised, when she returned to work, her job was gone.

But Ms. Mellon was lucky in one sense. During the surgery, doctors discovered that her condition had been malignant. Had she waited until the new year, she might have lost her life.

Donita Mellon should never have been forced to choose between her health and her job. Nor should anyone. I urge my colleagues to prevent this from happening again by supporting H.R. 770, the Family and Medical Leave Act.

Mr. Speaker, I urge the President to reconsider his unfortunate threat to veto this much needed and humane legislation.

MANDATED FAMILY AND MEDICAL LEAVE

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

Mr. WALKER. Mr. Speaker, I have heard a number of liberals come to the floor today suggesting people vote in favor of the Family and Medical Leave Act. These are some of the same people who have come to the floor over the last several weeks and told us about all the threats we face from increased competition. Yet this very bill, this mandated bill, will impose such costs on American business that will render them even more unable to compete in the world economy.

What this will mean is that thousands of Americans nationwide will lose their jobs because of our inability to meet foreign competition.

Mr. Speaker, it is not compassionate, in my view, to have thousands upon thousands of Americans out of a job as a result of actions we take here in the Congress.

It may well be that medical leave and family leave is one thing that an employer wants to consider in their dialog with their own employees. That may be something that should be done as part of the collective bargaining agreement arrangement. But it is not something the Government should mandate.

We ought not be in the business of mandating thousands of people to lose their jobs in this country.

TRIBUTE TO THE LATE ISIAH FREDERICKS

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

Mr. TAYLOR. Mr. Speaker, I come today to express the sorrow of the people of south Mississippi at the loss of State Representative Isiah Fredericks. Representative Fredericks, like many Mississippians, spent most of his life serving his country, first in Korea and then in Vietnam.

He was a true statesman and dedicated public servant. He served in the Mississippi House of Representatives for 11 years. He stayed in touch with the people who gave him the privilege of serving in public office and made their concerns known in Jackson.

In the words of one Biloxi city councilman who knew him well, Representative Fredericks "was a forceful and dynamic type of person. He was able to work effectively in building a consensus." People respected Fredericks' frankness and truth and they believed in what he said.

Representative Fredericks knew that leadership and public service went hand-in-hand. His lists of accomplishment go on and on. He was a compassionate and generous man who led by example and restored in others the will and conviction to carry on in his absence.

Representative Fredericks was the first black to register to vote in Pearl River County. He was a leader for civil rights and played an important role in our State's progress from confrontation to cooperation. He served his county well in the Air Force, both in Vietnam and Korea.

I was proud to call him friend.

THE FAMILY AND MEDICAL LEAVE ACT IS NOT MANDATED

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

Mrs. SCHROEDER. Mr. Speaker, I think it is very important to answer some of the charges that have been leveled here today at family medical leave. Many people were talking about how this is mandated, mandated, mandated. This is not mandated at all. Any family that does not want this leave does not have to take it.

The only thing it does is empower America's families for the first time to be able to take that leave if they need it.

Right now there is a press conference going on outside where many people are talking about how they have been the victims of employers firing them because their child had leukemia and was dying and they wanted to take time off, or employers firing them because they adopted a baby and they wanted and needed some time.

This is a chance for us to truly be kinder, gentler. This is a real issue of the special interests versus the family

interests in this country. You do not have to look at statistics to know families have been losing in this country. This is a chance to empower them a bit.

They are not mandated to do a thing, but it may really help, and I really hope that people will look at this sincerely and take this issue on.

FAMILY AND MEDICAL LEAVE ACT WILL CAUSE JOBS TO BE LOST.

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

Mr. HASTERT. Mr. Speaker, again we enter into the dialog about mandated parental leave.

Mr. Speaker, I have to reiterate that if you are being kinder and gentler to the American families, it is not being kinder and gentler to take away jobs, to prevent and build walls for women to come in and to be able to have access to jobs because of the problems that this bill would propose.

If we want to be kinder and gentler to the American family, we need to give them the opportunity to work, to earn for this country, to be productive, for this country to be competitive throughout the world.

When you start to put mandates and shackles on the American economy, you are not being kinder and gentler to anybody; you are fooling the American public, Mr. Speaker.

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM AND GOVERNMENT LIFE INSURANCE AMENDMENTS

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1805) to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholding if the annuity is insufficient to cover the required withholdings, and to make a technical correction relating to the life insurance program, with Senate amendments thereto, concur in Senate amendments numbered 1 and 3, disagree to the Senate amendment numbered 2, and disagree to the Senate amendment to the title.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 4, strike out "individual" and insert "individual".

Page 5, after line 2, insert:

SEC. 3. UNIFORM TERMINATION OF LIFE INSURANCE COVERAGE.

Section 8706(a) of title 5, United States Code, is amended in the first sentence by striking out "or 12 months after discontinuance of his pay, whichever is earlier".

Page 5, after line 2, insert:

SEC. 4. REDUCTION IN AGE REQUIREMENT FOR WIDOWS AND WIDOWERS FOR RECEIVING CERTAIN COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION SYSTEM.

Chapter 81, of title 5, United States Code, is amended—

(1) in section 8133(b)(1) by striking out "age 60" and inserting in lieu thereof "age 55"; and

(2) in section 8135(b) by striking out "age 60" and inserting in lieu thereof "age 55".

Amend the title so as to read: "To amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings, to make a technical correction relating to the life insurance program, and to provide for the termination of life insurance coverage uniformly."

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

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to the request.

Mr. ACKERMAN. Mr. Speaker will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, on November 6, 1989, the House passed H.R. 1805 by voice vote and 6 months later, on April 26 of this year, the Senate also passed the legislation by voice vote. However, the Senate added three amendments to the bill.

The first amendment corrects a spelling error in the bill.

The second amendment would eliminate the current provision for the termination of Federal Employees Group Life Insurance coverage 12 months after the discontinuance of an individual's pay. In a recent report, the General Accounting Office recommended enactment of such a change in the life insurance program. However, the House Committee on Post Office and Civil Service has not had the opportunity to hold hearings on this issue. In addition, it is unclear how this amendment would affect current employees in nonpay status and how it would alter the contribution structure of life insurance program. For these reasons, the committee cannot agree to this amendment.

The third Senate amendment would reduce the age requirement for widows and widowers who remarry, who would otherwise be eligible to receive compensation under the Federal Employees Compensation Act, from 60 years of age to 55 years of age. I have been advised that the majority and minority of the Education and Labor Committee have no objection to this amendment.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

□ 1300

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1805, and the Senate amendments thereto.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

MATSUNAGA HYDROGEN RESEARCH AND DEVELOPMENT ACT

Mr. TORRICELLI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4521) to establish a Hydrogen Research and Development Program, as amended.

The Clerk read as follows:

H.R. 4521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the "Matsunaga Hydrogen Research and Development Act".

TITLE I—HYDROGEN PRODUCTION AND USE

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that—

(1) due to the limited quantities of naturally occurring petroleum-based fuels, viable alternative fuels and feedstocks must be developed;

(2) with a growing concern over the many environmental problems affecting the planet, priority should be given to the development of alternative fuels with universal availability;

(3) hydrogen is one of the most abundant elements in the Universe, with water, a primary source of hydrogen, covering three-fourths of the Earth;

(4) hydrogen appears promising as an alternative to finite fossil fuels;

(5) hydrogen can be transported more efficiently and at less cost than electricity over long distances;

(6) renewable energy resources are potential energy sources that can be used to convert hydrogen from its naturally occurring states into high quality fuel, feedstock, and energy storage media; and

(7) it is in the national interest to accelerate efforts to develop a domestic capability to economically produce hydrogen in quantities which will make a significant contribution toward reducing the Nation's dependence on conventional fuels.

(b) The purpose of this title is to—

(1) direct the Secretary of Energy to prepare and implement a comprehensive five-year plan and program to accelerate research and development activities leading to the realization of a domestic capability to produce, distribute, and use hydrogen economically within the shortest time practicable;

(2) direct the Secretary of Energy to implement a technology assessment and information transfer program among the Federal agencies and aerospace, transportation, energy, and other market-driven entities; and

(3) develop renewable energy resources as primary energy sources to be used in the production of hydrogen.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 102. (a) The Secretary shall prepare a comprehensive five-year program management plan for research and development activities which shall be conducted over a period of no less than five years and shall be consistent with the provisions of sections 103 and 104. In the preparation of such plan, the Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Hydrogen Technical Advisory Panel established under section 107, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen production capability within the shortest time practicable.

(b) The Secretary shall transmit the comprehensive program management plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within six months after the date of the enactment of this Act. The plan shall include—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer;

(6) the proposed participation by industry and academia in the planning and implementation of the program; and

(7) the relationship to other ongoing solar and renewable energy programs.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive five-year plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on and recommendations for improvements in the comprehensive program management plan made by the Hydrogen Technical Advisory Panel established under section 107.

RESEARCH AND DEVELOPMENT

SEC. 103. (a) The Secretary shall establish, within the Department of Energy, a research and development program, consistent with the comprehensive five-year program management plan under section 102, to ensure the development of a domestic hydrogen fuel production capability within the shortest time practicable.

(b)(1) The Secretary shall initiate research or accelerate existing research in areas which may contribute to the development of hydrogen production and use.

(2) Areas researched shall include production, liquefaction, transmission, distribution, storage, and use. Particular attention shall be given to developing an understanding and resolution of all potential problems of introducing hydrogen production and use into the marketplace.

(c) The Secretary shall give priority to those production techniques that use renewable energy resources as their primary energy source.

(d) The Secretary shall, for the purpose of performing his responsibilities pursuant to this title, solicit proposals for and evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of hydrogen production technology.

(e) The Secretary shall conduct evaluations, arrange for tests and demonstrations, and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

(f) The Secretary shall submit, as a separate line item in the annual funding request to Congress of the Department of Energy, the funding requirements for carrying out this section.

DEMONSTRATIONS AND PLAN

SEC. 104. (a) The Secretary shall conduct demonstrations of hydrogen technology, preferably in self-contained locations, so that technical and nontechnical parameters can be evaluated to best determine commercial applicability of the technology. Such demonstrations shall include industry and government joint ventures to produce hydrogen for use as public transportation fleet fuels and utility turbine fuels.

(b) The Secretary shall, in consultation with the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the Hydrogen Technical Advisory Panel established under section 107, prepare a comprehensive large-scale hydrogen demonstration plan with respect to demonstrations carried out pursuant to subsection (a)(1). Such plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a large-scale hydrogen production demonstration program;

(2) an assessment of the appropriateness of a large-scale demonstration immediately

upon completion of the necessary research and development activities; and

(3) an implementation schedule with associated budget and program management resource requirements.

TECHNOLOGY TRANSFER PROGRAM

SEC. 105. (a) The Secretary shall implement a program designed to accelerate wider application of hydrogen production, storage, utilization and other technologies available in the near term as a result of aerospace experience as well as other research progress. The Secretary shall direct the program with the advice and assistance of a panel of industry, academia, government, and other hydrogen-related interests with the intent to disseminate information with respect to relatively near-term business and research opportunities that can lead to a long-term increase in hydrogen production and utilization. The objective in seeking this advice is to increase participation of private industry in the demonstration of near commercial applications.

(b) The Secretary, in carrying out the program authorized by subsection (a), shall—

(1) undertake an inventory and assessment of hydrogen technologies and their commercial capability to economically produce, store, or utilize hydrogen in aerospace, transportation, electric utilities, petrochemical, chemical, merchant hydrogen, and other industrial sectors; and

(2) develop a National Aeronautics and Space Administration, Department of Energy, and industry information exchange program to improve technology transfer for—

(A) application of aerospace experience by industry;

(B) application of research progress by industry and aerospace;

(C) application of commercial capability of industry by aerospace; and

(D) expression of industrial needs to research organizations.

The information exchange program may consist of workshops, publications, conferences, and a data base for use by the public and private sectors.

COORDINATION AND CONSULTATION

SEC. 106. (a) The Secretary shall have overall management responsibility for carrying out the program under this title. In carrying out such program, the Secretary, consistent with such overall management responsibility—

(1) shall use the expertise of the National Aeronautics and Space Administration and the Department of Transportation; and

(2) may use the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this title, to the extent that the Secretary determines that any such agency has capabilities which would allow such agency to contribute to the purpose of this title.

(b) The Secretary may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Secretary deems necessary to carry out any duty under this title.

(c) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen Technical Advisory Panel established

under section 107 in carrying out his authorities pursuant to this title.

TECHNICAL PANEL

SEC. 107. (a) There is hereby established a technical panel of the Energy Research Advisory Board, to be known as the Hydrogen Technical Advisory Panel, to advise the Secretary on the program under this title.

(b)(1) The technical panel shall be appointed by the Secretary and shall be comprised of such representatives from domestic industry, universities, professional societies, Government laboratories, user groups, environmental, and other organizations as the Secretary, in consultation with the Chairman of the Energy Research Advisory Board, deems appropriate based on his assessment of the technical and other qualifications of such representatives. Appointments to the technical panel shall be made within ninety days after the enactment of this Act. The technical panel shall have a chairman, who shall be elected by the members from among their number.

(2) Members of the technical panel need not be members of the full Energy Research Advisory Board.

(c) The activities of the technical panel shall be in compliance with any laws and regulations guiding the activities of technical and factfinding groups reporting to the Energy Research Advisory Board.

(d) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the technical panel in carrying out the requirements of this section and shall furnish to the technical panel such information as the technical panel deems necessary to carry out this section.

(e) The technical panel shall review and make any necessary recommendations on the following items, among others—

(1) the implementation and conduct of the program under this title; and

(2) the economic, technological, safety, and environmental consequences of the deployment of hydrogen production and use systems.

(f) The technical panel shall prepare and submit within one year after the date of enactment of this Act to the Energy Research Advisory Board a written report of its findings and recommendations with regard to the program under this title. The report shall include—

(1) a summary of the technical panel's activities for the preceding year;

(2) an assessment and evaluation of the status of the program; and

(3) comments on and recommendations for improvements in the comprehensive five-year program management plan required under section 102.

(g) After consideration of the technical panel report and within thirty days after its receipt, the Energy Research Advisory Board shall submit the report, together with any comments which the Board deems appropriate, to the Secretary.

(h) The Secretary shall provide such staff, funds, and other support as may be necessary to enable the technical panel to carry out the functions described in this section.

(i) Unless otherwise requested by the Secretary, the Hydrogen Technical Advisory Panel established under subsection (a) shall be disbanded within 3 months after completion of the report required under subsection (f). The Energy Research Advisory Board shall revise such report annually after its initial completion.

INCREASED USE OF HYDROGEN

SEC. 108. The Secretary shall work with the Administrator of the Environmental Protec-

tion Agency, the Chairman of the Federal Energy Regulatory Commission, and such other Federal officers as are appropriate, to ensure that the laws of the United States, including regulations issued thereunder, are carried out in a manner favorable to the increased use of hydrogen.

DEFINITIONS

SEC. 109. As used in this title—

(1) the term "Secretary" means the Secretary of Energy; and

(2) the term "capability" means proven technical ability.

AUTHORIZATION OF APPROPRIATIONS

SEC. 110. There are hereby authorized to be appropriated to carry out the purpose of this title—

(1) amounts authorized by section 4(c)(1)(C), (2)(C), and (3)(C), of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 for fiscal years 1991, 1992, and 1993, respectively;

(2) \$15,000,000 for fiscal year 1994; and

(3) \$20,000,000 for fiscal year 1995.

TITLE II—HYDROGEN-FUELED AIRCRAFT RESEARCH AND DEVELOPMENT

FINDINGS AND PURPOSE

SEC. 201. (a) The Congress finds that—

(1) long-term future decreases in petroleum-base fuel availability will seriously impair the operation of the world's air transport fleets;

(2) hydrogen appears to be an attractive alternative to petroleum in the long term to fuel commercial aircraft;

(3) it is therefore in the national interest to accelerate efforts to develop a domestic hydrogen-fueled supersonic and subsonic aircraft capability, including the hypersonic National Aero-Space Plane and its derivatives; and

(4) the use of liquid hydrogen as a commercial air transport fuel has sufficient long-term promise to justify a substantial research, development, and demonstration program.

(b) The purpose of this title is to—

(1) direct the Administrator of the National Aeronautics and Space Administration to prepare and implement a comprehensive five-year plan and program for the conduct of research, development, and demonstration activities leading to the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable, coordinated with the National Aero-Space Plane and its derivatives;

(2) establish as a goal broad multinational participation in the program; and

(3) provide a basis for public, industry, and certifying agency acceptance of hydrogen-fueled aircraft as a mode of commercial air transport.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 202. (a) The Administrator shall prepare a comprehensive five-year program management plan for research, development, and demonstration activities consistent with the provisions of sections 203, 204, 205, and 206. In the preparation of such plan, the Administrator shall consult with the Secretary of Energy, the Secretary of Transportation, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. Such plan shall be structured to permit the realization of a domestic hydrogen-fueled aircraft capability within the shortest time practicable, and shall include activities of the National Aero-Space Plane Program.

(b) The Administrator shall transmit the comprehensive five-year program manage-

ment plan to the Committee on Science, Space, and Technology of the House of Representatives and the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate within six months after the date of the enactment of this Act. The plan shall include (but not necessarily be limited to)—

(1) the research and development priorities and goals to be achieved by the program;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including detailed technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation of the program.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive five-year plan is initially transmitted under subsection (b), the Administrator shall transmit to the Congress a detailed description of the current comprehensive plan, setting forth appropriate modifications which may be necessary to revise the plan as well as comments on and recommendations for improvements in the comprehensive program management plan made by the Hydrogen-Fueled Aircraft Advisory Committee established under section 208.

RESEARCH AND DEVELOPMENT

SEC. 203. (a) The Administrator shall establish, within the National Aeronautics and Space Administration, a research and development program consistent with the comprehensive five-year program management plan under section 202 to ensure the development of a domestic hydrogen-fueled aircraft capability within the shortest time practicable.

(b) The Administrator shall initiate research or accelerate existing research in areas which may contribute to the development of a hydrogen-fueled aircraft capability.

(c) In conducting the program pursuant to this section, the Administrator shall encourage the establishment of domestic industrial capabilities to supply hydrogen-fueled aircraft systems or subsystems to the commercial marketplace.

(d) The Administrator shall, for the purpose of performing his responsibilities pursuant to this Act, solicit proposals for and evaluate any reasonable new or improved technology, a description of which is submitted to the Administrator in writing, which could lead or contribute to the development of hydrogen-fueled aircraft technology. Any such proposals must be coordinated with the National Aero-Space Plane Research and Development Program.

(e) The Administrator shall conduct evaluations, arrange for tests and demonstrations and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section.

NATIONAL AERO-SPACE PLANE PROGRAM

SEC. 204. As part of the comprehensive five-year program management plan prepared under section 202, and as part of the research and development program established under section 203, the Administrator shall incorporate the goals, directions, and activities of the National Aero-Space Plane Program. In accordance with section 207, the Administrator shall closely coordinate activities under this title with those of the National Aero-Space Plane Program.

FLIGHT DEMONSTRATION

SEC. 205. (a) Concurrent with the activities carried out pursuant to section 203, the Administrator shall, in consultation with the Secretary of Transportation, the Secretary of Energy, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 208, prepare a comprehensive flight demonstration plan, the implementation of which shall provide confirmation of the technical feasibility, economic viability, and safety of liquid hydrogen as a fuel for commercial transport aircraft. The comprehensive flight plan shall include—

- (1) a description of the necessary research and development activities that must be completed before initiation of a flight demonstration program;
- (2) the selection of a domestic site where demonstration activities can lead to early commercialization of the concept;
- (3) an assessment of a preliminary flight demonstration to occur concurrently with the later stages of research and development activities; and
- (4) an implementation schedule with associated budget and program management resource requirements.

(b) The Administrator shall transmit such comprehensive flight demonstration plan to the Congress within two years after the date of the enactment of this Act.

HYDROGEN PRODUCTION AND GROUND FACILITIES

SEC. 206. (a) The Administrator, in consultation with the Secretary of Transportation and the Secretary of Energy, shall define the systems, subsystems, or components associated with the production, transportation, storage, and handling of liquid hydrogen that are specifically required for and unique to the use of such fuel for commercial aircraft application.

(b) The Administrator shall structure the research and development program pursuant to section 203 to allow the development of the systems, subsystems, or components defined pursuant to subsection (a) of this section.

(c) The research and development program for hydrogen production, transportation, and storage systems, subsystems, and components which are suitable for inclusion as part of a fully integrated hydrogen-fueled aircraft system, but which are not being specifically developed for such application shall be the responsibility of the Secretary of Energy. Such activities shall be included as part of the program established pursuant to title I of this Act, and shall be so conducted as to ensure compliance with hydrogen-fueled aircraft system constraints.

COORDINATION AND CONSULTATION

SEC. 207. (a) The Administrator shall have overall management responsibility for carrying out the program under this title. In carrying out such program, the Administrator, consistent with such overall management responsibility—

(1) shall utilize the expertise of the Departments of Transportation and Energy to the extent deemed appropriate by the Administrator, and

(2) may utilize the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this title, to the extent that the Administrator determines that any such agency has capabilities which would allow such agency to contribute to the purposes of this title.

(b) The Administrator may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Administrator deems necessary to carry out any duty under this title.

(c) The Administrator shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen-Fueled Aircraft Advisory Committee established under section 208 in carrying out his authorities pursuant to this title.

ADVISORY COMMITTEE

SEC. 208. (a) There is hereby established a Hydrogen-Fueled Aircraft Advisory Committee, which shall advise the Administrator on the program under this title.

(b) The committee shall be appointed by the Administrator and shall be comprised of at least seven members from industrial, academic, user groups, environmental, and other organizations as the Administrator deems appropriate. At least one member shall be knowledgeable in hypersonic technology or related National Aero-Space Plane technology. Appointments to the committee shall be made within ninety days after the date of enactment of this Act. The committee shall have a chairman, who shall be elected by the members from among their number.

(c) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the committee in carrying out the requirements of this section and shall furnish to the committee such information as the committee deems necessary to carry out this section.

(d) The committee shall meet at least four times annually.

(e) The committee shall review and make any necessary recommendations on the following items, among others—

- (1) the implementation and conduct of the program under this title; and
- (2) the economic, technological, and environmental consequences of developing a hydrogen-fueled aircraft capability.

(f) The committee shall prepare and submit annually to the Administrator a written report of its findings and recommendations with regard to the program under this title. The report shall include—

- (1) a summary of the committee's activities for the preceding year;
- (2) an assessment and evaluation of the status of the program; and
- (3) comments on and recommendations for improvements in the comprehensive five-year program management plan required under section 202.

(g) The Administrator shall provide such staff, funds, and other support as may be necessary to enable the committee to carry out the functions described in this section.

DEFINITIONS

SEC. 209. As used in this title—

- (1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;
- (2) the term "capability" means proven technical ability; and

(3) the term "certifying agency" means any government entity with direct responsibility for assuring public safety in the operation of the air transport system.

AUTHORIZATION OF APPROPRIATIONS

SEC. 210. There are hereby authorized to be appropriated to carry out the purpose of this title—

- (1) \$10,000,000 for fiscal year 1991;
- (2) \$15,000,000 for fiscal year 1992;
- (3) \$20,000,000 for fiscal year 1993;
- (4) \$25,000,000 for fiscal year 1994; and
- (5) \$30,000,000 for fiscal year 1995.

TITLE III—BUY AMERICAN REQUIREMENT

BUY AMERICAN REQUIREMENT

SEC. 301. (a) DETERMINATION BY SECRETARY OR ADMINISTRATOR.—If the Secretary, with respect to title I, or the Administrator, with respect to title II, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary, with respect to title I, or the Administrator, with respect to title II, is authorized to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

- (1) the final product of the domestic firm will be completely assembled in the United States;
- (2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and
- (3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Secretary, with respect to title I, or the Administrator, with respect to title II, shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

- (1) such applicability would not be in the public interest;
- (2) compelling national security considerations require otherwise; or
- (3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

- (1) amounts are authorized by this Act to be made available; and
- (2) solicitations for bids are issued after the date of enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary, with respect to title I, and the Administrator, with respect to title II, shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1991 and 1992 and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Secretary, with respect to title I, and the Administrator, with respect to title II, shall also report to the Congress on the number of contracts covered under this Act and awarded based on the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

- (1) the term "Secretary" means the Secretary of Energy;

(2) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(3) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(4) the term "foreign firm" means a business entity not described in paragraph (3).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 20 minutes and the gentleman from Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

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

Mr. Speaker, I want to commend the chairman of the Committee on Science, Space, and Technology, my good friend and colleague, Mr. ROE, for his support in moving this legislation.

I would also like to recognize Congresswoman LLOYD of Tennessee, who chairs the Energy Research and Development Subcommittee. Mr. LEWIS of Florida and Mr. MORRISON of Washington, the ranking members of our respective subcommittees are also to be recognized for their efforts on behalf of this bill.

Mr. Speaker, H.R. 4521, the Matsunaga Hydrogen Research and Development Act was originally introduced by my good friend and colleague from California, Mr. BROWN.

The bill has as its primary purpose to provide for a comprehensive Federal research and development program with DOE and NASA to accelerate the use of hydrogen as a fuel.

Hydrogen, as the most abundant element in the universe, has long been recognized as a potential replacement for petroleum-based fuels. It burns cleanly. The main product of combustion is water. It is readily available from a variety of abundant domestic sources, including sea water, natural gas or coal.

It represents the obvious fuel of choice for the future where environmental concerns and availability will eventually terminate the burning of oil and gasoline.

Mr. Speaker, blankets of smog cover our major cities and our trade imbalance continues to soar. This dual threat to the health of our people and to our economy is driven by our tremendous thirst for oil.

Our ever-increasing dependence on imported oil is becoming an addiction. Earlier this year, consumption from foreign sources reached 54 percent of total U.S. use.

Clearly its time we invested in our future, our health and our economy. This bill will start the process toward a fuel for the 21st century.

The main impediments to using hydrogen as a fuel lie, primarily, in the economics of production and the relevant infrastructure for use of hydrogen. For example, production costs for hydrogen are roughly four to six times as high as that for producing gasoline for cars. However, continuing breakthroughs in relevant technology continues to drive down these costs.

Currently only about \$3 million is being spent by the Department of Energy for research directly related to the production and use of hydrogen.

NASA while having more money devoted to research on the use of hydrogen, such as in the National Aerospace Plane Program, has no research directed to the use of hydrogen as a fuel for conventional aircraft. Where the need is just as compelling as with terrestrial applications.

This compares to efforts in Japan and Germany to use hydrogen as a fuel amounting to \$20 million and \$50 million, respectively.

During the 1970's a substantial effort on hydrogen R&D took place with DOE. With the onset of the Reagan administration these programs were sharply curtailed.

Since then congressional action has been limited. It is only the vision and persistence over 10 years of my colleague GEORGE BROWN and the late Senator Matsunaga that has brought us to this point today.

Mr. Speaker, the Matsunaga Hydrogen R&D Act is long overdue. It directs both DOE and NASA to develop and implement 5-year, coordinated research and development programs to accelerate the production and use of hydrogen as a fuel.

The bill authorizes \$10 million in fiscal year 1991 and increasing amounts over the next 5 years for a total expenditure of \$150 million over that period.

Mr. Speaker, this legislation takes the first step in moving toward the use of hydrogen in place of environmentally damaging and health-threatening conventional fuels. I strongly urge my colleagues to vote in favor of this important legislation.

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, hydrogen is an extremely efficient fuel, producing more than double the energy per pound of conventional fuels. Not only is it non-polluting, there is virtually an inexhaustible supply.

However, the current Federal hydrogen research programs are not well coordinated. The Matsunaga Hydrogen Research Act, H.R. 4521, addresses this problem and also accelerates the DOE and NASA research programs directed toward the use of hydrogen as a fuel.

The science subcommittees of jurisdiction and the Science Committee

passed unanimously the Matsunaga Hydrogen Research and Development Act. I want to thank Chairman ROE and Vice Chairman WALKER for their strong support of this legislation and for their leadership in bringing this bill to the floor in such a timely manner. I also want to thank Mr. BROWN, who introduced the legislation and who has taken the leadership role in the House in promoting research on hydrogen as a fuel. He and the late Senator from Hawaii, Mr. Matsunaga, are responsible for keeping this issue in the legislative forefront.

As an original cosponsor, I believe that the time has come to implement a coordinated Federal research program that will address the utilization of hydrogen for both ground and air transportation.

Hydrogen has the great potential of being an abundant and clean automotive fuel. Yet much more research must be conducted before it will replace fossil fuels. An article in today's Washington Post points out the problems with alternative motor fuels. The article concludes " * * * new fuels or combinations of fuels will come into widespread use in this decade." With the passage of this legislation, hydrogen may also be included as a viable alternative fuel.

Hydrogen can also be utilized as a highly efficient hypersonic flight vehicle fuel that could also be used as a cooling agent. The national aerospace plane will use hydrogen as a fuel and a coolant. Today's New York Times reports that the Europeans, and possibly United States companies, are planning a faster and better Concord. That aircraft will most likely use hydrogen as a fuel, if the full potential of this legislation is implemented.

I believe the American public will be well served by an aggressively coordinated research program that addresses these long-range transportation needs.

I urge my colleagues to support this important hydrogen research legislation, H.R. 4521.

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

□ 1310

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN] under whose initiation this legislation has come forward.

Mr. BROWN of California. Mr. Speaker, I appreciate this opportunity to make a few remarks about this bill, and let me express my gratitude to both the gentleman from New Jersey [Mr. TORRICELLI] and the gentleman from Florida [Mr. LEWIS] for their kind remarks about my long interest in this. I do not particularly wish to emphasize my own role here because, as a matter of fact, it was Senator Matsunaga who has carried the ball

for this over many, many years, and it is very appropriate that this legislation be named in his honor. And of course our colleague, the gentleman from Hawaii [Mr. AKAKA] has, in the tradition of Senator Matsunaga, continued that very strong interest, and I want to express my appreciation to him and to the various other primary cosponsors of this legislation.

Mr. Speaker, as has been said, hydrogen is the ideal clean fuel of the future. It has a multitude of uses, some of which my colleagues have heard described here. The gentleman from Florida [Mr. LEWIS], for example, has described the vital importance of hydrogen for aircraft propulsion, and it will become even more important in the future. It can and will be used as an automobile propulsion fuel. It is ideal for the transportation and storage of energy for any purpose. It has ideal characteristics for that, and many have envisioned for years the utopian day when we would actually have what has been called a hydrogen economy in which most of our major energy needs, and energy transportation and storage needs were met by hydrogen.

The breakthrough that we need, of course, is in low-cost production. Then some additional work in creating the service infrastructure and meeting some of the safety problems that may exist.

Mr. Speaker, we are in a position to do this much sooner than many people think, and it is my hope that this legislation, which really does not spend any additional amount of money—it proposes some slight increases in authorization over a 5-year period—but basically it is aimed at taking the money that we are spending now, the programs that we have going in several different departments, and creating one hydrogen research program with the same goal for each department. That is the goal of achieving some breakthroughs in the cost of hydrogen production so that we can move into that day when we can totally eliminate carbon-based fuels.

Today the major difference between 15 and 20 years ago, or even 10 years ago, is that we recognize, and in fact it has become a global political issue, but that we recognize the need to begin thinking about phasing out carbon-based fuels, and we probably will have to do this within the next 50 years at the outside, and probably sooner. We are talking about holding international conferences today to consider ways to reduce the use of carbon fuels. We will, to be ready for that day—we not only have to have alternative fuels that produce less carbon monoxide, and most of the alternative fuels do—but we have to ultimately have a fuel that produces no carbon monoxide, and that is what we have with hydrogen fuel.

So, Mr. Speaker, I feel that this is an extremely important, very forward looking piece of legislation. As I say, it is not a big budget item, but it is one which says to the administration, "Recognize the importance of this. Create a program. Set goals. Begin to set benchmarks so that we will know that we are making progress so that we can achieve what we hope to achieve with this kind of legislation."

I urge support of all the Members of the House for this bill.

Mr. Speaker, hydrogen is the clean fuel of the future for several key reasons. It is one of the most abundant elements on Earth. It burns clean, producing only water vapor, and it burns efficiently, providing more than twice as much energy per pound than conventional fuels. Therefore, it is vital that the Federal commitment to hydrogen improve significantly in order to advance hydrogen research and development.

One of the most promising near-term applications of hydrogen is its use as an aircraft fuel. Hydrogen is already the preferred fuel for launching rockets into space. Hydrogen fuel is an important element of the National Aerospace Plane [NASP] Program. The NASP Program, run jointly by NASA and the Department of Defense, will culminate in the construction of hydrogen fueled aircraft which will not only fly at hypersonic speed, but will also be able to rocket into low-Earth orbit. Europe and the Soviet Union are also aggressively developing hydrogen aircraft technology.

Hydrogen is ideal for use in fuel cells. Fuel cell technology combines a hydrogen-rich gas with air, and converts the chemical energy of this mixture directly into electricity—with no intermediate combustion step. Because fuel cells transform fuel directly to electricity without an intermediate conversion to heat, less waste heat is produced and very high conversion efficiencies—in the range of 40 to 60 percent—are achieved.

Thus, a hybrid vehicle system combining hydrogen fuel cells with an electric motor could prove to be a desirable interim technology, which could be used before a full hydrogen system is implemented.

Another promising application of hydrogen is its use as an electric storage medium. Virtually all forms of energy, such as coal, nuclear, or natural gas, could take advantage of hydrogen for transporting energy over long distances. After 300 to 400 miles, hydrogen as a storage medium becomes increasingly cheaper than transmission through electric wires.

Arguably, environmental concerns are the most important reason for developing alternative energy sources. We cannot indefinitely mine or drill for the world's limited fossil fuel reserves. Evidence is mounting which indicates that so-called "greenhouse gases" from fossil fuel combustion are causing global climate change. The emission of chlorofluorocarbons is destroying the Earth's protective ozone layer. The recent oil spills, however, remind us that the environmental impact of oil goes beyond harmful emissions. If we are ever going to take responsibility for the environment, we will have to dramatically change the manner by which we generate energy for our society. The dream of a hydrogen econo-

my includes using renewable energy sources to produce clean-burning hydrogen fuel.

Unfortunately, interest in alternative energy sources declined dramatically in the 1980's as the Arab oil embargo of a decade ago gave way to an oil glut and low gas prices. Thus, this energy abundance has created a false sense of security. Circumstances are quickly developing which could place the United States in a vulnerable position in the world energy market. Oil imports are increasing steadily as domestic energy production declines.

In our competitive society, the current U.S. hydrogen effort stands as yet another example of shortsighted Federal policies which could have a harmful economic impact. Current Federal hydrogen research and development programs are funded principally through the Department of Energy at a level of about 3 million—this can hardly be considered a comprehensive effort. Although the work being done is relevant, the Nation lacks a coordinated effort for hydrogen research and development.

As in so many areas of enormous economic potential, hydrogen fuel is being aggressively pursued by other nations which recognize the significant contribution hydrogen can make to their economies. Hydrogen research programs are presently underway in some 17 countries. Last year, West Germany spent \$50 million on hydrogen research as compared to the United States' mere \$3 million. If the United States is not careful it may be buying technology and infrastructure element from abroad.

It is inevitable that traditional energy sources will become more expensive over time and eventually will be depleted. The transition to a hydrogen economy will depend largely on today's energy suppliers. Such a transition involves risk and a considerable investment in new technologies.

Therefore, the individuals and institutions who support the necessary research and development and who search for hydrogen market niches will have a distinct advantage over those who sit back and wait for someone else to take all the risks and inevitably the lead. Let us not fall into that trap. Let us vote in favor of this important legislation.

Mr. LEWIS of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I appreciate the gentleman from Florida [Mr. LEWIS] yielding to me.

Mr. Speaker, I rise in support of this bill. It is a good bill, and I am a cosponsor of it, and I want to congratulate those who had the foresight to bring it to the floor: the gentleman from Florida [Mr. LEWIS], the gentleman from New Jersey [Mr. TORRICELLI], the chairman of the subcommittee, and others who worked on it in their respective subcommittees. The gentleman from North Carolina [Mr. VALENTINE] had previously been the chairman of this subcommittee, and he worked very hard on the bill, and of course, the chairman of the full committee, the gentleman from New

Jersey [Mr. ROE]. All of those people really contributed a great deal to making certain that this bill comes to the floor, and I think it is a very good bill. It deserves the support of the membership across the board.

Mr. Speaker, this is a bill that the administration has some problems with, but they do not disagree in substance with the bill. They disagree in some detail, and primarily that relates to the authorization schedule, but I think, if they look closely at the authorizations on the bill, what they will find is that this is a bill that falls within the authorizations already in place. We made certain, as we created the bill, that in the initial years here that the authorizations were out of that money which had been previously authorized in the renewable energy bill last year.

So, I think that in fact this is a bill that should have the wholehearted support amongst those in the administration responsible for implementing it.

I just want to say some of the same kinds of things that the gentleman from California [Mr. BROWN] just mentioned, and he has certainly been a leader on the issue and someone that needs to be listened to about it. This is a fuel source which is environmentally clean and offers unlimited potential for our future. It is an energy source where the United States does not want to fall behind the rest of the world in terms of making certain that we are prepared to take advantage of it for transportation fuels and for other kinds of uses in our future.

Already, if my colleagues take a look at the research being done around the world, they will find that Germany, Japan, and Canada have recognized the inherent value of developing hydrogen technologies to address the future and have really done a lot more work in this area than we have. We need to get ourselves on a par with those countries and, in fact, exceed them because this particular fuel is one that holds great promise in aviation, in automobiles, in everything that we presently use fossil fuel energy for. This is a bill which does that by having a coordinate program of hydrogen research over a period of the next 5 years. I think for that reason it deserved the support of the House, and I would urge all my colleagues to vote in favor of this very worthwhile legislation.

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. AKAKA] who has carried on the work of the late Senator Matsunaga and in his own way has contributed importantly to this legislation.

Mr. AKAKA. Mr. Speaker, I rise in support of the Spark Matsunaga Hydrogen Research and Development Act,

and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I am pleased that legislation to establish a research and development program for hydrogen has reached the floor of the House. Many people worked to make this legislation possible, but no one labored longer or harder on behalf of hydrogen research than Senator Matsunaga. That is why this legislation bears his name.

Spark Matsunaga was a man of vision. So it should come as no surprise that he introduced the first hydrogen research bill in 1981. I only wish he could be here today to see this bill pass the House.

He knew, as we are now learning, that America is not doing enough to provide for its future energy security. Hydrogen may not be the only answer, but it can be an important part of the energy solution.

Our action today may do more to improve America's long-term energy security than any other legislation we consider during the 101st Congress. That's because this bill will do something to provide an answer to the question: What do we do when we run out of oil?

Each day we come closer and closer to the point where we can no longer rely upon yesterday's sources of energy to fuel the America of tomorrow. And evidence is mounting that the day of reckoning is coming sooner than we think.

The U.S. Geological Survey recently cut by 40 percent its estimate of how much conventional oil and gas remain to be discovered in the United States. Not only may there be less oil and gas out there, but what remains will become harder and harder to extract. That's why research on a new generation of fuels such as hydrogen is so important.

Future generations of Americans will live in a world where all the coal, natural gas, and oil have long since been consumed. What will they use to power their cars and trucks, light their lamps and warm their houses? Hydrogen could be the answer to these energy needs.

As any high school chemistry student can tell you, hydrogen is one of the most abundant elements on Earth. It can be produced using solar and other renewable sources of energy. Once produced, hydrogen can be stored and consumed in either a solid or liquid form. And finally, what makes it most attractive is that when burned, hydrogen produces only water vapor. In this regard, hydrogen is an environmentalist's dream come true.

My colleagues, other countries have already come to recognize the potential of hydrogen fuels. And, just as with other areas of technology, it appears that our competitors are already passing us by.

For example, the Soviets have retrofitted a conventional jet to burn hydrogen fuel. The German auto manufacturer, Mercedes-Benz, is actively investigating hydrogen fueled cars. And our neighbors in Canada are studying methods of using surplus hydroelectric power to produce hydrogen as a fuel for their nation's bus fleets. Similar moves to convert bus systems to hydrogen fuels are being examined in Hamburg, West Germany, and Milan, Italy.

Mr. Speaker, the time to pass this legislation is now. I urge you to support this bill.

□ 1320

Mr. LEWIS of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I join my colleagues in rising in strong support of H.R. 4521, the Hydrogen Research and Development Act.

If we can overcome obstacles to cleaner production, safer storage, and use in air and mass ground transportation, hydrogen offers the promise to virtually unlimited highly efficient pollution-free source of energy.

H.R. 4521 is a coordinated long-term commitment by the Federal Government with specific objectives. It would allow research on making hydrogen from more efficient sources, such as photovoltaic cells. Title I will also promote research in the development of fuel cells powered by hydrogen.

The defense and aerospace industries are working on advanced aircraft that could be powered by hydrogen, and Title II of this bill would coordinate that development. One major application is the National Aerospace Plane [NASP].

The research supported by this bill will spur private sector development of hydrogen technology. Already there have been some small-scale efforts to convert cars and trucks to hydrogen use, demonstrating that hydrogen could be a good fuel for vehicles.

The ability to use hydrogen in a mass way in autos could revolutionize the transportation sector. Appropriate production methods could provide an auto fuel of unparalleled environmental cleanliness and efficiency.

Mr. Speaker, I am proud that the company which could eventually supply the hydrogen for many of these uses is located in my congressional district. The Lehigh Valley is home to one of America's largest producers of hydrogen, Air Products and Chemicals, Inc., which has supplied hydrogen to NASA since the 1950's, which was the originator of the hydrogen fuel economy that supports the space shuttle.

Air Products is a pioneer in the uses of hydrogen technology and is dedicated to broadening its use in America.

The time is now to extend the transportation use of hydrogen beyond the space program to air and ground transportation. For a limited Federal investment, hydrogen offers the possibility of an enormous payback.

Mr. Speaker, I urge my colleagues to support H.R. 4521.

Ms. SAIKI. Mr. Speaker, I rise today to add my support for H.R. 4521, to establish a Hydrogen Research and Development Program, recently named the Matsunaga Hydrogen Research and Development Act.

Since the industrial revolution this Nation has been critically dependent on fossil fuels. This dependence is true nowhere more than Hawaii, where the development of alternative energy technologies has been a priority.

My home state of Hawaii is nearly completely dependent on oil, which must be shipped in from various parts of the world, for all its energy needs. It has long been our hope to become energy self-sufficient. Over the past 15 years Hawaii decisionmakers have invested in research to develop all varieties of energy alternatives.

The development of hydrogen energy was a primary goal of Spark Matsunaga. He envisioned this to be an ideal source of energy. Hydrogen is one of the most abundant elements in the world—found in water which covers three-quarters of the planet, and extremely clean—water is the primary byproduct of this form of energy.

We are rapidly approaching the 21st century. We can no longer sit back and rely solely on traditional energy supplies. Fossil fuel resources are in short supply and are the root of our air-pollution problems.

This legislation to develop hydrogen as an energy resource is definitely a positive step toward a secure energy future. I believe the funds for this program will be a very worthwhile investment in the future.

I regret that Senator Spark Matsunaga is not able to see this day, but the fact that this proposal has come this far is an indication that through his efforts to see hydrogen energy receive greater acceptance, he is with us today in this bill.

I urge my colleagues to show strong support for H.R. 4521.

Mrs. LLOYD. I rise in support of H.R. 4521, the Matsunaga Hydrogen Research and Development Act. The bill seeks to establish a coordinated national research and development program to find less expensive methods to produce hydrogen thereby increasing our ability to use this energy option more effectively.

Our committee has been in the forefront in calling for action on the increased use of hydrogen and promoting the research and development that needs to be accomplished to take advantage of one of our most abundant elements. Last year our committee successfully enacted legislation that called for a separate hydrogen research program at the Department of Energy. As we bring the bill forward today, we build upon our initial success. We are expanding the Federal program to include the Department of Energy, the National

Aeronautics and Space Administration, the Department of Transportation, and the Environmental Protection Agency. With passage of this legislation, I hope the United States will begin on a course of action that will enable us to expand our domestic hydrogen fuel production and utilization capabilities within the shortest time practicable.

In closing, I want to recognize the efforts of our committee chairman, Mr. ROE of New Jersey, and my fellow subcommittee chairman, Mr. TORRICELLI of New Jersey, in bringing this legislation to the floor. In addition, I would like to applaud the longstanding support of Mr. BROWN of California, in sponsoring this legislation. Finally, I think it is fitting that the bill has been renamed the Matsunaga Hydrogen Research and Development Act. Our late colleague, Senator Spark Matsunaga of Hawaii, was a tireless supporter of increased U.S. emphasis on the use of hydrogen. I am pleased that today we are passing this legislation that may lead to the realization of a hydrogen program as envisioned by Senator Matsunaga. I urge my colleagues to join us in their support of H.R. 4521.

Mr. ROE. Mr. Speaker, I rise in support of H.R. 4521, the Matsunaga Hydrogen Research and Development Act. I want to commend my colleagues on the committee for their outstanding work in bringing this legislation to the floor for consideration here today.

The chairman of the Transportation, Aviation, and Materials Subcommittee, my good friend and neighbor from New Jersey, Congressman TORRICELLI and the chairman of the Energy, Research, and Development Subcommittee, my esteemed colleague from Tennessee, Congresswoman LLOYD are to be congratulated for expeditiously moving this legislation.

I also want to recognize the strong support of our minority members, including Mr. WALKER of Pennsylvania, the full committee ranking minority member, and Mr. LEWIS of Florida and Mr. MORRISON of Connecticut, ranking minority members of the respective subcommittees. Finally, I want to recognize the efforts of my esteemed colleague from California, Mr. BROWN, the sponsor of this bill, for his farsightedness and persistence in pursuing this issue over the past decade.

Mr. Speaker, it was my privilege to introduce the amendment in our full committee markup that changes the name of this bill to honor our late friend and colleague from Hawaii, Senator Spark Matsunaga. As I am sure many of you know, Spark Matsunaga together with Congressman AKAKA of Hawaii, was instrumental in promoting hydrogen as an alternative energy source.

Senator Matsunaga's first bill on hydrogen was introduced almost 10 years ago when energy and environmental issues were not at the forefront of everyone's agenda. It is a privilege to honor his memory in this way.

Mr. Speaker, as already noted, this bill provides for a federally coordinated research and development program with clearly defined goals to increase our Nation's ability to use hydrogen as a fuel.

Substituting hydrogen for conventional fossil fuels eventually could save the Nation billions of dollars in health and environmental costs. However, we need to find more efficient and

economical ways to produce and use this extraordinary fuel. H.R. 4521 provides a framework from which to begin the necessary research and development to accomplish these goals.

I strongly urge my colleagues to vote in favor of this measure.

Mr. LEWIS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRICELLI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. TORRICELLI] that the House suspend the rules and pass the bill, H.R. 4521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TORRICELLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4521, the bill just passed.

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

There was no objection.

FIREFIGHTERS' SAFETY STUDY ACT

Mr. VALENTINE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4522) to improve the information available to emergency response personnel in the field, and for other purposes.

The Clerk read as follows:

H.R. 4522

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

SECTION 1. SHORT TITLE

This Act may be cited as the "Firefighters' Safety Study Act".

SEC. 2. REVIEW.

The Administrator of the United States Fire Administration (hereinafter in this Act referred to as the "Administrator") shall conduct a review of existing response information used by emergency response personnel at the State and local levels to evaluate its accuracy and consistency, and to determine whether it is properly expressed. Such information should clearly communicate to emergency response personnel the probable hazards which they must contend with in an emergency situation involving hazardous materials, and the appropriate response to those hazards.

SEC. 3. WORKING GROUP.

For the purpose of carrying out section 2, the Administrator shall establish a working

group which shall, at a minimum, consist of—

- (1) program officials from each of—
 - (A) the Environmental Protection Agency;
 - (B) the National Oceanic and Atmospheric Administration;
 - (C) the Department of Transportation;
 - (D) the Occupational Safety and Health Administration; and
 - (E) the Bureau of Alcohol, Tobacco, and Firearms,

who develop and disseminate hazardous materials identification and response data, and who collect, collate, analyze, and disseminate hazardous materials incident data;

- (2) State and local operational officials with emergency response or relevant regulatory responsibilities; and

- (3) representatives of companies engaged in the manufacture and processing of chemicals.

SEC. 4. REPORT AND RECOMMENDATIONS.

The working group established under section 3 shall, within 1 year after the date of enactment of this Act, submit a report to the Administrator and to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate presenting the results of the review carried out under this Act, along with recommendations to ensure that response information disseminated to emergency response personnel is appropriate for operational personnel at the local level.

SEC. 5. ANNUAL REVISION OF RECOMMENDATIONS.

After the submission of the report cited in section 4, the working group established under section 3 shall meet as needed, but at least once every 12 months, to review and recommend changes and additions to the report cited in section 4, that are necessary and appropriate for operational personnel at the local level.

SEC. 6. DEFINITION.

As used in this Act, the term "emergency response personnel" means personnel responsible for mitigation activities in a medical emergency, fire emergency, hazardous material emergency, or natural disaster.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. VALENTINE] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

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

Mr. Speaker, on June 29, 1989, Representative JAN MEYERS introduced H.R. 2813, a bill to improve the information available to emergency response personnel in the field. The bill was referred to the Committee on Science, Space, and Technology. On April 18, 1990, H.R. 4522, a bill that was virtually identical to H.R. 2813, was introduced by Representative JAN MEYERS and 26 cosponsors. H.R. 4522 superseded H.R. 2813.

I want to thank Mr. WALKER the ranking Republican member of the Committee on Science, Space, and

Technology and Mr. BOEHLERT the ranking Republican member of the Subcommittee on Science, Research and Technology, for their efforts to bring this bill to the floor.

H.R. 4522, the Firefighters' Safety Study Act, was introduced by Congresswoman MEYERS, because of a tragedy that occurred on November 29, 1988. While responding to a fire at a State highway construction site in Kansas City, MO, six firefighters died in an explosion of hazardous materials. The firefighters had been told that there might be explosives on the site; however, they were not told of the type, location, or quantity of explosives that were stored on the site.

The tragedy could have been avoided if a system had been in place to provide the firefighters with clear and reliable information about the hazardous chemicals and explosives at the site. The U.S. Fire Administration recommended that a review be undertaken of Federal training and field operation guidance materials commonly used by firefighters, to ensure that the materials are both accurate and clear. H.R. 4522 would carry out that recommendation.

The bill would direct the administrator of the U.S. Fire Administration to review existing emergency response information nationwide to evaluate its accuracy and consistency, determine whether information is properly expressed for firefighters in an emergency situation, and how to improve information for emergency response. To conduct the review and make recommendations, the administrator would be required to form a working group consisting of Federal, State and local officials, and representatives from the chemical industry that would submit a report to the administrator and appropriate congressional committees in 1 year. The working group would be required to meet as needed, but at least once a year after the issuance of the report to review implementation and recommend changes if necessary.

I support passage of this important legislation. Firefighters and other emergency response personnel risk their lives to protect us. They should have the best materials and training available to effectively carry out their dangerous responsibilities and to protect the communities in which we live.

This bill would help to ensure that the Government provides the best—for the Nation's best, our firefighters and emergency response personnel.

I want to commend Congresswoman MEYERS for introducing this important legislation and I urge my colleagues to support H.R. 4522, the Firefighters' Safety Study Act.

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, May 8, 1990.

HON. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on H.R. 4522, the Firefighters' Safety Study Act.

This legislation is designed to improve the information available to emergency response personnel in the field. The Administrator of the U.S. Fire Administration is to review and evaluate existing response information used by emergency response personnel at the State and local levels. To accomplish this goal, the Administrator is to establish a working group to assist with the review and provide recommendations.

As you requested, I wish to clarify the issues you raised:

First, since the outcome of the bill will be a report of the working group, the report cannot in itself change laws, regulations, agencies, or programs under the jurisdiction of the Energy and Commerce Committee or any other Committee of the House.

Second, Section 2 specifies that the evaluation conducted by the working group of the accuracy and consistency of existing response information used by emergency response personnel should clearly communicate the probable hazards and the appropriate response to those hazards. The working group is an advisory body to review existing response information and in that capacity would not have legal authority to direct changes in the communication or presentation of that information. Likewise, the Administrator of the U.S. Fire Administration is not granted new authority to change the communication or presentation of information.

Third, H.R. 4522 relates generically to all response information used by emergency response personnel and is not intended to specifically address emergency responses to hazardous materials transportation accidents, environmental releases, or medical emergencies per se. The Committee on Science, Space, and Technology has jurisdiction over the U.S. Fire Administration and the National Fire Academy which provides emergency response training.

I would gladly include our exchange of correspondence on this matter in the Record during consideration of the bill. Thank you for your cooperation.

Sincerely,

ROBERT A. ROE,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 7, 1990.

HON. ROBERT A. ROE,
Chairman, Committee on Science, Space,
and Technology, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: On April 18, 1990, the Committee on Science, Space, and Technology ordered reported H.R. 4522, a bill to improve the information available to emergency response personnel in the field, and for other purposes. The bill appears to contemplate a review of existing response information used by emergency response personnel at the State and local levels. This review is to be conducted by the United States Fire Administrator, acting through a working group composed of representatives of several agencies, including the Environmental Protection Agency and the Department of Transportation. The term "emergency re-

sponse personnel" is defined in the bill to mean personnel responsible for mitigation activities in a medical emergency, fire emergency, hazardous material emergency, or natural disaster.

I am writing to express my concern that the legislation as reported affects matters within the jurisdiction of the Committee on Energy and Commerce in several respects. Under section 23 of H.R. 3520, the Hazardous Materials Transportation Uniform Safety Amendments Act of 1990, reported by our Committee on April 3, 1990, the Secretary of Transportation would be required to conduct a major study of emergency response capabilities, including in part the information apparently sought by H.R. 4522. Under section 116 of the Hazardous Materials Transportation Act (HMTA), the Secretary of Transportation and the Director of the Federal Emergency Management Agency have in the past evaluated the very matters addressed by H.R. 4522. Moreover, extensive regulations issued under HMTA prescribe precisely what information must be provided to emergency responders at the scene of hazardous materials transportation accidents.

Similarly, section 305 of the Superfund Amendments and Reauthorization Act of 1986 authorize funds and prescribe programs for emergency training and review of emergency systems involving certain extremely hazardous substances. In addition, pursuant to our public health jurisdiction, our Committee has acted on legislation regulating and improving trauma care systems. These trauma care systems typically include an emergency response component.

While I have no objection to the goals of H.R. 4522, I believe it is important to clarify several issues relative to the legislation.

First, it is my understanding that the bill will not effect any substantive changes in laws, regulations, agencies, or programs under the jurisdiction of the Energy and Commerce Committee.

Second, I read the second sentence of section 2 of the bill to describe the criteria against which the working group will be measuring existing emergency response information, not to grant any legal authority to the working group or the Fire Administrator to direct changes in the communication or presentation of that information.

Third, I do not understand the Committee on Science, Space, and Technology to be asserting jurisdiction over emergency response information, training, or other activities generally, at least insofar as hazardous materials transportation accidents, environmental releases, or medical emergencies are concerned. We understand that the initial referral of H.R. 4522 is based on your Committee's jurisdiction over the U.S. Fire Administration and the National Fire Academy, which provides emergency response training.

I understand that your Committee has requested floor consideration of H.R. 4522 under suspension of the rules on Tuesday, May 8, 1990. I would have no objection to your proceeding in this manner if you would be so kind as to confirm to me by letter your agreement with the three points stated above and agree to insert this exchange of correspondence in the Record during consideration of the bill. Thank you for your cooperation.

Sincerely,

JOHN D. DINGELL,
Chairman.

□ 1330

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

Mr. Speaker, I rise in support of H.R. 4522, and I want to praise my colleague from Kansas, Mrs. MEYERS, for offering this bill. It will ensure that the Government takes the simple, obvious first steps that are needed to prevent a recurrence of a tragedy like the one that killed the six firefighters in Kansas City—steps that still have not been taken, to my knowledge, a year and a half after that explosion.

The working group set up under this bill make recommendations that should improve the information firefighters receive to determine how to respond to an emergency.

We have heard some concerns that this bill will be viewed as a substitute for other, more specific measures that deal with hazardous materials. Let me assure everyone that is not the case. I am a co-sponsor, for example, of Mr. APPLEGATE's bill which deals with the tracking of hazardous materials. H.R. 4522 would not undercut that bill in any way.

H.R. 4522 also would not interfere with the execution of any existing hazardous material statutes. Neither the working group nor the U.S. Fire Administration has any authority to order other agencies to take any action.

But what H.R. 4522 would set in motion is a thorough review of the information firefighters rely on in responding to emergencies. The six deaths in Kansas City ought to be adequate testimony that such review is needed.

I urge my colleagues to support H.R. 4522.

Mr. Speaker, I want to compliment my colleague, the chairman of our subcommittee, the gentleman from North Carolina [Mr. VALENTINE], for his leadership. I particularly wish to compliment the gentlewoman from Kansas [Mrs. MEYERS]. She has come up with a very good idea. We all have said to ourselves over the last couple of weeks, "Why did I not think of it?" We did not, and she did, and she deserves the credit.

I urge my colleagues to support H.R. 4522.

Mr. VALENTINE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of H.R. 4522, the Firefighter Safety Study Act. Let me first say that I extend my thanks and appreciation to Chairman ROE and Ranking Republican WALKER for reporting this bill out of committee and bringing it to the House floor. I

also thank Congressmen VALENTINE and BOEHLERT for their support in subcommittee.

I introduced this bill in an attempt to rectify one of the issues raised by the United States Fire Administration in its report concerning the tragic fire and explosion in Kansas City on November 29, 1988, when 45,000 pounds of ammonium nitrate in a burning trailer exploded at a highway construction site, killing six firefighters. The bill would require formation of an interagency working group to review and coordinate the information provided to emergency responders involving hazardous materials.

There are currently 14 Federal agencies involved in the national contingency plan for hazardous materials accidents. They include the Environmental Protection Agency, National Oceanic and Atmospheric Administration, the Department of Transportation, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Fire Administration. In addition, the Occupational Safety and Health Administration is responsible for the material safety data sheets that go to local emergency planning committees.

The principal problem with the materials currently in use in the field is that while generally accurate, they are not written from the perspective of first responders since sometimes this is not their intended audience. For example, the Department of Transportation's Emergency Response Guide—DOT-P 5800.4—is used by chemical companies, shippers, and carriers, as well as emergency responders. The material safety data sheet required by title III of Superfund were designed for the guidance of workers during normal operations, not emergencies.

But there are occasional contradictions in these materials. The MSDS for ammonium nitrate recommends immediate evacuation of the area for any fire involving it, while the emergency response guide says to fight a truck or equipment fire involving ammonium nitrate with water. But under the next subheading, it recommends that the area be evacuated in the case of a cargo fire.

The USFA staff felt that even if the six firefighters who died had known the contents of the burning trailer, they might have acted the same based on the guidance contained in the emergency response guide, a copy of which was found at the scene. The problem in this instance was not with the accuracy of the information, but rather the manner of its presentation which could be subject to misinterpretation, particularly by operational personnel who have to make an immediate decision on the scene of an incident at 3 o'clock in the morning, trying to decide whether a fire is an equipment fire or a cargo fire.

Subsequent to the release of USFA's report, last winter the Department of Transportation held routine hearings to update their emergency response guide. During the course of these hearings, both the International Association of Fire Fighters and the International Association of Fire Chiefs raised serious questions concerning the adequacy of the emergency response guide in meeting the needs of firefighters at the scene of an incident involving hazardous materials.

The information that is prepared for responders to hazardous materials incidents has to be considered from an operational perspective, as opposed to a transporter's or one who works with the hazardous materials. Attention must be paid to the people who will be using it in the field. I believe the strongest part of my legislation is the requirement that representatives of State and local emergency response personnel be members of the working group. Firefighters are the ones who can advise on how best to present the information. They can also point out what information is not needed and how to guard against an overload of information. If there is too much information available, it can be difficult to find the right information in time.

Taking all this into consideration, and wishing to do everything possible to prevent the recurrence of the tragedy in Kansas City, this bill proposes that the U.S. Fire Administrator, the spokesman for the Nation's fire service in the executive branch of the Federal Government, be charged with the responsibility of reviewing existing hazardous material response information with appropriate assistance from the other involved Federal and local agencies. This is necessary to ensure that the brave men and women who protect us against the threat of fire and hazardous materials accidents have the best possible information with which to do their dangerous job and better protect the communities in which we all live.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Pennsylvania [Mr. WALKER], a member and vice chairman of the full Committee on Science, Space, and Technology.

□ 1340

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York [Mr. BOEHLERT] for yielding, and would also like to add my commendations to the Members responsible for bringing this bill to the floor, the gentleman from North Carolina [Mr. VALENTINE], the chairman of the full committee, the gentleman from New Jersey [Mr. ROEL], the gentleman from New York [Mr. BOEHLERT], who ably handles this subcommittee, and especially to the gentlewoman from Kansas [Mrs.

MEYERS], for being the Member who conceived the idea, came up with the legislation, and then persistently went after assuring that it comes to the place where it is going to get passed on the floor here today. She not only through her work was able to highlight the growing dangers that our firefighters face, but through this legislation was instrumental in seeing to it that something got done about it.

Mr. Speaker, our emergency response personnel need the most up-to-date information on hazardous materials. We must also ensure the dissemination of that information down to the operational personnel at the local level. Moreover, I believe this bill demonstrates that the Federal Government can assist our firefighters in a beneficial way without great cost to the taxpayer.

Mr. Speaker, I urge colleagues to support the legislation.

Mr. BUECHNER. Mr. Speaker, there seems to be a strong proclivity here on Capitol Hill to learn lessons the hard way; the area of hazardous materials handling exemplifies this well. It is tragic that six Kansas City firefighters had to die in order for us to recognize the need for additional scrutiny in the area of hazardous materials.

However, the least we can do is learn from the mistakes of the past. It is now apparent that we have inadequate information as to the disposition of hazardous materials; six grave-stones in Kansas City testify to this. Congresswoman MEYERS' bill provides the groundwork for solving this problem through careful analysis of the information at hand. Accordingly, I congratulate Congresswoman MEYERS for introducing a bill that accomplishes what should have been done years ago. I ask my colleagues to support this bill before the lesson becomes any more costly.

However, I believe that further action is required to protect the American people, and emergency response personnel in particular, from the possibility of further hazardous materials tragedies. Accordingly, Congresswoman CARLIS COLLINS and I have introduced H.R. 2549, the Comprehensive Hazardous Materials Transportation Safety Act in the hope that we might greatly reduce the threat of hazardous materials accidents—that we might learn the easy way for once.

The bill began as a result of our concern that State and local governments lack the funds to adequately prepare for, and deal with hazardous materials accidents. As you know, title III of the Superfund Reauthorization Act of 1986 [SARA] established State and local emergency planning committees to better prepare and plan for hazardous materials accidents. However, this act failed to provide sufficient and continuing funds to carry out these activities.

Many fire departments currently contend that SARA has placed an inordinate burden on the local community to plan for and respond to hazardous materials incidents. They cite, among other things, the lack of funding and guidance for training. It is widely estimated that some 35,000 fire departments nation-

wide—a vast majority—cannot fund adequate training for their personnel.

Our bill establishes a grant program for State and local governments to improve planning and training for emergency response personnel. Although the Secretary of Transportation will have the authority to award the grants, the Secretary is urged to consult with the Director of the Federal Emergency Management Agency as well as the Administrator of the Environmental Protection Agency before the grants are awarded. Experts have widely lauded the idea of intergovernment cooperation in addressing this area; this is a central feature of H.R. 2549. The grants, although authorized at the Federal level would be administered at the State and local level to ensure their effective and timely usage.

Emergency response planning and training activities must involve a partnership between Federal, State, and local officials. Therefore, the bill ensures that 75 percent of these grants must be passed on to local and regional authorities, thus ensuring that funds reach the grassroots level. As we know, grassroots activities, such as the local firefighters, are usually the first responders to hazardous materials transportation incidents.

In essence, this grant program will not only promote regional cooperation—a key theme you heard voiced yesterday—but will help ensure that State and local governments will have the resources to conduct their responsibilities under SARA—title III—as well as provide firefighters, police, and emergency medical technicians with the needed training to meet the challenge of a hazmat emergency.

More importantly, this grant program is unique because it integrates State and local administrative structures established under SARA, OSHA training requirements, and regional cooperation into the Hazardous Materials Transportation Act. If Congress seeks governmental coordination, it must design an integrated program.

The bill also improves Federal requirements relating to industry training as a means to prevent hazardous materials accidents. The Department of Transportation's general training regulations for hazmat handlers are vague, at least in the area of highway transportation. They do not specify the frequency, content, objectives, and length of the required training. Consequently, our bill requires DOT to improve its training regulations. The bill mandates new training standards on a wide range of issues including placarding, labeling, handling procedures, health and safety risks, emergency response, communication procedures, as well as other factors which will improve the overall safety record. The bill further requires documentation proving that hazardous materials handlers have been properly tested. This is consistent and compatible with the hazardous materials requirements of the commercial drivers licensing law.

In sum, the bill would implement a comprehensive policy involving: increased cooperation between Federal, State, and local authorities; increased funding for emergency response preparation and training; nationally uniform standards for hazmat training and transportation; and increased guidance for

local emergency response committees, among other things.

Mr. Speaker, I find it encouraging that this assembly is considering Congresswoman MEYERS' bill, for it represents an important first step in addressing the threat of a hazardous materials accident—an important lesson learned the hard way. I further ask that we pass the Comprehensive Hazardous Materials Transportation Safety Act, so that just once, we might learn the easy way. I am confident our bill, or something very like it will eventually be passed by Congress. The question in my mind is whether that will be the prevention of a tragedy, or the response to one.

Mr. ROE. Mr. Speaker, every day, firefighters are called upon to respond to a variety of emergencies. We assume that they are given adequate materials and proper training to help them respond appropriately in these situations, particularly where hazardous materials such as explosives are involved.

The quality of the materials and training provided by the Government to our firefighters is critical to their ability to protect our citizens, as well as themselves. The tragic explosion that took the lives of six firefighters and that led to the introduction of this bill by our colleague, JAN MEYERS of Kansas, indicate that the data available need improvement.

The bill that we are considering today would require an assessment of the adequacy of federally developed and disseminated training and guidance materials that address immediate problems faced by local firefighters in operational environments. The legislation also requires recommendations for improvement of these materials where judged necessary. I recommend that my colleagues support this initiative before us.

Mr. ANDERSON. Mr. Speaker, I support H.R. 4522, the Firefighters Safety Study Act. I want to congratulate Chairman ROE and other sponsors of H.R. 4522 for their quick work on this legislation.

The goals of enhancing emergency preparedness both for the safety of the public and of firefighters is of keen interest to the Committee on Public Works and Transportation. Improving the accuracy and quality of emergency response data is extremely important.

The Committee on Public Works and Transportation is now preparing legislation to amend the Hazardous Materials Transportation Act. Included in that legislation will be amendments related to emergency response for accidents and incidents involving the transportation of hazardous materials. We have discussed the Public Works and Transportation Committee's intentions and jurisdiction in an exchange of letters with Chairman ROE, in which we agreed that our efforts are complementary and that current efforts to address emergency response concerns in the context of the Hazardous Materials Transportation Act are in no way affected by H.R. 4522.

Again, I urge my House colleagues to support H.R. 4522.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VALENTINE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from North Carolina [Mr. VALENTINE] that the House suspend the rules and pass the bill, H.R. 4522.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4522, the bill just considered.

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

There was no objection.

COORDINATED CLEARANCE AND SETTLEMENT ACT OF 1990

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3656) to amend the Securities Exchange Act of 1934 to improve the clearance and settlement of transactions in securities and related instruments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3656

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coordinated Clearance and Settlement Act of 1990".

SEC. 2. COORDINATED CLEARING.

Section 17A(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended to read as follows:

"(2)(A) The Commission is directed, therefore, having due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agencies, to use its authority under this title—

"(i) to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempt securities); and

"(ii) to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options;

in accordance with the findings and to carry out the objectives set forth in paragraph (1) of this subsection.

"(B) The Commission shall use its authority under this title to assure equal regulation under this title of registered clearing

agencies and registered transfer agents. In carrying out its responsibilities set forth in subparagraph (A)(ii) of this paragraph, the Commission shall coordinate with the Commodity Futures Trading Commission and consult with the Board of Governors of the Federal Reserve System.

"(C) The Securities and Exchange Commission, in consultation with the Commodity Futures Trading Commission, Board of Governors of the Federal Reserve System, and other relevant regulatory authorities, shall examine progress toward establishing linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options, and shall submit to the Committees on Energy and Commerce and Agriculture of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Agriculture, Nutrition, and Forestry of the Senate, not later than 2 years from the date of enactment of this subparagraph, a report detailing and evaluating such progress."

SEC. 3. TRANSFER AND PLEDGE OF SECURITIES.

Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following:

"(f)(1) Notwithstanding any provision of State law, if the Commission makes each of the findings described in paragraph (2)(A), the Commission may adopt rules concerning—

"(A) the transfer of certificated or uncertificated securities (other than government securities issued pursuant to chapter 31 of title 31, United States Code, or securities otherwise processed within a book-entry system operated by the Federal Reserve Banks pursuant to a Federal Book-entry regulation) or limited interests (including security interests) therein; and

"(B) rights and obligations of purchasers, sellers, owners, lenders, borrowers, and financial intermediaries (including brokers, dealers, banks, and clearing agencies) involved in or affected by such transfers, and the rights of third parties whose interests in such securities devolve from such transfers.

"(2)(A) The findings described in this paragraph are findings by the Commission that—

"(i) such rule is necessary or appropriate for the protection of investors or in the public interest and is reasonably designed to promote the prompt, accurate, and safe clearance and settlement of securities transactions;

"(ii) in the absence of a uniform rule, the safe and efficient operation of the national system for clearance and settlement of securities transactions will be, or is, substantially impeded; and

"(iii) to the extent such rule will impair or diminish, directly or indirectly, rights of persons specified in paragraph (1)(B) under State law concerning transfers of securities (or limited interests therein), benefits of such rule outweigh such impairment or diminution of rights.

"(B) In making the findings described in subparagraph (A), the Commission shall give consideration to the recommendations of the Advisory Committee established under paragraph (3), and it shall consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury objects, in writing, to any proposed rule of the Commission on the basis of the Secretary's view on the issues

described in clauses (i), (ii), and (iii) of subparagraph (A), the Commission shall consider all feasible alternatives to the proposed rule, and it shall not adopt any such rule unless the Commission makes an explicit finding that the rule is the most practicable method for achieving safe and efficient operation of the national clearance and settlement system.

"(3)(A) Within 90 days after the date of enactment of this subsection, the Commission shall (and at such times thereafter as the Commission may determine, the Commission may), after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.). The Advisory Committee shall be directed to consider and report to the Commission on such matters as the Commission, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, determines, including the areas, if any, in which State commercial laws and related Federal laws concerning the transfer of certificated or uncertificated securities, limited interests (including security interests) in such securities, or the creation or perfection of security interests in such securities do not provide the necessary certainty, uniformity, and clarity for purchases, sellers, investors, financial intermediaries, and lenders concerning their respective rights and obligations.

"(B) The Advisory Committee shall consist of 15 members, of which—

"(i) 11 shall be designated by the Commission in accordance with the Federal Advisory Committee Act; and

"(ii) 2 each shall be designated by the Board of Governors of the Federal Reserve System and the Secretary of the Treasury.

"(C) The Advisory Committee shall conduct its activities in accordance with the Federal Advisory Committee Act. Within 6 months of its designation, or such longer time as the Commission may designate, the Advisory Committee shall issue a report to the Commission, and shall cause copies of that report to be delivered to the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System."

The SPEAKER pro tempore. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

I rise today in support of the passage of H.R. 3656, the Coordinated Clearance and Settlement Act of 1990. I urge my colleagues to support this important bill that stems from the October 19, 1987, market crash. This measure contains a crucial reform to safeguard the stability of our financial markets by reducing unnecessary

credit demands on market participants during periods of market stress.

I would like to thank my good friend and colleague and ranking minority member of the Subcommittee on Telecommunications and Finance, the gentleman from New Jersey [Mr. RINALDO] for his help in bringing this measure to the floor. This bill enjoys widespread bipartisan support, both in the Committee on Energy and Commerce, through Chairman DINGELL and ranking minority member LENT; and in the Committee on Agriculture through the leadership of Chairman DE LA GARZA.

I would especially like to thank Mr. DE LA GARZA and his staff for their timely and expert assistance. My colleagues on the Committee on Agriculture have suggested several improvements to this bill which have been enthusiastically accepted and are reflected in the amended bill before us today. In the spirit of cooperation, Mr. DE LA GARZA has agreed to waive his committee's rights to a sequential referral of H.R. 3656 in order to allow for prompt legislative action on this bill. I thank my colleagues for their consideration and for their support in this matter.

The gentleman from Michigan [Mr. DINGELL] and all members of the committee appreciate the cooperation which we are receiving in our efforts to coordinate with the Committee on Agriculture so we can get at the root of some of these problems that exist in the financial marketplace.

The need for coordinated clearance and settlement systems sounds somewhat esoteric, but in actuality the concept is quite simple. This bill enables our regulators to lessen the need for large cash payments to flow back and forth among market participants and diverse clearing houses during times of market stress, thereby lessening the likelihood of a credit crisis tipping the financial markets into disarray.

The October 19, 1987, market crash of 508 points was the largest 1-day drop in the stock market's history. In that one day alone, \$1 trillion in value evaporated from the face of corporate America. The major studies which examined the crash reiterated a well-known, but until then, little-appreciated fact of financial life—the stock, options, and stock index futures markets operate as a unified market. Market participants hold positions across these linked markets, yet they are treated as if their cross market positions are of no financial consequence. This lack of sophistication in the clearing and settlement system posed a sizable threat to the stability of the Nation's financial system during the October 1987 crash. The Brady Commission's report the blue ribbon panel put together by President Reagan summed up our brush with disaster:

The complexity and fragmentation of the separate clearing mechanisms in stocks, fu-

tures and options—in conjunction with massive volume, violent price volatility, and staggering demands on bank credit—brought the financial system to the brink on Tuesday, October 20 * * * This crisis of confidence raised the spectre of a full-scale financial system breakdown and required the Federal Reserve to provide liquidity and confidence. The complexity of the clearing and credit mechanisms, rather than a substantive problem of solvency, was at fault.

The magnitude of the credit demands on October 19, 1987, were indeed staggering. The Options Clearing Corp. demanded \$1.8 billion in payments by its members. The Chicago Mercantile Exchange demanded \$2.5 billion of its members. Unfortunately, market participants were denied the ability to offer the gains they realized on one financial product to offset their losses with another.

□ 1350

The demands for instant cash payments and unnecessary cash payments robbed the market of badly needed liquidity when it was needed most.

Since October 1987, limited reforms have been implemented which graphically demonstrate the benefits of coordinated clearance and settlement. A pilot project between the Options Clearing Corp. and the Chicago Mercantile Exchange calling for cross-margining was in effect during the October 13, 1989 minicrash. Cross-margining allows for the reduction of margin payments by those who hold hedge cross-market positions. Two participants in the program found their margin payments reduced by \$164 million during the minicrash by virtue of their participation in the program. These savings would be greatly enhanced by the legislation which is before us today.

Following the crash, the Securities and Exchange Commission, then under the leadership of Chairman Ruder, proposed the reforms we have before us today. Now, under the leadership of Chairman Breiden of the SEC and Chairman Gramm of the Commodity Futures Trading Commission, we anticipate passage of the first in a series of market reform measures. H.R. 3656 strengthens our clearance and settlement system in several ways. First, the bill directs the Securities and Exchange Commission to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, and futures. Second, the SEC is directed to coordinate with the CFTC in developing such a system, and also to consult with the Federal Reserve Board. Third, the SEC, in consultation with the Federal Reserve Board and the CFTC, is required to report its progress on developing a coordinated clearance and settlement system to Congress within 2 years of enactment. Fourth, the SEC

is authorized to promulgate rules to preempt State laws concerning the transfer and the perfection of a security interest only after the SEC makes a determination that such a preemption is necessary to fulfill the goal of a coordinated clearance and settlement system. fifth, recognizing the complexity of State law in this area, the SEC is directed to establish an advisory committee to guide the SEC in its deliberations.

Once again, I want to thank my colleagues on the Energy and Commerce Committee. I would like to express the gratitude we all share for the work of the Agriculture Committee and their staff on this bill. Without their cooperation, this would not have been possible.

This is a major step forward in ensuring that we do have linked markets, that we do have better coordination, and I hope that this House deems fit to receive this piece of legislation unanimously today, so that we can move it on to deliberations with the Senate.

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

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

Mr. Speaker, I rise today in support of H.R. 3656, the Coordinated Clearance and Settlement Act.

The chairman of the subcommittee, Mr. MARKEY, and I, along with Mr. RICHARDSON and Mr. BRYANT introduced this legislation, because of the importance of the clearance and settlement process of our Nation's securities markets. We heard what the bill does from the chairman of the subcommittee.

When an investor cannot get an order executed on the floor of an exchange, he may be upset at this lost opportunity. His concern is a fraction of what he would feel, however, if he could not receive payment or stock certificates from a transaction that did occur. That is what clearance and settlement is all about.

The huge volume of trading that occurred during the October 1987 market correction created equally large customer margin and settlement obligations. Customer orders often simultaneously involved the stock, option, and futures markets. When an investor does business in the stock and futures market at the same time, he is required to post separate margins with both brokers, and these brokers with their clearing agents.

During the 1987 market crisis this involved extraordinarily large cash payments, larger than would have been required if clearance and settlement in these markets were coordinated. The additional moneys that were tied up pursuant to regulation margining the component parts of a combined transaction, deprived the trad-

ing markets of additional liquidity at a time when they needed it most.

H.R. 3656 would direct the SEC to facilitate the establishment of linked and coordinated facilities for clearance and settlement of transactions in securities and related financial instruments. Furthermore, the legislation would give the SEC the authority to adopt rules concerning the transfer and pledge of securities overriding existing State laws that impede efficient operation of the clearance and settlement system.

Mr. Speaker, though technical in nature, the impact of coordinated clearing and settlement on our markets can be dramatic. This legislation is the beginning of the process of reorganizing the structure and regulation of our securities, options, and commodities markets along the lines in which business has been evolving for the last two decades. It is the first step, but it is not a small one.

Mr. Speaker, I want to take this opportunity to compliment the gentleman from Massachusetts [Mr. MARKEY], chairman of the subcommittee, for his leadership on this important bill. Once again his balanced approach to the legislative process, ensuring that the input of the minority is considered as well as of our colleagues on the full committee, led by the gentleman from Michigan [Mr. DINGELL], and the gentleman from New York [Mr. LENT], was evident.

This is legislation at its best. It is a needed bill. It is a bill that the SEC and the administration strongly support, and it is a truly valuable bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 3656, the Coordinated Clearance and Settlement Act, and I urge my colleagues to support it.

Before I get into my formal remarks I would like to personally recognize the leadership of the chairman of the Subcommittee on Telecommunications and Finance for what I consider an excellent job of putting together a very difficult piece of legislation, complicated, yes, and also difficult in many ways in trying to seek the goals that all of us wanted in the area of settlements that are so important to our markets. If it were not for his ability to stick with the issue and to work out compromises, we would not be here today.

I would also want to pay tribute to my friend, the gentleman from New Jersey [Mr. RINALDO], the ranking member, for also working very closely with all of us in putting this bill together. As the gentleman from New Jersey stated, this is indeed legislation at its best.

This legislation directs the Securities and Exchange Commission to address the need for coordinated clear-

ance and settlement of securities and commodities transactions. It requires the SEC to consult with appropriate regulatory authorities and report its progress to Congress not later than 2 years after enactment of the law.

The bill also directs the SEC to establish a Federal Advisory Committee. This committee will consider the important issue of the conflict between State commercial laws and related Federal laws. These laws regard the transfer of certificated and uncertificated securities, and the perfection of security interests. The Balkanized system in place today does not provide the necessary certainty or uniformity to make clear to investors, financial intermediaries, and lenders their respective rights and obligations.

We live in a time when we must re-examine the relationships between regulators of our financial markets, and this bill directs study of two important facets of the issue. One is the relationship of the SEC, the CFTC and the Federal Reserve Board concerning clearing transactions that include securities, commodities, and bank payments. Over the course of the last decade a number of commodities products have been introduced that are based on securities or other financial, as opposed to agricultural, products. These commodity futures are used to hedge stock positions taken by block traders on behalf of institutions. The financial service provided by the commodities market has made possible deeper and more liquid stock markets. Unfortunately, the current structure of margin regulation treats a securities purchase which is hedged by a commodity future as two transactions, requiring two separate margin deposits. In fact there is only one transaction. It may be possible, after careful study of the issue as mandated by H.R. 3656, to devise rules that will allow a single margin deposit reflecting the hedged nature of the transaction and reduced risk. This would free up millions of dollars of trading capital and our financial markets would become even deeper and more liquid.

The second focus of the bill is the relationship of SEC regulation and Federal securities law to State regulation of securities. In markets that are already national and are increasingly international in nature, situations arise in which the comprehensive Federal system of regulation is interfered with by the imposition of 50 State laws upon it. State commercial laws that interfere with clearance and settlement of securities transactions may be such an area. In this situation, it may be desirable for the Federal Government to preempt State regulation. This would be done to the minimum extent possible to make our national system work, and to keep us competitive in the global markets that are de-

veloping. Congressional direction to the appropriate regulatory agencies to study the issue is wise.

I urge my colleagues to vote in favor of H.R. 3656.

□ 1400

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume to conclude for one final moment.

I would like to consume that moment by thanking the gentleman from Ohio [Mr. OXLEY] for all of his help in helping us to make it possible to put together a bipartisan piece of legislation and one which I think solves the problem in a pragmatic, nonideologic way. Also, the gentleman from New Mexico [Mr. RICHARDSON], the gentleman from Texas [Mr. BRYANT], the gentleman from Louisiana [Mr. TAUZIN], and the gentleman from Tennessee [Mr. COOPER], for all of their help as well in making it possible for us to put together this piece of legislation.

I would like to thank the legislative counsel, Steve Cope.

I would like to thank the SEC staff who has worked very closely with us in making it possible to draft a piece of legislation which was acceptable to that agency and would meet the needs of the agency when it is being implemented.

I would also like to thank the minority staff, Steve Blumenthal, of the committee. He has made it personally very easy for us to develop a strong working relationship.

I think it is fair to mention the Committee on Agriculture as well because their staff has been absolutely marvelous in helping us to draft this bill.

I would like particularly to single out Bill Cherry and Fred Clark for their work in making this piece of legislation possible and all the members of their committee as well.

I would like to thank Consuela Washington, the full committee staff counsel, for all of her work on this legislation. I would like to thank Howard Homonoff and Herb Brown, subcommittee staff director, and especially Nancy Smith of our staff who over the last couple of years has dedicated hundreds of hours to this piece of legislation and others in trying to draft legislation which would be acceptable to all parties.

Finally, once again to my friend, the gentleman from New Jersey [Mr. RINALDO] for his ongoing friendship and cooperation in drafting this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from

Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 3656, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 3656, the bill just passed.

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

There was no objection.

BIOLOGICAL WEAPONS ANTI-TERRORISM ACT OF 1989

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 237) to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes, as amended.

The Clerk read as follows:

H.R. 237

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

SECTION 1. SHORT TITLE

This Act may be cited as the "Biological Weapons Anti-Terrorism Act of 1989".

SEC. 2. PURPOSE AND INTENT.

(a) PURPOSE.—The purpose of this Act is to—

(2) implement the Biological Weapons Convention, an international agreement unanimously ratified by the United States Senate in 1974 and signed by more than 100 other nations, including the Soviet Union; and

(2) protect the United States against the threat of biological terrorism.

(b) INTENT OF ACTION.—Nothing in this Act is intended to restrain or restrict peaceful scientific research or development.

SEC. 3. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 9 the following:

"CHAPTER 10—BIOLOGICAL WEAPONS

"Sec.

"175. Prohibitions with respect to biological weapons.

"176. Seizure, forfeiture, and destruction.

"177. Injunctions.

"178. Definitions.

"§ 175. Prohibitions with respect to biological weapons

"(a) IN GENERAL.—Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, shall be fined under this title or imprisoned for life or any

term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

"(b) DEFINITION.—For purposes of this section, the term 'for use as a weapon' does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for prophylactic, protective, or other peaceful purposes.

"§ 176. Seizure, forfeiture, and destruction

"(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any biological agent, toxin, or delivery system that—

"(A) exists by reason of conduct prohibited under section 175 of this title; or

"(B) is of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(2) In exigent circumstances, seizure and destruction of any biological agent, toxin, or delivery system described in subparagraphs (A) and (B) of paragraph (1) may be made upon probable cause without the necessity for a warrant.

"(b) PROCEDURE.—Property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such hearing, the government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the same procedures and provisions of law relating to a forfeiture under this section. The Attorney General may provide for the destruction or other appropriate disposition of any biological agent, toxin, or delivery system seized and forfeited pursuant to this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (a)(1)(B) of this section that—

"(1) such biological agent, toxin, or delivery system is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system, is of a type and quantity reasonable for that purpose.

"§ 177. Injunctions

"(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 175 of this title;

"(2) the preparation, solicitation, attempt, or conspiracy to engage in conduct prohibited under section 175 of this title; or

"(3) the development, production, stockpiling, transferring, acquisition, retention, or possession, or the attempted development, production, stockpiling, transferring, acquisition, retention, or possession of any biological agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) of this section that—

"(1) the conduct sought to be enjoined is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system is of a type and quantity reasonable for that purpose.

"§ 178. Definitions

"As used in this chapter—

"(1) the term 'biological agent' means any microorganism, virus, or infectious substance, capable of causing—

"(A) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

"(B) deterioration of food, water, equipment, supplies, or material of any kind; or

"(C) deleterious alteration of the environment;

"(2) the term 'toxin' means, whatever its origin or method of production—

"(A) any poisonous substance produced by a living organism; or

"(B) any poisonous isomer, homolog, or derivative of such a substance;

"(3) the term 'delivery system' means—

"(A) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

"(B) any vector; and

"(4) the term 'vector' means a living organism capable of carrying a biological agent or toxin to a host."

(b) WIRE INTERCEPTION.—Section 2516(c) of title 18, United States Code, is amended by adding "section 175 (relating to biological weapons)," after "section 33 (relating to destruction of motor vehicles or motor vehicle facilities)."

(c) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 9 the following new item:

"10. Biological Weapons..... 175."

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of Texas. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, as the House sponsor of legislation, H.R. 237, to implement the Biological Weapons Convention, I am pleased to rise in support of this legislation.

I want to commend the gentleman from Connecticut [Mr. MORRISON], chairman of the House Judiciary Subcommittee on Immigration, Refugees, and International Law and a cosponsor of H.R. 237, for his effective leadership in expediting House consideration of this legislation. Also, I am proud that my Senator, the junior Senator from Wisconsin, HERB KOHL, seized the initiative in the Senate on this issue by introducing a companion measure, S. 993, and winning Senate approval of this bill.

Mr. Speaker, three decades have passed since I proposed a congressional resolution on no first-use of biological

weapons. Progress on the biological warfare issue has always been slow.

In 1969, President Nixon unilaterally renounced the use of biological weapons and pledged to destroy the existing U.S. stockpile. In 1972, the Nixon administration endorsed the Biological Weapons Convention, and by the time the Senate ratified the Convention in 1974, all the biological weapons in our possession had been destroyed.

The Biological Weapons Convention requires each signatory to take all measures necessary to prevent and prohibit within its territory, under its jurisdiction or under its control anywhere, the activities prohibited by the Convention. Although 14 years have passed since the ratification of the Convention, the United States, however, has not yet passed legislation to accomplish this purpose. There presently are no Federal statutes that prohibit and provide penalties for the development, production stockpiling acquisition or retention of, first biological agents or toxins of types and in quantities that have no justification for peaceful purposes and, second, weapons, equipment, and means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

On two occasions, the executive branch tried to have legislation enacted to implement the Convention. In 1973, a bill was introduced in the Congress but it failed to receive consideration because of the delay in ratifying the Convention. Another effort was made in 1980, but the congressional session came to an end before any action could be taken.

The Reagan administration held that extensive existing legislation controlled certain private actions concerning the items and actions prohibited by the Convention. Such legislation included the Arms Export Control Act, the Export Administration Act, the Hazardous Material Transportation Act, the Toxic Substances Control Act, the Public Health Service Act, and the Federal Insecticide, Pesticide and Rodenticide Act. These existing laws, however, are deficient in several main aspects since they do not cover biological agents and toxins described by the Convention in its various articles. Also they fail to implement the Convention goal of eradicating all agents or toxins that have no peaceful purpose. Simply stated, no statute exists for prohibiting citizens from making biological weapons.

This administration, reflecting the President's stated support for banning biological weapons from the face of the Earth, supports this legislation.

Mr. Speaker, we are in the age of the biotechnology revolution where genetic engineering has made it possible for the scientific community to design fundamental aspects of living organisms to make them produce benefi-

cial products for society. The legislation to implement the Biological Warfare Convention will not interfere with legitimate research and development and the commercial applications of new organisms. But, there is a dark side to the biotechnology revolution, and that is the ability to create an infinite variety of deadly microbes, toxins, and other agents of biological mass destruction has been made easier. The technology that makes it possible to produce miracle drugs also makes it possible to create microorganisms that can cause deadly diseases for which no cures exist.

Biological weapons are abhorrent. The fear of the creation of doomsday bacterial or viral weapons use is equal to that associated with a nuclear holocaust. We must do everything in our power to prevent the use of biological weapons. We have an international obligation to do so, and by passing this legislation we are letting the rest of the world know that we are serious in our desire to stop biological terrorism.

This legislation prohibits the possession or development of germ warfare devices and authorizes the punishment of those who engage in such activities as well as those who attempt to help foreign nations acquire such weapons.

Mr. Speaker, I urge House passage of H.R. 237, the Biological Warfare Convention implementation legislation.

□ 1410

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 237 the Biological Weapons Act of 1990 would implement the Biological Weapons Convention signed by the United States on April 10, 1972.

The bill gives the Attorney General the discretion and authority to seize and destroy any biological agent, toxin, or delivery system deemed to be developed for nonpeaceful purposes.

The Senate unanimously passed a similar bill on November 21, 1989. That bill, S. 993, was supported by the administration.

I urge my colleagues to support H.R. 237, which mirrors S. 993, and has the administration's support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. MORRISON], chairman of the subcommittee that handled the bill, who also testified in the Senate on this measure. We are indebted to the gentleman for his contribution.

Mr. MORRISON of Connecticut. Mr. Speaker, let me start by commending my colleague, Mr. BOB KASTEN-

MEIER, for introducing this important bill. I also salute our esteemed chairman, JACK BROOKS, chairman of the full Judiciary Committee, for his leadership in shepherding this bill through the committee process.

The purpose of H.R. 237, the Biological Weapons Anti-Terrorism Act, is to implement the 1972 Biological Weapons Convention, signed by 111 nations including the United States and the U.S.S.R.

The Senate gave its advice and consent to ratification of the Biological Weapons Convention in December 1974, and the treaty entered into force in March 1975. Under the convention each nation undertakes, "never in any circumstances," to develop, produce, stockpile, acquire or retain microbial or other biological agents or toxins, whatever their origin or method of production, unless there is a peaceful justification.

The convention has been interpreted to bind only governments, not their respective populations. H.R. 237 is necessary to fulfill the obligation each nation has under article IV of the convention to take necessary measures to prevent and prohibit the development or retention of biological weapons within its territory.

Although implementing legislation was introduced by former Chairman Peter Rodino in the 96th, 99th, and 100th Congresses, and although several statutes already exist regulating bioweapons like the Toxic Substances Control Act and the Arms Export Control Act to date there is no comprehensive legislation prohibiting the manufacture or possession of biological weapons. Nor is there legislation prohibiting Americans from assisting other nations in acquiring such weapons.

On May 1, 1990, the subcommittee held a hearing on the bill. Witnesses included Senator KOHL, author of the Senate bill, S. 993; Tom Graham, general counsel to the U.S. Arms Control and Disarmament Agency, and Prof. Matthew Meselson, professor of biochemistry and molecular biology at Harvard University. All of the witnesses endorsed the bill. Supporting written testimony was also received from Dr. Will Carpenter, vice president for technology, Monsanto Agriculture Co. and the Honorable James F. Leonard, the former ambassador who headed the U.S. delegation during treaty negotiations. On May 2, 1990 the full committee marked up an amendment in the nature of a substitute to H.R. 237 that is identical to S. 993.

H.R. 237 is needed to prevent the proliferation of biological weapons and to prevent the possibility of their falling into the hands of terrorists. In the words of former Assistant Secretary of State, H. Allen Holmes, " * * * if the proliferation of bio-weapons continues,

it may only be a matter of time before terrorists do acquire and use these weapons."

As a graduate of M.I.T. in chemistry, and a former graduate student in chemistry at the University of Illinois, I probably have some special understanding of the potential horrors of biological and chemical warfare. In reality, however, I suspect that whether trained in science or not, we cannot, any of us, begin to comprehend the possible disasters that could result from the unchecked development of biological and toxin weapons.

The Biological and Toxin Weapons Convention bans the development, production, possession, and transfer of all biological and toxin weapons. The treaty stands as a unique arms control agreement because of its sweeping provisions. It outlaws not only the use and stockpiling of biological weapons, but their development as well.

There is, of course, always the possibility that some individual, engaged in clandestine biological weapons research, will develop some deadly agent that could pose a threat of a massive epidemic or accident that endangers the public. Concerns about such activities have increased recently because of heightened interest in both chemical and biological warfare in the world community. There has been significant evidence of chemical weapons use in the Iran-Iraq War, and evidence too that western companies may have aided the efforts of a number of Third World countries to develop chemical weapons. The spread of biological and chemical weapons to many countries could have disastrous long-term implications for the world. Combining these weapons of mass destruction with advanced long-range missile technology provide fearful opportunities to cause death and destruction. The unleashing of biological weapons could mean Armageddon in our lifetimes.

Passage of this implementing legislation will not completely resolve the threat of biological weapons proliferation. Nonetheless, it will signal renewed American commitment to diminish the chance that other countries will develop these weapons. It is my hope too that in the future the U.S. will explore international efforts to strengthen the Convention.

Since the early seventies, when the Convention was hailed as a model agreement, new techniques in genetic engineering have been developed, making possible a whole new generation of biological destructive capability. The nature of biological weaponry is such that it doesn't take large volumes to render wholesale destruction. The ease with which these deadly materials can be made is cause for serious international concern and requires speedy action.

I urge my colleagues to vote for this important bill. The language of H.R.

237 reflects accommodation and agreement between the Congress, the administration, academia, and private sector researchers, and manufacturers. Great care was taken to ensure against interference with legitimate research for peaceful purposes. The language of H.R. 237 is identical to S. 993 as it passed the Senate on November 21, 1989. It is our hope that the Members will pass S. 993 right after they have voted in favor of H.R. 237, so that this legislation can be sent directly to the President for signature. I thank the chairman and my colleagues for their support.

Mr. OWENS of Utah. Mr. Speaker, with the advent of sophisticated delivery systems and genetically engineered or other highly infectious agents, the prospects of a biological war are more terrifying than ever. Our best deterrent against proliferation of these weapons is the 1972 biological weapons convention, to which the United States and 100 other countries are signatories.

The Biological Weapons Act of 1989 demonstrates after 18 years that the United States is fully behind this convention. Secrecy surrounding our own biological defense research program coupled with more than a 400-percent increase in funding over the past 9 years has contributed to the problem of biological weapons proliferation. By establishing criminal penalties for those who develop, produce, or stockpile biological weapons, we allay fears in the international community which serve to propel this horrific arms race.

This is an important bill which comes at a time when the Third World is developing the means to produce and deliver these instruments of uncontrollable destruction. I strongly urge your support.

Mr. BROOKS. Mr. Speaker, I rise in strong support of H.R. 237, as amended by the committee.

This is not complicated legislation. Rather, it does nothing more than establish criminal penalties against anyone who manufactures, possesses, transfers, or uses biological weapons. Guilty parties can be imprisoned for up to life or fined in accordance with title 18 of the United States Code, or both.

Biological weapons are the equal of nuclear weapons in terms of the death, destruction, and permanent alteration of the environment that they can cause. Despite their potency, however, the fact is that from a military standpoint they are relatively useless. They are difficult to store, their effects are often unpredictable, and they cannot be used with the pinpoint accuracy that modern military demands call for. For these reasons, as well as others, the United States unilaterally destroyed all its biological weapons in 1969 and agreed never to produce them again. Since they serve no useful military purposes, the only possible purpose they can serve is a mischievous, dangerous one.

Such weapons can be made inexpensively and secretly. They can be used for purposes of extortion, coercion, and terrorism. These are the dangers that H.R. 237 is designed to prevent and that is why the measure has received the support of the administration, the

Judiciary Committee, which I am honored to chair, and has been passed in identical form by the Senate.

Finally, I should mention that in 1975 the United States became a party to the Biological Weapons Convention—an agreement signed by 111 nations. This convention obligates signatory nations not to produce, stockpile, or ever use biological weapons. The convention also requires each signatory state to take whatever measures may be necessary to prevent the production or use of biological weapons within its own territory. This bill, therefore, also serves the very important purposes of furthering the objectives of the convention and in demonstrating our resolve to honor its terms in full.

I urge my colleagues to support this extremely meritorious legislation.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for H.R. 237, the Biological Weapons Act of 1989. This important measure imposes criminal penalties against those who knowingly develop, produce, stockpile, acquire, retain, or possess any biological agent, toxin or delivery system for use as a weapon or assist any foreign state or any organization to do so.

The proliferation of biological weapons in the Third World has added a new and even more ominous tool to the world's arsenals of mass destruction. Biological weapons are even more insidious and even more horrific than chemical weapons. That is because biological weapons are capable of reproducing on their own.

International limitations on biological weapons are necessarily more comprehensive than the control of chemical weapons. In 1969, President Nixon unilaterally ended the U.S. biological weapons program, terminating all research and destroying all stockpiles of weapons. The Biological and Toxin Weapons Convention was signed in 1972 and ratified by the United States in 1975. Today most countries are signatories to the convention.

In the fall of 1986, progress was made in openness and verification of the Biological Weapons Convention when the 5 year review conference reached an agreement on exchanges of information about all high containment biological research facilities and all unusual outbreaks of disease or toxin-related illness. Both the United States and the Soviet Union released their biological facility declarations in October 1987.

Mr. Speaker, with the growing number of nations that have active biological weapons programs, this is an appropriate measure. I commend the gentleman from Wisconsin [Mr. KASTENMEIER] for his work on this measure. It is supported by the administration. Accordingly, Mr. Speaker, I urge its adoption.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 237, the implementing legislation for the Biological Weapons Convention. For practical, legal, and moral reasons, it is imperative that we pass this bill into law.

First, it is a practical step which will help block proliferation of biological weapons. When we signed the Biological Weapons Convention in 1972, we committed ourselves to halt development and production, and renounce the use of biological weapons. But without this implementing legislation, we

cannot impose legal penalties against American citizens who try to develop these weapons for themselves, or who help a foreign country in its attempts to develop them.

The recent reports that Iraq—a country whose rulers have used poison gas against Iranian soldiers and Iraqi civilians, despite Iraq's previous signature of the Geneva Convention against chemical warfare—may be experimenting with biological weapons shows that this is not simply a theoretical problem. It is a reality we confront today. If we cannot punish American citizens who attempt to develop biological weapons on their own or in concert with foreign governments, the force of our signature to the convention will be diminished.

Second, as a signatory of the convention, the United States is legally bound to support it and to do whatever we can to achieve its goal—to ensure that the worldwide ban on biological warfare is never broken. Making development or production of biological weapons a Federal crime moves us toward this aim, and encourages other governments to take the same step.

Finally, regardless of practical virtue or legal necessity, we have a moral obligation to prevent biological warfare. Modern warfare is terrible and deadly enough without extending its horrors into the realm of disease. There is no military or moral justification for the use of biological weapons. And the best way to make sure they never are used is never to make them.

With this bill, the United States puts the world on notice that its citizens and elected leaders will not tolerate the development, production, or use of the plague bacterium, the AIDS virus, or any other biological agent as a weapon of war. The legislation has been a long time coming, but it is welcome nonetheless.

I commend Representative KASTENMEIER for the effort he has made in crafting the bill and bringing it to the floor, and I ask all my colleagues to support it.

□ 1420

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

Mr. Speaker, in addition to commending the gentleman from Connecticut [Mr. MORRISON] for his eloquent statement, I would also like to commend the gentleman from Texas [Mr. SMITH] for the very constructive, supportive role he played with respect to this legislation, and to commend the members of the subcommittee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 237, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REGARDING THE PRESENTATION OF A PORTRAIT OF HON. WILLIAM D. FORD

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 272) authorizing printing of the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to presentation of a portrait of Hon. WILLIAM D. FORD, as amended.

The Clerk read as follows:

H. CON. RES. 272

Resolved by the House of Representatives (the Senate concurring), That the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives on March 21, 1990, incident to presentation of a portrait of the Honorable William D. Ford, shall be printed as a House document, with illustrations and suitable binding.

SEC. 2. In addition to the usual number, 125 casebound copies of such document shall be printed for the use of the Committee on Post Office and Civil Service of the House of Representatives.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROBERTS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. BATES] will control the time.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. BATES] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BATES].

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

Mr. Speaker, I rise in support of House Concurrent Resolution 272 to authorize the publication which summarizes the proceedings of the presentation-of-the-portrait ceremony in honor of BILL FORD. The portraiture ceremony recognized WILLIAM D. FORD's first 25 years of distinguished service in the House of Representatives and his tenure as chairman of the Post Office and Civil Service Committee.

BILL FORD has represented Michigan's 15th Congressional District for over 25 years. As chairman of the House Committee on Post Office and Civil Service since 1981, Congressman

FORD has been an advocate for the U.S. Postal Service and civilian agencies, and has championed improvements in employee pay and benefits. Under his leadership, the committee has been in the forefront fostering and promoting the public service.

A major accomplishment during Mr. FORD's decade as chairman was the fashioning of a complete new Federal pension system. He has also fought strongly to make the wages of Federal workers comparable to those in the private sector despite frequent and prolonged attacks from the executive branch. He is currently confronting the task of rebuilding the health insurance system for Federal employees and their families.

Congressman FORD is also the ranking majority member of the Committee on Education and Labor. He has helped to write every piece of Federal education legislation since the 89th Congress. In the 97th Congress, Mr. FORD played a major role in developing the Job Training Partnership Act; and in the 100th Congress, he won a 14-year battle when his plant-closing bill overcame Presidential opposition and became law.

BILL FORD is admired by his colleagues, and appreciated by all those he has worked with and helped. It is an honor for me to rise today in support of House Concurrent Resolution 272, the publication of BILL FORD's portraiture ceremony.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 272, authorizing the printing of the transcript of the proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to the presentation of a portrait of Hon. WILLIAM D. FORD.

Since November 3, 1964, Mr. FORD has been a diligent Representative of his home State of Michigan. Among other accomplishments, his service on the Post Office and Civil Service Committee is worthy of merit and proclamation of praise before his peers. Mr. FORD has served as chairman of the Committee on Post Office and Civil Service since 1980, and during that time he has vigorously promoted the U.S. Postal Service and civilian agencies and has adamantly demanded improved pay and benefits for those employed by our Postal Service and other Government agencies. He has led his committee to the forefront of public service and, in so doing, has earned the respect and admiration of those with whom he has worked. The official unveiling of Mr. FORD's portrait on March 21, 1990 was a timely occasion to honor a man who has done so much for his Government and his fellow man.

In recognition of these auspicious accomplishments, I urge my colleagues

to support House Concurrent Resolution 272.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BATES. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 272, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate having been concluded on all motions to suspend the rules, pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4522, by the yeas and nays; and H.R. 237 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FIREFIGHTERS' SAFETY STUDY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4522.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. VALENTINE] that the House suspend the rules and pass the bill, H.R. 4522, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 98]
YEAS—410

Ackerman	Duncan	Kastenmeier
Akaka	Durbin	Kennedy
Alexander	Dwyer	Kennelly
Anderson	Dymally	Kildee
Andrews	Dyson	Kleczka
Annuzio	Early	Kolter
Anthony	Eckart	Kostmayer
Applegate	Edwards (CA)	Kyl
Archer	Edwards (OK)	LaFalce
Armey	Emerson	Lagomarsino
Aspin	Engel	Lancaster
Atkins	English	Lantos
AuCoin	Erdreich	Laughlin
Baker	Espy	Leach (IA)
Ballenger	Evans	Leath (TX)
Barnard	Fascell	Lehman (CA)
Bartlett	Fawell	Lehman (FL)
Barton	Fazio	Lent
Bateman	Feighan	Levin (MI)
Bates	Fields	Levine (CA)
Beilenson	Fish	Lewis (CA)
Bennett	Flake	Lewis (FL)
Bentley	Foglietta	Lewis (GA)
Bereuter	Ford (MI)	Lightfoot
Berman	Frank	Lipinski
Bevill	Frenzel	Livingston
Bilbray	Frost	Lloyd
Billrakis	Gallely	Long
Bliley	Gallo	Lowery (CA)
Boehrlert	Gaydos	Lowey (NY)
Boggs	Gejdenson	Lukens, Thomas
Bonior	Gekas	Machtley
Borski	Gephardt	Madigan
Bosco	Geren	Manton
Boucher	Gibbons	Markey
Boxer	Gillmor	Marlenee
Brennan	Gilman	Martin (IL)
Broomfield	Gingrich	Martin (NY)
Browder	Glickman	Martinez
Brown (CA)	Gonzalez	Matsui
Brown (CO)	Goodling	Mavroules
Bruce	Gordon	Mazzoli
Bryant	Goss	McCandless
Buechner	Gradison	McCloskey
Bunning	Grandy	McCollum
Burton	Grant	McCrery
Bustamante	Gray	McCurdy
Byron	Green	McDade
Callahan	Guarini	McDermott
Campbell (CO)	Gunderson	McEwen
Cardin	Hall (OH)	McGrath
Carper	Hall (TX)	McHugh
Carr	Hamilton	McMillan (NC)
Chandler	Hammerschmidt	McMillen (MD)
Chapman	Hancock	McNulty
Clarke	Hansen	Meyers
Clay	Harris	Mfume
Clement	Hastert	Michel
Clinger	Hatcher	Miller (CA)
Coble	Hayes (IL)	Miller (OH)
Coleman (MO)	Hayes (LA)	Miller (WA)
Coleman (TX)	Hefley	Mineta
Combest	Hefner	Moakley
Condit	Henry	Mollinari
Conte	Herger	Mollohan
Conyers	Hertel	Montgomery
Cooper	Hiller	Moody
Costello	Hoagland	Moorhead
Coughlin	Hochbrueckner	Morella
Courter	Holloway	Morrison (CT)
Cox	Hopkins	Morrison (WA)
Crane	Horton	Mrazek
Coyne	Houghton	Murphy
Crockett	Hoyer	Murtha
Dannemeyer	Huckaby	Myers
Darden	Hughes	Nagle
Davis	Hunter	Natcher
de la Garza	Hutto	Neal (NC)
DeFazio	Hyde	Nielson
DeLay	Inhofe	Nowak
Dellums	Ireland	Oberstar
Derrick	Jacobs	Obey
DeWine	James	Olin
Dickinson	Jenkins	Ortiz
Dicks	Johnson (CT)	Owens (UT)
Dingell	Johnson (SD)	Oxley
Dixon	Johnston	Packard
Donnelly	Jones (GA)	Pallone
Dorgan (ND)	Jones (NC)	Panetta
Dornan (CA)	Jontz	Parker
Douglas	Kanjorski	Parris
Downey	Kaptur	Pashayan
Dreier	Kasich	Patterson

Paxon	Scheuer	Stump
Payne (NJ)	Schiff	Sundquist
Payne (VA)	Schneider	Swift
Pease	Schroeder	Synar
Pelosi	Schulze	Tallon
Penny	Schumer	Tanner
Perkins	Sensenbrenner	Tauke
Petri	Serrano	Tauzin
Pickett	Sharp	Taylor
Pickle	Shaw	Thomas (CA)
Porter	Shays	Thomas (GA)
Poshard	Shumway	Thomas (WY)
Price	Shuster	Torres
Pursell	Sikorski	Torricelli
Quillen	Sisisky	Towns
Rangel	Skaggs	Traffant
Ravenel	Skeen	Traxler
Ray	Skelton	Unsoeld
Regula	Slattery	Upton
Rhodes	Slaughter (NY)	Valentine
Richardson	Slaughter (VA)	Vander Jagt
Ridge	Smith (FL)	Vento
Rinaldo	Smith (IA)	Volkmer
Ritter	Smith (NJ)	Vucanovich
Roberts	Smith (NE)	Walgren
Roe	Smith (TX)	Walker
Rogers	Smith (VT)	Walsh
Rohrabacher	Smith, Denny	Watkins
Ros-Lehtinen	(OR)	Waxman
Rose	Smith, Robert	Weber
Rostenkowski	(NH)	Weiss
Roth	Smith, Robert	Weldon
Roukema	(OR)	Wheat
Rowland (CT)	Snowe	Whittaker
Rowland (GA)	Solarz	Whitten
Roybal	Solomon	Williams
Russo	Spence	Wise
Sabo	Spratt	Wolf
Salki	Staggers	Wolpe
Sangmeister	Stallings	Wyden
Sarpalius	Stangeland	Yates
Savage	Stark	Yatron
Sawyer	Stearns	Young (AK)
Saxton	Stenholm	Young (FL)
Schaefer	Studds	

NAYS—0

NOT VOTING—23

Brooks	Kolbe	Schuetz
Campbell (CA)	Lukens, Donald	Stokes
Collins	Neal (MA)	Udall
Craig	Nelson	Visclosky
Flippo	Oakar	Washington
Ford (TN)	Owens (NY)	Wilson
Hawkins	Rahall	Wyllie
Hubbard	Robinson	

□ 1450

Mr. DANNEMEYER changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1452

ANNOUNCEMENT BY THE
SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

BIOLOGICAL WEAPONS ANTI-
TERRORISM ACT OF 1989

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 237, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 237, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 99]

YEAS—408

Ackerman	Cox	Green
Akaka	Coyne	Guarini
Alexander	Crane	Gunderson
Anderson	Crockett	Hall (OH)
Andrews	Dannemeyer	Hall (TX)
Annunzio	Darden	Hamilton
Anthony	Davis	Hammerschmidt
Applegate	de la Garza	Hancock
Archer	DeFazio	Hansen
Armey	DeLay	Hastert
Aspin	Dellums	Hatcher
Atkins	Derrick	Hayes (IL)
AuCoin	DeWine	Hayes (LA)
Baker	Dickinson	Hefley
Ballenger	Dicks	Hefner
Barnard	Dingell	Henry
Bartlett	Dixon	Herger
Barton	Donnelly	Hertel
Bateman	Dorgan (ND)	Hiller
Bates	Dornan (CA)	Hoagland
Bellenson	Douglas	Hochbrueckner
Bennett	Downey	Holloway
Bentley	Dreier	Hopkins
Bereuter	Duncan	Horton
Berman	Durbin	Houghton
Bevill	Dwyer	Hoyer
Bilbray	Dymally	Huckaby
Bilirakis	Dyson	Hughes
Bliley	Early	Hunter
Boehliert	Eckart	Hutto
Boggs	Edwards (CA)	Hyde
Bonior	Edwards (OK)	Inhofe
Borski	Emerson	Ireland
Bosco	Engel	Jacobs
Boucher	English	James
Boxer	Erdreich	Jenkins
Brennan	Espy	Johnson (CT)
Brooks	Evans	Johnson (SD)
Broomfield	Fascell	Johnston
Browder	Fawell	Jones (GA)
Brown (CA)	Fazio	Jones (NC)
Brown (CO)	Feighan	Jontz
Bruce	Fields	Kanjorski
Buechner	Fish	Kaptur
Bunning	Flake	Kasich
Burton	Foglietta	Kastenmeier
Bustamante	Ford (MI)	Kennedy
Byron	Frank	Kennelly
Callahan	Frenzel	Kildee
Campbell (CO)	Frost	Klecza
Cardin	Gallely	Kolter
Carper	Gallo	Kostmayer
Carr	Gaydos	Kyl
Chandler	Gejdenson	LaFalce
Chapman	Gekas	Lagomarsino
Clarke	Gephardt	Lancaster
Clay	Geren	Lantos
Clement	Gibbons	Lauchlin
Clinger	Gillmor	Leach (IA)
Coble	Gilman	Leath (TX)
Coleman (MO)	Gingrich	Lehman (CA)
Coleman (TX)	Glickman	Lehman (FL)
Combest	Gonzalez	Lent
Condit	Goodling	Levin (MI)
Conte	Gordon	Levine (CA)
Conyers	Goss	Lewis (CA)
Cooper	Gradison	Lewis (FL)
Costello	Grandy	Lewis (GA)
Coughlin	Grant	Lightfoot
Courter	Gray	Lipinski

Livingston	Patterson	Smith (IA)
Lloyd	Paxon	Smith (NE)
Long	Payne (NJ)	Smith (NJ)
Lowery (CA)	Payne (VA)	Smith (TX)
Lowey (NY)	Pease	Smith (VT)
Lukens, Thomas	Pelosi	Smith, Denny
Machtley	Penny	(OR)
Madigan	Perkins	Smith, Robert
Manton	Petri	(NH)
Markey	Pickett	Smith, Robert
Marlenee	Pickle	(OR)
Martin (IL)	Porter	Snowe
Martin (NY)	Poshard	Solarz
Martinez	Price	Solomon
Matsui	Pursell	Spence
Mavroules	Quillen	Spratt
Mazzoli	Rangel	Staggers
McCandless	Ravenel	Stallings
McCloskey	Ray	Stangeland
McCollum	Regula	Stark
McCrery	Rhodes	Stearns
McCurdy	Richardson	Stenholm
McDade	Ridge	Studds
McDermott	Rinaldo	Stump
McEwen	Ritter	Sundquist
McGrath	Roberts	Swift
McHugh	Roe	Synar
McMillan (NC)	Rogers	Tallon
McMillen (MD)	Rohrabacher	Tanner
McNulty	Ros-Lehtinen	Tauke
Meyers	Rose	Tauzin
Mfume	Rostenkowski	Taylor
Michel	Roth	Thomas (CA)
Miller (CA)	Roukema	Thomas (GA)
Miller (OH)	Rowland (CT)	Thomas (WY)
Miller (WA)	Rowland (GA)	Torres
Mineta	Roybal	Torricelli
Moakley	Russo	Towns
Mollinari	Sabo	Traffant
Mollohan	Saiki	Traxler
Montgomery	Sangmeister	Unsoeld
Moody	Sarpalius	Upton
Moorhead	Savage	Valentine
Morella	Sawyer	Vander Jagt
Morrison (CT)	Saxton	Vento
Morrison (WV)	Schaefer	Volkmer
Mrazek	Schiff	Vucanovich
Murphy	Schneider	Walgren
Murtha	Schroeder	Walker
Myers	Schulze	Walsh
Nagle	Schumer	Watkins
Natcher	Sensenbrenner	Waxman
Neal (NC)	Serrano	Weber
Nielson	Sharp	Weiss
Nowak	Shaw	Weldon
Oberstar	Shays	Wheat
Obey	Shumway	Whittaker
Olin	Shuster	Whitten
Ortiz	Sikorski	Williams
Owens (UT)	Sisisky	Wise
Oxley	Skaggs	Wolf
Packard	Skeen	Wolpe
Pallone	Skelton	Wyden
Panetta	Slattery	Yates
Parker	Slaughter (NY)	Yatron
Parrisi	Slaughter (VA)	Young (AK)
Pashayan	Smith (FL)	Young (FL)

NAYS—0

NOT VOTING—25

Bryant	Kolbe	Schuetz
Campbell (CA)	Lukens, Donald	Stokes
Collins	Neal (MA)	Udall
Craig	Nelson	Visclosky
Flippo	Oakar	Washington
Ford (TN)	Owens (NY)	Wilson
Harris	Rahall	Wyllie
Hawkins	Robinson	
Hubbard	Scheuer	

□ 1458

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S.

993) to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

□ 1500

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Wisconsin?

Mr. McCOLLUM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Wisconsin to explain what the procedure is.

We have just passed a bill and the gentleman has made a request, and I am not exactly sure what that request means.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, the request is to take from the Speaker's table the Senate bill, S. 993, which is precisely identical to the bill which just passed the House by a vote of 408 to 0, and to proceed to the immediate consideration of the Senate bill for the purpose of sending that bill directly to the President rather than back to the Senate.

Mr. McCOLLUM. Mr. Speaker, with that explanation, I withdraw my reservation of objection.

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

There was no objection.

The clerk read the Senate bill, as follows:

S. 993

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biological Weapons Anti-Terrorism Act of 1989".

SEC. 2. PURPOSE AND INTENT.

(a) PURPOSE.—The purpose of this Act is to—

(1) implement the Biological Weapons Convention, an international agreement unanimously ratified by the United States Senate in 1974 and signed by more than 100 other nations, including the Soviet Union; and

(2) protect the United States against the threat of biological terrorism.

(b) INTENT OF ACT.—Nothing in this Act is intended to restrain or restrict peaceful scientific research or development.

SEC. 3. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 9 the following:

"CHAPTER 10—BIOLOGICAL WEAPONS
"Sec.

"175. Prohibitions with respect to biological weapons.

"176. Seizure, forfeiture, and destruction.

"177. Injunctions.

"178. Definitions.

"§ 175. Prohibitions with respect to biological weapons

"(a) IN GENERAL.—Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, shall be fined under this title or imprisoned for life or any term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

"(b) DEFINITION.—For purposes of this section, the term 'for use as a weapon' does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for prophylactic, protective, or other peaceful purposes.

§ 176. Seizure, forfeiture, and destruction

"(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any biological agent, toxin, or delivery system that—

"(A) exists by reason of conduct prohibited under section 175 of this title; or

"(B) is of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(2) In exigent circumstances, seizure and destruction of any biological agent, toxin, or delivery system described in subparagraphs (A) and (B) of paragraph (1) may be made upon probable cause without the necessity for a warrant.

"(b) PROCEDURE.—Property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such hearing, the government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the same procedures and provisions of law relating to a forfeiture under the customs laws shall extend to a seizure or forfeiture under this section. The Attorney General may provide for the destruction or other appropriate disposition of any biological agent, toxin, or delivery system seized and forfeited pursuant to this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (a)(1)(B) of this section that—

"(1) such biological agent, toxin, or delivery system is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system, is of a type and quantity reasonable for that purpose.

§ 177. Injunctions

"(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 175 of this title;

"(2) the preparation, solicitation, attempt, or conspiracy to engage in conduct prohibited under section 175 of this title; or

"(3) the development, production, stockpiling, transferring, acquisition, retention, or possession, or the attempted development, production, stockpiling, transferring, acquisition, retention, or possession of any biolog-

ical agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

"(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) of this section that—

"(1) the conduct sought to be enjoined is for a prophylactic, protective, or other peaceful purpose; and

"(2) such biological agent, toxin, or delivery system is of a type and quantity reasonable for that purpose.

"§ 178. Definitions

"As used in this chapter—

"(1) the term 'biological agent' means any micro-organism, virus, or infectious substance, capable of causing—

"(A) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

"(B) deterioration of food, water, equipment, supplies, or material of any kind; or

"(C) deleterious alteration of the environment;

"(2) the term 'toxin' means, whatever its origin or method of production—

"(A) any poisonous substance produced by a living organism; or

"(B) any poisonous isomer, homolog, or derivative of such a substance;

"(3) the term 'delivery system' means—

"(A) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

"(B) any vector; and

"(4) the term 'vector' means a living organism capable of carrying a biological agent or toxin to a host."

(b) WIRE INTERCEPTION.—Section 2516(c) of title 18, United States Code, is amended by adding "section 175 (relating to biological weapons)," after "section 33 (relating to destruction of motor vehicles or motor vehicle facilities)."

(c) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 9 the following new item:

"10. Biological Weapons..... 175."

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.

A similar House bill (H.R. 237) was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 993, the Senate bill just passed.

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

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcalls 97, 98, and 99.

PERSONAL EXPLANATION

Mr. CAMPBELL of California. Mr. Speaker, I was privileged to be invited to give testimony before the Semiconductor Industry Advisory Committee in my district. The relative decline of that industry is of great importance to our country, and especially to the citizens of my district, Silicon Valley in California. It was imperative that I participate in those hearings and in the better interest of my constituents that I did so, even though it required my missing votes on that day.

Had I been present, I would have voted against approving the House Journal of May 7—Rollcall No. 97; in favor of H.R. 4522, to improve the information available to emergency response personnel in the field—Rollcall No. 98; and in favor of H.R. 237, to prohibit the development or possession of biological weapons—Rollcall No. 99. As the latter two votes were unanimous, and the first vote procedural only, I believe I made the right choice in staying in my district on May 8.

Thank you for the opportunity to clarify my voting record.

NATIONAL DIGESTIVE DISEASE AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 453) designating May 1990 as "National Digestive Disease Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. RIDGE. Mr. Speaker, reserving the right to object, I certainly do support this effort, but I have retained this reservation of objection to yield to the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I am pleased to rise in strong support of House Joint Resolution 453 designating May 1990, as "National Digestive Disease Awareness Month" and commend the gentleman from California [Mr. ROYBAL] who is the chief sponsor of this resolution.

Mr. Speaker, chronic digestive diseases constitutes one of our Nation's most serious health problem, effecting over 20 million Americans. More than 14 million cases of active digestive diseases are treated each year, and more Americans are hospitalized with digestive ailments than any other type of disease. Expenditures on digestive diseases in the United States, alone, are over \$17 billion annually and rank third in total economic cost in our Nation.

This resolution will serve to raise public awareness to recognize prevention and treatment of diseases to the digestive system as a major health pri-

ority. We may be reminded on this occasion of our late, most distinguished colleagues, Claude Pepper, originator of this commemorative dedicated to educating Americans of the devastating effects of digestive diseases, who ironically succumbed to colon cancer. In his legacy, I urge my colleagues to join me in supporting this important resolution.

Mr. Speaker, I also want to commend the gentleman from Ohio [Mr. SAWYER], the chairman of our subcommittee, as well as the ranking member, the gentleman from Pennsylvania [Mr. RIDGE], for their guidance in bringing this measure to the floor.

Mr. RIDGE. Mr. Speaker, I want to thank the gentleman from New York for recognizing the work of the gentleman from California [Mr. ROYBAL], who is the chief sponsor, as well as his predecessor as chairman of the Select Committee on Aging, Senator Pepper. This was an important measure to him and continues to be to the gentleman from California [Mr. ROYBAL] and all of the Congress.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES 453

Whereas digestive diseases rank third among illnesses in total economic cost in the United States;

Whereas digestive diseases represent one of the Nation's most serious health problems in terms of discomfort and pain, personal expenditures for treatment, working hours lost, and mortality;

Whereas twenty million Americans suffer from chronic digestive diseases;

Whereas more than fourteen million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common acute infections;

Whereas more Americans are hospitalized with digestive diseases than any other type of disease;

Whereas digestive diseases necessitate 25 per centum of all surgical operations;

Whereas digestive diseases are one of the most prevalent causes of disability in the work force;

Whereas in the United States, digestive diseases cause yearly expenditures of over \$17,000,000,000 in direct health care costs and a total annual economic burden of nearly \$50,000,000,000;

Whereas more than one hundred different digestive diseases, and other disorders of the gastrointestinal tract, each cause more than two hundred thousand deaths each year;

Whereas there has been interest on the part of the research community in the causes, cures, prevention, and clinical treatment of digestive diseases and related nutritional problems;

Whereas the people of the United States should recognize prevention and treatment of digestive diseases as a major health priority;

Whereas national organizations, such as the Digestive Disease National Coalition, are committed to increasing awareness and understanding of digestive diseases in the health care community and among members of the general public;

Whereas the National Institutes of Health, through the National Digestive Disease Information Clearinghouse and the National Digestive Diseases Advisory Board, is committed to encouraging and coordinating such educational efforts;

Whereas the National Digestive Disease Education Program is a coordinated effort to educate the public and the health care community on the seriousness of digestive diseases and to provide information relative to the treatment, prevention, and control of digestive diseases; and

Whereas May 1990 marks the eighth anniversary of the National Digestive Disease Education Program: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1990 is designated as "National Digestive Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The joint resolution 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.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 453, the joint resolution just passed.

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

There was no objection.

FAIR CONGRESSIONAL REDISTRICTING MUST BE ASSURED

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

Mr. CLINGER. Mr. Speaker, 2 years ago today the Washington Post printed a column by David Broder entitled "An Unchanging House" in which he argued that gerrymandering is a critical first step in insulating House Members from competition. As we prepare to debate proposals to restore fairness to the elections process, namely campaign finance reform, this column deserves our attention.

If we are genuinely committed to reforming the system, to reestablishing the preeminence of the voter in the American electoral process, then we cannot continue to allow Congressional district lines to be drawn with artistic flair. Modern art should be seen in

museums, not on maps of Congressional districts.

Any reform package approved by this body must include guidelines which guarantee congressional districts are of equal population, compact and contiguous, and limit the needless subdivision of local government units.

Finally, Mr. Speaker, we must keep an eye on the clock. With the 1990 census already underway, the redistricting issue cannot be separated from other reform issues with the vague hope that it will be taken up at some other time, for that would mean the year 2000.

Mr. Speaker, I include for the RECORD the column by Mr. Broder.

[From the Washington Post, May 8, 1990]

AN UNCHANGING HOUSE
(By David S. Broder)

In the past dozen years, party control of the White House has changed twice, going from the muted conservatism of Jerry Ford to the muted liberalism of Jimmy Carter and back to the right with Ronald Reagan. Control of the Senate and its key committees has also turned over two times, with such dramatic effects as the Judiciary Committee chairmanship switching from Ted Kennedy to Strom Thurmond and back to Joe Biden.

In all of this period of upheaval in American government, a time when even the "changeless" Supreme Court welcomed a new chief justice and four new associate justices, the one constant has been the House of Representatives. It has remained steadily, reliably, irresistibly or (some would say) irredeemably Democratic for 34 years.

Whether George Bush or Michael Dukakis wins the White House in November, the expectation—indeed, the near certainty—is that the House will be little altered. The part of the federal government which the Founders intended to be most sensitive to shifts in political climate has instead become the most immune to change.

The numbers portrayed in the American Enterprise Institute-Congressional Quarterly volume, "Vital Statistics on Congress," are startling. In 1986, 393 House members sought reelection. Two were defeated in primaries; six in the November voting. That translates to a 98 percent success ratio—a virtual guarantee of tenure. The average swing between the parties has declined from 45 House seats per election in the first four elections of the postwar period to fewer than 20 seats in the last four.

At a briefing on 1988 House contests the other day, SEI's Norman Ornstein observed, "You really have to stretch to find 50 districts which are in contest in any year." One of his coauthors on "Vital Statistics," Thomas E. Mann of the Brookings Institution, pointed out: "In 1982, with unemployment the worst since the Great Depression, Democrats were able to gain only 24 seats, when you might have expected a shift double or triple that size. In 1984, when Ronald Reagan won a 49-state landslide, Republicans picked up only 14 seats. In 1986 the five-seat change in the House was smaller than the swing in the Senate," though only 34 Senate seats were at stake and (theoretically) all 435 House seats were up for grabs.

The effects of the "frozen" makeup of the House are manifold and mostly negative, as I'll show in a future column. What needs to

be understood first is why the House elections have lost the competitive character that the Constitution assumed and a healthy governmental system requires.

The answer, simply, is the entrenchment of incumbents, most of whom happen to be Democrats. It starts with the drawing of district lines, where state legislators (again, mostly Democrats) insulate friends from competition while maximizing their partisan advantage. Once elected from these user-friendly districts, House members find the whole system operates to keep them in office as long as they wish. As David Mayhew, the Yale political scientist, has written, if Congress were designed "with the goal of serving members' re-election needs year in and year out, they would be hard-pressed to improve on what exists."

The modern congressional office is a highly efficient constituent-service agency. Its enormous resources are devoted to maintaining the proprietor in office—no matter what happens to his party in any given election.

"Vital Statistics" documents much of the change. In the postwar period, the number of House staff members has gone up almost six-fold. A steadily increasing number of them—almost half, now—work not in Washington but in the districts. There are members of the House with as many as five different permanent district-office locations. People in places like Sylva, N.C. (pop. 1,699), Kerman, Calif. (pop. 4,249) and Shalimar, Fla. (pop. 404) don't have to leave town to talk to someone on their representative's staff.

Each of these offices is, in effect, a local campaign headquarters. But today's House member has many other ways of reminding constituents of his presence. In 1954, 43.5 million mailings left the Capitol; in 1986, almost 759 million pieces—a 17-fold increase.

But the real inflation has come in what the House members spend on their campaigns. As recently as 1974, as rough parity existed between resources for challengers and incumbents. The average incumbent spent \$56,000, the average challenger \$40,000 that year. But by 1986, the gap was almost 3 to 1 in the incumbents' favor: \$334,000 for the average House member, \$124,000 for the typical challenger.

The gap will almost certainly grow again this year. In the first 15 months of the election cycle, through March 31, the Federal Election Commission reported last week, House incumbents raised more than \$75 million, while their challengers collected only \$10 million.

That's not competition; that's like a lifetime-guaranteed contract. It's no service to the country to take the House of Representatives out of competitive politics.

JEFFERSON MEMORIAL SPEECH BY MR. E.D. HIRSCH, JR.

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

Mr. SLAUGHTER of Virginia. Mr. Speaker, not long ago I was at Monticello near Charlottesville, VA, for a small ceremony. At the ceremony Mr. E.D. Hirsch, Jr., delivered a brief speech that I thought was excellent. I believe it would be appropriate and useful to share with my colleagues and

readers of the CONGRESSIONAL RECORD the remarks Mr. Hirsch delivered:

JEFFERSON MEMORIAL SPEECH—JEFFERSON'S GRAVESIDE, MONTICELLO

(By E.D. Hirsch, Jr.)

Ladies and Gentlemen: I cannot think of any person in history that I would more desire to honor than Jefferson. And I cannot imagine an honor that I shall treasure more than the invitation to discuss Jefferson's ideas about education here at Monticello, at his grave, and on the anniversary of his birth. I am grateful to the Trustees of the Thomas Jefferson Memorial Foundation for inviting me to address this uniquely Jeffersonian subject which once again seems so momentous for the well-being of our country.

I am doubly grateful, because the prospect of this occasion has led me to range more widely in Jefferson's writings than I had before. To read his amazing letters has been a bracing, even a thrilling experience. During the past few weeks, Jefferson has instructed me in such matters as the moral doctrines of Epicurus, which, he argues with great persuasiveness, were highly misrepresented by the Stoics, and even by Cicero, and he helpfully provides an analysis of Epicurus's moral principles that he had made some years before. That analysis was, he says "the work of two or three nights only, at Washington, after getting through the evening task or reading the letters and papers of the day."

Can you picture the scene? President Jefferson, having disposed of affairs of state, having sent cabinet members and ambassadors off to bed, and composed letters and signed documents, turns his restless mind to the foundational principles of morality and the scholarly disputes surrounding them. I will not ask you to imagine any recent president engaged in such after-hours diversions. It is unfair even to allude to such a fantasy, since no other president in our history combined so much learning and acumen with so much intellectual energy and moral passion.

But I find a poignancy in this occasion. Free public schooling for all was one of Jefferson's dearest political aims, yet it was not an achievement that he was able to memorialize upon his tomb. In case you do not see the writing from where you are, and in case you do not remember the epitaph he composed, it reads: "Author of the Declaration of Independence; of the Statute for Religious Liberty in Virginia, and Founder of the University of Virginia." He allows us no doubt that if he had succeeded in putting through his education bill "for the More General Diffusion of Knowledge," he would have listed four, rather than three, achievements on his tombstone. But here we find no proud mention of his authorship of that bill. As finally enacted, the bill was in his eyes so watered-down as to be useless. It left up to each district court (dominated of course by the wealthy) the decision whether the rich would pay for the schooling of the poor—an option in the law which Jefferson correctly saw as equivalent to having no law at all.

No mention, then, on this stone of his authorship of the Virginia bill for the more general diffusion of knowledge. The failure of its key component—universal free schooling—was one of the bitterest disappointments of his political life. And it is fair to say that the educational arrangements that Jefferson envisioned have never been truly realized in our nation.

Lest you feel that I exaggerate the importance Jefferson attached to his statute, or that I wrongly place it on the same footing with the three accomplishments he memorializes in his epitaph, let me read from a letter he wrote to George Wythe from Paris in 1786, three years before the fall of the Bastille.

"I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness. If anybody thinks that kings, nobles or priests are good conservators of the public happiness, send him here [that is, to Paris]. It is the best school in the universe to cure him of that folly. . . . Preach my dear Sir a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils, and that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests, and nobles who will rise up among us if we leave the people in ignorance."

In 1813, almost 30 years after writing those words, he praised in a letter to John Adams several Virginia abolishing primogeniture and other pseudo-aristocratic principles, and went on to say:

"These laws, drawn by myself, laid the axe to the root of pseudo-aristocracy. And had another which I had prepared been adopted by the legislature, our work would have been complete. It was a bill for the general diffusion of learning. . . . to establish in each ward a free school for reading, writing, and common arithmetic. . . . The law for religious freedom . . . having put down the aristocracy of the clergy . . . this on Education would have raised the mass of people to the high ground of moral respectability necessary to their own safety, and to orderly government. . . . Altho this law has not yet been acted on but in a small and inefficient degree, it is still considered as before the legislature. . . . I have great hope that some patriotic spirit will at a favorable moment call it up and make it the key-stone of the arch of our government."

The great scandal of American education today is not that our 14-year-olds score last among the developed nations in science, geography, and mathematics; that is an embarrassment and a hindrance to our well-being. The scandal of our public education is its perpetuation of the social injustice that Jefferson deplored: namely that our educational system unjustly favors the rich over the poor, and thus perpetuates the pseudo-aristocracy of money and birth over the true aristocracy of character and talent that he saw as the foundation of a durable and just republic.

Jefferson would have been delighted to know that 97 per cent of our children now finish seventh grade. But he would be amazed to learn that 20 per cent of our adults are nonetheless considered to be functionally illiterate. If he were to ask from the grave, "How can anyone be functionally illiterate who has finished seventh grade?" how could we explain the anomaly to him? How can we explain it to ourselves? Today, we do have universal free education; Jefferson's bill finally has been enacted. Yet still it is mainly the children of the educated who are fully enabled to read and learn in school, while it is still the children of the illiterate who remain untransformed by education, and who go on to become adult illiterates.

To explain this puzzle we must turn from Jefferson's concern with educational laws to the realities of the schools themselves. No longer conceived as agencies for "the more general diffusion of learning," our schools consider themselves instruments for the imparting of skills. Since the 1940s it has been believed (and still is in many American colleges of education) that school should be a place where children learn how to learn. The term of approval has been the term "process." The proposed strategy has been to inculcate skills by whatever materials are engaging and interesting to children.

If this "process" theory had worked, we should wish to follow it as being both pleasant and motivational. But, in fact, from the moment our schools ceased being agencies for the diffusion of learning and became agencies for the training of skills, the children who have been injured most have been the least advantaged. Children of the educated classes still receive much of the information they need from their homes, but those who must imbibe such knowledge only from the schools have been starved and humiliated by a mistaken, anti-Jeffersonian theory.

If we do not openly reproach our schools with full responsibility for widespread adult illiteracy, it may be because we have misunderstood the concept of literacy in the modern world. Literacy is often conceived as an ability to sound out words and compose writing with reasonable correctness—goals that our schools do achieve. But that narrow view of literacy is as un-Jeffersonian as it is mistaken. The purely mechanical tools of reading and writing are worthless unless they serve complex learning and communication, both of which require the diffusion of knowledge. Knowledge builds upon knowledge. The more you know, the more you can learn. The more literate a person is, the more apt a learner he or she will be.

Our diluted curriculum is especially unfair to rural and minority students, and to all students who must learn about the wider world mainly in school. Even advantaged children are hindered by a lack of basic contextual knowledge, but the handicap is especially severe for children who have little access to literate information outside of school. The goal of "learning to learn" can only be attained through the general diffusion of knowledge that Jefferson desired—the very goal that most public schools have rejected in favor of the "process" approach. The skills of learning to learn can only be gained through the kind of knowledge-based curriculum that Jefferson envisioned.

A few weeks ago there took place in Charlottesville a conference of educational reformers from some twenty states who hammered out an agreement about a core of knowledge that all children across the land should acquire, year-by-year during the first six grades of schooling. Pilot programs for this knowledge-based curriculum are being planned in some of the nation's largest school districts. Participants in the conference thought it fitting that this particular reform should emanate from Jefferson's home town. If this plan for the diffusion of knowledge in the early grades does begin a sea change in our public education, it will mark true progress towards the ideals that Jefferson envisioned. We may still achieve those Jeffersonian goals if we persist, as persist we shall, if only we are able to catch the contagion of that great man's inextinguishable hopefulness.

DIRTY WORDS, AMERICA'S FOUL-MOUTH POP CULTURE

(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, many times I have come to this well to talk about the corruption of the public marketplace and the decline of our society from within.

On the cover of last week's Time magazine, dated May 7, 1990, it says "Dirty Words, America's Foul-Mouth Pop Culture."

I read this article on an airplane.

The article epitomizes the liberal philosophy. The application of liberal philosophy, supported by the ACLU, has brought music, television, motion pictures, comedy, to the lowest gutter level imaginable. It has reached the point where the disgusting debauchery of the English language is promoted and the corruption of our public marketplace in front of our children is commonplace.

Time did a nice job documenting this decline, but I disagree with the summation, which says that we in Government should not be the high school hall monitors.

I am going to send this article to every single Member of the House in a dear colleague letter. And if you do not find anything wrong with this, you do not belong in the Congress of the United States of America.

The article referred to follows:

[From Time magazine, May 7, 1990]

X-RATED

(By Richard Corliss)

He struts onstage, and 17,000 New Yorkers start to cheer. Andrew Dice Clay tells jokes for a living—dirty jokes, stag-party jokes, jokes designed to singe a churchgoer's soul and turn a feminist's stomach—but he attracts crowds whose size and ardor would thrill a rock star. In sold-out Madison Square Garden, he looks like a samurai biker, with Brando's pout, Elvis' sideburns and a sequined jacket, it's back stitched with the phrase DICE RULES. And he does too. He is America's rajah of comic raunch, ready to beguile fans who dress like him and talk like him and who have memorized his earlier routines from hit records and HBO specials. "I know you know the old s—," he slurs between drags of a cigarette. "But it's a new decade, and I got new filth for ya." And he does too. Again the crowd roars.

So are the '90s destined to be the Filth Decade? What has happened to comedy, not to mention the English language, if a scoundrel like Clay can twist these fine old instruments to touch minds and make a mint? Clay may be at the rough edge of popular entertainment, but he stands there proud as well as profane, and he does not stand alone.

There's an acrid tang in nearly every area of modern American pop culture. Heavy-metal masters Motley Crue invoke images of satanism and the Beastie Boys mime masturbation onstage. Rap poets like N.W.A. and the 2 Live Crew call for the fire of war against police or the brimstone of explicit,

sulfurous sex. Comedians like Sam Kinison and Howard Stern bring locker-room laughs to cable TV and morning radio. On network television, sitcom moms get snickers with innuendos about oral sex. In movies, the F word has become so common, like dirty wallpaper, the industry's conservative ratings board doesn't even bother to punish the occasional use of it with a restrictive R rating.

Words and ideas formerly on the extremes have engulfed the cultural mainstream. But have they polluted it? Many people think so. The moral right wing surely does, and it has friends in powerful places. Senator Jesse Helms fights to force artists to forswear any unwholesome intentions before receiving Government support. Alfred Sikes, the new chairman of the Federal Communications Commission, leans on radio disk jockeys to clean up their acts. No less than the FBI sends a warning letter to a rap group. Susan Baker (wife of the Secretary of State) and Tipper Gore (wife of the Tennessee Senator), founders of the Parents' Music Resource Center, lobby for proscriptive labeling of certain albums. John Cardinal O'Connor, the Roman Catholic Archbishop of New York, inveighs against an Ozzy Osbourne song whose theme is suicide.

Stranded in the middle are the majority of Americans. They wonder at the effluence of raw language and worry about its impact on old-fashioned notions of civilized discourse. Is there room for subtlety and gentility in a culture overrun by expressions of gross intolerance? And what impact will this culture have on the first generation to grow up within it? Does this stuff have artistic merit? Is it tonic or toxic? Can we dance to it or comfortably laugh at it? Should we march against it or just sit back and enjoy it?

The understandable response would be to ignore the whole thing. But ignorance is not an option. The clash, however angry and ominous, is not just the usual dustup between raucous young stars and the professional squares who oppose them. It's not just about dirty words and bad attitude. The battle over pop raunch reflects a crucial fissure in American social and political culture that was born a long generation ago and came of age in the Reagan-Bush era.

On its face—and as cued by the smiling faces of its Presidents—the U.S. has breezed through a feel-good decade of peace and prosperity. The official culture is breezy too. A look at our most popular movies and TV shows suggests we are a nation of superheroes and pretty women, of Cosby kids and caring, thirtysomething L.A. lawyers. We make funny home videos and vacation in Disney World. And, at our peril, we let the rest of the real, dirty world go by.

Too often official America seems willing to let the rest of its own society go by too. It pretends the tabloid atrocities on TV news shows are aberrations. It either closes its eyes to the human street litter—the homeless, the junkies, the insane—or blames them for not getting with the program of self-help economics. It largely ignores the ghetto, where the black underclass has built its own furious culture on the slag heap of Great Society failures. It discounts much of the young white working class, in tattered towns and trailer parks, who feel left out of bland sitcom America.

The makers of the new pop do not ignore this rage. They embrace, exploit and transform it. As the California rap group N.W.A. announces at the start of its album *Straight Outta Compton*: "You are now about to witness the strength of street knowledge."

What they know from the street may not be what the heartland wants to hear. The message may be cleansing or hateful; the lyrics and limericks may expand or debase the language. And if X-rated pop adheres to writer Theodore Sturgeon's useful rule that "90% of everything is crud," most of it may be awful—just dirty, not funny or erotic. But even at its grossest, the form is a vital expression of the resentments felt by a lot of people. Get used to it, America: we live in a four-letter world.

The evidence is especially strong in two areas:

POP MUSIC

"There's no message to heavy metal," says Penelope Spheeris, director of a documentary on the music. "It's about being rich and famous and getting laid." Nonetheless, metal has taken heat for a decade, with its electrified invitations to head banging and hell raising. Now other groups are taking the flak. Example: Guns N' Roses, the talented but loutish rockers whose album *Appetite for Destruction* has sold almost 9 million copies. Their song *One in a Million* says, "Police and niggers, that's right, get outta my way./Don't need to buy none of your gold claims today.../Immigrants and faggots, they make no sense to me./They come to our country and think they'll do as they please./Like start some mini-Iran, or spread some f— disease./They talk so many goddam ways, it's all Greek to me."

Gore of P.M.R.C., which is in favor of labeling but not censorship, talks of 14 million children "at risk" and in need of counseling thanks to the "graphic brutality marketed to these kids through music and television." Lawmakers in 19 states went further; they considered proposing warning labels for any song dealing with such topics as drugs, incest, murder and suicide, which would conceivably outlaw depraved works like *I Get a Kick Out of You*, *Die Walküre*, *Frankie and Johnny* and *Tosca*. The music industry quickly forestalled such legislation by decreeing that record companies will decide which material is controversial and alert consumers with a label that reads PARENTAL ADVISORY: EXPLICIT LYRICS.

Whatever heavy metal can do to provoke censure, rap can outdo. Whereas metal is mostly suggestive, this urban-black music is often politically or sexually explicit. N.W.A. (Niggers With Attitude) won an admonishing letter from the FBI for their song *F— Tha Police*, in which the singer warns the ghetto's occupying force: "Ice Cube will swarm/On any m— f— in a blue uniform.../A young nigger on the warpath./And when I finish it's gonna be a bloodbath." Another group, Public Enemy, has been charged with anti-Semitism in their lyrics and statements to the press. But their songs are also critical of blacks who reject their roots, of the brothers and sisters too busy partying to see the problem. P.E.'s new album, *Fear of a Black Planet*, qualifies as dance music that is dense music: soul with a vengeance and the most challenging street art that rap has to offer.

COMEDY

Stand-up comedy, once relegated to nightclubs and TV variety shows, is now big business. Its practitioners work comedy clubs, the concert circuit and cable TV, where their material is available to children. One way to get attention, to appear hip, to make a provocative point or just to give a joke some taboo oomph, is to talk dirty. Plenty of comics don't; the most popular TV comedian of the '80s is clean (and funny) Jay

Leno. But plenty do. Just watch them on HBO or Showtime. Sam Kinison, a kind of defrocked evangelist of red-neck rage (and also, in spurts funny), provoked the condemnation of gay spokesmen with his jokes about AIDS. On his new album, *Leader of the Banned*, Kinison declares that his motto is "family entertainment," then proceeds to put the knock on gays, Dr. Ruth, Jerry Lewis' "kids" and the worldwide female dictatorship. Family entertainment? Right: the Manson family.

Even on radio, where the most common four-letter vulgarisms are verboten, a host of popular "shock jocks" consider giving offense is Job One. Their humor is guy talk, kid division. The victims of their gags are familiar from the schoolyard: racial and sexual minorities, scheming females, body parts and bodily functions. A few years back, a D.C. radio host was censured for observing, on Martin Luther King Day, that "killing four more" would get Americans the rest of the week off.

Jokes like these gave the FCC an excuse to muscle and perhaps muzzle the shock jocks, notably New York City's morning maven Howard Stern. Was Stern hurt by this notoriety? Not at all: his show is now aired also in Philadelphia and Washington. Turn him on, and odds are you can't gulp down your morning coffee before you hear him say "penis." Last year, in the guise of his comic superhero Partman, he placed a call to Iran and mercilessly berated the poor Shi'ite who picked up the phone. Fans of shock-jock jokery highly prize this rude dude. Trouble is, anyone scanning the radio dial can accidentally alight on his malice. You can't put a lockbox on a radio.

Or on Andrew Dice Clay's mouth. A few years ago, Clay was playing small clubs and working as a supporting actor. Now he is poised between stand-up and stardom. He is top-lining in two summer movies, one a comedy concert film, the other a detective spoof called *The Adventures of Ford Fairlane*. With his suave prole looks and his studded, studied cock-of-the-Brooklyn-walk demeanor, Clay wears the aura of danger that Hollywood wants in a movie star. So maybe he'll be one. That still leaves doubts about his popular appeal.

In Clay's comedy, woman is only a sexual convenience, a sentimental slag, a "dishrag hoo-er." For him, all romantic encounters hover between mechanical sex and date rape. "So I say to the bitch, 'Lose the bra—or I'll cut ya.' Is that a wrong attitude?" The obvious answer is yes. Nearly everything he says is wildly heinous. Clay knows this, and so do his fans; their laughter is a release at hearing forbidden thought twisted into jokes. Says Leonard R.N. Ashley, an English professor at Brooklyn College: "Because the seven dirty words are in now common usage, there are different standards. The new pornography is violence, often sexual violence. And the new obscenity is race. For most people, it's O.K. to call someone a bastard but not a nigger or a kike. But Clay is saying the taboo words we don't dare use. That's why he's popular. He's telling the secrets we keep inside us."

Clay spills his latest secrets on a double comedy album, *The Day the Laughter Died*, which, the warning label advises us, "contains filthy language and not jokes!!!" Talk about truth in advertising: in 100 minutes of banter there are not a half a dozen good dirty jokes. Yet some of the loudest laughter comes from women. Good sports at their own immolation, they giggle and groan along with their beaux. Perhaps proving

they are tough is as important to them as it is to men. Others have found the spectacle less edifying. One woman at Madison Square Garden listened to Clay's sluice of abuse and said she felt like a Jew at the 1934 Nuremberg rally. Remember, she said, when pop culture was not naughty but nice?

Once there was a single official pop culture: white, middle-class, mid-cult, status quo. Pretty much everybody hummed the same tunes, saw the same movies, laughed at the same genteel jokes. That changed in the '50s with rock 'n' roll. The new music took rhythm, danger and sexuality from the underground black culture, cranked the volume up, electrified it and handed it to a brand new consumer group: white teenagers. The young connoisseurs of metal and raunch are similarly adrift from the entertainment that amuses or moves today's adults.

So the mainstream is now two streams: one traditional and tranquil, the other torrential and caustic. To kids, the old culture looks hopelessly square, sounds like Muzak, tastes like cardboard. To parents, even those who grew up with Little Richard and *Louie Louie*, the new culture offers cause for alarm. Besides, how can they monitor what their kids are listening to without having to hear it themselves? "The price we pay for freedom of expression is that some things will be considered vile by some people," says Danny Goldberg, a manager of rock acts and chairman of the A.C.L.U. Foundation of Southern California. "But what's vile to a Mormon family in Utah is not vile to a black family in South Central Los Angeles."

The debate keeps coming back to language and race. Just as rhythm and blues helped create '50s rock 'n' roll, so does black slang contribute to the linguistic pungency of today's pop culture. As Brooklyn College's Ashley notes, "In the early years of the century, the tastemakers of our language were the English and Irish. Now taste is being defined by different groups. When times get tough for many people, they seek some outlet to give them a sense of freedom. This time, the rebellion is coming out in language." White soldiers in Vietnam picked up blacks' raw vocabulary, in which "m—f—" is routinely used as abuse or endearment, for emphasis or just filler. Richard Pryor proved that black anger and slang could find a large audience. Eddie Murphy, the top movie star of the '80s, turned the anguish into preening. In his concert film *Raw* and his period comedy *Harlem Nights*, Murphy had nothing new to say, so he said it dirty. It was raunch with no reason.

"They're trying to shock my generation," filmmaker John Waters says of the new crew, "by doing what we did to try to shock our parents' generation." Waters, who made his early rep with the scandalous comedy *Pink Flamingos*, makes a distinction between "good bad taste and bad bad taste. Good bad taste is always fueled by rage and anger with humor thrown in. Bad bad taste is fueled by stupidity and ignorance, and it comes out as anger." This is precisely what turns some liberal parents off about the new culture: not the language but the sneering attitude. Liberals are tolerant of everything but intolerance.

Whatever they do, they are unlikely to stop the spiral of taste from class to class. For the history of 20th century art is the history of a flight from middle-class gentility. Two flights, really, in opposite directions, but from the same despised point of departure. High art moved toward abstraction and fragmentation and settled in the

museums and concert halls. Popular art went the other way; it frolicked in the profane and did so on records and movie screens. High culture confused the middle class; pop culture shocked it. One culture was created by the intelligentsia, the other by the underclass, but both groups had the same goal: *épater la bourgeoisie*, which loosely translates as "gross out your parents." Your mamma can't dig modern dance, and your daddy can't rock 'n' roll. The movements were not so much revolutionary as rebellious. They proved their value and hipness by excluding the largest group of consumers: the middle-aged middle class.

And they created a huge new multi-billion-dollar market—of kids and the underclass—to buy their product. Parents and other guardians of tradition are as concerned about the audience for X-rated pop as they are about the perpetrators. If pop weren't popular, fewer people would worry about its impact. No one has mounted a campaign against Randy Newman's songs about racial and sexual bigotry, for example, because Newman's audience is relatively small and well educated. The artful photographs of Robert Mapplethorpe, some to which depict homosexual acts and sadomasochism, took a while to raise legal hackles because, after all, they were displayed in museums, where nice people have always looked at pictures of naked people.

"There's a tired old distinction that bright people will not be corrupted, but that the working classes will," says Clive Barker, the English horror writer whose books have never been banned but whose films must be trimmed to get a R rating. "Therefore, television must be scrutinized more vigorously than pop music, pop music more than pop movies, pop movies more than art-house movies. Books needn't be watched at all. If people are reading, after all, they must be bright and won't be affected by all this stuff."

Maybe so, but even booksellers have come under fire. For months, the Rev. Donald Wildmon's American Family Association, based in Tupelo, Miss., has campaigned to get stores to remove *Playboy*, *Penthouse* and similar magazines from their shelves. Last week the 1,300-store Waldenbooks chain, the nation's largest, launched a counterattack in the form of full-page ads in 32 U.S. newspapers, denouncing "censorship efforts" and "an increasing pattern of intolerance."

Books were hot stuff 30 years ago, when *Lady Chatterley's Lover* and *Tropic of Cancer* broke censorship barriers and hit the best-seller lists. At the same time, Lenny Bruce set the four-letter standard for comics, and the '70s Pryor and George Carlin brought it to the masses, where it belonged, *Midnight Cowboy*, which won an Oscar for best picture of 1969, was rated X, and so were other lauded films, such as *Medium Cool*, *Performance* and *The Devils*. Explicit lyrics have been in the pop mainstream since the late '60's; the Jefferson Airplane sang "Up against the wall, m—f—s," and they sang it on *The Dick Cavett Show*.

There are differences worth noting. Raw culture of the '60's was a political response to a system seen by many artists as repressive and, in Vietnam, genocidal. They championed the underdog by kicking the top dog. And for the first time, thanks to Supreme Court decisions liberalizing the definition of obscenity, performers were able to use whatever words they chose. Bruce, the gifted, tortured pioneer of this mode, aptly titled

his autobiography *How to Talk Dirty and Influence People*. In the book's foreword, critic Kenneth Tynan praised Bruce as "an impromptu prose, poet who trusted his audience so completely that he could talk in public no less outspokenly than he would talk in private." But Bruce suffered for that trust. His scabrous truth telling got him arrested in the U.S. and evicted from Britain. He died in 1966, perhaps the last American performer for whom notoriety was not a career move.

Lenny Bruce's triumph was posthumous, and maybe Pyrrhic: because of him, Andrew Dice Clay can make millions reciting dirty nurse rhymes in public. Clay and the other new raunch artists, most of them, are only incidentally subversive. They don't believe for a moment, most of them, what they're saying. Metal musicians are no serious Satanists; their concerts are just theater pieces—*Cats* with a nasty yowl. Clay is not the pathetic strutting stud he seems on-stage; that's just a character (Was Jack Benny really stingy? Is Pee-wee Herman really a goony child?) Bruce said what he thought; Clay says what his character thinks. So Clay and other entertainers on the edge are playing out fantasies—their own and their audience's—of the baddest boy in school, of the kid your parent prayed to God you would never become.

In the wonderfully gross, fiercely moralistic movie *Heathers*, a nasty teen queen is asked, "Why are you such a megabitch?" Her answer: "Because I can be." Because of freedom of expression, comics and musicians can now be as nasty as they wanna be. And nasty is the word. In the erotic masterpieces of literature, sex was an expression of pleasure, and often of love, between equals. Today's sex talk, from Kinison and Clay and the 2 Live Crew, is almost exclusively from the male-pig viewpoint. A woman's role, their line goes, is only to serve and service a man.

The new comics' barbs at minorities are just as rank and ranking. But there is nothing novel about immigrant baiting in America. It flourished a century ago—when humor directed at Irish, Italian, Polish and Jewish newcomers was a music-hall staple—and continued unabated in Hollywood's racially derisive treatment of blacks. The reason then was the same as it is today: people felt threatened by the outsiders and so made fun of them. In the new version, a raunch artist taps into the grudge a white working-class male may hold against the beneficiaries of affirmative action and liberal sympathy: minorities, the handicapped, gays. They get all the breaks, he figures; now what about me? His counterattack is to bad-mouth them with paranoid intensity. And that's where the sick threat and thrill come in.

But is this thrill a threat to the public weal? Since the traumas of the Kennedy assassination and Vietnam, many Americans have gradually closed off their minds to the nature of atrocity. They cope with the world's horror by numbing themselves to pain. They can shed tears over cute-tender stories of stranded whales or a baby in a well, but all too often everything else—from a politician's promise to the Chernobyl disaster—is so much show biz, ironized with shrugs and sick jokes. Today's children were bred in this atmosphere. With many of their parents past caring, how can the kids not be past shock?

Lisette, 13, a seventh-grade in Mamaronck, N.Y. loves heavy metal and doesn't understand what all the fuss is about. Read

her the lyrics to *One in a million*, and she shurgs, "It's just a song." She loves Motley Crüe's *You're All I Need*, but "sometimes it's hard to understand the word because of the beat. And that's what I like about heavy metal bands. Besides, they're gorgeous! A lot of adults don't like them because when they're married and settled down, they don't think about having action or talking dirty. But teenagers do because of this sexual peak. If songs have curses in them, they're not going to bother kids. Everyone knows swear words by the third grade. My advice to parents is to let your kid grow up and do what they want to do." What burns Lisette is the idea that her music should be censored. "I wouldn't ban classical music," she says magnanimously.

Talk to a lot of kids Lisette's age; few will say they are harmed by rock. And few are, according to a study commissioned by the Carnegie Council on Adolescent Development. Children do spend hours each day with music. But most prefer mainstream music, and whatever style they listen to, few are tempted by the siren call to excess. "Kids take it in stride," says Stanford University's Donald F. Roberts, who helped conduct the research. The survey should reassure parents that somehow their child will survive pop culture about as successfully as they did.

Perhaps today's youth is unshockable. And perhaps that fact should be shocking. "One of the things we all seek," says Clive Barker, "is the visionary experiences we had as children. We seem to have forgotten that those experiences are not soft and gentle, but often harsh and intense." For several American generations, a child's first entertainment experience was a Disney cartoon, with its wrenching traumas of betrayal, abandonment, a mother's death. An animated film could thrill a child to pieces or scare him near to death. And it introduced him to the beautiful and frightening banquet of popular culture.

That has always been the role of art: to shock, not just to ratify the prejudices of the generation in power. And no jolt is greater than the shock of the new. Original styles almost always look crude and excessive: Picasso's in painting ("My three-year-old could draw better!"), Brando's in acting ("He's got marbles in his mouth!"), Elvis' in music ("Photograph him from the waist up!"), Bruce's in comedy ("Book him!"). In their first outrageousness, these artists seemed to signal the end of the world; instead, they were heralding a new one. "A creator is not in advance of his generation," said Gertrude Stein, "but he is the first of his contemporaries to be conscious of what is happening to his generation." Like them or not, today's blue comics and shock rockers know what is happening to this generation and are speaking to it. That is why they are popular.

And that is why, by any close reading of the law, X-rated pop deserves its First Amendment cloak. No one can predict whether, in a cool retrospective glance a decade or so from now, today's raunch will give evidence of artistic value. Odds are that, as in any group portrait, the members of the blue brigade will soon emerge as individuals, some gifted, some not. But because it speaks from the gut of disenfranchised America, and because it has raised the crucial issue of freedom of expression vs. public propriety, the form already has political value. And clearly, because of its popularity, it does not offend "contemporary community standards": a lot of the community is laughing and singing along.

Other Americans are outside picketing, agitating and getting agitated. That is, last time anyone checked, still the American way. You may despise the work of Clay or Mapplethorpe, Crüe or the Crew, and still embrace the concept of an America that allows them to find or lose an audience. They have the right to offend; you have the right to be offended.

You can be excited by their work and still care about the future of children. You can mourn the fact that the end of innocence now arrives at about the age of reason—that toxic pop culture, not just from entertainment but from school and home, from the news and the street, reaches young children. If you are a parent, you can take responsibility for steering them toward maturity. It's your job and nobody else's.

After that, you're on your own. Entertainers shouldn't have to act as baby-sitters or Sunday school teachers. And the government should quit playing hall monitor to blue comics, mental defectives, rap randies—and the real artists among them who, through subtlety or obscenity, will help us navigate our trip into the 21st century.

X-METAL

Rock 'n' roll was born an outlaw. With heavy metal, it grew up to be outlandish. Concerts given by Motley Crüe, a longtime metal favorite from Los Angeles, play like big-budget Halloween parties: spooky stories in rhyme, about sex and death, illustrated with Grand Guignol tableaux.

Some of the Crüe's songs possess a certain lumpy poetry. From *Wild Side*: "I carry my crucifix/ Under my deathlist/ Forward my mail to me in hell." This is the sort of thing that might be written by that cool-creepy high school kid who reads a lot of Poe and William Burroughs. It's forthright exaggeration, often with a wicked grin, as in the Crüe's top-of-the-charts ballad *You're All I Need*, about a man in a padded cell reminiscing about his late girlfriend: "Laid out cold/ Now we're both alone/ But killing you helped me keep you home." Is there anyone out there besides Tipper Gore who doesn't see that it's a joke?

Metal musicians promote themselves as the beyond-bad boys of rock, and they make good on the promise. These guys are performers, and their audiences get revved up on the lurid theatricality. That same zest for overstatement may explain the puppy lust that metal's young fans lavish on their heroes. Some years back, a San Antonio radio station offered free concert tickets for the best reply to the question "What would you do to meet the Crüe?" A 16-year-old girl provided an elaborate sadomasochistic scenario. A boy, 14, said he would give the band his mother. A 13-year-old girl wrote, "I'd leave my tits to Motley Crüe." Hey—bring back Menudo.

X-MOVIES

It used to be the director's job to yell "Cut!" Now it is the movie censor's. The ratings board of the Motion Picture Association of America, which routinely awards R ratings to rancid slasher movies and air-headed teen sex comedies, has recently slapped X ratings on three serious, accomplished films: John McNaughton's *Henry: Portrait of a Serial Killer*, Peter Greenaway's *The Cook the Thief His Wife & Her Lover* and, last week, *Tie Me Up! Tie Me Down!* from the lauded Spanish auteur Pedro Almodóvar. Since an X rating means that fewer theaters will play the film and fewer newspapers advertise it, distributors for *Henry* and *The Cook the Thief* have

chosen to release the works unrated. Almodóvar, whose new film features an urgent but tender three-minute scene of lovemaking, has decided to do the same.

Some critics have proposed a new rating, "A," to designate adult films that deal with violent or erotic themes but do not contain the explicit sex of pornographic films. The A would put films off-limits to those 17 and under; the current R rating allows that age group to attend only in an adult's company. M.P.A.A. president Jack Valenti is opposed to the new rating: "I do not think that mortal man or woman can make the distinction between what is a serious film featuring incest, cannibalism, bestiality, sadomasochism, necrophilia or undisguised sex, and what is not."

Hollywood used to be accused of making movies for twelve-year-olds. If Valenti prevails, it will keep making films that its censors deem acceptable for 17-year-olds.

X-RAPPERS

Rap music is ghetto machismo you can dance to. If the singer isn't picking a fight with imaginary police, he's coming on like a bulldozer to any girl in the neighborhood. The *reductio ad absurdum* of this attitude can be found in the lyrics of the Miami quartet the 2 Live Crew. They are numbingly, impossibly blunt—or not so blunt, depending on which Crew you listen to. The group released a sanitized version of their double album *As Nasty As They Wanna Be* called *As Nice As They Wanna Be*; predictably, the hard copy has outsold the soft, 1.3 million to 400,000. The titles of some *Nasty* cuts (*Dick Almighty*, *Bad Ass Bitch*, *Me So Horny*) give only a hint of the songs' grossness. The posture is one of menacing studhood that expects every woman to lie down and submit in silence.

Florida Governor Bob Martinez has denounced the group's lyrics and asked a prosecutor to investigate. After a Sarasota record dealer sold *Nasty* to an eleven-year-old girl, a state circuit court declared the album obscene and banned all sales—the first such ruling against a musical group in the U.S. Two weeks ago, the Crew was threatened with arrest if they performed their *Nasty* lyrics in Gainesville, but they appeared anyway, and no action was taken. Luther (Luke Skywalker) Campbell, the group's leader, at first enjoyed the notoriety, but now he's angry. He was one of the first to have a cover warning. "And I'm the only one who makes a clean version."

Take the 2 Live Crew's songs as street talk, piled thick and spat out. Just be grateful if it's not the street where you live.

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

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE HISPANIC COMMUNITY AFFAIRS COUNCIL AWARDS 30 SCHOLARSHIPS THIS YEAR

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

Mr. STARK. Mr. Speaker, I rise today to commend the Hispanic Community Affairs

Council of Alameda County [HCAC] on their contribution to Hispanic students of Alameda County in California's Ninth Congressional District. HCAC is an organization dedicated to assisting Hispanic students obtain a college education in order to prepare them for future positions as leaders and skilled professionals. They award scholarships to qualified Hispanic students in Alameda County who are planning to enter a college or university in the fall of 1990.

HCAC's motto continues to be "Education Creates Opportunity" and their goal is to assist as many students as possible achieve their potential. This year alone, HCAC has received 104 scholarship applications and they plan to award at least 30 of these students with a \$1,000 scholarship. Last year, HCAC was able to award 26 scholarships of \$1,000 each. Most of last year's recipients said that the primary value of the award was not the money but the mentor program that the Community Affairs Council provides to help steer them through the next 4 years.

HCAC's scholarship program has expanded rapidly since it was founded in 1985—only three scholarships were awarded the first year and six in 1986. A total of 10 scholarships were presented in 1987, 15 in 1988, and 26 last year.

Winners are selected on the basis of a three part formula combining scholastic achievement with financial need and leadership ability as demonstrated in an oral interview. Past winners have had grade point averages of at least 3.5 on a 4.0 scale.

Mr. Speaker, I would like to take this opportunity to read the names of this year's scholarship finalists:

Kimberly Alaniz, Rosy Alvarez, Roger Anaya, Oscar Bermudez, Luis Bustamante, Jr., Christopher Cabrales, Julie Calderon, Luis Camacho, Victoria Choate, Jennifer Denoncourt, Elizabeth Elizondo, Emma Garcia, Angelica Gonzales, Martha Guzman, Jennifer Herrera, Norma Jimenez, Geraldo Lara, Mildred Leon, Andrea Lopez, and Vanessa Maitland.

Gabriel Martinez, Jr., Guadalupe Martinez, Joel Martinez, Lorena Montenegro, Veronica Morelos, Guadalupe Munoz, Jorge Munoz, Karen Natal, Raymond Parra, Enrique Perez, Jr., Leah Perez, Desiree Reed, Veronica Rodrick, Lilia Rosas, Eduardo Suarez, Dionisia Torrez, Michael Vigil, Jr., and Maya Ynostroza.

I would like to congratulate this year's finalists and to commend the Hispanic Community Affairs Council of Alameda County for their dedication to the preservation of Hispanic culture and the education of Hispanic youth.

THE 150TH ANNIVERSARY OF PENNOYER SCHOOL, NORRIDGE, IL

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, on Monday, May 18, 1990, the Pennoyer School, District No. 79, 5200 North Cumberland Road, Norridge, IL, will celebrate the 150th anniversary of its founding.

In 1839, the community saw a need for a school. Pulling together, they agreed that every adult would contribute \$5 for materials and would pitch in to help build the school on land donated by John Pennoyer. A one-room schoolhouse which was heated by a wood stove was completed and used until 1893 when the one room was enlarged. An updated facility was built on the site in 1922, and with the population boom of the forties and fifties, additional rooms were put on the building. In 1955, even more expansion was needed and construction began on a state-of-the-art facility at the present site.

Today, the Pennoyer School consists of two preschool classrooms, two full-day kindergarten rooms, elementary first through eighth-grade classrooms, plus special education programs for the learning disabled coupled with programs for the average and the gifted students. Microcomputers for the students in kindergarten through eighth grade enrich the school programs as well as do the performing arts classrooms.

As a teacher by profession, I know that it is just the structure of brick and mortar that makes a school, it is the community, students, teachers, administrators, and staff. The Pennoyer School has been blessed through the years with individuals who recognized the changing needs of their community and who were not afraid to act—with students eager to learn when given an environment in which they were free to excel—with teachers who, while teaching basics, were not scared to allow the minds of their students to stretch beyond the so-called highest limits—with administrators who allowed teachers and students to go past the artificial barriers of conventional educational institution—end with staff who provided invaluable support for the work of teachers and administrators while being sympathetic to students needs.

Mr. Speaker, today many talk about commitment to educational excellence, but 150 years ago of the Pennoyer School community did more than just talk. They took responsibility and positive action for the education of their young citizens, and that heritage of assuming responsibility for providing quality education continues to this day.

As the Member of Congress representing the 11th Congressional District of Illinois where Pennoyer School is located, I congratulate Dr. Deno F. Fenili, superintendent of District 79, and the students, teachers, parents, administrators, and staff of the Pennoyer School on the 150th anniversary of its founding. I take pride in their achievements and extend my best wishes for continuing success in their endeavors in the years ahead.

WHOSE MONEY GAME, THEIRS OR OURS?

THE SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the recent flood of stories about the United States and what we need to do to "clean up our act" to be competitive has in effect been a relentless assault

on the self-esteem of the American people.

We hear that we must improve our productivity, that American businessmen only think short term so therefore, we are falling behind our friendly ally, Japan. The conclusion we are to draw is Americans are only interested in what used to be called the almighty dollar.

Recently, I heard more of this reasoning from Mr. Akio Morita, who is chairman of the Sony Corp. on "Nightline" television program. TV clips used on "Nightline" pointed out that Mr. Morita is much admired for his achievements in business. I won't dispute that. In fact, I gave a speech a year ago which was called "We Agree With One Another." In that speech I quoted extensively from Mr. Morita on what we need to do to have a strong industrial economy.

I do part ways with him about the affects of foreign investment in the country—and the brashness of his book "The Japan That Can Say No," which was heavy handed in its criticism of the United States. I also do not agree with his comments on "Nightline."

On the program Mr. Morita again explained his view of the difference between Japanese and American businesses. He said the American banks were just in a money game. The implication of course, is the Japanese are not.

He explained that the Japanese care about their workers and American businessmen buy and sell companies in disregard of the workers. I believe he called the relationship of businessmen to their workers a human rights problem.

Ted Koppel, the host of "Nightline" asked Mr. Morita why the Sony Corp. bought CBS Records. Originally an American company, it is the oldest recording company in the world, and it has now been renamed Sony Classical and has been moved to Hamburg, Germany, with a German as president.

Mr. Morita explained that Sony bought CBS Records because they wanted to make it a "happy company." When questioned further he revealed the real reason for the purchase. Morita said, "software music is one of the strongest industries of America to gather the money from all over the world."

Now, that sounds like someone playing a money game if your emphasis is on the way "to gather the money from all over the world." At that remark, my dad would have quoted the Bible to me that "out of the fullness of a man's heart he speaketh." In this instance it was money that was speaking.

I thought about this as I was rereading Karl Van Wolfgren's article "Japan's Money Machine" which was

published in November in the Washington Post.

That article explained the real money machine is Japan's and, more importantly why we are in an economic war with the Japanese.

Wolfgren wrote:

The Japanese have devised a mechanism that allows them in principle to buy whatever the rest of the world is willing to sell. More important, than the raw fact of this enhanced buying power is the leverage that the Japanese have gained over the global financial system. The money machine is not merely economic but political in character, and its existence provides important insights into the aims and attitudes that drive Japan's industrial dealings.

He explained:

Japan has been the only advanced industrial power to allow this type of funding which originated in wartime measures to ensure an unimpeded flow of funds to manufacturers of war materiel. The financial institutions selected for this emergency purpose became the postwar keiretsu banks, the money pumps for Japan's economic miracle.

What is a keiretsu? T. Boone Pickens simple explanation of a keiretsu says it all. He said:

Keiretsus are the interlocking relationships formed among Japanese corporations and the suppliers, distributors, bankers, insurance companies and even competitors. The keiretsus have successfully locked American competitors out of Japan and now they are getting ready to do the same thing on American soil without regard for U.S. antitrust laws.

How the keiretsu works has also been detailed in a recent report of Japan's fair trade system. That should be worthwhile reading.

Using this system, the Japanese apparently are still carrying on their wartime emergency purpose—only now they have substituted commerce for weapons of war and are able to buy our businesses, charities, home mortgages, government bonds, high tech companies, schools, and the list goes on.

According to Karl Von Wolfgren, the money machine operates this way:

Paper wealth, horrendously inflated stocks and land prices—provides the fuel. In 1987—the last year for which data are available—the increase in the nominal value of financial stock and land holdings in Japan is 40 percent larger than that year's entire gross national product. Stocks on the Tokyo exchange routinely sell at multiples of more than 70 times earnings compared with an average multiple of about 13 percent on the New York Stock Exchange.

Land Prices are even more inflated: By the spring of last year (1988) the total value of all Japanese land was more than 4 times larger than the value of all U.S. land, even though Japan has only one-fifty-seventh (1/57th) of the habitable land.

The money machine operates by using paper wealth as collateral for loans. Novel financing techniques are further applied to reduce the real cost of the created capital to almost nothing. These techniques developed from the "overloans" of the mid-50's that let commercial banks expand lending to

firms without having proportionate deposits with the central bank.

With Japan having 10 of the top banks in the world and the United States having only 1 in 28th place—I ask you—who is running a money game? It certainly isn't the Americans. So what is the game?

Obviously, according to Von Wolfgren's description, it is the Japanese who are still using the wartime economic system to conduct trade in what is supposedly friendly competition.

I heard something very revealing about this friendly competition in a story on the "MacNeil/Lehrer Report" on February 15. The story was about the February 8 sale of U.S. Treasury notes. In that sale the Japanese withheld investing until they had driven up the Government bonds from 8.4 percent to 8.5 percent. Doesn't sound like much, but with each one-tenth of a point rise, it cost each one of us \$30. With the rise being five times, it cost each one of us \$150 apiece before the Japanese finally bought our Treasury notes.

In that same report, MacNeil/Lehrer showed a recent Japan Society meeting in New York city a reporter questioned Kazuo Nukazawa, Managing Director Keidanren, Japan's largest business organization about the February 8 Treasury note sale.

He asked Mr. Nukazawa about the sale and why did the Japanese continue to invest in the United States if they thought it was sick. Nukazawa replied, "We will continue to invest in you until you are incurably ill." The reporter asked, "how do you define incurably ill?" Nukazawa replied, "you see, it is a tautology, you will know you are incurably ill when I stop investing."

My immediate reaction was shock at the answer and then to wonder why is Japan investing until we are incurably ill? From his remark it sounds like a goal to me.

Then I remember an earlier speech of mine of which explained the viewpoint of a Japanese official in competing with the United States. That speech was on the "Shadow Warriors" of Japan. It explained the Japanese tradition of hiring someone closely resembling them to fight for their values.

In that speech I quoted Mr. Yoshio Terasawa from an article written by Edward Klein in Manhattan, Inc. magazine. Mr. Terasawa who is rumored to be the first Japanese to head the World Bank, now a vice president of the bank and heads the Multilateral Emergency Guarantee Agency [MEGA] at the World Bank. He said:

I have heard the argument that the Japanese won't succeed here in America because of the peculiarity of our culture and its homogeneity.

He went on:

But, I don't agree with this argument at all. We are not a religious people, so we have no transcendent precepts or principles that bar us from taking whatever action is necessary. We can be terribly immoral if necessary.

He further stated:

Now, in order to make more money and be more competitive, Japanese businessmen will do anything they have to. There are no limits. They may talk about Americanizing their companies to please their American employees, but that is not what they will really do. Big Japanese corporations are going to acquire big American corporations and let them run things so that the Japanese owners will not be visible.

Before going on with my remarks—I want to question why someone expressing those values would serve in such an important position. I can just imagine what would happen to a Presidential appointee at confirmation hearings in the Senate confessing he could be as immoral as he wanted to be. I believe we must set standards for service in this position beyond technical experience.

Back to my speech. The remarks of Misters Terawasa and Morita, along with Mr. Morita's book, "The Japan That Can Say No" certainly make me wonder about their goals in this economic war. It seems to me their goals are apparent.

The current Ambassador to the United States, outlined their views in his 1985 book, "Between Friends." He said that the United States is too concerned with principles and morals, "One must deal with reality, and when doing so, one should not be overly concerned with moralistic concepts like fairness."

Lee Iacocca, chairman of Chrysler has best described the competition with the Japanese. He was quoted in a recent Newsweek article that—

If you read any history of Japan, their idea of competition is always highly adversarial, and its objective is * * * to destroy the competition—not to compete, but to wipe it out.

From the remarks of the Japanese gentlemen and the assessment of their actions by Mr. Iacocca, it appears their money game is to wipe out the competition regardless of the area and the friendship. Competition is one thing, but economic warfare is another.

How can they criticize Americans for spending and ask the U.S. officials as part of the trade talks for the Government to limit Americans to just two credit cards? Do they mean a long distance telephone card and a gas credit card?

I particularly wonder why they are asking to limit Americans credit cards just at the time the largest Japanese credit card company, JBC—which stands for Japan Credit Bureau—is expanding into the United States now.

Are they targeting our credit card business? Does this mean that one of the two cards would be Japanese or

perhaps the demand would be relaxed if the JBC card became popular with American merchants.

I also question the Japanese request that Government do away with the homeowners tax credit. This tax deduction has enabled us to have a home ownership that is the marvel of other nations. It has also been an engine for generating capital for small entrepreneurs and moving up economically in our society. Home ownership has been a dream for Americans since the first Pilgrim stepped foot on Plymouth Rock.

Do the Japanese want us to change and be like them and pass on home ownership debt to second, third, and fourth generations—for 100 years, as they do in Japan?

Since the Japanese have been buying so many of our Ginny Maes, this is a curious request. At least 10 percent and sometimes more than 60 percent of our Ginny Maes home mortgages are purchased by Japan.

According to the Wall Street Journal:

The Industrial Bank of Japan claims to be the biggest buyers of U.S. mortgage securities, and says it will more than double its purchases this year, to an amount one official puts at several billion dollars.

I do know the Japanese have not been pleased to have the mortgages paid off early. Makes you wonder who owns your home—your bank or the Japanese?

So who's money game is this—theirs or ours? What are their intentions?

A recent article by Donald Conover in the Journal of Commerce gave another view of the Japanese money game. Mr. Conover explained in "Low Dollars Sells Out America," that the overall trade deficit worsened in devaluation of the dollar, "Because foreign investors particularly the Japanese, out maneuvered the policy."

He stated:

To avoid the problem that their products were more expensive in dollars terms, the Japanese simply started exporting companies instead of products.

Mr. Conover explained:

Devaluing the dollar has undermined the very fabric of our national economy, causing great costs to companies, consumers and American labor alike.

One need only to look to Japan to see a country making a strong currency work for its citizens. Let's stop exporting our standard of living, and insist on a strong currency.

So with all the shortcomings Americans have, I don't believe our businessmen engage only in money games. I believe they have been fighting for their lives and ours. I have been in public life, in business too long, and also as a media reporter and producer covering maritime and business affairs to accept this criticism.

The money game has been Japan's so far—but this too can change. It must. The American people are friend-

ly and fair minded but they weren't born yesterday. When challenged they will overcome all obstacles. I place my faith in the American people. We will win this competition and beat the Japanese money game. All we need to do is sign up on the team to win.

□ 1520

THE CLEAN AIR DEBATE

The SPEAKER pro tempore (Mr. PAYNE of New Jersey). Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I come to take this special order for many reasons, but I think it is time that we started the debate on this floor on the Clean Air Act before we get into the bill itself that will be coming to us in just a few short weeks. It seems, under the hype and hysteria that has been going on in the last few weeks, if not months, it is very frightening to me, and I feel that some questions need to be asked about this hysteria. Some people have been writing some excellent things, and they ought to be recognized by Members on this floor, so I want to put some things in the RECORD that seem to reflect a different point of view than what most people are seeing on their televisions recently, and have been seeing on their televisions for the last few weeks, especially on Earth Day.

I will never forget, when I turned on the television on Earth Day Sunday evening, I turned to a program that was a special being run and sponsored by Time-Warner, and it was the most depressing, most frightening program that I have ever witnessed in my 43 years on this Earth. I have never seen such propaganda, with absolutely no refutation of the points being made.

□ 1530

Mr. Speaker, the program was a play where they took actors, and situation comedies and all the types of programs and linked them together with the central theme, being "Mother Earth is in the hospital and dying," and they portrayed everyone that had any authority, anyone that would dare question some of the hysteria and the doom and gloom that had been put out, anyone that had an alternate view, or a reasonable view, in the way they approach cleaning up our environment, as devils, as idiots, as the most ridiculous people that you can imagine, and it frightened me.

And then, Mr. Speaker, the next morning I got up and watched a program, "The Today Show," in the morning as I was getting ready to go to work, and they started off their program with Bryant Gumbel presenting the picture that the entire world was already gone to hell and that people were dropping like flies from

the raping and pillaging of industry in America, and of course, as most liberals do, they blamed Ronald Reagan for destroying our environment over the last 8 to 9 years, and it was all his fault, when in fact the facts show that the environment, our water, our air, many things in our environment have been steadily improving over the last 10 to 15 years and that the Clean Air Act of 1970 was indeed working, and things were better. Yet in the "Today" program that I witnessed there was no credit whatsoever given to this Congress or anyone else that had been working very hard and private initiatives by private companies and private individuals that had been working over the years to continue the effort of cleaning up our environment.

So, Mr. Speaker, I take this special order to try to point out certain issues that have been brought to light that are not getting paid a whole lot of attention by Members of this House, and I think it is very important because there is a lot of doom and gloom out there.

I can remember and recall some of the quotes in the Earth Day of 1970 where people, esteemed people like Dr. Paul Ehrlich who claimed that the United States would be dying of thirst by the year 1984, and we all know that that is not the fact, and that people, millions and millions of people, would be dying of starvation all over the world by the year 1989, and we know that that not to be the fact.

The height of doom and gloom was perpetrated out here on The Mall, right outside our doors, during Earth Day. Mr. Speaker, you would think that we might as well just give up because it is all over anyway, and there are a lot of problems going on with the objectivity of those that are claiming to be experts in this field.

I take a quote from an article by Austin Chase on November 17, 1989, that I think points out the problem that we face here on the floor in trying to sift through the emotionalism and get to those policy decisions that we have to make based upon scientific fact, and Mr. Chase quotes climatologist Stephen Schneider, who is a leading proponent of the greenhouse theory; Mr. Schneider was quoted in Discover magazine as saying that scientists, such as himself, quote, "need to get some broad-based support to capture the public's imagination. That, of course, entails getting loads of media coverage, so we have to offer up scary scenarios, make simplified, dramatic statements and make little mention of any doubts we might have. Each of us has to decide what the right balance is between being effective and being honest."

Mr. Speaker, that is very frightening when we have scientists in our country that are more interested in the emo-

tionalism and firing people up than being effective, than being honest, and I think that is what is happening a lot in this debate over the Clean Air Act in that we have a lot of rhetoric, a lot of hysteria, a lot of emotionalism, and a lot of it is based on little or no scientific fact.

On April 3, 1990, the Senate voted 89 to 11 to approve S. 1630, a 689-page clean air bill. Two days later, on April 5, 1990, the House Committee on Energy and Commerce passed its clean air bill, H.R. 3030, by a vote of 42 to 1.

Now the clean air issue has always embodied numerous controversial assumptions and opinions, and conservatives agree that our environment is the most precious resource that deserves wise management and protection. However, there is a continuing debate regarding the size of any problem, the source of any harm to our environment and the best approach for making improvements. There has been a lot of rhetoric available decrying damage to our water, our air and our forests, but only recently have we seen articles which offer scientific data to support what calmer minds may have long suspected, that in this case rhetoric and reality are worlds apart.

First, I would like to consider that the 1970 clean air bill is working. The current Clean Air Act, and this is a quote from the gentleman from Pennsylvania [Mr. RITTER] in an article that he wrote, "Smoggy ideas are cleaning up the air."

"The current Clean Air Act passed in 1970, and amended in 1973 and 1977, has been very successful, and it continues to improve air quality. According to the EPA, from 1978 to 1987 air pollution was noticeably reduced. Lead levels in our ambient air fell 88 percent. Sulfur dioxide levels came down 37 percent. Nitrogen oxide levels, down 12 percent. Carbon monoxide levels, down 32 percent. Particulates, down 21 percent. And ozone levels, down 16 percent. This cleaner air came along with record levels—record levels—of economic growth and an expanding number of automobiles. The average sulfur content of coal purchased and burned has decreased almost 33 percent by the electric power industry since 1973. Its sulfur dioxide emissions have decreased almost 29 percent during this period. This has been achieved while coal use has increased more than 80 percent. Congress's own 10-year, half-billion-dollar study has been purposely ignored. Clean coal technology is given short shrift, and critics point to poor air quality standards that are not met," and yet in the district of the gentleman from Pennsylvania [Mr. RITTER], Allentown, Bethlehem, and Easton, he exceeded the national air quality standards an average of only 10 times in the last 1,825 days. Most

came during the record-breaking heat of the summer of 1988.

Mr. Speaker, studies have indicated that the real problem is not so much the new car as it is the older, dirtier emission vehicle, the newer automobile, whose emission control systems are out of tune and the concentration of cars in urban areas, and yet there remains a near obsession with more expensive brandnew car emission standards, even though the bulk of pollution does not come from them, and in the bill reported out by the Committee on Energy and Commerce they spend all their time on new controls on new cars that do not do anywhere near the polluting that old cars do and do very little to control the pollution emitted by older cars.

□ 1540

It is sort of like one reporter had the analogy that that is sort of like recognizing that Americans are all overweight, yet we pass rules to mandate that skinny people go on diets.

The rational solution is not tightening new car regulations, but on-road detection systems to locate growth polluters and get them back into tune, whether new or old, as purported by the distinguished gentleman from Texas [Mr. BARTON].

Senator DIXON, an Illinois Democrat, has pointed out from economists' estimates that 3.7 million jobs in 20 States are at risk from the proposed Clean Air Act.

Are taxpayers going to be called to ante up benefits if those jobs are lost to foreign competition?

The legislative process is moving like a speeding bullet. There is virtually no sunshine on the process. Hundred-page documents are presented for votes moments after they are written by small cliques. The deals has been cut and the American worker, consumer, motorist, ratepayer and taxpayer are not part of this process.

In speaking out for commonsense environmentalism, the gentleman from Pennsylvania [Mr. RITTER] is working to inject into the proposed Clean Air Act amendments that brings some accountability to the American people. They pay the bills and they have the right to demand their money's worth.

Let us just take a couple of these myths, that because of the limit on time that I have this afternoon I must keep brief. Take the global warming myth. The following is copied from an article in the Washington Times of March 30, 1990, and from Representative BILL DANNEMEYER's Dear Colleague letter of April 2, 1990. I have a chart to submit for the RECORD that shows no proof of global warming, which was published in the Washington Times article, and I would like to present it for the RECORD. The source of the information for the chart is

from Science magazine, and the chart itself is by Henry Christopher of the Washington Times.

Researchers reviewed mountains of data from NASA's TIROS-N satellite and concluded that over the last 10 years there has been no long-term warming or cooling trend.

The chart that I submit for the RECORD shows how widely ground and atmospheric temperatures fluctuate over a 10-year period, and the NASA study offers strong evidence that there is no greenhouse effect. This is not just a little old pest control operator from Houston, TX, that has a degree in biology and chemistry. This is a study done by NASA. Even as we put the finishing touches on massive expansion of the Clean Air Act, which economists now estimate will cost as much as \$50 billion a year and place hundreds of thousands of American jobs at risk, environmental extremists are making an issue out of several unusually warm years in the 1980's to solve a problem that, as the NASA study shows, just does not exist.

From an article published in the Washington Post on March 30, 1990, comes this quotation:

Ten years of temperature measurements by weather satellites have failed to find any evidence of global warming from the greenhouse effect, scientists said in a published report. At least another decade of measurements will be needed to draw a firm conclusion.

Dr. Roy W. Spencer of the Marshall Space Flight Center in Huntsville, AL, said:

We found that the earth's atmosphere goes through fairly large year-to-year changes in temperature and over that 10-year period we saw no long-term warming or cooling trend.

John R. Christy, Spencer's coinvestigator of the University of Alabama, Huntsville, said "The northern hemisphere goes up slightly during those 10 years and the southern hemisphere goes down slightly. The net effect for the globe is basically zero."

Conventional temperature measurements have found the 1980's to have been the warmest decade on record, but also do not show a strong warming trend within the decade.

Climatologist Patrick Michaels said the global warming study, "Merely confirms something that people who've examined the records have known for a long time—that it did not warm up in the 1980's." He added, "When are we going to come down on the side of reason and logic? The policy cart is way ahead of the science horse on this."

The following is taken from an article entitled "No Global Warming Signs Spotted," published in the New York Times on March 30, 1990.

The data from weather satellites show no evidence of global warming in the 1980s, scientists say, but it will take at least another

decade of measurements to draw a firm conclusion.

The following is taken from an article published in the Washington Times on March 30, 1990. The article is entitled "Nuclear Issue Splits Environmentalists" and is written by Joyce Price.

Dr. Patrick J. Michaels, a global warming skeptic and professor at the University of Virginia, raised the issue during his remarks on ABC-TV's "This Week with David Brinkley" on March 15, 1990. He said "The same people who busted the nuclear industry (after the calamities at Pennsylvania's Three Mile Island nuclear power plant and the Soviet Chernobyl plant) are the ones bringing us global warming." He predicted this issue could cause a schism in the environment movement.

Senator Timothy Wirth, Colorado Democrat, was "treated like a Chernobyl potato" according to Dr. Michaels when Senator Wirth suggested in 1988 that the United States might have to reconsider its anti-nuclear position as a means of averting the "catastrophe of global warming."

At a World Energy Conference in Montreal in September, 1989, speaker after speaker said the cure for the greenhouse effect would be a major shift away from fossil fuels to nuclear-generated power.

In October, 1989, at a meeting of nuclear industry executives, government officials, energy experts, and environmentalists in Sundance, Utah, overall testimony indicated the future will need both conservation and more nuclear power.

The following is taken from an article published in the New Republic on March 30, 1990.

Conservatives say that those who want Congress to do something on global warming, even before the verdict on global warming is in, would shut down the industrial state on sheer speculation.

Of the Western powers only France is not a major carbon dioxide producer. France is the world's most energy-efficient state—its economic output per BTU input is double that of the United States.

But "enviros" do not talk up France because its low fossil fuel consumption is achieved mainly by greater reliance on nuclear power than any other nation.

The following is taken from Warren Brooks' column entitled "Global Warming Benefits?" published in the Washington Times on March 12, 1990.

An Intergovernmental Panel on Climate Change (IPCC) workshop, during Sept. 11 to 14, 1989, of world-class agronomists, geologists, and environmental scientists meeting in Berkeley Springs, West Virginia, concluded the benefits of global warming, should it even occur, far outweigh its costs. (An IPCC panel in Finland said the same thing.)

The U.S. Panel assumed that the carbon dioxide level in the atmosphere would double by 2050 and raise the temperatures by 2 degrees Celsius. Even so, using sophisticated models from the National Oceanographic and Atmospheric Administration and the Agricultural Department, the panel found this climate change would:

Increase total U.S. food output 15 percent more than the natural trend, a present value of \$12 billion.

Increase total U.S. water resources by about 9 percent, worth \$30 billion to \$50 billion per year at current water prices.

Increase total U.S. forest volume 10 percent or 80 billion cubic feet, with theoretical stumpage value of more than \$500 billion.

The net benefits of global warming, if it occurred, would be equally big for the Soviet Union, China, Europe, Australia, and South America.

Agriculture Department research physicist Sherwood Idso writes "The whole face of the planet will likely be radically transformed—rejuvenated as it were—as the atmospheric carbon-dioxide content reverses its long history of decline and returns . . . to conditions much closer to those characteristics of the Earth at the time when the basic properties of plant processes were originally established."

The Soviet Union's internationally renowned climatologist Mikhail Budyko argues that carbon-monoxide doubling will bring "an Eden" and shouldn't be stopped.

Climatologist emeritus Robert Pease of University of California at Riverside wrote in the Wall Street Journal "The higher temperatures combined with more carbon dioxide will favor crop and plant growth and could well provide more food for our burgeoning global population."

□ 1550

I am not advocating the further emissions of more carbon dioxide. I just point out the fact that there are many different theories as to what is happening to our environment, and we should not be making policy based upon emotionalism.

Taken from an Executive Memorandum dated February 7, 1990 entitled "Global Warming: How Much, How Soon, How Dangerous" by Kent Jeffries. Published by the Heritage Foundation.

There is even evidence indicating that *the atmosphere is cooling.* (italic added). A study by University of Virginia Professor of Environmental Science, Dr. Patrick Michaels, found that from 1918 to 1958, there were only five winters during which outbreaks of arctic air swept as far as the Southeastern United States. Since 1958, however, this has happened in 21 of the 31 winters. Because of a general global cooling trend from the 1940s through the 1960s, many scientists even were predicting the advent of another ice age.

Records of temperature trends in the U.S. give no indication of a warming trend. Meteorologist Thomas Karl of the National Climatic Data Center headed a 1988 study that finds "no statistically significant evidence of an overall increase in annual temperature or change in annual precipitation for the contiguous U.S. (between) 1895-1987."

In light of the uncertainty concerning the degree of global warming and the inaccuracy of predictions made only two years ago, it is very premature to propose policies that would restrict severely the burning of fossil fuels. Such policies, after all, would impose huge costs on all Americans and on American living standards and competitiveness. They would shut down many American factories, throw great numbers out of work, and raise the cost of production and of fuel for every factory and household.

As Members can see, what is happening in America today is that we are trying to make policy based on emo-

tionalism rather than on scientific fact, policy on a presumed risk out there. Presumed by whom? We do not know. We have as many scientists on one side of the issue as there are scientists on the other, and we as policymakers look at the data presented to us and make up our minds. I think the jury is still out on the global warming issue.

Mr. Speaker, in the time remaining I want also to approach the issue of acid rain, and what I call the great acid rain flim-flam, and quote from people who have done extensive studies.

In fact, the United States has spent over \$600 million on a 10-year study on acid rain, and yet we want to pass a clean air act before we even see the final conclusions on this study. Yet we are starting to hear rather than in the normal conclusions some of the things that have been found in the NAPAP study that suggest that issues are otherwise than some are purporting them to be, and some of the doom and gloom about acid rain.

Taken from an article by Dr. Edward C. Krug and Dr. Charles R. Frink entitled "Acid Rain on Acid Soil: A New Perspective." Published in Science, Vol 221, August 5, 1983.

Factors commonly considered to make landscapes susceptible to acidification by acid rain are the same factors long known to strongly acidify soils through the natural processes of soil formation.

From its inception, soil formation in humid temperature climates is an acidifying process, mediated by the classic factors of geology, climate, biology, topography, and time.

The factors thought to make landscapes sensitive to acid rain are those that develop some of the most acid soils in the world. The results of natural soil formation are those attributed to acid rain: leaching of nutrients, release of aluminum, and acidification of soil and water.

From Policy Review, Spring 1990, Heritage Foundation, "Fish Story, The Great Acid Rain Flimflam," Dr. Edward C. Krug, Illinois State Water Survey, Illinois Department of Energy and Natural Resources.

It is largely to reduce the acid in rain that President Bush's Clean Air legislation calls for a 50% reduction in sulfur dioxide emissions (10 million tons) by the year 2000, at an estimated cost of \$4 billion to \$7 billion per year.

The Environmental Protection Agency's National Acid Precipitation Assessment Project (NAPAP) study estimates that all Adirondack lakes and ponds more acidic than pH 5.7 can be limed for \$170,000 per year. Extrapolating this study to the entire Northeast, all acid lakes in New England and New York could be limed for under \$500,000 per year.

Liming would kill the sphagnum mosses that grow deep in the bottoms of these lakes so environmentalists don't want to lime. The question is whether we want sphagnum mosses or fish; we usually can't have both. The response among most American and Canadian votes is almost certainly to be fish.

The notion that acid rain is responsible for acidity in lakes and streams is also contradicted by the existence of highly acidic surface waters in regions without acid precipitation. Fraser Island, Coolool National Park, and Tasmania in Australia, and the Westland area of New Zealand have no acid rain, yet are filled with highly acidic lakes and streams.

The magnitude of acidic surface waters in areas without acid rain dwarfs that of areas supposedly 'devastated' by acid rain. In the Amazon basin, a river system the size of the Mississippi, the Rio Negro, is naturally acidic and fishless. The naturalist and explorer Alexander von Humboldt wrote about these 'rivers of hunger' nearly 200 years ago, definitely predating industrial activity in this part of the world.

The NAPAP study concluded that acid rain had caused acidification in some small lakes, but the median acidity of all Adirondacks lakes has gone down since preindustrial times.

Studies of the fossil records in lake sediments reveal that many lakes that are acidic today have been highly acidic for centuries, except for several decades in the late 19th century and early 20th century when they were unnaturally alkaline.

Massive cutting of trees and burning of stumps by lumberers reduced the acidity of the forest floor, and soil runoff made it possible for species such as trout and salmon to survive. After lumbering and burning came to an end, forest grew back, and the soil runoff, and hence the waters, returned to their natural acidity.

There is similarly no evidence of widespread forest decline in North America related to acid rain. Indeed, U.S. Forest Service statistics indicate that northeastern forests appear to be the most robust in the country.

Widespread acid rain probably began by the 1940's in the Northeast. It peaked around 1973, when national sulfur dioxide emissions were measured at 31 million tons. Since then, sulfur dioxide emissions have fallen to 23 million tons in 1985, partly as a result of pollution controls and conservation, and replacement of older, more heavily polluting factories and power plants by state-of-the-art facilities as mandated under the Clean Air Act of 1970.

Most lakes in the Northeast are not highly acidic, even though acid precipitation falls on the entire area. In 1980, before it studied the situation, the EPA asserted that the acidity of northeastern lakes had increased 100-fold (a decrease of two pH units) as a result of acid rain. But a 1984 NAPAP lake survey found that only 240 of New England's and New York's more than 7,000 lakes are "acid-dead"—that is, have a pH of 5.0 or lower.

The NAPAP survey found that in the whole eastern United States there are only 630 acid lakes, representing 35,000 of the approximately 200,000,000 acres of water in the East, or less than 1/50 of 1% of the water. Over half the acid lake capacity—20,000 acres—is in Florida, which does not receive high rates of acid rain.

The acidity of lakes in the Adirondacks and Nova Scotia results not from acid rain but from acid soil and an absence of natural buffering.

□ 1600

From the Wall Street Journal, March 6, 1990. "The Answers on Acid Rain Fall on Deaf Ears," by Dr. S. Fred Singer.

The proposal to control emissions that could spur acid rain could cost \$5 billion to \$10 billion a year; the benefits, in terms of reduced damage, are uncertain and, at best, quite small.

America's best-kept secrets: From 1973 to 1988, sulfur dioxide emissions decreased 23% to 24 million tons, despite a 45% increase in coal use, nitrogen oxides have declined 14% since a 1978 peak. Both decreases are the result of current clean-air laws.

Accordingly to James Mahoney, director of NAPAP, in October testimony before Congress. "No apparent trend in the acidity of rainfall has been detected. Because of complex atmospheric reactions, percentage reductions in emissions may not result in similar percentage reductions in depositions. Thus the relationship is not all proportional—as was claimed in the 1983 National Academy of Sciences report, widely used as the basis for proposals to cut sulfur dioxide emissions, including the Senate bill.

Acid rain has become a symbol of national sin—the sin of prosperity—calling, it seems for national expiation. We offer in sacrifice jobs and economic growth. Scientific evidence no longer seems to matter; nor does an analysis of the cost of controls vs. the benefits that might be achieved.

The current improvements due to existing clean-air laws should be speeded up by easing certain restrictions rather than imposing new ones. For example:

Encourage policies that lead to a more rapid replacement of old power plants and of older, heavily polluting cars.

Allow a free choice of technology or of any other measure to reduce emissions, coupled with an expanded system of flexible emissions trading.

Increase the utilization of existing nuclear plants.

Conserve more energy wherever it makes economic sense.

From Regulation magazine, February 1990, Dr. Lawrence Kulp, former director of the National Acid Precipitation Assessment Project [NAPAP].

The crash effort to reduce emissions . . . is estimated to cost on the order of \$100 billion over the next 20 years, and will not permanently solve the problem because it would preclude the use of advanced technologies now being developed.

From the Washington Times, March 29, 1990, "Acid Rain's Cost Cloud-burst," by Warren Brookes.

The acid-rain section of the Senate Clean Air bill (Title IV) will force utilities and industry to spend up to \$7 billion a year in a crash program to remove 10 million tons of sulphur dioxide annually from their emissions by the year 2000.

We could lime all the acidic lakes in the U.S. Northeast for \$1 million a year or 0.02 percent of the cost of the Bush/Senate bill.

James Mahoney, current director of the 10-year \$600 million NAPAP study admitted to the Senate Environment Committee last October:

Concerning forests: "Acidic deposition has not been shown to be a significant factor contributing to current forest health problems in North America. There is no evidence of widespread forest damage from current levels of acidic rains in the United States.

Concerning crops and vegetation: "Acidic precipitation at ambient levels in the United States is not responsible for regional crop yield reduction. Sulfur dioxide is rarely as-

sociated with crop damages near point sources and is not a regional scale problem."

Concerning lakes and streams: "Acidic lakes were a relatively small percentage of the National Surface Water Survey. The percentage of total lake surface area that was acidic (was) 2.1 percent. . ."

Now this is the NAPAP study that we have spent \$600 million on and 10 years trying to complete, and is yet to be completed. But we want to pass a bill before its final conclusion.

The NAPAP study concluded that while acid rain had caused some small-lake acidification, it also showed the median acidity of all Adirondacks lakes has gone down since pre-industrial times.

The crash program to be forced by the Senate bill degrades the ecosystem by forcing limestone scrubbing in old plants instead of allowing utilities to phase in new clean coal-burning technologies.

The crash program will generate three tons of sludge for every ton of sulfur dioxide removed—generating a 30-million ton disposal problem costing \$2.5 billion per year—\$80 to \$90 a ton.

The crash program will put an added ton of carbon dioxide into the atmosphere for every ton of sulfur dioxide removed. Worse, it makes it economically impossible to substitute the reduction of the much more environmentally dangerous nitrous oxide for sulfur dioxide cuts.

From the Washington Times, April 2, 1990, "Co-opting the Left's Agenda," by Patrick Buchanan.

For a few million bucks, every one of those 750 lakes which are acidified could be limed, with better results. Why, then are we killing West Virginia's soft coal industry?

□ 1610

From the New Republic, April 30, 1990, by Gregg Easterbrook, in an article entitled "Everything You Know About the Environment is Wrong":

Little known note: in the past fifteen years national sulfur dioxide emissions have already fallen by about one-quarter even as coal use increased nearly fifty percent, owing to controls under the old Clean Air Act and to the construction of new power plants with superior technology.

Second note: recent studies, including a ten-year \$500 million federal project show acid rain effects to be considerably less than theory predicts. Only high-altitude red spruce trees, not forests generally, so far display acid rain damage.

Although some environs projected that a majority of Eastern U.S. lakes would by now be too acidic for most life, the Federal study found that only four percent have crossed this threshold.

Mr. Speaker, I will not take any more of the time of the House. I just wanted to lay out a predicate for the American people and the Members of this House to start looking at both sides of the issue before they make political decisions based on little or no scientific fact and be sure to under-

stand that what we are doing here is not a political exercise. What we are doing here has the potential of shutting down America's economy and for putting up to 3.7 million jobs at risk and our economy and our standard of living as we know it at risk.

Mr. Speaker, we can do both. We can continue to clean up our air and our water while we continue building and rebuilding our economy and increasing our standard of living. We can do both, but not under a bill like the one that was passed by the Senate or the one that was passed out by the Committee on Energy and Commerce.

THE ISSUES OF THE FAMILY AND MEDICAL LEAVE ACT OF 1989

The SPEAKER pro tempore (Mr. PAYNE of New Jersey). Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 60 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am very pleased to have this time to talk a bit about this very historic legislation that we are going to take up this week, and that is the Family Medical Leave Act. I would like to start by asking a question of people, and that is this: What do the Sudan, Burkina, Guinea-Bissau, and South Africa have in common with the United States? The one thing that those 5 countries have in common is that not a one of them has a family medical leave act. Every other country on the planet enacted some sort of a family medical leave act years and years and years ago.

Furthermore, if this bill that we are considering passes this week and becomes law, then the positively amazing thing is that we are still going to be at the very bottom of benefits that are offered. But it is a very, very important first step, and I hope that people support it. If we looked at the television today and if we read the newspaper this morning, we got the administration's view of why family medical leave is not important. Both Mr. Sununu and Mr. Fitzwater have been quoted as saying that if women get fired for having a baby, they can go and get another job. Well, there is a lovely solution. There is a pro-family administration for you if I have ever heard one.

Let us think about that. If women get fired for having or adopting a baby, they can go and get another job. How terrific. In the interim, if they got fired and they had health benefits, those health benefits would be gone. What are they supposed to do if the child was a premature baby and they are running all sorts of bills? I guess they can look for another job that has health benefits that they can take up right away. If anyone knows where those jobs are, they can please ring up

the White House, because my guess is that women are going to be very incensed reading about that kind of insensitivity coming out of the executive branch.

What the family and medical leave bill does is, it does not mandate anything. It says for the first time that workers have a right when they have a baby or adopt a baby, or if they or their spouse becomes chronically ill—and it takes a doctor's certificate; we are not talking about the flu, we are not talking about a head cold, we are talking about a very serious medical illness—or if a dependent child or a dependent parent has a stroke or a very critical illness, that employee could be entitled to up to 12 weeks of unpaid leave. I emphasize the word, "unpaid."

Now, the thing we hear about this is, number one, that it is mandated. We hear this—mandated, mandated. No, it is not mandated vis-a-vis the employee. No employee is mandated to take the leave. The only thing that happens is that the employers must offer the leave. What a wonderful switch that is. For once employees have some rights rather than employers having all the rights.

It is no wonder that yesterday, in front of all the business lobbyists, Sununu said they would veto any bill even if it gave them 1 day at the birth of a baby. Well, that says something about the kinder, gentler, White House does it not? I find that absolutely outrageous.

I think this is really set up to benefit special interests, that is, all the business lobbyists that control all the PAC's and all the money in this town versus over 80 percent of the American people. Gallup tells us that over 80 percent of the American people believe that employees should be with their children during the first few weeks of their life, that they should be allowed job-protected leave with family members during very serious illness, and that they should not have the risk of losing their jobs hanging over their heads and they should not have someone telling them they can just go and get another job if they get fired, that if that happens, tough. So it is 80 percent of the American people versus all the people who hand out campaign money. It is going to be a real interesting shootout come next Tuesday, and I can hardly wait. This is a very important issue for women, I think, because all these statistics show us that constantly women are the care-givers in this society, and that more and more women are also being pushed into the work force to try and maintain the family's standard of living.

So we have dual pressure. We have women getting a message that they cannot be a good employee and a good family member, and yet they are also being told that for their family to be

able to maintain a certain standard of living, they have to be a good employee and get out there and get a good job. It absolutely tears people apart as they watch, say, their elderly father have a stroke and they cannot leave, or they watch one of their children have leukemia, as we had a man testify today. His baby had leukemia, and he knew she was dying, so he applied for leave. They told him he could not get it because he had not given them a month's notice. He told them it was just then that the doctor had told her that she had just days to live. So he was faced with the terrible choice of whether he would stay with his baby the last few very painful days or whether he would keep his job.

What a ridiculous position to be put in. What an outrageous position for a government that calls itself pro-family. And just think about it, only five other countries on the planet, none of them being ones that I think I would stand up and salute, take that position.

If we look at the number of working mothers in the work force, I think everyone knows that it has increased significantly. The number of mothers working full time has increased 52 percent since 1979, and the reason it has increased is because the mortgage payments are higher in America than they used to be. My goodness, what most people pay for a car now is more than what my husband and I paid for our first home. So if you have those kinds of mortgage payments, it takes two salaries to make that payment.

People still want automobiles, and obviously the price of automobiles has gone up. And children have this habit of wanting to go to college, and, of course, we want our children to go to college, but if we look at college tuitions, we know it is very hard to do it on a single income.

So we have many, many more women moving into the work force to keep that middle class standard of living.

□ 1620

Mr. Speaker, the interesting thing is many States have already passed family medical leave, and, as we have seen, these States that passed it, they have not gone back and asked the businesses, "Gee, did this force you out of business," because my colleagues are going to hear some horror stories here on Thursday. This will be the end of American business, everything will shut down, it is going to be all over, and it is going to be great drama, great theater.

However, Mr. Speaker, in these States that passed it, guess what? Businesses are still functioning, they are not fleeing from the State, they are all doing very well, and most of

them have not reported any increased costs as well.

The General Accounting Office estimated that the national cost of the bill that we are going to be talking about this Thursday would be only \$5.30 per employee annually. Well, how could GAO come up with a cost like that? Well, they look at the number of people in America affected that will qualify for such a leave, and then they figure the benefit package, and then they work it all out. To me that is a very, very, very low cost.

When my colleagues look at our competitors who are knocking our socks off in trade, western Europe, Japan, all those places, they all have paid family medical leave for a much longer period than we are talking about. Now I do not think Americans are inferior to those countries. I think one would find that we could pass this and still compete in the international market.

In fact, Mr. Speaker, employers who have put this in have found that they are much more productive because an employee who is very upset because they had to leave their baby before they were prepared to or that their parent has had a stroke and they cannot be with them, they have to be at work instead; let me tell my colleagues that that is not a productive employee. That employee's mind is elsewhere. That is an angry employee, and I would think that the goal of all American business should be focused on productive employees.

One of the biggest problems we have had in this country, in all honesty, is we have constantly communicated to people, "You cannot be a good employee and a good family member." Well, what every other industrialized country has found out is that we must find ways to be good employees and good family members because that is what the world is going to look like.

Now, if my colleagues look at America's family statistics, we, unfortunately, are No. 1 on the planet in everything we do not want to be No. 1 in. We are No. 1 in drug and alcohol abuse. We are No. 1 in divorce. We are No. 1 in adolescent everything. I think it is because we do less for families than any other country that has much better statistics in the line of those family issues.

Let us talk about this a little further. I hate to portray family medical leave as an anticrime and antidrug bill, however, my colleagues, it truly is. My colleagues may look at all the pediatric studies that have been done, and what do they show? They show within the first couple days of birth; we do not know why, but a baby recognizes its mother's voice, and it recognizes its father's voice. Those are its first two very important connects to this outside world. Now, if that baby does not make that connect, how do they then

connect to the bigger unit, and the bigger unit and, finally, to society?

As we have seen from all the studies done on these new children without conscience, what we have found is those connections never happened. We never got the bonding started, and, if we do not get the bonding started, it is very difficult to ever make it up later on in life.

Mr. Speaker, I would think, with the kind of statistics we are running into, and with the number of single-parent families, and all the dual working families and all the problems we have, this country would be very concerned about getting families off to a better start. How do we get them off to a better start? Family medical leave is a great way.

Mr. Speaker, for the first time employers would not be able to say to young parents, "It's your baby or your job. Either show up here for work, or you're out."

Of course, as the White House said today, they can go find another job. Well, that is a little stressful; is it not? I say, "You've got a new baby, all sorts of new obligations, and you lose your job, and now you're out looking for one."

Come on. Give me a break. That is not what we are talking about.

My colleagues are also going to hear horror stories about how this is going to affect small business. Well, we have exempted small business. Anyone with 50 employees or less is not covered by this.

In addition my colleagues will hear horror stories that once again we are doing this to the private sector and not the public sector. Wrong. In this bill we are covering Federal employees, State and local employees are congressional employees because we feel this is such an important first step for America's families, America's care givers and everyone else.

Mr. Speaker, I think that these facts are things that we want dealt with and not the other things that are going to be thrown out here on the floor during the next couple days as we talk about this.

I cochair the Congressional Caucus on Women's Issues with the gentlewoman from Maine [Ms. SNOWE]. We have been trying to get in to see President Bush with our bipartisan Congressional Caucus on Women's Issues of 150 members since he got elected. And they do not want to let us in at all. They have let in everyone else, but apparently they do not want to talk to us about family medical leave and why we think it is so important, and they did not want to talk to us about child care, and apparently they do not want to talk to us about choice and family planning issues or anything else that comes along. I do not think we can keep having kinder and gentler rhetoric pouring out of the White House as

we see meaner and meaner acts vis-à-vis working families coming out of the White House.

So, I think we have a chance this week to really make a phenomenal step. It is also an interesting week in that we are getting ready to prepare for Mother's Day. It is the big day that everybody tries to buy out their guilt by running down and getting flowers, or a card, or chocolates or something else. Well, we have a real chance to say to America's parents, "We're going to do something more than that. We're going to give you some job protected leave. Now, if you've got your life together, and you can get back to work the next day, fine. This doesn't mandate that you can't. If you have a premature baby, and your wife is in the hospital having all sorts of problems, then we're saying that the father has the option, if he wants to, to ask for job protected leave, or the mother, whatever."

Mr. Speaker, this is a very important precedent, and the Government cannot foresee what is going to happen in each and every situation, but we think it is very critical for people to get off to a good start, and we really should permit this for the first time.

So, yes, the business lobbies will be here. The big bucks will be here. They will be making all sorts of threats against Members, and I am sorry to see that.

But many of the other groups that originally have opposed this have now changed their tune. The latest is the National School Board Association. They started out thinking they were not for this, but I think the more they looked at America's children, the more they realized, boy, if there is anything we need to do in this country, it is get families back together. As my colleagues know, we have to look at what is driving the drugs and the crime.

Mr. Speaker, I define a family as, "Wherever you go at night and they have to let you in." Well, take all those little places where everyone goes at night, and that is the foundation of this society, and, if those little building blocks are crumbling, this whole country is crumbling, and guess what? The building blocks are crumbling faster than any other on the planet, and I think we all feel the crumbling effects, of it, and there really is not a whole lot the Federal Government can do to rebuild families, but we can make rules so that families can be having some kind of protection as they attempt to build themselves up, and to feel good about themselves and to be care givers for each other rather than to be constantly conflicted between their employment and their family duties.

Mr. Speaker, this bill is a very, very, very important beginning for that, and

so I really hope people have their voice heard rather than we just see this place continuing to be the coin-operated legislative machine we have seen of the past. The only people who get the legislation out are the people who have the coins to put in. I realize that there are not any big family action PAC's, and toddlers do not have PAC's, newborns do not have PAC's, but let us hope that people without PAC's still have a voice.

□ 1630

There is another very important precedent in here that I think absolutely must be set, and that is the precedent of treating adopted families the same as we treat natural families. Many of us who have had people who have saved and saved and worked and gone down to an adoption agency, spent lots of money, gotten all ready to adopt a child and then found out their employer would give them no leave because they do not consider an adopted parent the same as a natural parent.

Well, they also found out that agencies will not allow you to have a child unless there is some time to bond. Adoption agencies know that the baby and the mother do not bond and the baby and the father do not bond in the reception room of the adoption agency, that it takes a little time to make that connectiveness, to put that together, so they do not want to go right back to work.

Well, if they find out that their employer does not treat them the same, they are then in conflict. Do they lose their jobs and go with the adoption or do they lose the adoption that they worked so hard to try to get?

This bill says you should not look at how a family is started and discriminate against them because they were natural versus they were adopted, that everybody has the right to get that foundation, to get that basic family foundation started and going.

So this thing, I think goes right to the values, the family values that so many have come to this well and espoused. This is really whether you are going to enact them or whether you are just going to keep talking about them. So I say let us not do any more kinder, gentler rhetoric until we see some kinder, gentler legislation, and until we see some empowerment of America's families. This bill will empower America's families to be able to become stronger, and that is what we have to do. The Federal Government cannot mandate they become stronger, but we can give them the tools and the empowerment in the work place so they can be both a good employee and a good family member.

I hope all Members will consider this as they looked at this very serious vote that we are going to be dealing with on Thursday.

SIKH-KASHMIR HUMAN RIGHTS

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

Mr. BURTON of Indiana. Mr. Speaker, at the outset I would like to state that some of my colleagues would like to participate in this special order and they may not be able to get here because of other commitments, so I will make this request for general leave.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order this afternoon.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, many in this country are cheering the exciting and positive events in Eastern Europe.

Unfortunately, brutality and oppression in other parts of the world continue to go unnoticed.

In India, thousands of government critics are being held without charge or trial under the Terrorist and Disruptive Activities Act.

According to Amnesty International, there are reports of widespread torture, and allegations that prisoners have died in custody as a result of torture.

Yet, Amnesty can't even enter India to confirm these reports.

Why? Because India, the world's largest so-called democracy, will not let them.

It's easy to understand why India continues to ban Amnesty.

In March, when the Honorable Max Madden, a British Member of Parliament, went to the Punjab and Kashmir, he reported that barbaric atrocities were being committed against the Sikh and Kashmiri communities by the Indian regime.

Madden reported, "I shall not forget the Young Sikh who was shot as a terrorist after he stood with his arms above his head in a field for 5 minutes."

The police later admitted that they had made a mistake.

"I shall not forget the relatives of the young man who was shot while marching in a Sikh religious festival," Madden said.

The police again admitted that they had made a mistake.

In Indian-occupied Kashmir, the human rights situation continues to deteriorate.

India's colonial Governor in Kashmir has ordered Kashmiri newspaper editors to stop publishing.

India shut down its own state television and radio stations when Kashmiri employees demanded the freedom to report the tragedies in Kashmir.

Not even the Red Cross has been allowed access to Kashmir.

Once again, India's decision to exclude the press from Kashmir is perfectly understandable.

The Indian Peoples Union for Civil Liberties [PUCL] recently reported that scores of barbaric acts are being committed by the Indian security forces in Kashmir.

The PUCL observed, " * * * that civil liberties, legal norms and civilized values have been grossly violated by the Indian security forces * * * "

On March 14, these forces killed scores of Kashmiri women when they fired live bullets in an attempt to break up a protest march.

I hope Prime Minister V.P. Singh can bring peace to India.

But there will be no peace until all groups inside India regain the basic freedoms that people all over the world are striving for.

It's time to knock down the wall, which hides India from the scrutiny of the human rights community.

It's time to hold India to the same human rights standards to which we hold every other democracy in the world.

To achieve these goals, I have introduced H.R. 4641.

This legislation terminates United States developmental assistance for India, unless India allows human rights organizations into their country in order to monitor the human rights situation in the Punjab and elsewhere.

Mr. Speaker, I call on all my colleagues to support this legislation and become cosponsors.

Mr. Speaker, I am very concerned about this. I have seen pictures of the atrocities that have taken place in the Punjab. I am now getting information and pictures and reports about what is happening in the Kashmir, and these people want freedom and democracy and human rights like the rest of us want around the world, and particularly in the United States of America. We should be insisting that they get these human rights.

India is a great democracy. It is a great nation, but they must observe universal human rights in Kashmir and in the Punjab and elsewhere in that country. If they do not, then I think the United States as a humanitarian Nation has an obligation to put whatever pressure we can upon that government until they bring about positive change and allow human rights, universally accepted human rights, in both Kashmir and in the

Punjab and throughout the entire nation.

The bill referred to follows:

H.R. 4641

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

SECTION 1. DEVELOPMENT ASSISTANCE FOR INDIA.

(a) REPORT ON ACCESS OF HUMAN RIGHTS MONITORING ORGANIZATIONS.—Not later than 60 days after the date of enactment of this Act, the President shall report to the Congress whether the Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

(b) TERMINATION OF DEVELOPMENT ASSISTANCE PROGRAMS.—If the President reports to the Congress, either pursuant to subsection (a) or at any other time, that the Government of India is implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country, all assistance for India under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) shall be terminated, except for assistance to continue the vaccine and immunodiagnostic development project, the child survival health support project, and the private and voluntary organizations for health II project.

(c) RESUMPTION OF ASSISTANCE.—Assistance terminated pursuant to subsection (b) may be resumed only if the President reports to the Congress that the Government of India is no longer implementing a policy which prevents representatives of Amnesty International and other human rights organizations from visiting India in order to monitor human rights conditions in that country.

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

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. DORNAN of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. NAGLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE BALTIC STATES: "THE LAND OF HEROES HOARY"

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, there are times in the affairs of states when moral stands must be taken despite their inconveniences or short-term negative consequences. The poignant struggle for independence in the Baltic States, most particularly in Lithuania today, presents such a circumstance.

Lest there be doubt where America stands, this Congress, this administration, the American people, are foursquarely behind the principle of self-determination.

This great Republic, this shining beacon of liberty, must resist the moral obliquity implied by a seductive real politik, and make it abundantly clear that we hold as self-evident truth that the Baltic States were never legally incorporated into the Soviet Union.

A dirty deal made 50 years ago by two dirty men—Hitler and Stalin—should not be honored by civilized people, within or without the Soviet Union.

I address myself today, with darkening misgivings, to the weltering deadlock in the Baltics, and in particular to the unequal struggle over Lithuanian independence. One might well ask, by what extraordinary shifts and violent upheavals in the fortunes of states has this incredible circumstance come to pass; where three small countries—with a total combined population of only 8 million—stoutly proclaim their right to exist coequally with their historically domineering neighbor, today's most formidable power on the Eurasian landmass?

From a geopolitical perspective, one can point with evident relief to a most remarkable diminution in the capacity, and even the willingness, of the Kremlin to project imperialist power. Over the last 12 months the United States and its NATO allies have witnessed, in an astounding, inexorable cataract of events, the triumphant culmination of 40 years of steadfast alliance diplomacy. Communism is in retreat, pellmell. This is particularly true in Eastern Europe where the decrepit monuments to and of a fraudulent Stalinist polity have collapsed, perhaps irreversibly.

On the other hand, the philosophical taproot of the changes taking place in the world—from Eastern Europe to the Baltic States; from Afghanistan to Tiananmen Square; from Nicaragua to South Africa—is a happy recognition that it is Jeffersonian democracy—the premise that governments derive their powers from the consent of the governed, from individuals endowed by a Creator with inalienable rights—that provides the most revolutionary, adventuresome, and humane model for political and economic organization in recorded history.

But there are other seething, subterranean subplots to this compelling and still unfolding human drama. Certainly there is the clamant, indomitable, but uniformly nonviolent societal demand for self-determination. Who would deny that the Baltic peoples have behaved very calmly, very coolly, and very courageously in peacefully asserting their right to be free from a sinister political system which, lest we forget, used human beings as guinea pigs for three-quarters of a century of blasphemous social experimentation with state-sponsored coercion?

An appreciation for the plight of the Baltic peoples requires reference to some rudimentary historical guideposts, to an understanding of a geographical circumstance that places three sparsely populated republics next to powerful neighbors: the Germans, the Poles, and to the east, the brooding presence of Russia. This background is not only helpful to understanding American foreign policy, but—because Baltic political history, particularly in this century, is deeply interwoven with war and revolution, fascism and communism, tyranny, and liberation—it also sheds light on the ever widening fissures threatening to shatter the multinational framework of the Soviet empire.

HISTORICAL OVERVIEW THROUGH THE FIRST WORLD WAR

In the first instance, it should be understood that the Baltic region—which today stretches from Tallinn on the Gulf of Finland in the north to the historic Niemen River in the south, bounded in the west by the Baltic Sea and in the east by the Russian and Byelorussian Soviet Socialist Republics—is not culturally, politically, or socially a product of the oriental despotism practiced by Ghengis Khan and his heirs, which held much of Russia in its icy grip as late as the time of Charles V in the mid-16th century. Generally speaking, the Baltic people looked neither to Constantinople nor Moscow as the lodestar of historical destiny; rather, they looked west: to Stockholm, to Königsberg, to Warsaw, to the European heart of the old Holy Roman Empire.

The Baltic nations have never naturally gravitated toward Russia. Despite extended periods of Russian domination since the late 18th century, the various peoples of the Baltic region have historically adopted a Western orientation and outlook. A powerfully flowing current of Western influence found historic outlets principally through the expansionism of both the Baltic Germans and Swedes, and in the case of Lithuania, through association and partial accommodation with Poland.

By the mid-14th century, both Estonia and Latvia became stamping grounds for the order of the Teutonic

Knights, the crusading Germanic fore-runners of the Hohenzollern Junkers and Prussian military might. By the Reformation, German Lutheranism was the common faith of the region. Culturally and economically, the northern Baltic peoples fell under the civilizing shadow of the Hanseatic League, and their principal German cities of Bremen, Lubeck, and Hamburg.

After the Thirty Years' War and the decline of Teutonic power, the peoples of Estonia and Latvia—the latter known at the time as Livonia—fell under the control of King Gustavus Adolphus and the transient authority of Swedish metropolitan power. Sweden's rule proved to be as enlightened as it was brief. According to scholarly authority, a reasonably well-developed educational system was established by the Swedes, and the peasantry of Estonia and Latvia were even granted the extraordinary right of action to sue their landed masters in courts of law.

Lithuania, on the other hand, has historically been intimately associated in culture, politics, and religion with Poland. Lithuanian-Polish ties date back at least as far as the end of 14th century, when the Lithuanian Grand Prince accepted the Polish crown and catholicism. A powerful Polish-Lithuanian army inflicted a decisive defeat on the Knights of the Teutonic Order at the Battle of Tannenberg in 1410, halting Germanic expansion. Lithuania achieved a remarkable measure of power and prestige in east-central Europe, both independently and in association with Poland. Even as late as 1772, the territory of Lithuania stretched from Courland on the Baltic to just east of Smolensk in White Russia, with its southern extremities skirting Kiev and the mighty Dnieper River in the heart of the Ukraine.

But by the beginning of the 18th century, the ponderous exertion of Russian expansionism had begun to make a weighty impression. Under Peter the Great, Russia acquired Estonia and Latvia from Sweden and thereby secured a strategic outlet to the Baltic. By the end of the century, the final of three successive partitions of Poland resulted in the Russian Empress Catherine II's annexation of Lithuania, as well as the extinction of Polish independence for well over 120 years.

Russian rule can be summed up in a phrase which—with the one exception, perhaps, of the era of great reforms in the mid-19th century—encapsulated the Kremlin's imperious attitude toward non-Russian peoples: autocracy, orthodoxy, and subjugation of national identities. These policies embodied a rigid, reactionary and autocratic outlook in Moscow which sought forcibly to imprint a peculiarly great Russian conception of politics,

culture, and society throughout the vast expanse of the empire.

Thus the seeds of the movement for political and cultural independence, for all that we know broadly as the self-determination of nations and peoples, were sown in the Baltic States as much by the stultifying imperial ukases proclaimed by the Tsars, as by the specious dialectic of an arrogant Soviet commissar claiming to ride and interpret a crest of historical forces.

It is the harsh Russification policies of the ancient regime which serves both as the historic well-spring of Baltic enmity toward Russian rule and the current distrust of any modified approach to sovereignty, as proposed by Gorbachev or envisioned by allegedly practical geostrategists in the West.

INDEPENDENCE IN AFTERMATH OF WORLD WAR I

The near simultaneous overthrow of the Romanov Monarchy in Russia and the defeat of Imperial Germany in 1917-18 created a trenchant opportunity for the Baltic States to press their independence aspirations.

When Lenin and his Bolshevik collaborators came to power in November 1917, not only did they affect to support—through stunningly elliptical theoretical pronouncements—the principle of national self-determination; but the right of self-determination was actually conceded in the first official act of the new Soviet Government. On the very day of the revolution, the fledgling Soviet regime issued a decree of peace in which it proposed to all belligerent peoples the immediate opening of negotiations for what the Bolsheviks described as a just and democratic peace . . . an immediate peace without annexations that is, the seizure of foreign lands or the forcible incorporation of foreign nations—and indemnities."

However much Lenin the theorist was prepared to recognize the right of self-determination, in practice Lenin the dictator was often ruthlessly opposed. Finland and the Ukraine learned first hand of the great repudiator's repudiation of high-minded ideals: Both were the bloodied recipients of Bolshevik invasions in early 1918; both were freed from the grip of a Red Terror only by Teutonic intervention, White Terror, and German military occupation.

Russia concluded a separate peace with Imperial Germany in March 1918. This armistice agreement, the Treaty of Brest-Litovsk, sheared the Russian Empire of all the western provinces conquered by the Tsars. The Kaiser's negotiators, aiming at the creation of a vast chain of buffer states under Berlin's sway, stripped Russia of Poland, Finland, Lithuania, and Courland, of Estonia and Livonia—Latvia; of the Ukraine; and of the Transcauca-

With characteristic clarity Lenin reportedly noted that the Bolsheviks "must have the courage to face the unadorned bitter truth, we must size up in full to the very bottom the abyss of defeat, partition enslavement and humiliation into which we have been thrown." As Winston Churchill scathingly observed about Lenin's thoughts at the time: "It is not possible to better these descriptions of the first boon which Lenin conferred upon the Russian nation."

American intervention on the continent, which precipitated the defeat of the Central Powers in November, 1918, soon rendered impossible the Wilhelmstrasse's conception of a German-dominated security system in east central Europe. Instead, the collapse of German martial influence created a power vacuum.

The path to national independence, otherwise obstructed by the polished jackboots of a stern Prussian Junker or the surly growl of the Russian bear, was now open and accessible to nations from the Baltic to the Black Sea. Estonia declared independence on November 28, 1917; Finland on December 6; the Ukraine on December 18; Latvia on January 12, 1918; and Lithuania on February 16. On April 9, 1918, Bessarabia formed a union with Romania. On April 22 the Transcaucasian Council declared its complete independence, and by the end of May the Transcaucasian Federal Government had dissolved into its constituent republics: Georgia, Armenia, and Azerbaijan.

THE INTERWAR YEARS

The withdrawal of allied military forces from Russia, the end of civil war, and peace with Poland allowed Lenin to consolidate Soviet power over the interior of the Russian empire. Azerbaijan was reoccupied in April 1920; Armenia in December; and in February 1921 Georgia was compelled to accept Moscow's political authority.

In the meanwhile, the Soviet Union attempted to break its diplomatic isolation by establishing normal relations with the Baltic States. Estonia became the first non-Communist country to enjoy the patina of diplomatic normalcy with Bolshevik Russia, when it signed a treaty to this effect with the Soviet Union in February 1920. Later in the same year similar agreements were concluded with Latvia, Lithuania, and Finland. As George F. Kennan has written:

It is ironic to reflect that these little countries, the first to establish normal relations with Moscow, should also have been, together with Poland, the first to be swallowed up again by Moscow in 1939, when Russia and Germany moved together to smash the European order established by Versailles.

THE HITLER-STALIN PACT

The terms of the infamous agreement negotiated by Molotov and Ribbentrop on behalf of the Soviet and

Nazi dictators in August 1939 are well known to all. The Nonaggression Pact, made public to a reeling and flabbergasted Western world, provided for a mutual renunciation of aggression and for observation of neutrality by the unengaged party in case either side was attacked by a third country.

More sinister was the attached secret protocol, which effectually embodied an agreement cold bloodedly to divide Eastern Europe into spheres of influence. In the event of "territorial and political rearrangement," as the protocol euphemistically referred to the imminent destruction of Poland, the sphere of exclusive Soviet influence was to include Finland, Estonia, and Latvia, approximately half of Poland, as well as the Romanian province of Bessarabia. One month later, at Soviet request, this line was modified to include Lithuania within the Soviet zone of control. In return, Germany received a larger slice of Poland.

When it became apparent to a stunned Kremlin that Hitler's blitzkrieg would crush Poland in a matter of weeks, Stalin moved with brutal alacrity. First, he undertook a military occupation of the "Soviet zone" of Poland. Next, he demanded that the Baltic States accept Soviet bases and garrisons on their respective territories. This brazen conduct was ostensibly legalized by mutual assistance treaties, which Estonia and Latvia had—under duress—concluded with Moscow by the fall of 1939.

Lithuania was accorded slightly different treatment. In late September 1939 the Soviet Union unconditionally offered the Lithuanians their capital of Vilnius, which the Poles had captured in their 1920 war against the Soviet Union and which was now, following Poland's defeat and last partition, under Red army control. Sorely tempted, Lithuania accepted. Soon thereafter, however, Moscow began to press Lithuania to accept an Estonian-style Mutual Assistance Treaty. After some resistance, and a realization that the West would not intervene, Lithuania too, gave in, and in October 1939 yielded to a Soviet military presence.

Stalin's next move against the Baltic States arose in the context of Kremlin consternation over the speed and ease of new German military triumphs, this time in the low countries and France. In May and June 1940, the Soviets shamelessly accused their small Baltic neighbors of conniving with the West and each other to undermine the letter and spirit of their alliances with the Soviet Union. On the same day Nazi armies entered Paris—June 14, 1940—Lithuania was presented with an ultimatum demanding the creation of a pro-Soviet regime. Two days later Estonia and Latvia received similar ultimatums, and a Soviet orchestrated transfer of power to so-called people's

governments was achieved shortly thereafter.

Following swift mass purges of the non-Communist political elements in all three countries, egregiously unrepresentative "People's Diets" were elected. Each met on July 21, 1940. Each proclaimed, unanimously and by acclamation, the conversion of their respective countries into Soviet Socialist Republics. By August 1940, the Soviet bear had devoured the Baltic countries, each having been proclaimed union republics of the Soviet Union.

Here I quote again from one of our most distinguished diplomatic historians, Mr. Kennan:

We cannot appreciate the full significance of the division of eastern Europe unless we visualize the extent of the catastrophe it spelled for the affected peoples. Delivery into the hands of either of these great powers, Nazi Germany or Stalinist Russia, was a calamity of the first order for almost everyone concerned. Acting from quite different ideological motives, both Germans and Russians perpetrated appalling cruelties in their respective spheres of influence. The Germans practiced their usual measures of sadism and extermination against the Jews and deliberately reduced the entire Polish population to a state of material misery and terror. The Russians took their customary reprisals against "class enemies" and deported innocent people to the interior of Russia in such numbers and with such callous brutality that hundreds of thousands of them appear not to have survived the ordeal. For the three Baltic countries, this division eventually meant the end of national independence. In the case of the Estonians, in particular, it meant the deportation and permanent dispersal of a large portion of the population—the literal removal of much of a nation from its homeland. For the Finns, it meant a bloody and terrible war.

In fact, some 60,000 Estonians, 35,000 Latvians, and 34,000 Lithuanians are reliably believed to have been deported to the Soviet Union in 1940 alone—most of them, including many women and children, never to return. Such was the execrable conduct of the Soviet occupation forces that when the Nazis invaded the U.S.S.R. in June 1941, many Baltic citizens revolted against their Communist tormentors and joined the Germans. In turn, the Baltic States were rewarded for their troubles with brutal political oppression at the hands of the Nazi gangsters.

Thus Baltic independence had lasted 22 years, with a half century of grievous vigil to follow.

1945 TO 1985

The defeat of Nazi Germany and the return of the Red Army in 1944-1945 brought in its train fresh Soviet brutality. Between 1945 and 1949 some 600,000 Baltic citizens were forcibly deported to the Soviet Union, a figure which, given a total population at the time of about 6 million, and given the implications of the "gulag" to which

they were largely sentenced, approaches genocidal proportions.

Neither passively nor pacifically did the Baltic peoples submit to crude Soviet denationalization policies. An active partisan resistance was carried on in all three Republics against the Soviet occupiers from the fall of 1944 until 1952. In Lithuania, such was the scale and intensity of the guerrilla war against Moscow that some 30,000 partisan fighters controlled the countryside for several years. Following the military pacification of the region, the Soviets collectivized agriculture, nationalized all commerce and industry, integrated the Baltic economies into the Stalinist-style centralized command system, and commenced the brazen Russification policies which have had the consequence of dramatically altering the postwar demographics of each of the Baltic States, particularly Latvia and Estonia.

THE PRESENT CRISIS

It is against this illegal, malevolent, and unconscionable Soviet hegemony that the Baltic people have valiantly striven since the close of World War II. Even at the height of Soviet oppression, Baltic nationalism was never fully submerged. But it was only with the rise of the Solidarity movement in Poland, combined with the reformist policies begun within the Soviet Union by Mikhail Gorbachev—symbolized by glasnost and perestroika—that a reflowering of grassroots popular fronts, Sajudis, and other mass demonstrations of heightened national consciousness burst forth with such intensity.

Moscow's attitude today toward the Baltic States is schizoid at best, Stalinist at worst. Earlier this year Gorbachev seemed resigned to accept, albeit reluctantly, not only the dismantlement of the Soviet empire in Eastern Europe, but the partial dismemberment of the Soviet state. For example, this past January Baltic pressure for enhanced economic autonomy resulted in the Soviet Union granting the Baltic States limited economic independence.

As former Secretary of State George Shultz has pointed out, it appeared as though earlier this year Gorbachev had astutely laid the predicate for accepting Lithuanian independence—but in so doing differentiating the Baltic circumstance from the demands of other Soviet Republics for independence—when Moscow denounced both the Hitler-Stalin Pact and its secret protocols. The Supreme Soviet even went so far as to declare that the annexation of Lithuania and the other Baltic States in 1940 was illegal.

In a February 27 meeting with Dr. Kazimiera Prunskiene, the current Prime Minister of Lithuania, Gorbachev implicitly seemed to have concluded there was no path back, even

jokingly telling her as she departed that perhaps one day they would meet again at an international forum.

But in recent months Mr. Gorbachev has dramatically backtracked from this sapient course, and made it clear that there are limits beyond which Moscow is not prepared to go. The Soviet Union, he has pointed out in words and described more poignantly in action, still retains authority over oil and gas lines, the armed forces in the region, and other facilities allegedly of "all-Union importance."

In March of this year Gorbachev asserted that the economic price of Lithuanian independence would be \$34 billion in hard currency, as back payment for Soviet capital investment and goods. To this egregious assumption that freedom could be ransomed, the Lithuanians have understandably countercharged that Moscow should compensate them for the cruel deportation and criminal execution of thousands of their citizens, for nationalizing their economy, and for the environmental damage wreaked by Stalinist industrial plans.

Gorbachev's increasingly strident warnings have not deterred the three freely elected non-Communist Baltic Parliaments, which have approved plans for economic autonomy and declared independence as their current status and/or ultimate goals. In fact, even as the Lithuanian crisis continued to escalate, Estonia declared independence on the basis of its pre-Soviet constitution. And last Friday, May 4, Latvia declared its independence from the Soviet Union and in so doing reinstated symbolically compelling provisions of its 1922 constitution.

Unlike Lithuania—which some commentators have criticized for allegedly having presented Moscow with a closely held fait accompli before asking for negotiations on independence—the Government in Riga has proposed a transition period to full independence, during which the bulk of its 1922 constitution will be deemed to be in suspension. Gorbachev, however, has not responded favorably to the somewhat less confrontational Latvian independence movement, and Tass has reported that no negotiations can begin until the status quo ante May 4 is restored. Retaliatory measures by Moscow are expected to be in the offing.

But Lithuania remains the focus of the current crisis. The first free elections in 50 years were held in Lithuania in February 1990. The elections resulted in a convincing victory for Sajudis, which captured roughly 60 percent of the seats in the Lithuanian Parliament. The new Parliament elected Vytautas Landsbergis, the Sajudis leader, as the new President of Lithuania. Shortly thereafter, on March 11, 1990, Lithuania's Parliament formally declared Lithuania's independence from the Soviet Union.

As we all have come to understand, this declaration precipitated a crisis with Moscow. Gorbachev responded by insisting that Lithuania rescind its independence declaration. Soviet military forces began ominous maneuvers on Lithuanian soil, with armored vehicles clanking their menacing way through the peaceful streets of Vilnius, and aircraft buzzing low over the city. Soviet military forces then occupied the Lithuanian Communist Party buildings and the Justice Ministry. The Lithuanian prosecutor was ousted and replaced by a new prosecutor appointed by Moscow. Some Lithuanians who had deserted from the Soviet Army were physically assaulted and arrested by Soviet troops.

When these churlish, bullying tactics failed to intimidate Lithuania, Gorbachev imposed an economic embargo on April 16. The embargo included oil and other energy supplies, as well as some foodstuffs. President Gorbachev stated that the embargo would not be lifted until Lithuania rescinded its independence declaration, revoked legislation to introduce citizen identity cards, reconsidered its decision to boycott the Soviet's spring military draft, and accepted as well Soviet constitutional law as the supreme law of the land.

Superficially, Moscow appears to be pursuing a precise strategy of coercive diplomacy, or compellence, employing the use of threats and limited force to persuade Lithuania to rescind its declaration of independence and accept the legality of Soviet constitutional rule. But as the diplomatic scholars Gordon A. Craig and Alexander George have noted, "In contrast to pure coercion, coercive diplomacy typically requires negotiation, bargaining, and compromise."

No serious observer of Soviet affairs would question that Gorbachev's brand of hardball is considerably milder than that practiced by his predecessors. But even if the West should take certain solace in Gorbachev's relative moderation in the use of force, it must not acquiesce in any coercion nor condone obvious Russian intransigence on Baltic independence. Despite slightly varying formula proposed in Moscow for a resolution of the circumstance, the fact remains that it is Lithuania which has to date proposed all the major concessions—going so far as to be open to the use of Paris and Bonn, two countries which have seemingly identified more with Moscow than with Vilnius, to broker a negotiated compromise that would suspend Lithuanian independence—while Gorbachev has so far refused to negotiate with Lithuanian emissaries sent to Moscow for that very purpose.

It is appropriate at this juncture to express the historic posture of the United States toward Lithuanian independence, and what President Frank-

lin Roosevelt accurately described as Moscow's "annihilation of the political independence and territorial integrity" of the Baltic States.

For five decades, the diplomacy of the United States has been animated by one guiding, unimpeachable principle: That America does not recognize the forcible incorporation of Estonia, Latvia, and Lithuania into the U.S.S.R. The United States maintains full diplomatic relations with representatives of the last free governments of those states. Those states are represented by three Charges d'Affaires resident in the United States. Their flags fly at the Department of State. And now the Lithuanian Prime Minister has had a private meeting, in the White House, with the President of the United States. While the formalities as well as the discussion may not have provided as forthcoming assurances as the Government in Vilnius might have preferred, the fact of the meeting was of legitimizing significance.

Thomas Paine, in his polemic "The Rights of Man" in words later paraphrased in the acceptance speech of a Republican Presidential candidate, once noted that: "Moderation in temper is always a virtue; moderation in principle is always a vice."

Just as we are a people that have prided ourselves in forming a government of laws and not men—that is, where constraints of constitutional procedure take precedence over the potentially capricious judgments of individual leaders—we are a society that must give precedence to following our principles in policy, rather than shirking our most deep-seated values to give cover to a particular foreign leader. If the political position of Gorbachev or any Soviet head of state is threatened by our allegiance to our values, such an eventuality would be unfortunate, but that fact can't dictate an American waffling on the values inherent in the Declaration of Independence. In that document, our architect of freedom, Thomas Jefferson wrote, "when a long train of abuses and usurpations pursuing invariably the same object, evinces a design to reduce them under absolute despotism it is their right, it is their duty to throw off such a government and provide new guards for their future security."

It is the democracy of Thomas Jefferson and Thomas Paine, not Mikhail Gorbachev, that Americans should reflect upon and identify with today.

By holding to such a revolutionary perspective, I don't intend to suggest that President Bush isn't correct to be properly concerned for restraint and dialog. The President's decision not to rush to confront is designed to ensure that we not precipitate a counterproductive bloodletting. By underscoring that Lithuania—indeed all of the

Baltic States—are issues of indigenous self-determination, the Bush administration is wise to refuse to allow courageous peoples to be used as pawns in an East-West conflict. Conscious of the Hungarian experience three decades ago, the President simply cannot in good conscience give Lithuania false hope of American intervention.

Nonetheless, just as we cannot by an overt act place ourselves in the position of precipitating bloodletting, we cannot by failing to articulate our principles identify with the bloodletters. While the administration may be prudent in not hastily recognizing the Landsbergis government, it must take care not to renounce our heritage, our commitment to the right of self-determination. The real question should not be "whether" to recognize an independent Lithuania but "when," not whether to embarrass gratuitously Gorbachev, but how to acknowledge carefully the coincidence of our own values and Baltic aspirations.

The Dutch architect Mies van der Rohe developed a theory of architecture around simplicity of design and the observation that "less is more," that is, that the cluttering of design with fixtures and flourishes too often represents imperfection. Likewise, less can sometimes be more in foreign policy. Given the fact that the United States is not in a strategic position to lend either military or even much economic assistance to breach a Soviet blockade of the Baltic States, honesty as much as prudence dictates that the only credence-laden policy is one of thoughtful articulation of values, rather than belligerency of deed.

Here, it is important how little is being asked of us. In her visit last week, Lithuanian Prime Minister Prunskiene asked not for a handout, but simply that the United States hold its hand up for freedom and take the modest step of recognizing her government. With one polite observation—the notion that in one sense Lithuania was freer today than even the United States—she delivered a devastatingly powerful critique of American foreign policy.

Asked by one of our foremost intelligence advisers at a Carnegie-sponsored colloquium I participated in what compromises with Moscow on future independence she envisioned, Prunskiene said: "We believe in some ways we are more free today than any Western state because we are free to take positions that apparently the Western states are constrained by Moscow not to." The unstated implication was clear: Lithuanians were prepared to risk their lives for a freedom for which some in the West weren't willing to risk their pocketbooks.

With the impending summit and negotiations on the future of Germany as well as force levels in Europe, now is neither the time for sabre rattling

nor heightened East-West confrontation. Nevertheless, it must be understood that the background of the progress that has been made in arms control and in the effectuation of revolutionary change in Eastern Europe is steadfast allegiance to principle and collective understanding of the common fate of common peoples. We have stood unequivocally for the individual rights of minority groups within the Soviet Union; we can do no less for the national rights of the Baltic republics. Calmly and carefully the United States Congress must make it clear that the progressive change we all desire in our relationship with the Soviet Union is jeopardized by Soviet coercion in the Baltics.

The United States is not in a position to intervene; we do not visualize the Baltic States to be part of a cold war equation, nor East-West confrontation; we simply hold that individual peoples have inalienable rights that deserve being respected. If they are not, the U.S. Congress cannot be expected to sanction civilized discourse with an uncivilized nation.

Specifically, the Soviet Union must come to understand that increased coercion in the Baltics will at a minimum, make less likely progressive financial and trade ties with the United States. Export-Import Bank guarantees, Overseas Private Investment Corporation insurance, Soviet loans from or membership in the International Monetary Fund and World Bank, United States commercial bank loans to the Soviet Union, relaxation of Cocom export controls, the granting of most-favored-nation trade status, the extension of tariff benefits under the generalized system of preferences—all become jeopardized.

Historically, the strength of our foreign policy has been most evidenced when we have stood solidly for advancing abroad the principles and ideals upon which our society at home are based. Principles shouldn't be short-changed for short-sighted objectives or short-sighted leaders, even Gorbachev.

With this observation I don't intend to be cavalier about the prospect of perestroika's failure or Mr. Gorbachev's possible political demise. Every responsible American leader is conscious that the political policies initiated by Mr. Gorbachev represent a radical break with the Soviet past and, more importantly, have generally redounded to the benefit of our own as well as the Soviet people. Indeed, the very independence of the Baltic States which Gorbachev appears now to be intent on blocking has been made possible in part because he has unlocked the door and thrown away the key. Thus, President Bush has been careful not to posture excessively or to undermine unintentionally Gorbachev. Instead, the President has gone out of

his way to reassure the Soviet Union that the United States will not exploit the prodigious changes in Eastern Europe to Soviet disadvantage.

But respecting the legitimate security interests of the Soviet Union should not—as one foreign policy analyst has suggested—extend to placing the imprimatur of the United States behind a legitimization of the mutual security treaties, and Soviet military base rights, foisted on the Baltic States in 1939. Why should the United States: First, appear to endorse treaties negotiated under duress; and second, endorse the retention of formidable Soviet military forces in the Baltic Military District? A more principled and self-interested approach to the security dimension of the Baltic question would involve treating the three republics as nonaligned, neutral countries—like Austria—and, if Moscow needs additional reassurance, limiting their arms by international treaty and providing guaranteed rights of access to Kaliningrad [Königsberg].

As to Gorbachev's secession crisis, in contrast with the United States, Lithuania is showing the world that the Soviet Union is a collection of nation states, a boiling, rather than a melting pot.

At first blush it might be argued that the Lithuanian struggle finds precedent in two juxtaposed themes in American history: the imperative for self-determination implicit in the Revolutionary War and the imperative of union—an undivided house—implicit in the Civil War. Yet few analogies are more flaccid, more fatally flawed. Only one of the seceding States, Texas, had formerly been a sovereign country; all had entered the Union voluntarily. Even more important, the analogy to our war between the States is flawed because the purpose of the Civil War was to end slavery, to advance the cause of human freedom, rather than restrict individual rights and aspirations.

As Members of Congress understand, article 72 of the Soviet Constitution gives all 16 Soviet republics the explicit right of secession. Until early this April, no enabling legislation had ever been adopted. Now that the Supreme Soviet has enacted a law on secession, however, it very much looks as though it is designed as a catch-22, an approach which recognizes a right but then stifles its implementation. Indeed, as Mr. Sergei Stankevich—a progressive member of the Congress of People's Deputies of the Soviet Union, as well as a member of the Supreme Soviet—noted before a House Foreign Affairs Subcommittee last week, the procedures under the law are totally unrealistic. They make the right to secession unrealizable.

Put more succinctly by Mrs. Prunskiene: "It is not a law of secession, but

a law to prevent secession." For the Baltic States, she points out, "Soviet law can't be used as a basis to leave or it would imply we came in legally."

From the Soviet perspective, the issue is the principle of secession as constrained by Soviet law and the Soviet Constitution. From the Baltic perspective, it is national self-determination based on indigenous history. Freedom is not considered a right granted and thus removable by Soviet law; it springs from the people.

More important therefore for the Baltic States than the domestic law of the Soviet Union, which in this instance seems regressively out of step with a constitution not known for its progressivity, is international law and the legal norm of nations. Here, Mrs. Prunskiene notes another paradox. Lithuania would rather not consider the option of presenting its case to the International Court of Justice at The Hague until the government in Vilnius receives formal recognition by Western governments. Western justice apparently seems dicey to Vilnius without the value laden imprimatur of Western recognition. Such a case, legal scholars note, would be fraught with problematic issues, including border definition disputes, but it is precisely for problems of this nature that the International Court was established. The West shouldn't shy away from advocating its utilization.

Nor should the West shy away from labeling the recently passed law on secession incontrovertibly Stalinist. It and the new law on national demonstrations give authorities the right to utilize whatever mechanisms they might choose to restrain the expression of nationality sentiment.

To conclude, to the extent that face is at issue, the West ought to have no qualms in helping take Gorbachev off the hook, in helping advance a dialogue that does not appear to compel Moscow with too much embarrassment to back down. But we ought to be very clear about the importance we place on our values. The quid pro quo for Western negotiating assistance must be the early coming to fruition of independence of each of the Baltic States. Otherwise, it will be impossible for the United States and our allies to respect the Soviet constitutional process, and thus impossible for the West to take any stand except one increasingly confrontational with Moscow on Baltic independence as well as a host of other issues. New Muscovite coercion in the Baltics should be understood as a tripwire for formal recognition in the West of the fledgling governments, not the reverse.

We have, after all, with our tawdry silence demonstrated for all Soviet citizens to see that we have not precipitated this crisis, that it is a matter carved from Baltic history and wrought from the courage of indige-

nous populations. It is a crisis made in the Baltics, not conjured or conspired from Washington, London or Bonn. It is therefore Gorbachev's personal, irreducible choice whether to embrace the Stalinist mantle. Unprovoked by the West, he cannot expect any sympathy by pretending either that his hand was forced by uncontrollable forces within Russia or that his cards are played with more finesse than they might have been by his predecessors or potential successors.

One of the few constants of Soviet foreign policy has been the theme of virtually every Soviet head of state that more oppressive alternatives loom on the horizon and that the West has an obligation to bolster the credibility of Soviet status quo leadership rather than risk the abyss of the unknown. Sometimes, perhaps even now, this theme must be factored into Western strategic calculations, but on an issue of such historical import, individual accountability must be assigned in the East and repercussions weighed in the West.

Gorbachev holds in his own hands the choice of whether to bring a halt not only to glasnost but perestroika, and while the United States cannot guarantee that Lithuania and the other Baltic States will regain their sovereignty, it can guarantee that it will not lend its voice to illegitimate Soviet claims nor lend a hand to Soviet designs for significant Western economic assistance if it refuses to respond to the voices of freedom.

With regard to Eastern Europe, the West appears on the verge of winning World War III without firing a shot. Importantly, the loss of the empire has reflected well on the loser. Like the much revered last Shogun of Japan, Tokugawa Keiki, who surrendered to the Emperor's forces before, rather than after a cataclysmic battle could erupt, Gorbachev recognized that history demanded retreat.

In the sixties, it was cute, if not profound for critics of our most embarrassing war to have suggested that the United States should simply declare victory and get out of Vietnam. What Gorbachev has done in Eastern Europe and Afghanistan is declare not victory, but vision, and helped accelerate the inevitable. Whether he is capable or willing to continue to preside autocratically over the Baltic States is yet to be seen. He may think of himself as a unique combination of Jefferson and Lincoln. His fellow countrymen may suspect there is too much Lenin or Tsar.

The Lithuanian poet Solomene Neris, once wrote that "Lithuania is like a drop of amber in my hand." Lithuanian amber has been burned into the consciousness of free people everywhere. It is the amber of freedom, the symbol of life, liberty, and the pursuit of happiness * * * for the

courageous people of the Baltic States as well as a somber, watchful West.

While Neris, like so many artists subjected to totalitarian controls, compromised her own principles with a poetic abomination in praise of Stalin, the Lithuanian people have increasingly harkened back to their cultural as well as historical roots and looked to a European class of intellectuals for leadership.

A poem by one of the profoundest voices of Lithuanian nationalism, now a member of the Lithuanian Parliament, Justinas Marcinkevicius, ties the present with the past:

When of our homeland we would speak
First let the fallen have their say.
It is their breath that like a breeze unfurls
our banners.
It is they whose hands bless all our deeds
and dreams,
Whose eyes are watching us like stars,
Whose words bear fruit upon the earth.
They're seen in bird song, cherry blossom, a
woman's smile, a baby's mirth;
It is their right hand that upholds our
homeland's present and her future.
In words of truth, let's speak of her
And let the fallen understand us.

The Lithuanian National Anthem, written in 1889, has been banned for many years but is being sung since the declaration of freedom. Freely translated, it reads:

Hail Lithuania, a true friend.
Land of heroes hoary.
From the past days sons may ever draw
their strength and glory.
May the children ever follow their undaunted
fathers in devotion to their country
and goodwill to others.
May the sun of our loved shore shine upon
us evermore.
May our faith and truth keep our pathway
lighted.
May the love of fatherland make us strong
of heart and hand.
May our land ever stand peaceful and
united.

The people of the United States have no choice but to join lustily in the choir.

May Lithuania, with its children following undaunted fathers, ever stand sovereign. A true friend, this land of heroes hoary, deserves to be peaceful and united.

For the United States the dilemma posed by Baltic aspirations should not be wrenching. We simply have to harken to our heritage and hold to the exhortative beacon of thought encapsulated in the Lithuanian anthem.

May our faith and truth keep ours as well as their pathway lighted.

□ 1720

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 770, FAMILY AND MEDICAL LEAVE ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-479) on the reso-

lution (H. Res. 388) providing for the consideration of the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees; employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, which was referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to allow the gentleman from Florida [Mr. IRELAND] to precede my special order and I will follow.

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

There was no objection.

SMALL BUSINESS WEEK

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

Mr. IRELAND. Mr. Speaker, I rise to pay tribute to the men and women who comprise our Nation's small business community. Congress has designated May 6 to 12 as "National Small Business Week" to recognize the contributions of America's 20 million small businesses.

I would like to take the next few minutes to put before my colleagues some fundamental ideas about the role of small business—and the role of government toward small business—in our society.

Our Nation's entrepreneurs, perhaps more than any group in the country, represent—the true spirit of individual economic and political freedom;

The true spirit of social and personal responsibility; and

The true spirit of our great country. Their individual and collective contributions to their communities have improved the quality of life for all of our citizens. What's more, they set an example for the rest of the country—and even the rest of the world—to follow.

We all fulfill different roles in our daily lives—as family members, as employers or employees, as members of our communities and as citizens of the United States.

Part of what has made our country the most powerful in the world is that we understand the value of working together, of assuming various individual roles in order to achieve a common goal. And we do those things well.

We recognize that some people, and some organizations, are better equipped than others to perform certain functions—and we take advantage of those unique abilities and that knowledge.

I think that the Federal Government has a unique and important role in shaping our country, as well. But I think we have lost sight of just what that role should be.

You know, for years now, a powerful contingent in this body has tried to convince the American public that they must choose between ineffective, government-based, bureaucratic solutions to the problems we face as a society, and ignoring those problems altogether. They have done a masterful job of shaping public perception of domestic policy issues in those terms.

Here's how this concept works:

If you don't think that the Federal Government should be in the business of regulating and managing child-care centers, then you don't care about working parents and their children—or so this group wants us to believe.

If you don't believe that mandated benefits will magically provide affordable health insurance for every American, then you don't care about workers and their families—or so they want us to believe.

Now, the small-business community knows better than that. They've understood for years what some people in this country are just coming to realize: that big-government proposals just won't solve the very real and serious problems confronting our Nation today.

The record is clear on this point: big government just doesn't work. More and more people, all over the world, are driving that point home every day. They're proving it in Eastern Europe, in Central America, in the U.S.S.R.—and, yes—even in the United States.

Here at home, virtually all of our major cities are living proof of the failure of bureaucratic solutions to problems ranging from education to homelessness to drug abuse.

But our Nation's entrepreneurs also know that it is not enough to simply point out the failure to these bureaucratic policies.

We need to do more than just say "no, no, no!" to every bureaucratic-based solution proposed by those who believe that social engineering is more effective than free enterprise.

We must do more than simply scoff at proposals which rely on elite bureaucracies—rather than everyday people—to solve the very real social problems facing our communities.

Our Nation's small businesses know that it's not enough just to show that bureaucratic solutions don't work—that's easy!

They understand that they have an obligation to put forward ideas and solutions that will address these prob-

lems and to do so within the framework of the free-market policies that have made this country great. Policies that allow people the freedom to choose what works best for them, and for their families, their businesses and their communities.

Small business owners are a very special breed. Their belief in themselves, in their products and services, and in their employees is strong enough that they are willing to put everything on the line in order to see their businesses succeed.

We in the Federal Government need to begin to apply that kind of commitment, that kind of energy, and that kind of caring into addressing social problems we can no longer ignore.

We need to find ways to apply the same free enterprise, free market concepts that have made this country an economic superpower to the serious social problems we face.

And, we need to safeguard those free enterprise concepts that in the past have been threatened by unnecessary regulations, a counterproductive tax structure, and an attitude that small business should bear the economic burden of expensive, ineffective and bureaucratic solutions to social problems.

We have achieved major reforms in the regulatory process through the Regulatory Flexibility Act. But we need to do more along those lines. We need to give the act some teeth by subjecting agencies that fail to comply to full judicial review. I have introduced legislation that would achieve this goal.

The Regulatory Flexibility Act needs to apply to the Internal Revenue Service, as well. We all remember the nightmare of compliance problems caused by IRS initiatives concerning section 89. We all remember the simplified W-4 Forms brought to us courtesy of the IRS, and we all remember the auto log rules, and well.

Each of these fiascos could have been avoided if the IRS had simply been subject to the terms of the Regulatory Flexibility Act—terms that other Federal agencies have been working under for some time.

I understand that the Ways and Means Committee is seriously considering legislation to subject the IRS to the Regulatory Flexibility Act, and I applaud their efforts. It would mean substantial relief for our Nation's small businesses, and it would bring more accountability to the Government, as well.

Congress also needs to enact legislation to permanently authorize the White House Conference on Small Business. In the past, these forums have provided invaluable information on the needs and concerns of the entrepreneur. It is a dialog that we cannot afford to end.

The small business community is sending a message to our Nation's policymakers: there is a better way to solve the serious problems we face as a nation. But, small businesses, individuals, and local communities need to be part of the solution.

Instead of pouring our energies and resources into bloated, topheavy and out-of-touch bureaucracies in the name of social reform, we need to find innovative, effective solutions to the problems that we face and we must take advantage of the knowledge and experience of our Nation's entrepreneurs.

Small business people know from experience that people who are out of work do not need an unemployment system that discourages them from even trying to find a job.

They need training and skills to prepare them for the job market of the 1990's. Your practical knowledge could be put to work to help solve the problem nationwide.

Small business people know from working with their own employees that working parents don't need a "national nanny" to care for their children. They need safe, reliable, day-care alternatives within their communities—at a price they can afford.

Small business people know from experience in the workplace that we cannot conquer drug and alcohol abuse with yet another Federal program. Education, awareness and good old-fashioned values are the weapons with which we will win our war against drugs.

Small business people know that the answers to these and many other social problems will be found close to home, in our small businesses and in our local communities—not in an office full of bureaucrats who have never confronted the realities of the day-to-day world.

And small business people know that we need to develop—and implement—an activist strategy if we are to solve our national problems. A strategy that identifies creative, effective, and efficient solutions.

So, during this National Small Business Week, let us all remember that our Nation's entrepreneurs are the source of our prosperity and a living monument to the success of free market policies and individual freedom.

□ 1730

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise simply to congratulate the gentleman from Florida [Mr. IRELAND] on his fine effort in taking out this special order during this very important week as we honor those men and women who epitomize the backbone of the free market process, those small business people.

bone of the free market process, those small business people.

The gentleman talked about a number of very important issues, from child care to the drug and alcohol problem, and, of course, regulatory flexibility. But I think that one of the most important things that the gentleman referred to at the outset was the issue of encouraging the proliferation of the small business sector in these emerging democracies, in Eastern Europe, for example.

I think that it is very important for us to recognize that the small business community clearly is the backbone of this country. Not many people are aware of the fact that 95 percent of the new jobs created and innovations which come into society emanate from the small business sector of our economy. That is why it is extraordinarily fitting that this week be designed to salute those businessmen and women who do epitomize that small individual who is struggling to make this process work.

Mr. Speaker, I thank the gentleman for yielding and congratulate him for his special order.

Mr. IRELAND. Mr. Speaker, I thank the gentleman for his words and the analogy that what is happening in Eastern Europe is certainly a great tribute to the free enterprise entrepreneurial activity that has been generated in America, and that has come to the attention of those that have labored under socialism and its failed ideology for so long.

So if we remember then that our Nation's entrepreneurs are the source of this prosperity and are literally a living monument to the success of free market policies and individual freedom, ideals and policies that literally the world is rushing to emulate, as they learn, as the gentleman from California [Mr. DREIER] said, from experience, that socialism does not work, under these times, let us admit that three decades of big government, bureaucratic solutions, interfering to our social problems, has not worked. Let us turn to individuals and small businesses for solutions to these problems, to people who know local conditions, to people who know how to treat people as customers, not as dependent clients, and people who know how to make things work.

National Small Business Week is the time to start making that change.

□ 1740

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding and join in commending him for bringing up this special order honoring our small business men and women.

It is interesting what is happening in Eastern Europe. Not only did the European people rise up and throw out communism, but in the votes in every country that has held a vote since that time they have also rejected socialism. They have opted for the kinds of policies that the gentleman and the small business community have been supporting and fighting for for years and years. So I think that is something that speaks very clear and very loudly.

There are those in this country who apparently have not gotten the message, but the people over there sure have, so I thank the gentleman.

Mr. IRELAND. Absolutely. The gentleman is quite right.

Mr. BLAZ. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Guam.

Mr. BLAZ. Mr. Speaker, I just want to commend the gentleman from Florida [Mr. IRELAND] for that very fine presentation. I should like to add that for the first time in history, my congressional district was permitted a representative in the Small Business Administration activities such as we have had this week, and it is also very significant for us and indeed for our representative, Mr. Bill Thomasson. I just wanted to go on record as saying they did a magnificent job of setting the record straight on this very important community of small business people and I thank the gentleman for giving me the opportunity to congratulate him and to insert this little footnote, because it is a first for my territory of Guam.

I thank the gentleman for yielding.

Mr. IRELAND. I thank the gentleman from Guam for his fine words.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Florida.

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

Mr. Speaker, I want to thank my friend and colleague Congressman IRELAND for bringing this special order to the floor today. Small business has been one of the most important sectors of the American economy since the inception of our republic. For many people around the Nation, the ability to own a small business is the embodiment of the American dream. It is capitalism at its best, allowing men and women with new ideas and innovative services to offer them to the public and working hard to make an honest dollar. Small businesses provide thousands of jobs and pay millions of tax dollars each year. There is little doubt that small business is a major contributor to the American economy and a big part of the American way of life.

I am sure that most of my colleagues here in the House would strongly

agree with what I just said. Yet, by our actions in Congress, it seems that we want to cripple this vital part of America. Congress continues to burden small businesses with costly paperwork, mandated benefits, and nearly unintelligible regulations. In addition, our current economic policies make the economic climate much more difficult for small businesses to operate well. Our taxation policies and our deficit spending raise the cost of capital as well as interest rates, choking off needed capital flows to small business. That in turn makes our businesses less competitive, making them more vulnerable to foreign competition and raising the spectre of even greater imports of foreign goods. My friends, no one needs to tell us that we already have a trade deficit that is huge and getting bigger. For the health of the American economy, we simply cannot afford to continue this course of action.

The solutions to these problems are diverse, and they will not be easy to implement. However, they are easy to identify. We must cut the tax on capital gains so that savings and investment will be encouraged. We must realize that we cannot continue to pass along mandated policies and benefits to small businesses without a loss of jobs, greater inflation, and a weaker competitive position for America. We must cut our budget deficit, so that interest rates will decline, the cost of capital will decrease, and our trade position will improve. We must cut unnecessary paperwork and regulations that burden the small businessperson beyond what is necessary. In short, we must exercise smart business policies.

Small business faces a crossroads today. If we want to avoid a nation of conglomerates, if we want to keep the American dream alive, if we want to provide jobs and build a strong economy, then we must work for small business. The time for action is now, so let's do what is right.

Mr. IRELAND. I thank the gentleman from Florida for his words.

I end as I began and thank the gentleman from California [Mr. DREIER] for allowing this special order to come before his. He is a distinguished member of the Small Business Committee, and one who labors hard and long in that field for the entrepreneur.

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

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank my colleague, Congressman IRELAND, for arranging time today so that we might pause to commemorate Small Business Week.

As part of the celebration of Small Business Week, I wish to congratulate a small businessman from my district, Mr. Arthur Brady of Arthur Brady Associates, Inc. in Perty Amboy, NJ. Mr. Brady has been named the "Regional Small Business Subcontractor of the Year for

Region II," having been nominated for this award by a client, Hughes Aircraft.

A decade ago, Arthur Brady established a commercial materials testing laboratory with one employee. His company, Arthur Brady Associates, has grown since 1980 into a firm with 10 employees who operate not only the testing lab but also a manufacturing division to make solder for electrical equipment, specifically for printed circuit boards.

"A dynamic team of creative problem solvers" is how Mr. Brady describes his employees, but is clear that such creativity and dynamism flows from the company's founder. Mr. Brady, who previously worked for AT&T and General Motors as a chemist, is originally from Jamaica, and has become an American citizen. He has worked hard to publicize his company's products and has built a client base which includes such customers as ITT, Allied Signal, DuPont, and IBM. His success stems from quality service, fair pricing, and consistency in the delivery of a good product. These attributes have enabled the Department of Defense to qualify his company for the Qualified Products List, a designation within DOD of high-quality products.

He has contributed to his community not only by the product he provides but through the jobs he has provided in both Middlesex and Union County, NJ. I am proud to congratulate Mr. Brady and his employees on their efforts and wish them continued success in the future.

Mr. STEARNS. Mr. Speaker, I rise today in order to pay tribute to America's small business community. As a small businessman myself, let me say I am especially honored to have this opportunity to recognize the industrious spirit of my small business peers.

As American's, we have all benefited from the innovation and industry of our entrepreneurs. It is only appropriate that we set aside this week to celebrate their accomplishments and recognize the attributes of their enterprise. The success of American small business is at the heart of our Nation's unprecedented history of peace and prosperity. Our acclaimed traditions of ingenuity and productivity are embodied by the daily efforts of our small business people, and are envied by people the world over.

As the walls of isolation and oppression crumble throughout the globe, it is appropriate that this year's theme suggests the continuation of American business leadership into the 21st century. Today, opportunity for innovation and industry is tantamount. New challenges associated with the emerging democracies and the need for environmental technology beckon for American ingenuity. As legislators, we must encourage small business participation, and enlist their expertise as we assist in the transition of Eastern Europe to democratic, free enterprise states.

I thank my colleague, Congressman IRELAND, for taking the initiative to recognize the small business community. I for one, am pleased to add my support for Small Business Week, and I hope that my colleagues in the House will add their support as well.

GENERAL LEAVE

Mr. IRELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of my special order today.

The SPEAKER pro tempore (Mr. DYMALLY). Is there objection to the request of the gentleman from Florida? There was no objection.

HUMAN RIGHTS VIOLATIONS IN INDIA

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 many of my colleagues have joined me here for this important special order. I would like to begin by associating myself with the remarks of my friend, the gentleman from Iowa [Mr. LEACH] who was speaking just a few minutes ago about the various serious situations that exist in Eastern Europe.

Mr. Speaker, it is apparent that we spend a great deal of time in this House talking about some very serious situations and human rights violations which have taken place in many different parts of the world. We have focused, of course, a great deal in recent weeks, and will later this week, on the situation in Central America. We have been speaking during the special order of the gentleman from Florida [Mr. IRELAND] about the situation in Eastern Europe. We are often talking about a wide range of places, but very tragically there is a part of the world that too often has been forgotten, and I know that my friend from Indiana [Mr. BURTON] has earlier this afternoon been talking about the situation as it exists in India, and the horrible, reprehensible violations of human rights which have taken place there.

I have a great many points which I hope to make over the next few minutes, Mr. Speaker. I am going to talk in detail about some of the tragic human rights violations which have taken place in Kashmir and other parts of India, but I do have many colleagues who have chosen to join me during this special order.

Mr. Speaker, I begin by yielding to my very good friend, the distinguished delegate from Guam, and I am speaking of course of General BLAZ. I am happy to yield to my friend from Guam.

Mr. BLAZ. Mr. Speaker, I thank the gentleman for yielding to me and appreciate it very much.

When I told some of my friends I was going to the floor today to speak on behalf of the Sikhs and Kashmiris, somebody asked me what I was doing

in that part of the world, and my response was, having experienced violations of human rights myself and my own people not too long ago, I felt an obligation to champion the cause of political self-determination, freedom, and those basic things that we all take so much for granted in our country. That is the reason I am here.

I am not here to offer an apology to anybody. On the question of human rights, nobody should offer an apology to anybody, any time.

If we cannot ensure that protection of human rights to citizens everywhere, we have our priorities pretty well mixed up, and we probably should not even be here.

Mr. Speaker, many of my colleagues have spoken out on the continuing repression in India against the Sikhs in Punjab and the Kashmiri Muslims.

□ 1750

Mr. Speaker, that situation appears to have worsened in recent days when the Prime Minister of India, V.P. Singh, issued a statement urging the Indian people to "prepare psychologically" for war. Rather than preparing for war, India should prepare to end any repression and grant freedom to the Sikhs and Kashmiris.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the organization which leads the Sikh struggle for freedom worldwide, recently issued an open letter to Prime Minister Singh in which he states that if Mr. Singh's saber-rattling succeeds in provoking a war, the Sikhs and Kashmiris will fight alongside Pakistan to insure their freedom from India and its continuing repression. This would be a disaster for India and for the subcontinent.

The Sikhs have every reason to seek their freedom. Sources indicate that over 80,000 Sikhs have been killed in India since the Indian Government's action against the Golden Temple, Sikhism's holiest shrine, in June 1984. I have been led to believe that another several thousand are still in Indian jails for political offenses—allegedly being held without charge, trial, or access to legal counsel. If this is indeed true, then they are being denied basic civil rights by the continuing application of the repressive 1984 Terrorist and Disruptive Activities Act, which permits the security forces to arrest and detain indefinitely anyone they arbitrarily decide is a terrorist. Yet, to my knowledge, no supposed Sikh terrorist has ever been brought to trial. Instead, they reportedly die in police custody or in extrajudicial killings known as fake encounters.

The Punjab Human Rights Organization, chaired by the respected former Justice of India's High Court, Ajit Singh Bains, is apparently claiming that extrajudicial killings by the security forces have increased since

Mr. Singh took office. This organization maintains that some 7,000 Sikh youths have been killed by the security forces in the past 2 years alone. Again, if true, this is so despite Mr. Singh's supposed promises of reconciliation. Furthermore, reports indicate that two Sikh Members of Parliament were allegedly beaten and injured in February while participating in a supposedly peaceful demonstration. Again, on December 28, 1989, the Hon. Jagdev Singh Khudian, a Sikh Member of Parliament, is said to have been kidnapped by the security forces—while I have been told that the authorities announced 5 hours later that he had committed suicide. Interestingly, when his body was found 5 days later an autopsy is said to have revealed that he had been dead for only 20 hours. The cause of death was allegedly a blow to the abdomen which could not have been self-inflicted.

If these atrocities have in fact taken place, the Sikh nation has reason to fight India for their freedom. Indeed, on October 7, 1987, they reportedly declared themselves the independent nation of Khalistan. I am on record as saying that Khalistan is the only solution to the Punjab problem. But apparently, Prime Minister Singh would rather blame Pakistan and fan the flames of war. I believe that Khalistan would like to settle the issue peacefully, by sitting down with the Singh government and negotiate the boundary between Khalistan and India.

The situation in Kashmir is said to be just as bad. Reports indicate that the regime has recently imposed a permanent curfew and an economic boycott more stringent than that which the Soviets recently imposed on Lithuania. Two recent massacres in the Kashmiri capital city of Srinagar have supposedly killed hundreds of people. I am told that the media has been completely banned from Kashmir. Nevertheless, it is my understanding that India publicly agreed in 1949 to let the Kashmiri people decide their future by plebiscite. Yet they apparently continue to impose a reign of terror on those innocent people who—according to the reports—only seek their right to self-determination.

I am even told that the Indian regime is so eager to cover its brutal repression that it will not allow Amnesty International or other human rights organizations to investigate the situation. Even Castro's Cuba is said to permit Amnesty International to operate in the country, but India, which allegedly claims to be the world's largest democracy, apparently does not.

The open letter by Dr. Aulakh will further enlighten my colleagues on the terrible situation there, and I am including it in the RECORD with these remarks. I hope that the United States will take the principled stand and try to help achieve freedom for Khalistan

and self-determination for Kashmir by peaceful means. Further war is not in anyone's interest.

The letter referred to is as follows:

COUNCIL OF KHALISTAN,
Washington, DC, April 17, 1990.

WAR WITH PAKISTAN WOULD BE DISASTER FOR INDIA; KHALISTANIS, KASHMIRIS WILL FIGHT ALONG WITH PAKISTAN

DEAR PRIME MINISTER SINGH: Your recent statement urging the Indian people to "prepare psychologically" for war with Pakistan was irresponsible and inflammatory. It is not Pakistan which is responsible for your troubles in Punjab and Kashmir. No, instead of preparing for a futile war with Pakistan, you should be preparing the Indian people to give freedom to the Sikh nation and self-determination to the Kashmiris.

The peoples of Kashmir and Khalistan don't want Indian suppression and genocide. Your regime must stop these imperialist, terrorist policies. The massacres at Srinagar and the recent killing and brutal beating of Sikh Members of Parliament have only made our people more determined to throw off the yoke of oppression.

In 1949, India committed to a plebiscite in Kashmir. But if the Kashmiris dare to ask for that promise to be fulfilled, they are brutalized and murdered by your security forces. The Sikh nation of Khalistan declared its independence for India on October 7, 1987, and severed all ties to the Indian constitution. Your response has been to murder our leaders like Jagdev Singh Khudian, continue the policy of genocide against our people which has resulted in over 90,000 deaths since your terrorist attack on the Golden Temple—our most sacred shrine—in June, 1984, and the arrest and detention of another 14,000 Sikhs without charge, trial, or access to legal counsel—basic human rights which any democracy grants to all its citizens.

Your regime has committed untold atrocities against our people. As Max Madden, A British MP who has recently returned from India, reports, "I shall never forget the Sikh father whose daughter was raped and drowned by a police officer. The father was brutally beaten by police three times over two days. He was seeking the return of his daughter's body for cremation. He was warned that if he did not stop complaining, what had happened to his 14-year-old daughter would happen to his 7-year-old daughter. The father is refusing to wear shoes until he gets justice. I shall not forget the young Sikh who was shot as a terrorist after he stood with his arms above his head in a field for five minutes. The police later admitted that they had made a mistake. Senior police officers saluted at the young man's cremation. His family is still waiting for the compensation that it was promised. I shall not forget the relatives of the young man who was shot while marching in a Sikh religious festival. Again, the police admitted a mistake. His brother has been warned off pressing for police officers to be punished."

"There were men and women who showed us bruises, scars, broken arms and broken legs which were the result of police interrogation. I shall never forget the men and women who complained of systematic police harassment, with regular house searches, property smashed, goods and money stolen, and threats of extortion of money to avoid imprisonment", Madden reported. These

acts are typical of the policies of your regime.

According to the Punjab Human Rights Organization (PHRO), chaired by the respected Justice Ajit Singh Bains, 7,000 Sikh young men have been killed by police in extrajudicial killings in the last two years alone. These killings have increased under your regime.

As President of the Council of Khalistan, I warn you that this time if you go to war with Pakistan, the Sikh nation will fight alongside the Pakistanis to liberate our homeland, Khalistan, and alongside the brave Kashmiris to insure their right to self-determination. This will mean an embarrassing loss for India.

Punjab belongs to the Sikhs. We ruled it from 1770 until the British annexation in 1849. When the British quit India, they recognized three nations which were to receive power: the Hindus (India), the Muslim League (Pakistan), and the Sikh nation. The Sikhs opted to take our share within India on the solemn assurance of Nehru and Gandhi that we would be treated as equals and no law would be enacted which was not acceptable to the Sikhs. Nehru promised that "in the north of India, the brave Sikh people will know the glow of freedom." But from the achievement of independence, the Indian government has betrayed us. Instead of the glow of freedom, we have known only the dark cloud of oppression and genocide. Just as India sought to be free from British control, now Khalistan seeks to be free from Indian control. You have betrayed all your promises to the Sikh nation.

Freedom is the birthright of all people and all nations. Khalistan and India are neighbors. Isn't it better for your security to live in peace with your neighbors, rather than trying to suppress their desire for freedom through brutality and genocide? Recent experience should show you the futility of your efforts to bend your neighbors to your will by force. If 50,000 Indian troops cannot suppress the Tamils in Sri Lanka, do you think you can continue to suppress the freedom of the Sikh nation in Khalistan. Do you think you can forever deny the Kashmiris their right of self-determination?

If three million brave Lithuanians can claim their freedom from the Soviet Union, how can you imagine that your troops can keep 17 million Sikhs suppressed any longer?

Your calls for war are opening the way for a disaster, Mr. Prime Minister. Continuing your repressive, terrorist, and genocidal policies will only further the erosion of India's tattered image around the world. In spite of your best efforts, the truth about your regime is coming out. Isn't it time to sit down and peacefully demarcate the boundaries between India and Khalistan? Isn't it time to let the Kashmiris decide their own fate, as India promised to do in 1949? Or is a futile war and massive bloodshed what you and your Hindus fundamentalist oligarchy prefer? Please do not do this to the region, Sir. Please end this peacefully by peacefully demarcating the boundaries between India and Khalistan, and withdrawing our occupying army from Khalistan. Your people and ours demand it. Humanity demands it.

Sincerely,

Dr. GURMIT SINGH AULAKH,
President, Council of Khalistan.

Mr. BLAZ. Mr. Speaker, as one who has participated in more than my share or more than I would have cared to in this business of war, it was with a

great deal of thought and consciousness that I decided to retire and turn in my sword for the pen that I now hold here in this House.

War is a lousy solution.

But let me commend so many people who have led this movement before me so that I do not want anyone thinking that somehow I deserve any kind of credit. I am talking about the distinguished gentleman from Indiana [Mr. BURTON], the distinguished gentleman from California [Mr. DREIER], and the distinguished gentleman from California [Mr. LAGOMARSINO], who come to this floor to make this case in behalf of human rights.

You know, it would be a lot easier not to get involved but I always thought back on my own experience and wonder what would happen to me if someone like the Burtons, the Lagomarsinos and the Dreiers of life had not been involved.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Guam, General BLAZ, for his very able contribution. He does not give himself credit appropriately. He is certainly one of the most decorated heroes, having struggled over decades in behalf of the freedom which we all enjoy, and he understands very clearly what it is that the people of India are desperately seeking.

Now, Mr. Speaker, I would like to thank my colleague, the gentleman from California [Mr. LAGOMARSINO] for joining us, and yield to him at this time, the former mayor of Ojai.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman in the well, the gentleman from California [Mr. DREIER] for taking out this special order and thank the gentleman from Indiana [Mr. BURTON] for having an earlier special order on the same subject. Of course, I join the gentleman in the well in commending our distinguished colleague, General BLAZ, for his efforts and for his comments here this afternoon.

Mr. Speaker, for years, many of us in the Congress have lamented the tendency among some of our liberal colleagues to hold a double standard on human rights, by denouncing human rights violations by authoritarian regimes or rightist military regimes but ignoring those violations by leftist or totalitarian regimes.

There are also those in this body who hold a double standard on human rights depending on whether the offending country is an ally or not or a democracy or not.

If you truly support the protection of human rights, then you must speak out about abuses and repression wherever they occur. Being an ally or being a democracy should not grant a nation

immunity from criticism for human rights abuses.

Such is the case with India. In terms of population, it is considered to be the largest democracy in the world.

Yet, human rights abuses do occur in India, particularly in the State of Kashmir and in the Punjab among the Sikh and Muslim populations.

Anyone who has followed closely the events in India in recent years knows the tensions and the tragedies that have prevented the peaceful coexistence of the peoples inhabiting that northern Indian State and the Punjab.

Without attempting to reconstruct all the charges and countercharges on each side, I believe it is important at this point for all sides to realize that further provocative acts by the Government and by the opposition will only produce greater bloodshed without achieving a peaceful resolution of the problems confronting the people of Kashmir and the Punjab and the Government of India.

One way to help reduce the tension and the atmosphere of distrust and confrontation would be to permit a respected organization devoted to the protection of human rights to review the situation in the State of Kashmir and the Punjab and in India. By allowing such an organization, like Amnesty International, to assess the human rights situation in India, it might be possible to develop an impartial basis on which to advance a dialog between the groups in conflict.

Only through peaceful dialog will it ultimately be possible to resolve the differences confronting those who are being persecuted and those who are abusing the rights of a significant minority.

All of us who seek protection of human rights must join together in calling on the Government of India to allow human rights observers to review the situation in India and to offer our support for a peaceful resolution of the crisis affecting the competing sides in India.

□ 1800

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from California, for his contribution and the efforts he has put forth over the years in behalf of this very important issue.

We have with us two Members who have been extraordinarily active in behalf of this cause over the past several years, Mr. Speaker, and I will mention the legislation which has recently been offered in the form of the Human Rights in India Act, H.R. 4641. That legislation has been introduced by my colleague, the gentleman from Indiana [Mr. BURTON] and my colleague, the gentleman from California [Mr. HERGER], who has been working

with our good friend, Dr. Aulakh, over the years in behalf of such cause.

Mr. Speaker, I first yield to my friend, the gentleman from Indiana [Mr. BURTON], who has spoken earlier today on this issue but who I know has other important contributions to make.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague, the gentleman from California, who really is a fighter for human rights around the world, for taking this special order. I am rather glad that the gentleman took this special order because if he had not, we would not have had the opportunity to hear from some of our other colleagues because my special order ended so quickly. I really appreciate the gentleman doing that, and I know my colleagues from the Punjab and Kashmir appreciate his efforts as well.

I think, speaking in generalities, particularly when our colleagues are listening or other people who are interested are listening, sometimes it does not hit the mark, so what I would like to do is for just a couple of minutes talk about specific atrocities that are taking place in Kashmir and the Punjab so that my colleagues who are paying attention will know precisely what we are talking about. Let me just give the Members a few examples.

Mr. DREIER of California. Mr. Speaker, as the gentleman knows, we have a litany of examples. I have an entire file folder filled with examples here. When the gentleman said, "I have a few examples," let me point out that we know the situation is so tragic that there are many examples.

Mr. BURTON of Indiana. There are thousands, literally thousands of examples. But I think my colleague and I agree that it is important to specify these few examples.

Mr. DREIER of California. Absolutely.

Mr. BURTON of Indiana. It is important to specify them so people will know how bad it is.

Indian troops attacked a peaceful protest rally staged by girl students in February in Srinagar—I hope I pronounced that right—and they beat those students severely.

Indian occupation forces shot and killed a 7-year-old boy in Srinagar in Indian-occupied Kashmir on January 10, 1990, for displaying a Pakistani flag. We are told a 7-year-old boy was killed just because he was showing a flag.

This is really an atrocity. Indian occupation forces who have heightened their terror campaign in occupied Kashmir cut into pieces—listen to this—cut into pieces the bodies of 37 Kashmiris and have strewn these pieces of their bodies over a wide area. Not only is that an atrocity, that is unthinkable. It is unthinkable that they would do that sort of thing.

Kashmiri lawyers boycotted the courts recently because they had been ransacking the offices of permanent lawyers and trying to control what they do in the courts. Indian troops brutalized Kashmiri women in Rishra.

Indian occupation forces shot dead over a dozen Kashmiri demonstrators on January 8, as the freedom struggle attained new intensity. Indian occupation administration has rearrested Bashmir Ammad Bat, Secretary General of the Masash Abadi recently. They are holding him without trial for up to 2 years. Not only are they committing these atrocities, they are holding people without trial.

Then we talk about our good friends, the Sikhs. This gentleman, Max Madden, from the House of Commons reports that there was a Sikh father whose 14-year-old daughter was raped and drowned by a police officer, and then the father was brutally beaten by police three times over the next 2 days. He was seeking the return of his daughter's body for cremation, and he was warned that if he did not stop complaining, what happened to his 14-year-old would happen to his 7-year-old daughter, that she would be raped and drowned.

This Mr. Madden went on to say, "I shall not forget the young Sikh was shot as a terrorist after he stood with his arms over his head in a field for 5 minutes." The guy had surrendered. I mentioned this earlier in my remarks. And he said he should not forget the relatives of the young man who was shot while marching in a Sikh religious festival.

They admitted that it was a mistake. What kind of a mistake is that when they had taken a life?

He said he should not forget the 500 prisoners in Amritsar security prison who were lined up in the Sun to meet him and his team. Each one was holding his record papers. There were more than 300 held on very petty offenses without bail, and the youngest was a boy of 14. And they are holding these people for up to 2 years.

Then he talks about the scores of people he met when he was over there, men and women and children who showed him bruises and scars and broken arms and legs that were the result of police interrogation and torture.

Then he talked about the widows and the orphans who were suffering because of their loved ones, their husbands and fathers that had been killed and tortured and not accounted for.

So I just say to my colleague that I think these specific examples may emblazon upon the hearts and minds of our colleagues and the people who are paying attention to this special order the magnitude of this torture and tragedy that is taking place over there.

We in America live in a democracy supposedly not unlike the democracy

that exists in India, and we believe in human rights and we believe that atrocities like this should not take place anywhere in the world, but especially not in a country that proposes to have a democracy.

Mr. DREIER of California. Mr. Speaker, if I may reclaim my time for just a moment, I think the gentleman makes a very good point.

As has been pointed out by a number of our colleagues, this is supposedly the largest democracy in the world. We constantly hear that, and we know that last November, with the election of Prime Minister Singh, there were many people who believed that although human rights violations had been ignored under the government of Rajiv Gandhi, many held out a great deal of hope that under the Singh government there would be a greater recognition of these human rights violations. But tragically, we have gotten to the point where there has been very little, if any improvement, and in some areas, as we all know, for those seeking freedom in Kashmir it has gotten worse with the kinds of curfews that have been imposed, along with these extraordinary examples.

One of the points that needs to be made, of course, is that when we heard from Mr. Madden, who is the member of Parliament, a member of the House of Commons who entered the statement to which my colleague referred in the March 22 issue of the record kept in Parliament, it was very clear that that was his finding, because we know that we do not have the independent finding of Amnesty International.

In fact, India is the only democracy on the face of the earth which has not allowed Amnesty International to go in and observe the kinds of atrocities that are taking place, and I think the fact that they have violated it leads us to recognize the fact that human rights violations are going on.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield further?

Mr. DREIER of California. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I do not know why they will not let Amnesty International or any human rights group in there, but what really mystifies me is, as I understand it, the fact that they will not even let the Red Cross in there. That is a very humanitarian organization that has no political ties to anybody. They are just there for humanitarian reasons. I think that is an indictment of the Indian Government, that they are keeping human rights groups out, and even more so, it is a greater indictment because they will not let the Red

Cross in to help those people who are suffering over there.

□ 1810

Mr. Speaker, that is a very good point that the gentleman from Indiana [Mr. BURTON] makes.

As we continue to look at some of the other atrocities; I was just looking at one of the examples here where 88 policemen were involved in rapes in one single village raid.

Mr. BURTON of Indiana. Now wait a minute. Let me get that straight. Eighty-eight?

Mr. DREIER of California. Absolutely.

Mr. BURTON of Indiana. Eighty-eight policemen were involved in this?

Mr. DREIER of California. Eighty-eight policemen were involved in the rapes during one single raid in a village.

Now, if we were to see this kind of atrocity taking place in almost any other part of the world, we would see outrage expressed all over the floor of this Congress, and that is why I implore my colleagues to recognize that these kinds of things are taking place, and we should not stand by while this government does this.

Mr. Speaker, we have also seen on top of these atrocities assistance going to the government which we have been fighting throughout the past decade, and 1.5 million people have lost their lives for. That is the government of Dr. Najibullah of Afghanistan.

Mr. BURTON of Indiana. Right.

Mr. DREIER of California. Mr. Speaker, the Indian Government has continued to provide backing for that Soviet-backed regime there which has overthrown the people of Afghanistan, forced a third of their population into refuge, into Iran and Pakistan, and they now have the support of this government which is standing by and tolerating these kinds of human rights violations in their own country of India.

Mr. BURTON of Indiana. The gentleman from California [Mr. DREIER] is right, and, if the gentleman will yield—

Mr. DREIER of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to send a message to the new Prime Minister of India. I mean he has been in a short time. His predecessor, Mr. Gandhi, was looked upon by many Members of this body with a great deal of disfavor because of the atrocities and human rights violations that were taking place in the Punjab, and Kashmir and elsewhere, and I would just say that Mr. Singh has a tremendous opportunity to bring about positive change in creating a new human rights image for the country of India, if he will but do it. Many of the Indian people who are

not Sikhs, who are not Kashmiris, share our concerns about the human rights violations, and I think that Mr. Singh could be one of the most popular leaders India has ever had if he would forthrightly say to the people of that country, "We're going to do away with terror. We're going to do away with these human rights atrocities and human rights violations and make sure that everybody is treated humanely."

Mr. DREIER of California. The gentleman from Indiana [Mr. BURTON] is absolutely right. There is no doubt about that, but the tragic thing is the record, as has been developed over the past several months since the election in November, it is atrocious.

The day before yesterday on the front page of the Los Angeles Times, a paper which I read naturally, there was an article which says, "For Kashmiris, Uprising Brings Fear, Pain, Deaths," and in this article it says:

India's security forces launched a bloody crackdown on the Kashmiri uprising for independence, hundreds have been killed, thousands have been beaten, tens of thousands have been searched and hundreds have been jailed.

Mr. Speaker, it goes on to say that doctors and nurses say that their ambulance drivers have been beaten, and hospital staff members have been arrested and tortured. And this is all in this article in the Los Angeles Times, and, Mr. Speaker, I ask unanimous consent that I be able to incorporate this article from our hometown newspaper in the Record at this point.

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

There was no objection.

The article referred to is as follows: [From the Los Angeles Times, May 6, 1990]

FOR KASHMIRIS, UPRISING BRINGS FEAR, PAIN, DEATHS

(By Mark Fineman)

SRINAGAR, INDIA.—In the shadow of the snow-capped Himalayas, beside the tourist houseboats that ring Kashmir's legendary Nagin Lake, Prof. Mohammed Yusuf watched in disbelief last week as Indian soldiers beat his only son.

"At least 200 of them fell on him and started beating on him with their fists and sticks," the 70-year-old retired school principal said, his voice cracking.

"I thought he was dead. But I threw myself on him to save his head. I took two strokes on my back before they pulled me off. And then they just kept beating him and beating him and beating him until he passed out."

And all because of four letters hand-painted on an old chinar tree just outside Yusuf's family house—that, and his son's defiance when the soldiers ordered him to lick each letter off with his tongue.

The letters were J.K.L.F.—the ever-present signature of the armed Jammu and Kashmir Liberation Front secessionist force. And the drama that unfolded on the banks of the lake that was once a mecca for international tourists was typical of a litany

of horrors that has transformed India's majestic northern most state into a nightmare in paradise.

In the two months since the state government expelled foreign journalists from Jammu and Kashmir and India's security forces launched a bloody crackdown on the Kashmiri uprising for independence, hundreds have been killed, thousands have been beaten, tens of thousands have been searched and hundreds have been jailed.

Reliable numbers are impossible to obtain. Few journalists have ventured into the embattled state since it was declared off-limits to the press.

But, for three days last week, a Times reporter quietly toured Kashmir's war-torn capital of Srinagar by bicycle, interviewing dozens of Kashmiris, ranging from truck drivers to doctors, and witnessing the daily "cross-firings" between Kashmiri urban guerrillas and Indian troops. These clashes have left scores of civilian bystanders dead and spread panic throughout this once-idyllic Himalayana city.

The visit found a once-rich region that is suffering physically and all but dying economically. Tourism, which once provided 80% of all revenue, is non-existent. And everyone said they are living in fear—either of mukhbirs, military informants, or of moujahadeen, Islamic holy warriors from any one of half of dozen armed Kashmiri insurgent groups.

"We only have two choices now," one prominent Kashmiri businessman said, asking not to be named. "Either you become mukhbir or moujahadeen. And, in either case, maybe you die. But, even then, almost everyone is moujahadeen now. Everyone wants independence."

The uprising, in which Kashmir's overwhelming Muslim population is demanding secession from Hindu-dominated India, has assumed grave international importance in recent weeks. India has accused its Islamic neighbor, Pakistan, of training and arming Kashmiri insurgents across the state's international border, and Indian Prime Minister Vishwanath Pratap Singh has warned his nation to prepare for its fourth war with Pakistan in 30 years.

Fighting over the territory in 1947-48 resulted in a division of the Kashmir region, with India controlling the southern part and absorbing it as an Indian state, and Pakistan administering the northern part. Indian and Pakistani troops face each other along a cease-fire line across the region.

Even if the current conflict stops short of war, something most analysts hopefully predict, Kashmir has become a critical test case for India's claim as the world's largest secular democracy.

Already, Indian human rights groups have harshly condemned the army's brutal crackdown, which is being carried out largely by Hindu troops and presided over by the state's appointed Hindu governor, Jagmohan.

Most independent analysts in New Delhi agree that much of the Kashmiris' anger and frustration is well-founded—the result of decades of political manipulation and broken promises by national politicians in New Delhi, who are bound by a 1947 accord that granted the Kashmiris full autonomy in all fields except defense, communications and foreign affairs. That guarantee was the basis of Kashmir's original decision to join India rather than Pakistan during the partition of the subcontinent.

Even several senior army officers involved in the crackdown told the Times privately

that they blame the New Delhi government for failing to defuse the unrest politically before resorting to what one army general called "territory bitter medicine."

"The Kashmiri problem was created by the failure of the political process," said Indian political analyst Rajni Kothari, who serves on the governing planning commission and signed a recent published appeal for peace between India and Pakistan.

"The movement in Kashmir is toward democracy and independence, and there is simply no wishing it away."

Despite the Indian military campaign to force Kashmiris to remove the pro-independence and anti-Indian graffiti from the walls, trees and lampposts of Srinagar, the city remains covered with the written code of anger and secession.

"I.D.G.B." is the most common scrawl on walls throughout the city. It stands for, "Indian Dogs Go Back."

Thousands of house-to-house searches have failed to unearth major arms caches or break the militants' inner-city underground network.

In daylight and just yards away from Indian sentries, a reporter was taken to the home of a top leader of the Jammu and Kashmir Hezbollah Moujahideen, the less popular pro-Pakistan faction of the two major armed groups in the militant alliance. There, with an AK-47 assault rifle that was once part of a U.S.-financed arms shipment to Afghan moujahideen rebels at his side, the leader pledged to intensify the Kashmiri rebellion later this year by using more sophisticated weapons. These, he said, would include U.S. Stinger anti-aircraft missiles that he said the Kashmiris are buying in Pakistan.

"Until then," he said, "we'll continue using just grenades and small arms" to carry out daily attacks on Indian army bunkers and convoys, which he called "a catch 'em while they're sleeping" tactic.

Despite the presence of thousands of Indian soldiers and paramilitary forces in a city that has suffered longer under curfew than any other Indian city in recent memory, scores of Kashmiris openly greeted a passing reporter with such phrases as "those bloody Indian dogs" and "all we want is freedom."

Everyone interviewed at length told a personal tale of torture or deprivation.

Maulvi Mohammed Hussain Turibi, the imam (preacher) at the Batamaloo Sahib Mosque in Srinagar's old city described how he and his son were beaten, kicked and punched by soldiers intermittently for an entire day while being forced to walk through the neighborhood, using their bare hands to cover wall slogans with cow manure.

"I had been preaching what the prophet used to say," Turibi said when asked why he and his family were singled out. "I used to preach that we are slaves, that we should get liberated."

"But we are being terrorized now, and I feel that if I speak out again, I will again be taken and beaten."

At a hospital, several surgeons and physicians, all of whom asked not to be named, gathered in the chief surgeon's office and described the human toll of 15 consecutive days of round-the-clock curfew, followed by an intermittent curfew last week.

Diabetics and heart patients have died for lack of medicine, they said. Pregnant women delivered stillborn babies because they couldn't reach the hospital. Children have died of acute gastroenteritis. And a

continuing meningitis epidemic has claimed the lives of many others.

Conceding their support for the armed liberation movement, the doctors said they are being followed by "Indian agents." They said that their ambulance drivers have been beaten and hospital staff members have been arrested and tortured.

"Look what this government has done," one of the doctors said. "A bureaucrat is a suspect. An engineer is a suspect. A doctor is a suspect. A lawyer is a suspect. My god, a policeman is a suspect."

"If we are all suspects, then who is with them [the Indians]?"

Gov. Jagmohan, who was appointed by New Delhi and given almost unlimited power to resolve the Kashmiri crisis in February, insisted that his harsh strategy is working and that most of the Kashmiris are now against the militants. He denied that the movement is an uprising.

"This is not my perception," he told two American journalists after they emerged from Srinagar's political "underground" Friday. "My feedback is entirely different. . . . When the people meet us now, they say; Thank God you saved us from these terrorists."

Rejecting the reporters' observations that entire neighborhoods of Srinagar are still thick with liberation front flags and discounting firsthand reports of the army's harsh campaign against the wall slogans, Jagmohan added, "There is hardly any flag of the militants flying in this city, and the slogans are no longer there on the walls. The people themselves are removing the slogans."

"All these things show there has been tremendous positive gain."

The governor, who had enjoyed wide popular support from the Kashmiris after his first term during a less-troubled time in the 1980s, insisted that the crackdown was regrettable but necessary.

"How many people did Abraham Lincoln have to kill to preserve the American union?" Jagmohan said in justifying the Indian campaign to retain one of its most strategic border states.

"I don't think the people are that upset by the searchers and all—well, maybe some, yes—but we had no other option but to go in for this," he said, interrupting the interview at one point to angrily tell an official of state-run television over the telephone, "Why can't you go film in some remote areas where life is normal and show that."

But there were no film clips of Kashmir on the state-run news that night. There was only an announcer reading from a Tele-Prompter—one paramilitary soldier shot dead and three others wounded when "terrorists" opened fire on a convoy of troops.

The announcement was followed by a long interview with India's home affairs minister, Mufti Mohammed Sayeed. A Muslim, Sayeed took office last November with Prime Minister Singh's moderate, National Front coalition government, which is under increasing pressure from its coalition partner, the strongly Hindu Indian People's Party, to continue the Kashmir crackdown.

"The National Front government is here to give the healing touch to Kashmir," Sayeed said on the screens of thousands of TV sets throughout Srinagar on Friday night. "Kashmir is a paradise on earth. . . . Kashmir must remain a part of India. . . . India is a multi-ethnic, multicultural, multi-linguistic, multi-religious democracy. . . . Kashmir is a symbol of Indian secularism."

In the curfew-closed neighborhoods of Srinagar, however, few felt "healed" by

Minister Sayeed, and many simply laughed sardonically and switched off their sets.

But the old professor, Mohammed Yusuf, whose son was nursing his many bruises and paralyzed left arm, simply sighed through his tears and said, "Now, I want to run away from this place, away from my beautiful home. They are killing people daily here. I can't stand it. I just can't stand it. I can't watch my children dying one by one."

Mr. DREIER of California. Mr. Speaker, I would like to yield further to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I just have one final comment, and that is, first of all, I want to thank my good friend and colleague, the gentleman from California [Mr. DREIER] for taking this special order, and I would just like to say that I know our hearts bleed for the people of Kashmir and the Punjab who are suffering these atrocities, this inhuman action, these indecent acts against humanity, and I hope and pray that through some way we can get a message to the Indian Government to bring about some change that will end these things, these horrible things that are happening over there, and I would just say to our friends in the Punjab and Kashmir that we will not give up this fight until things change over there. We are going to be on this floor for as long as we are in Congress fighting for human rights, not only in other parts of the world, but in the Kashmir and Punjab as well.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Indiana [Mr. BURTON] for his very able contribution and the fact that he has been struggling throughout his entire tenure here in the Congress on behalf of the cause of freedom, wherever it is in the world.

As my friends know, we have been joined by our very good colleague, the gentleman from California [Mr. HERGER] who is also a cosponsor of the human rights legislation for India, and I am happy to be with him, and I am very happy that he is a Californian, and, with all due respect to my friend, the gentleman from Indiana [Mr. BURTON], he is from the other part of the State, and he is the one who also trained for me my very able foreign affairs legislative assistant, Mr. Riggs, who has helped in putting this together. I am happy to yield to my friend from California.

Mr. HERGER. Mr. Speaker, I thank my colleague, the gentleman from southern California [Mr. DREIER] for holding this special order today and allowing us to bring out some of the numerous, alarming facts that are so very prevalent and are coming more and more to the attention of the American people and to the world of what is going on in India and, particularly, within the Punjab. My concern

is one that is very strong and very strong for the fact that some 15,000 Sikhs live within my district in northern California, and I have been hearing of their plight, the plight of their relatives and their friends who are within India and within the Punjab for many, many years now. So, again I want to thank my colleague, the gentleman from Indiana [Mr. BURTON] and my colleague, the gentleman from California [Mr. DREIER] and so many others who are helping to bring to the forefront the great atrocities that are indeed taking place.

As was mentioned earlier, presently, every single democracy in the world allows independent human rights groups such as Amnesty International to visit their country; that is every democracy except India.

Even the Soviet Union and Cuba have allowed Amnesty International to conduct its investigations within their borders.

It's time for glasnost to reach India.

It's time for Amnesty International to be allowed inside of the world's largest democracy.

The reports I receive as to who is responsible for the tragic civil violence are contradictory.

As expected, each side blames the other.

The Indian Government blames religious radicals. Representatives of the Sikh community blame agents of the state. Those of us on the outside are left to weigh the claims of one side against the other.

If the Indian Government is correct about the source of the terrorism, it should have nothing to hide and therefore should change its policy and allow Amnesty International and other private human rights groups to conduct their investigations.

This last Sunday, the Washington Post reported several incidents of human rights abuses inside India. The story mentioned that the Indian Government believes such reports are concocted by propagandists for those who want a separate state.

But the report also said that "physical evidence of abuses by security forces—in the form of scars, bruises, smashed windows and charred buildings—is widely visible."

After the change of Government in India last December, many believed that there was a chance for hope, hope that a new era of human rights could begin in India.

It was a truly dramatic event last year, when almost 300 million Indian citizens participated in the election of a new government.

The ability to vote, however, is only one aspect of freedom. True democracy involves more than the ability to cast ballots or change administrators. True democracy involves freedom of speech, freedom of the press, freedom of religion, freedom from persecution.

I believe it is interesting to compare what happened in El Salvador, for example, when six Jesuit priests were gunned down. The media was filled with the news of the tragedy, and the voices of condemnation of the Salvadoran Government were loud.

Salvadoran President Cristiani was called upon to conduct a serious and thorough investigation. President Cristiani promised justice, and since then, an extensive investigation was conducted. Technical assistance was given by the FBI, Scotland Yard, and the Canadian and Spanish police departments.

In India, however, the investigation into the murder of Mr. Khudian, a newly elected member of the Indian parliament, produced no charges at all. The Indian Government merely stated that they suspected the murder was committed by religious extremists.

The Punjab human rights organization is one of the few sources of information for events occurring inside of the Punjab aside from the Indian press.

□ 1820

I am curious as to why there has not been a worldwide outcry over the behavior of the Indian military during recent violence in Kashmir.

When the Government of China fired on unarmed demonstrators last summer, there was justifiable outrage throughout the free world.

When the Chinese Government restricted the movement of the international press last year after the crack-down in Tiananmen Square, it was front page news.

But when India fires on unarmed demonstrators and removes the news media from Kashmir, the world is relatively silent, and aside from scattered reports in the news media, the international community seems to have ignored the events in Kashmir.

It is my hope that in the future the international community will give the kind of attention to India that it has given to China.

The world's largest democracy deserves the same level of scrutiny that is given to the world's most populous nation.

In closing, I want to reiterate the fact that every democracy in the world allows independent human rights groups to conduct their investigations, every democracy, that is, except India.

I must say that it was interesting to see free Romanians tearing down a statue of Lenin, especially in light of the fact that a bronze statue of Lenin still stands in the Indian capital.

There is definitely irony in this. Romanians have had enough of Lenin, and are moving toward a free market and openness.

India still honors Lenin with a bronze statue on a bronze pedestal,

and refuses to allow international human rights groups to visit.

Again I thank the gentleman from California for bringing about this opportunity for us to bring more to the forefront, and hopefully that type of positive pressure to the nation of India to bring about these human rights that are so deserved by the people who live there.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his fine contribution.

I could not help think as he was referring to the situation in Romania how we all watched that statue of Lenin being torn down, and to think that today that statue of Lenin still exists in India is a very tragic irony.

The gentleman has worked long and hard in behalf of the cause of freedom, and I was not aware of the fact that he had 15,000 Sikh constituents, so this is obviously an interest which is very near and dear to his office, because I am sure that many Sikhs have come in to visit and discuss in detail this situation with him, so I congratulate the gentleman for his fine work on behalf of the cause of freedom and his constituents.

Another Californian has joined us and I am very pleased that our great new freedom fighter, he has been a long-time freedom fighter, but still considered for just another few months a freshman Member of Congress, but soon he will be graduating into the spot of seniority come January 1991. I am very happy to yield to my friend, the gentleman from Long Beach, CA [Mr. ROHRBACHER].

Mr. ROHRBACHER. I am pleased to join with our colleagues today in voicing our outrage over continued human rights abuses in India, as well as India's refusal to permit human rights organizations, like Amnesty International, from coming in to investigate the charges of human rights abuses and the brutality that we hear exists and is going on, continuing to go on in the subcontinent.

We talked a moment ago about Romania and how difficult it was, or we talked about the tearing down of the statue of Lenin, but my colleagues did not mention how difficult it was to tear down that statue. It took days and days of hard work on the part of the Romanians to tear down that ugly reminder of tyranny that had cast its shadow so long in that country.

Well, the same is true in India. India, of course, is now suffering from some of the products of British colonialism of 100 years ago. One wonders what the natural boundaries of India actually are, when you think that the British colonists came in and drew lines regardless of the natural ethnicities of the people and absent those considerations, but instead on their own political considerations of the

day. I believe that much of the violence and chaos that is now going on in different parts of the subcontinent, especially in the northern part of India, can be traced back to that colonialism.

To solve these problems, the Indian Government cannot just resort to brutality and raw violence. These are the types of problems that call for a commitment to human rights and democracy. This is what should bring out the best in democratic government. Instead, the Indian Government seems to be going in the opposite direction. It seems to be looking for a more totalitarian model of repression as a solution to problems, rather than the opening of dialog and the recognition and the respect for human rights.

I am happy to join with my colleagues. I thank the gentleman from California [Mr. DREIER] for his leadership on this issue to make sure that our country and our Congress go on record and support not just freedom against Communist governments, but in favor of freedom in all countries, whether it is India, which is not a Communist government, or Burma, which is not a Communist government, or South Africa, which is not a Communist government; but Americans stand for freedom not simply because we are against communism, but because it is totally consistent with our ideals as a nation.

Mr. DREIER of California. I think the gentleman makes a very good point which really does need to be underscored, and that is we have, through the revolution of 1989, been talking about the victory of freedom over communism. I cannot help but think of a number of comments which have been made about our goal constantly of defeating communism.

I remember when Richard Nixon addressed our conference, he said,

We really have seen the defeat of communism now, but your challenge is even a greater one. It is the victory of freedom and liberty which is going to be an even greater one, and as we pursue that goal of freedom and liberty, of course it means ensuring it over other types of government which have been repressive.

So yes, the gentleman is absolutely right. We are seeking an end to human rights violations, whether they come from the right, the left, the middle, above, below, wherever, and that is a goal to which the gentleman has aspired to, and I am pleased that he is working on behalf of it.

I am happy to yield further to the gentleman.

Mr. ROHRBACHER. I would hope that the Government of India, as well as the Government of Pakistan, begin their dealings to solve some of the problems in the Kashmir in a spirit of good will that has been absent until this time.

I would just like to place my voice on record as suggesting that both, because Pakistan has been a tremendous friend of the United States and India has been a tremendous example of democracy for the entire world, let those two nations and those two peoples try to solve this program peacefully.

In terms of India itself, I think that we have the right to expect from the world's most populous democracy a better recognition of human rights for their own people and a better assurance to their own people that they can express opposition to some fundamental issues and some fundamental issues are at hand in dealing with the Sikhs and in the Kashmir as to where those boundary lines will be drawn, but their people deserve the right to speak without fear of repression and bloodshed and brutality.

I would like to commend the gentleman again for the leadership he has shown to make sure that America is foursquare on the side of freedom and liberty and good will and respect for human rights.

Mr. DREIER of California. I thank my friend for his very able contribution.

I would like to make a couple of comments in closing along the exact same lines.

It is very important that the United States of America work to ensure strong relations with the Government of India, Mr. Speaker. We know that last November, India's people did experience, as the gentleman said, in that democratic form of government, a free and fair election.

The thing is we do not want to challenge the decision that has been made, but there is no doubt whatsoever that we do have an obligation to challenge violations of human rights, and that is exactly what we are doing here today. We want to see India live up to the claims of democracy and to give single Indian individual the opportunity to determine his or her fate and to feel that they are free of the worries of human rights violations.

I cannot help but think of the quote that was delivered by Mahatma Gandhi when he said:

Nonviolence is the first article of my fate. It is also the last article of my creed. The pursuit of truth does not permit violence being inflicted on one's opponent, but that he must be weaned from error by patience and sympathy.

□ 1830

I hope very much, Mr. Speaker, that the government of Prime Minister Singh will follow the example and these great words of Mahatma Gandhi. I hope my friends from India and around the world will join in this cry for the recognition of human rights of these brave people.

Mr. Speaker, I would like to incorporate an article from the Christian Sci-

ence Monitor about brutality that exists there, an article from India Abroad, the Charhdi Kala newspaper, the Tribune, and the New York Times at this point in the RECORD.

Mr. Speaker, I thank the Members for their contribution and yield back the balance of my time.

[From the New York Times, Mar. 7, 1989]

INDIA TO PROVIDE AID TO GOVERNMENT IN AFGHANISTAN

(By Barbara Crossette)

NEW DELHI, March 6.—India agreed today to provide what a Government spokesman described as humanitarian and technical aid to President Najibullah's Government in Afghanistan, the Press Trust of India reported.

The Government statement, which gave no details, followed a news conference today in which the Afghan Foreign Minister, Abdul Wakil, said he had come to India to ask for material and diplomatic assistance. Afghanistan, now under a state of emergency, is trying to cope with food and fuel shortages as well as an unstable security situation after the withdrawal of Soviet troops on Feb. 15.

Mr. Wakil also said his Government needed help in putting pressure on Pakistan to stop arming the Muslim guerrilla armies trying to topple the Najibullah regime.

AFGHAN MINISTER ASSAILS IRAN

The Indian spokesman did not say what kind of assistance New Delhi might give to Kabul.

India has been alone in South Asia in support of the Soviet-backed Najibullah Government in Afghanistan. India, a nonaligned nation that has generally supported Soviet foreign policies in Asia, continues to maintain a diplomatic presence in Kabul, although all Western and several Eastern European embassies have withdrawn.

At the news conference Mr. Wakil also attacked Iran for wanting to establish a fundamentalist Islamic regime in Kabul. He accused Teheran of being in league with Pakistan in supporting the guerrilla armies.

Iran's role is seen by most other regional nations, however, as more uncertain and problematic following high-level Iranian visits to Moscow and a visit to Teheran by the Soviet Foreign Minister, Eduard A. Shevardnadze.

Iran and Pakistan have apparently not been in total agreement on policies for post-Soviet Afghanistan. Many Pakistanis believe that Iran and Saudi Arabia are competing for influence in Afghanistan, despite the embarrassment this might cause Islamabad, which tries to maintain good relations with both countries.

In Kabul today, an Indian news agency reported, a weekly magazine appeared on the streets carrying an article and the first picture of the former Afghan King, Mohammad Zahir Shah, to appear since his ouster in 1973. Afghanistan, the Soviet Union and India have all tried to persuade Zahir Shah to return as head to a neutral, possible interim, administration in Kabul.

Some of the more powerful, conservative Islamic opposition groups are opposed to the former King's return.

[From the Daily Tribune, July 8, 1989]

CONSTABLE RAPES, KILLS 2 MINORS

SRIHARGOBINDPUR, July 7.—A gruesome incident of rape and murder of two minor girls, allegedly by a Punjab armed Police

constable who was deployed at the special police officers (SPO) picket in Bham village, 9 km from here, has left the people of this sensitive area of Batala police district shocked and agitated.

The decomposed bodies of Sarabjit (14) and Salwinder (13), a class VIII student, who had disappeared under mysterious circumstances from the village on June 11, were recovered by the police from a water-filled drain near here on June 16. The parents of the victims and a section of the villagers whom this correspondent met yesterday alleged that the two were kidnapped by the said police constable who strangled them to death after brutally raping them. Later, he disposed of their bodies.

The persistent refusal of the police to register an FIR against the policeman, whose name figures in the preliminary complaint lodged by the parents, and attempts to "hush up" the case have led to strong resentment among the villagers. When repeated requests and representations by the aggrieved parents to police officials from the SHO to the SSP level failed to bring the culprit to book, a delegation of panchayat members tried to meet the Punjab Governor, Mr. S.S. Ray, who was in the nearby town of Kalanaur on June 19. However, the police did not allow them to meet the Governor.

Agitated, the villagers went to the Deputy Commissioner, Mr. S.S. Sadharao, demanding a probe into the incident and also action against those policemen who added insult to injury by severely beating up the father of one of the girls when he refused to give in writing that it was a suicide case. Taking serious note of the incident, the Deputy Commissioner wrote to the SSP, Mr. Gobind Ram, to conduct an enquiry into the circumstances leading to the death of the two girls who belonged to poor families. He also asked the police chief to register an FIR.

Although the police has rounded up two persons—Purshotam Dev, a PAP constable, and Roshan Lal, an SPO—no case has yet been registered against them. Mr. Gobind Ram has deputed Mr. Aml Kumar Sharma, SP (Headquarters), to probe into the incident.

Narrating the sequence of events, Mr. Joginder Singh, a retired army man and father of Salwinder, said his daughter, along with her friend Sarabjit had gone to the outskirts of village to take clay from the dry canal bed on June 11. The two, however, did not turn up by the evening. When frantic search by the worried parents led to nowhere, they lodged a complaint in the police station here. They expressed suspicion against a police constable who was in charge of the SPO picket in the village before it was removed by the police officials on persistent complaints by the villagers. The said constable was seen roaming under mysterious circumstances near the village hours before the girls disappeared by Mr. Makhan Singh, father of Sarabjit.

Later, Mr. Gobind Ram admitted that he had received complaints of drinking and eve-teasing by the SPO men during a surprise visit to the village in the first week of June.

Holding back his tears Joginder Singh said that despite a number of visits to the police station by him and panchayat members, no FIR was registered against the suspect on the plea that the case would be registered after the girls were recovered—alive or dead. On June 16 a police party took the parents of the missing girls for identification of the two bodies which were recovered in the evening.

True to the fears of the parents, the bodies of their daughters. The police did not even bother to cover the bodies, which were without clothes and decomposed. "I took off my turban to cover the naked girls," said Joginder Singh, sobbing uncontrollably.

In order to complete the postmortem formalities, the bodies were taken to the Civil Hospital Batala, on June 17, when the accompanying police party tried to force the parents not to lay claim to the bodies and declare them as unidentified in front of the hospital doctor. However, the parents refused to do so and approached the SDM for handing over the bodies.

All this while the police party contacted the municipal committee of the town and asked for the cremation of the "unidentified and unclaimed" bodies of the two girls. When Makhan Singh, father of Sarabjit, and Singh, brother of Salwinder, resisted the lifting of the bodies from the mortuary, the police party beat them up in the hospital premises. It was only after their hue and cry and intervention by the people around that the police relented and left the place. Later, the SDM intervened and the bodies were handed over to the parents.

A farm labourer, Makhan Singh was picked up from the village on the same night and was again beaten up in the police station at Srihargobundpur. Showing his legs to show the torture marks, the dazed Makhan Singh said policemen were forcing him to give in writing that the girls had committed suicide. When the police failed to have its way he was released the next day. The parents again approached the SSP, demanding action against the culprits, but to no avail. "Our hopes for justice were dashed to the ground when the police did not allow us to meet the Punjab Governor of Kalanaur," said Makhan Singh.

Mr. Gobind Ram, however, feigned ignorance about the beating up of the parents of the deceased girls by the police but assured to look into this. He persisted that no attempt was made to hush up the case. The sustained interrogation of the PAP constable, he said, had not revealed anything except that he had an affair with the one of the girls.

[Translation from the Charhdi Kala, a Punjabi Newspaper, May 18, 1989]

17-YEAR-OLD SIKH GIRL GANGRAPE AT POLICE STATION

A resident of village Leharka Gurmit Kaur has said in a public statement that she was blindfolded stripped of her clothes and sexually assaulted by Police of Kathunangal Police station in Amritsar. She was speaking to the press reporters in the district court after she had seen her father S. Swarn Singh and brother lodged in jail since two years. Under charges of sheltering Sikh freedom fighters. Student of grade ten was pale with bandages on her body when she was relating the story of her misery.

On April 21, 1989 when she went to their farm with her mother and sister, police took into custody. After interrogation. They were let free in the evening. Next day she was again arrested and took to village Thiriyewal for identification of few persons. She said she knew none of the persons. Then her sister was released and she was separated from her mother and then blindfolded and beaten up with belts. Powdered chillies and fertilizer was put in to her eyes and was hung upside down.

Gurmit Kaur said that drunken Police-men entered her room between 9 and 10 P.M. raped her after blindfolding and re-

moving all her clothes. For two hours she suffered and cried for help but nobody rescued. So she fainted and found herself stark naked when she came to senses.

On April 23rd at 8 A.M. she again fainted when hung upside down. Later in midday summer heat she was stripped beaten and raped repeatedly and was laid out naked in Police station yard in the evening. Many passers by saw her.

Gurmit Kaur told that after her release from Police station she had to stay in Thiriyewal Hospital for many days.

It may be recalled that since the spearheading against the present Sikh movement in April 1978 (by the neo-Nirankaries) atrocities like that against Gurmit Kaur have not come to light when the baptized Sikh Gurmit Kaur was relating her tale of woes to the reporters tears flew even from the eyes of legal professionals there. Bite marks infected by the teeth of cruel policemen were still visible on her face and body. Her face was blushed with insult and anger and said "I will personally avenge this injustice as a true daughter of my Guru who had said that when morality and honour are at stake the use of arms is inevitable."

WHO ARE THE TERRORIST

Is it the peace loving peasants or police in the Punjab? Where statements are written later on blank papers signed coercion threats of life and torture. Teenagers are subjected to inhuman treatment to get incriminating statement from innocent people who are held responsible for alleged actions of their relatives.

Canadians who may or may not have read the news of Balkar Singh Ontario will please read the above news published in Indian Newspapers like The Tribune based on the press conference held in District courts Amritsar. This has also been noted by Punjab Human Rights Commission.

PANEL ALLEGES "STATE TERROR" IN PUNJAB—OFFICIALS' ASSAULT ON INNOCENT PEOPLE ALIENATING SIKHS, IT SAYS

(By Shantanu Ray)

NEW DELHI.—Continued repression and brutality unleashed by the police and intelligence officials on innocent people in Punjab has alienated members of the Sikh community from the masses, an independent fact-finding mission said in a recent report.

The report, "State Terrorism in Punjab," was compiled by a team of two lawyers, a journalist and a film maker, all members of the Committee for Information and Initiative on Punjab. It accused the state police personnel and officials of the Central Investigation Agency of terrorizing people, particularly villages near the Pakistan border, while trying to trace terrorists and extremists.

The villagers, mostly farmers, are normally forced to shelter the ultras, who carry out their hit-and-run attacks at night from the area. The poor villagers, the report said, are in a quandary because they cannot afford to incur the wrath of either the militants or the police personnel.

"Persons are first whisked away by unidentified men, then taken to undisclosed places for interrogation and killed either due to torture or in so-called encounters," the report said, adding: "No cause on earth can be used to justify intentional killings of innocent people."

The police atrocities mentioned in the 61-page report were similar to those witnessed in West Bengal during the abortive Maoist

uprising in the late 1960s when paramilitary troops, in their efforts to trace the Naxalites, terrorized innocent residents of neighborhoods frequented by the youths.

Citing an incident, the report said a cab driver in Chandigarh, Balwinder Singh, was picked up by intelligence men more than a year ago. Gurdev Singh, Balwinder's father, still knows nothing about what happened to his son. He was told by a neighbor that Balwinder was being detained at Patiala and "severely tortured."

"Together with the elected members of his village and village head Ajayab Singh, Gurdev Singh met the then Director-General of Police, Julio F. Ribeiro, in the first week of April," the report said. "Mr. Ribeiro directed him to see the senior superintendent of police at Patiala, Sital Das. When they met Das at his house in Patiala, Das denied that Balwinder Singh was in his custody and expressed his inability to help them. Several months after his abduction, Balwinder Singh remains untraced."

The report puts much of the blame for the atrocities on Govind Ram, the controversial Senior Superintendent of Police of Batala town in Gurdaspur district bordering Pakistan.

CAMPAIGN OF TERROR

The committee members, who toured the entire district, found that most of the villagers had been terrorized and tortured by the chief of police and his subordinates on the pretext of searching for terrorists.

"We were visiting a primary school—Guru Nanak Dev Academy—in Batala . . . Fifteen children studying in the school had lost their fathers in so-called encounters. At this school, we learned about the campaign of terror which Govind Ram has been carrying out in the village within his domain, ostensibly to demoralize the Sikh militants," the report said.

"Many women of the village Sarchur in the district had left their homes in panic to live with their relatives elsewhere," the report continued. "People gave us many specific instances of police atrocities which, in their magnitude and relentlessness seemed to surpass what we had learned so far of the state terror in Punjab."

Citing one such incident, the report said Ram rounded up 400 villagers and threatened them for "harboring terrorists" and accused their women of cohabiting with terrorists. "He then ordered all young men in the assembly to fall on their bellies on the ground," the report said, "and asked his men to beat them with leather belts, bamboo poles and batons. The public flogging lasted for more than an hour."

The report declared: "Those who lack the necessary discipline and self-control to refrain from committing such excesses, no matter how emotionally compelled they may feel in their ire, cannot claim the right to rule."

"Such excesses, more than providing the state with an excuse for enhancing its own atrocities, ultimately serve to corrupt the moral sensibilities of those very men who may have started with morally sound motives."

The committee, which lists more than a dozen such incidents in the report, concluded: "We believe that the character of the repression and brutality unleashed by the state indiscriminately on the Sikhs and the moral lowliness of the officials at the helm of affairs have contributed, more than anything else to the growing disaffection among the Sikhs for the Indian state."

The report was prepared by Tapan Bose, documentary film maker; Ashok Aggaral and Nitya Ramakrishnan, lawyers, and Ram Narayan Kumar, a freelance journalist.

[From the Christian Science Monitor, Aug. 23, 1989]

ARRESTING INDIAN'S POLICE BRUTALITY—AWARENESS IS GROWING AMONG GOVERNMENT AND POLICE OFFICIALS OF THE NEED FOR REFORM

(By Sheila Tefft)

Last November, the Delhi police hauled Ram Swaroop and seven other poor laborers from their huts and ordered them to work without pay.

The drunken policemen beat the workers, then took Mr. Swaroop away. His body was found in a nearby canal. Human-rights lawyers sued the police and won a Supreme Court order of \$3,000 compensation for his family.

They also ordered a rare admission of guilt from police officials investigating the killing. The five policemen involved are being prosecuted for murder.

The tragedy of Ram Swaroop highlights the problem of police brutality in India, for which Indian police have gained a widespread reputation during more than 40 years of independence, human rights activists say.

The incident also points to a new awareness among government and police officials of the need for reform.

"The common perception is that police are bullies who beat people at the slightest provocation and are corrupt," says Rajavijay Karan, Delhi's police commissioner and architect of a new reform campaign aimed at improving the police's image. "We need to change the culture, ethos, and personality of the police."

Today, more than ever, security forces play a pervasive, often troubling role in this diverse, contentious democracy of 800 million people.

In the northern, violence-torn province of Punjab, the police are armed with special powers to combat terrorism and backed by the Army and central paramilitary police. These forces have led an extensive crackdown on Sikh separatists and on innocent people in their path.

Throughout India, from remote corners in the south to crowded urban pockets in the north, the police and increasingly the paramilitary have been called on to douse a level of social conflict and communal violence not seen since the 1950s.

And in major cities like Delhi, exploding population growth, overcrowding, and unemployment have triggered an upsurge in crime and urban discontent.

Government officials say they have been forced to resist the forces tearing at India's delicate social fabric. During the last six years, the central paramilitary police force has grown by 30 percent and now costs the government about \$600 million annually. A current expansion program will raise their numbers to more than 400,000 by 1991.

In the states and territories, which control local law enforcement, police forces have burgeoned. For example, since 1984 when Delhi was first hit by a wave of terrorism and communal violence, the police have grown from 32,000 to more than 50,000, the world's largest metropolitan police force.

But police forces here are still hard-pressed. Those demands have buttressed long-standing pressures that have eroded police discipline and deeply politicized law

enforcement: ethnic and religious divisions, corruption, and political interference.

Poor training, low pay, long hours, and frustrations in winning court convictions also prompt police to turn to more drastic methods, observers say.

Even the central paramilitary, made up of recruits from throughout the country and sent in as a more neutral check on local police, is now buffeted by similar pressures, due to overuse, fatigue, and lack of time for training.

"The police bring to the force the attitudes, values, and prejudices that are there [in society]. Overnight you can't inculcate different attitudes," says P. Chidambaram, the government official in charge of internal security. "Over the years, the image has suffered because training has been a casualty."

Many social observers, however, claim India is becoming a police state because the central government is grabbing more power and responding to trouble with force rather than deeply needed social and economic reform.

In many places, the police form a nexus with corrupt politicians and wealthy landlords and businessmen and are a tool of brutal oppression.

In what is widely seen as political expediency, the central government has yet to complete an investigation of police complicity in the disappearance of dozens of Moslems in 1987 communal riots in the northwestern town of Meerut.

In Bihar—a state seared by hopeless poverty, class conflict, and police atrocities—police raped, looted, and plundered villagers in Pararia last year. In March, a court acquitted 14 policemen and security guards and chided the village women for poor character.

Recently, New Delhi commentator Khushwant Singh wrote that he had met many Punjabi villagers whose one refrain was "we can deal with the terrorists, you save us from the police."

Amnesty International has repeatedly taken the Indian government and security forces to task for human-rights violations in Punjab as well as elsewhere. The criticism is a touchy subject with government officials, who consider the reports meddlesome and exaggerated and insist India has its own procedures to handle grievances.

I'm not denying there are cases where the police have acted in excess. But there is no situation like Punjab anywhere else in the world," says Mr. Chidambaram, the security official. "It is more than protecting the people. It is protecting the integrity of the country. The very survival of India is at stake."

The police are also deeply mired in spreading corruption and political meddling. The extent of this was highlighted last year in the confrontation between Deputy Police Commissioner Kiran Bedi and Delhi's powerful legal community.

The lawyers were incensed by Ms. Bedi's arrest of an attorney for theft, a police assault on protesting attorneys, and police inaction while a mob stoned their officers and cars.

"Over time, they had been getting a lot of concessions by throwing their weight around. They were getting police officers suspended at the drop of a hat," Bedi says. "Bringing down corruption is the biggest task of a senior officer. You can't root it out but you can make it more difficult for the corrupt to operate."

While social and political changes are difficult in tradition-bound India, police experts say better training and more education can make a difference. Over the last five years in some areas, the government has improved police pay and benefits.

In Delhi, police chief Karan has launched a well-publicized effort to end police torture, purge corrupt officials, add more women to the force and reward strong police performance.

"What we have come to believe is that the country needs a police force that is dreaded by the people, with officers at the top who have been selected for their ability to wink at brutality and corruption," writes K. R. Rustamji, a prominent police expert. "A sense of alienation among the people can help the police in achieving its tasks."

COSPONSORS OF INDIA HUMAN RIGHTS BILL, 1989

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THE ANDEAN AID PACKAGE AND ASSOCIATED ISSUES

The SPEAKER pro tempore (Mr. DYMALLY). Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 20 minutes.

Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to share with my colleagues and the public a history of the \$125 million in military aid which has been made available for the three Andean countries of Bolivia, Colombia, and Peru, and the oversight of the use of these funds carried out by the House Foreign Affairs Committee.

On September 5, 1989, the Director of National Drug Control Policy, Hon. William Bennett, submitted the drug strategy required by the Anti-Drug Abuse Act of 1988. Accompanying that strategy were a budget amendment requesting \$125 million in military aid for the Andes, and several legislative amendments which were submitted on September 20. The committee held a hearing on September 12 on the strategy, followed by a hearing by the committee's Task Force on International Narcotics Control on November 7 with other executive branch witnesses. On November 8, the committee approved legislation to implement the executive request, H.R. 3611, which was approved by the House by voice vote on November 13, and amended by the Senate by voice vote on November 15. The conference report was approved by the House on November 21 and by the Senate on November 22. The legislation was signed into law by the President on December 13 (Public Law 101-231) as the International Narcotics Control Act of 1989.

At the time the committee considered the executive branch request, a number of issues were unresolved, including who in the executive branch would be responsible for managing the \$125 million, how the money would be allocated between the three countries, what items would be provided, how much of the funds would be for foreign militaries and how much for foreign police forces, and so forth. Nor had the implementation plan for the strategy been finalized, although both Director Bennett and Assistant Secretary of State for International Narcotics Matters Melvyn Levitsky assured us that the plan would be submitted in a matter of days. The committee therefore included in the bill a number of safeguards which limited how the funds could be spent, and would ensure that the Congress was kept fully informed of the use of the funds as plans to implement the strategy were developed.

First, section 3(a) of Public Law 101-231 emphasizes that the military aid shall be designed to enhance the ability of the three governments to control illicit narcotics production and trafficking, and to strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking. Second, section 3(c) limited to \$6.5 million the amount of funds which could be used to provide training to law enforcement agencies or other units organized for the specific purpose of narcotics enforcement, and for the expenses of deploying DOD mobile training teams upon the host country's request to conduct in-country training. This ceiling was also cross-referenced to the fiscal year 1990 Appropriations Act. Third, section 3(d) limited to \$12.5 million the amount of funds which could be used to provide weapons to law enforcement agencies or other units organized for the specific purpose of narcotics enforcement. This ceiling was also cross-referenced to the fiscal year 1990 Appropriations Act. Fourth, section 3(e) conditioned the provision of military aid on the host country having a democratic government, and exhibiting respect for human rights. Fifth, section 3(g) specifies that section 502B(c) of the Foreign Assistance Act—relating to country-specific human rights reports upon the request of the Foreign Affairs Committees—applies to the countries being assisted by this aid. Sixth, section 3(h) required that the military aid be coordinated with antinarcotics aid provided by the Department of State. Finally, section 3(f) required that not less than 15 days before funds are obligated pursuant to this section, the Congress be notified of the type and value of the assistance, the law enforcement agencies or other units that will receive the assistance, and an explanation of how the proposed assistance will achieve the purposes specified.

I would note, Mr. Speaker, that even though the \$125 million in military aid was requested as an urgent matter, and the Congress approved the request within 8 weeks, the President took almost a month simply to sign the measure. It took another 2 months for the Defense Department to notify us of their preliminary intentions as to how they intended to spend the \$125 million. On February 9, the committee received a notification from Hon. Glenn Rudd, Acting Director of the Defense Security Assistance Agency, which contained

general information on the allocation of funds for Bolivia, Colombia, and Peru, but which did not meet the specific reporting requirements of section 3(f) of the law outlined above. Staff of the DSAA and the committee met on February 20 to review this notification and associated legal issues. On February 21, Chairman FASCELL responded to DSAA with a letter clarifying that the February 9 notification did not meet the requirements of the law. I ask unanimous consent that both of these letters, along with subsequent correspondence I will discuss later, be entered in the RECORD.

On March 12, almost 4 months after Congress had approved the President's \$125 million aid request, the committee received a further notification from DSAA on how these funds would be utilized. While the cover letter and the allocation amounts were unclassified, the detailed list of equipment to be made available was submitted in classified form. Further, the implementation plans—the game plan, if you will—which would explain the context in which this equipment would be used, had still not been finalized, even though Director Bennett had assured us the previous fall that they would be ready by October. I therefore wrote to Chairman FASCELL and requested that the committee put a hold on the aid to be provided under the notification until the implementation plan was finalized and the committee was briefed on it. On March 15, the chairman wrote to DSAA and requested that the notification be placed on hold until the committee was briefed on the implementation plans and had the opportunity to raise concerns on some of the specific items to be provided. The chairman stressed in his letter, as I had in my letter to the chairman, that it was not the committee's intention to unduly delay provision of the assistance, and that we welcomed the opportunity to meet with the executive branch at the earliest possible date to resolve these issues.

The following week, we were informed that the long-overdue implementation plan was finally ready, and on March 22 the Task Force on International Narcotics Matters immediately held a closed, on-the-record classified briefing with officials from the Office of Drug Control Policy, the National Security Council, the Department of State, and the Department of Defense. At the briefing, which all members of the Foreign Affairs Committee were invited to attend, we spent several hours going through both the items listed in the classified notification line by line and item by item, and the somewhat lengthy implementation plan which we saw for the first time that day.

Out of that meeting, three principal concerns emerged. First, although human rights considerations were included in the mechanisms designed to evaluate the effectiveness of our military aid, they did not have quite the prominence that some would have wished. We therefore requested the executive branch to revise the implementation plan to highlight this concern. Second, there was continuing concern that this military aid be focused on counternarcotics objectives and not be permitted to become a counterinsurgency program. I would refer Members to the report language included in the report on H.R. 3611 (Report 101-342, part I) addressing this concern and

stating the committee's intentions in this regard. We therefore requested written assurance from the executive branch that they agreed with this principle. Finally, a legal issue arose concerning the provision of aircraft to these countries, a matter I will go into later at some length. Although the executive branch, which by now had taken 6 months to pull together a concrete plan to implement the strategy announced last September, was quite anxious that we immediately release the \$125 million, I stated that I would recommend keeping a hold on the aid package until these three concerns had been resolved. I also submitted a set of detailed questions on the items contained in the DOD notification; I would ask that the answers to those questions, submitted in an unclassified form on April 16, be included in the RECORD as well.

The issue of human rights was fairly rapidly resolved with a revision of the implementation plan. However, it took until April 9 for the executive branch to produce written assurances on the counterinsurgency issue. On that same day, Chairman FASCELL, at my request, wrote to DSAA releasing all of the funds except for those related to aircraft.

In the meantime, in order to ensure that the committee understand all of the elements of the Andean strategy and all of the U.S. Government actors involved in providing support to the strategy, the task force held a classified briefing with the Commander-in-Chief of the U.S. Southern Command, Gen. Maxwell Thurman. That briefing took place on April 4.

Frankly, Mr. Speaker, it has been difficult to keep all of my colleagues fully informed of all of these developments because virtually all of the relevant documents have been classified by the executive branch. There are some good reasons why at least initially we have needed to conduct these discussions in a closed forum, but I have informed the executive branch that at some point we need to have open and public debates over some of the concerns various parties have if the strategy is to maintain the support of the Congress and the American people. I have also requested the executive branch to declassify the notification on the \$125 million and the implementation plan, and we are working with DOD to declassify the very helpful briefing we received from General Thurman so that that information will be available as well. In the meantime, I wanted to take this opportunity to bring my colleagues up to date on the oversight conducted by the Foreign Affairs Committee so that no one is under the illusion that we have ignored this important new program.

I would also note that I applaud the executive branch for its commitment to the Foreign Affairs Committee to have regular consultative briefings so that we can stay informed of developments related to the Andean program and that both sides can raise concerns and problems as we move forward with the program. Over the past year we have had a number of informal meetings with the executive branch to discuss the strategy, and we have now formalized this process. This is one case where the executive branch has taken steps to ensure that the committee is fully informed and consulted on our policy.

Finally, let me turn to the issue of aircraft titling, to which I previously alluded. One news

report has referred to the holdup of the \$7 million in aircraft acquisition as an inside-the-beltway "squabble." It is far more than that, however. It is an issue with important policy implications which if we ignore it will be at our own risk.

Under current law, the United States must retain title to any aircraft provided to a foreign country for antinarcotics purposes. If we require the United States to retain title to antinarcotics aircraft provided, we have some capability of monitoring the use of the aircraft and of recalling them if they are misused. This is not only an issue of ensuring aircraft are used appropriately and efficiently for antinarcotics purpose—such as ensuring that spray aircraft are spraying herbicides and not water as occurred in Mexico in the 1980's. It also protects us from having them used for non-narcotics purposes, such as counterinsurgency campaigns. Given the situation we face in some of the Andean countries, this is not an frivolous matter.

Let me provide some background information on this issue. In 1986, due to concerns over misuse of aircraft we had previously provided for antinarcotics purposes to several countries. I sponsored an amendment to the Foreign Assistance Act of 1961 which became section 484 of that act. Section 484 reads as follows:

Any aircraft which, at any time after the enactment of this section, are made available to a foreign country under this chapter, or are made available to a foreign country under this chapter, or made available to a foreign country primarily for narcotics-related purposes under any provision of law, shall be provided only on a lease or loan basis.

This very straightforward language, which has now been in the law for 4 years, was designed to ensure that if aircraft were misused the United States would have the ability to withdraw them and use them elsewhere. While the executive branch originally opposed this provision strenuously, it has since come to see the protection this provides all parties. Last November, for example, Assistant Secretary of State Melvyn Levitsky stated that the law "now is a very valuable tool that provides us flexibility for policy purposes to help these countries wherever we can." The State Department inspector general testified in April of this year that "I think the Congress made a wise decision in not transferring title on additional aircraft to other countries * * * I think it is proper that the U.S. Government retain title to the aircraft." Further, a General Accounting Office report on Burma issued in September 1989 noted that for aircraft provided to Burma prior to the 1986 law, the State Department could not adequately monitor or ensure the effectiveness of the activities of the aircraft, and recommended that the U.S. Congress not resume an aid program until the Burmese Government allowed such monitoring. The report also found that the State Department could not ensure that the aircraft were not being used for counterinsurgency purposes.

Despite this extensive and useful experience with this provision, we discovered during our March 22 meeting that the Department of Defense—which, for the first time, was providing these aircraft instead of the State Depart-

ment through the Bureau of International Narcotics Matters—proposed to transfer title of the aircraft in question to the host countries. I immediately pointed out that transferring title would violate section 484. The executive branch promised to take this issue under advisement, and to get back to us.

On March 26, at the executive branch's request, I again met with their representatives to discuss the issue. They proposed that they revise our agreements with the host country to permit the United States to reacquire the aircraft if we found they were being misused. While this may reflect the spirit of the law, it would still not meet the requirements of section 484 that aircraft be "provided only on a lease or loan basis" and would therefore still be a violation of the law.

On April 17, at my request, staff of the executive branch and the committee met to review a draft proposal which had my approval and would have, for future fiscal years, encoded into law essentially the executive branch's March 26 proposal for provisional titling if the Congress was notified in advance. We were at this time informed that DOD believes that it is forced to grant title to foreign countries because DOD does not have the authority to use the \$125 million Andean assistance package to finance leases. This is an unintended consequence of the decision to provide all military aid under the Arms Export Control Act instead of under the Foreign Assistance Act. On April 23, we received an unsigned interim response which rejected our proposal but offered no legislative solution in return.

Because the executive branch has been unable or unwilling to propose or endorse any legislative solution to this problem, and because in the meantime the aircraft in question are being held up from delivery, I will be offering an amendment to the first appropriate legislative vehicle to solve this problem for fiscal year 1990 while we discuss a more generic solution. I have taken this time to go into this issue in some detail to demonstrate that the Congress has acted in good faith, and that we have searched for solutions expeditiously. I also want to stress the long-term implications of this issue. Our decisions on titling affect not only the control issue and the counterinsurgency issue. A decision to allow host country titling on military aid would over the long term lead to "dueling air wings" between the State Department and the Defense Department, with two logistical tails, two operational managers, et cetera. We need to give very serious thought before changing the current requirement for the United States to retain title to antinarcotics aircraft. We are still very hopeful that a satisfactory solution can be found and agreed to with the administration.

Mr. Speaker, I hope these remarks clarify the current status of our antinarcotics efforts under the Andean plan.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 9, 1990.

HON. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: Pursuant to section 3(f) of the International Narcotics Control Act of 1989 (P.L. 101-231) and the proviso to

section 602 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (P.L. 101-167), we are providing written notification concerning the funds appropriated by section 602 for counter-narcotics programs. The Department of State has allocated \$39.728 million for Bolivia, \$48.789 million for Colombia, and \$35.945 million for Peru.

These funds will be used to finance the full range of equipment and services for use by the regular military forces and law enforcement agencies of those countries, including communications equipment, command and control equipment, individual field equipment and weapons, ammunition, helicopters and other aircraft, aircraft parts and spares, riverine craft and other vessels (including spares), training, publications, and vehicles, for use in controlling illicit narcotics production and trafficking.

This assistance will provide substantially increased support to counter-narcotics programs in the principal cocaine source countries—Colombia, Peru, and Bolivia. Specifically, military and law enforcement counter-narcotics elements will be more capable of securing cocaine production regions and intercepting the flow of cocaine from those regions to the United States.

Sincerely,

GLENN A. RUDD,
Acting Director.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, February 21, 1990.

Hon. GLENN A. RUDD,
Acting Director, Defense Security Assistance Agency, Washington, DC.

DEAR MR. RUDD: I am writing with respect to the \$125 million authorized for Peru, Bolivia and Colombia for antinarcotics purposes by Public Law 101-231, the International Narcotics Control Act of 1989. As you know, this authorization is subject to certain conditions and detailed congressional notification before obligations can be made.

The Committee on Foreign Affairs received a notification (I-00217/90) from you on February 9, 1990 which raised some concerns as to whether the notification requirements of the law were being met. In informal discussions with your office and the Bureau of International Narcotics Matters, our staffs reached agreement that: (1) the February 9 notification was in fact a pre-notification of your intent to obligate funds; (2) it does not constitute notice under section 3(f) of the Public Law 101-231; and (3) that when final decisions are reached concerning the exact nature of the assistance to Peru, Bolivia, and Colombia the Committee will receive a formal notification pursuant to section 3(f) containing all of the information required in that section.

In addition, the issue of transferring \$16.5 million of the \$125 million total was discussed. As you know, INM funds can be used without the restrictions imposed on aid to law enforcement agencies by section 660. The Committee has some concerns that after these funds are transferred, the authority for the Department of Defense to provide up to \$19 million in law enforcement assistance, without section 660 restrictions, would remain in force. However, as the Committee does not wish to unduly restrict the ability of the Administration to most effectively use this assistance, we do not object to this transfer with the understanding that any of these funds provided for police related activities by INM would be counted against the ceiling of \$19 million, so that combined DOD/INM assistance for

police training and equipment for the three countries in question would not exceed the \$19 million ceiling.

We appreciate your courtesy in providing the Committee with the pre-notification letter, and look forward to working with you as the process of implementing the Andean initiative moves forward.

With best wishes, I am,

Sincerely yours,

DANTE B. FASCELL,
Chairman.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, March 12, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: In response to the letter from the Chairman of HFAC, dated February 21, 1990, to the acting director of the Defense Security Assistance Agency, I am providing additional information to supplement the information provided in my February 9, 1990, letter to you regarding the \$125 million authorized for counter-narcotics purposes for Colombia, Bolivia, and Peru. As indicated in the earlier letter, the Department of State has allocated grant assistance in the amounts of \$39.728 million for Bolivia, \$48.789 million for Colombia, and \$35.945 million for Peru.

A detailed explanation is attached for our intended use of the funds authorized by Section 3 of the International Narcotics Control Act of 1989 (P.L. 101-231) and appropriated by section 602 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (P.L. 101-167). This explanation includes the country to which assistance is being provided, the type and value of the assistance to be provided, the law enforcement agencies and other units that will receive the assistance, and an explanation of how the proposed assistance will achieve the purpose for which the funds were authorized.

Sincerely,

GLENN A. RUDD.

Attachment as stated.

FISCAL YEAR 1990—FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT (PUBLIC LAW 101-167, SECTION 602)—MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR COLOMBIA, BOLIVIA, AND PERU

(Amounts in millions of dollars)

	Appropriation	Byrd amendment .43 percent reduction	Totals
Colombia.....	49.000	.211	48.789
Bolivia.....	39.900	.172	39.728
Peru.....	36.100	.155	35.945
Totals.....	125.000	.538	124.462

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 15, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR DANTE: The Committee today received a classified notification from the Defense Security Assistance Agency regarding the \$125 million in military aid authorized and appropriated last fall for Bolivia, Colombia, and Peru. As you may recall, in section 3 of the International Narcotics Control Act of 1989 we required the executive branch to notify us under 634A procedures

as to the type and value of the assistance to be provided, the law enforcement agencies which would receive the assistance, and an explanation of how the proposed assistance will achieve the purposes for which the funds were authorized. This notification attempts to meet those requirements.

However, the notification by itself gives no real indication of how this assistance will fit into the Andean implementation plans which have been under development for a number of months in the executive branch. These plans lay out how the Andean strategy will be implemented in the field and what the goals, objectives, and measures of effectiveness will be. The executive branch has repeatedly promised to brief us on these plans when they are completed, but the process of approving those documents has fallen behind the aid notification. It is therefore difficult to make sense of the use of the equipment proposed in the notification without some understanding of the overall implementation plan.

It is my understanding that the implementation plans should be completed in the next week or two. Given the sensitivities associated with this military aid, I would respectfully request that you ask the executive branch to "hold" this notification until the Committee can be briefed on the implementation plans. I have already informed the Administration that I will ask for either a briefing or a hearing on the implementation plans in order to address the questions raised by the notification.

It is not my intention, Dante, to slow up this process. On the contrary, we have been actively pushing the Administration to submit the notification and the plans so that the aid can go forward. But I feel we owe it to ourselves to be fully informed on the nature, purposes, and implementation of the aid before we sign off on it.

Thank you for your consideration.

With best wishes,

Sincerely yours,

LAWRENCE J. SMITH,
Chairman, Task Force on
International Narcotics Control.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 15, 1990.

Hon. GLENN A. RUDD,
Acting Director, Defense Security Assistance Agency, The Pentagon, Washington, DC.

DEAR MR. RUDD: I am writing in response to your letter of March 12 (I-001207/90) concerning the notification of \$125 million in military aid for Bolivia, Colombia, and Peru.

The Committee has two major concerns with this notification. The first is that the Committee has neither nor been briefed on the implementation plans for the Andean initiative. In the absence of information on how the overall strategy will be implemented, it is difficult to assess how the provision of the equipment contained in the notification will support the implementation plan.

A separate concern is the nature of some of the items listed in the notification. While the classification of the notification precludes a listing in this letter of specific concerns, I would note in particular that the Committee has done extensive oversight on the problems associated with equipment we have provided in support of riverine operations in South America.

Given these concerns, I would request that you place this notification on "hold" until (1) the Committee is briefed on the implementation plans, and (2) the Committee has had the opportunity to discuss its con-

cerns on some of the specific items proposed in the notification. It is not our intention to unduly delay the assistance proposed in the notification; it is my understanding that the implementation plans will be completed shortly, and we would welcome the opportunity to meet with the executive branch at the earliest possible date to resolve these outstanding issues.

Thank you for your cooperation. We look forward to working with you to ensure that appropriate aid is provided to these countries in an expeditious manner.

With best wishes.

Sincerely yours,

DANTE B. FASCELL,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 9, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: Following discussions with members of your Committee we are providing further information regarding the relationship between establishing military assistance programs for counternarcotics purposes and the fight against insurgents in the Andean countries.

The President's National Drug Control Strategy recognizes that the governments of the cocaine producing countries require a means to pursue anti-drug military and law enforcement operations more effectively. In order to fulfill these ends, the U.S. Congress determined, in the International Narcotics Control Act of 1989, that enhanced training and additional equipment resources would be necessary to undertake intensified operations against transportation, processing and cultivation areas.

The first priority of our international drug control strategy, as reflected in Section 3(a)(1) of P.L. 101-243, is to enhance our counternarcotics programs in the Andean region in order to increase the effectiveness of the Andean governments in combatting the growing threat of cocaine production and trafficking. While U.S. assistance will focus on enhancing the capabilities of police and other law enforcement activities, only active involvement by the host nation armed forces will enable the governments fully to engage the drug traffickers and to inflict major damage on the cocaine trade. A key focus of our plans therefore is to work with these countries to develop the necessary infrastructure to enable their military forces to assume a greater role in counternarcotics activities, and in particular to enhance the role of host country militaries in remote and inaccessible parts of the country that are beyond the reach of the smaller police organizations.

As the Committee pointed out in its Report on P.L. 101-243 (H. Rpt. No. 101-342, November 8, 1989), the counternarcotics efforts in these countries are frequently conducted simultaneously with counterinsurgency programs. In certain areas, counternarcotics activities are threatened by insurgent groups whose control over the areas prevents any effective government action to combat narcotics trafficking, and whose activities are inextricably intertwined with those of the narcotics traffickers.

In order effectively to attack the narcotics threat, the capabilities of the armed forces of all three countries must be enhanced and training intensified, in order to permit them to regain control over the most important coca growing and transshipment areas, provide protection to police forces on counter-

narcotics operations from guerrilla insurgents, and develop the capability to strike directly at drug trafficking organizations. While the ultimate purpose of the military assistance, including equipment and training, provided to the Andean countries under this plan is to combat narcotics trafficking and production, it is inevitable that counternarcotics activities will at times require counterinsurgency efforts to regain government control over certain areas.

That said, we share the concern expressed in the Committee's report that assistance provided under P.L. 101-243 not "be used as a new spigot for counterinsurgency aid." In no case do we intend that the assistance will be used for counterinsurgency operations independent of counternarcotics purposes. The agreements pursuant to which the assistance will be provided will make clear that the assistance is being made available only for counternarcotics purposes. By doing so, we can control, to a significant degree, how the host nations use what we provide. These agreements will specify, for instance, monitoring by U.S. personnel and restrictions on the types of equipment and training supplied. In addition, the normal case review process for equipment provided under the U.S. military assistance program will be supplemented by monitoring activities of the international narcotics control program.

I hope that this letter clarifies this important issue.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, April 9, 1990.

Hon. GLENN A. RUDD,
Acting Director, Defense Security Assistance
Agency, The Pentagon, Washington, DC.

DEAR MR. RUDD: I am writing in further reference to my letter of March 15, 1990 regarding your letter of March 12 (I-001207/90), concerning \$125 million of military aid for Bolivia, Colombia, and Peru.

The Committee has now received and been briefed on the implementation plan, as requested. It has further received clarifications in writing regarding concerns raised on evaluations of military aid effectiveness in light of human rights performance, and on the use of this aid for counterinsurgency purposes versus counter-narcotics purpose. However, questions continue over what are perceived as conflicting provisions in section 484 of the Foreign Assistance Act of 1961 (which requires that all aircraft provided for narcotics control purposes after 1986 under that Act or any other provision of law be on a lease or loan basis), and section 23 of the Arms Export Control Act, regarding sales of military equipment. It continues to be the Committee's view that the law requires the United States to retain title of all aircraft provided for narcotics control purposes.

The Committee is therefore prepared to support the obligation of funds of that portion of the \$125 million which is not related to aircraft acquisition. However, until legal issues surrounding the titling question are resolved, none of those funds should be obligated for aircraft acquisition.

It is the Committee's intention to prepare legislative language to address this issue, and to enact such a change as expeditiously as possible, in order that further delays and confusion are avoided. Thank you for your cooperation in this matter.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 16, 1990.

Hon. LAWRENCE J. SMITH,
Chairman, Task Force on International
Narcotics Control, Committee on Foreign
Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This is in response to questions given to Melvyn Levitsky, Assistant Secretary of State for International Narcotics Matters, regarding your concerns about \$125 million appropriated by the Congress for U.S. military assistance for counternarcotics programs in Bolivia, Colombia and Peru. Enclosed are answers to your detailed questions.

I share your concerns and assure you that we will continue to work closely with the Congress, the Department of Defense and other appropriate government agencies to ensure the success of this important counternarcotics initiative.

Please do not hesitate to contact me if you need further information.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

Enclosure: Questions and answers.

DETAILED QUESTIONS ON \$125 MILLION

Of the \$125 million, \$16.5 is being transferred to INM for law enforcement purposes. When will you carry out this reprogramming, and when will we be notified as to what that money will be spent for?

COLOMBIA

1. The notification indicates that we will provide \$4.5 million for a radar command center and radar site security, and \$4.4 million for a forward operating base.

Does this include the cost of acquiring the radar? If not, are the Colombians providing the radar? What kind of radar will this be? What area will it cover?

How is the "forward operating base" connected with the radar? (or, if it's not connected to the radar, what is it for?)

2. We are providing \$10.3 million to train and equip Army "strike companies".

Are these new companies? are they specifically dedicated to narcotics control activities, or do they have other responsibilities as well?

3. The equipment list includes \$2.12 million for rifles for the Colombian Army. It has been our understanding that the Colombian military is already quite well-equipped and had no need for more arms. Is that not the case?

4. The ammunition we would provide includes 60 millimeter white phosphorous ammo. Should we be concerned about possible hazards for civilians? how would this be used?

5. You propose \$2 million to support operations and maintenance for riverine patrol craft.

Is this for boats we have provided, or for those already in the Colombian inventory?

What record have these existing patrol craft had in riverine operations? have they had any results in interdicting precursors?

6. You also propose to spend \$500,000 on upgrading the weapons systems on the Bell 212 helicopters. What kind of upgrade is proposed, and for what purpose?

7. You also propose \$3 million for secure communications for the military. Will this

system be interoperable with whatever system the Colombian police have?

BOLIVIA

8. The notification includes \$1.85 million for the Bolivian "National Counternarcotics Command". What is this? does it exist? who runs it?

9. The notification includes \$12.8 million to train and equip various unspecified Bolivian Army units.

Can you provide us more detail on what equipment will be provided?

The footnote to this item indicates that this is for Bolivian Army support for "expanded border operations to interdict precursor chemicals". Isn't \$12.8 million quite a lot of money for this purpose? do most of the chemicals move on land or on the rivers?

10. There is quite a bit of money (a total of \$4.1 million) to support the C-130 transport planes. How many C-130's are in Bolivia? what accounts for the high costs of this support (\$3.2 million for depot maintenance alone).

11. What specific role will the AT-33's (\$4.9 for repairs) and the T-33's (\$1.2 million for repairs) play?

12. You propose \$1.5 million to repair and arm PC-7s. How will the PC-7s be armed?

PERU

13. The level of detail you have provided on equipment for Peru is not very specific. Can you tell us how you would spend the \$2.7 million for "troop support"?

There is \$3.2 million for a "training center". Where will this be, and who will be trained to do what?

You propose \$522,000 for "light anti-tank weapons". Why are these needed?

14. You are proposing \$6.1 million to acquire and support riverine patrol craft.

You indicate that you would spend \$3 million for "up to six patrol craft". That would be \$500,000 per craft. What types of boats would you provide? would these costs include spare parts, or shouldn't they be included under the \$3.1 million for "riverine craft support"?

You indicate you would provide aid for operational base facilities. Where would this base be located?

15. Out of the funds proposed for the Peruvian Army, you indicate you want to construct a secure base to conduct counternarcotics training. Where would this base be located, who would be trained, how much would it cost? is this in addition to the Santa Lucia base we have already built?

16. You propose \$7.2 million for spare parts for A-37's and Bell 212's.

How many A-37's are there? how useful are A-37's for counternarcotics activities?

Why do we have both Bell 212 helicopters and your proposed Huey helicopters? wouldn't it make operations and maintenance easier if you used the same kind of helicopter?

Q: Of the \$125 million, \$16.5 is being transferred to INM for law enforcement purposes. When will you carry out this reprogramming, and when will we be notified as to what that money will be spent for?

A: The request to transfer \$16.5 million (\$10 million for Colombia and \$6.5 for Bolivia) of FY 1990 Foreign Military Financing funds to the INM account is being processed in accordance with provisions of Section 610 (transfer between accounts) of the Foreign Assistance Act. Informal consultations with the Office of Management and Budget and the Congress have been completed. The formal request to transfer the funds is being

forwarded to the Secretary of State for approval and submission to the White House.

COLOMBIA

Q: The notification indicates that we will provide \$4.5 million for a radar command center and radar site security, and \$4.4 million for a forward operating base. Does this include the cost of acquiring the radar? If not, are the Colombians providing the radar? What kind of radar will this be? What area will it cover?

A: The funds are for operational costs to integrate radar information obtained from existing programs.

The purpose of the center is to integrate radar information developed by two Caribbean Basin Radar Network sites (developed with U.S. support) and two domestic Colombia radars. Projected FMF funding for the project totals \$7 million (\$3.5 million from FY 1990 funds and \$3.5 million from FY 1991 funds).

Over the near term, radar will be utilized to interdict air traffic over northern regions of Colombia.

Q: How is the "forward operating base" connected with the radar (or, if it's not connected to the radar, what is it for)?

A: The purpose of the forward operating base is to position counternarcotics aircraft toward the southern border to interdict inbound trafficker flights. Information developed by the radars and operations center will be used to direct interdiction missions from forward bases.

Q: We are providing \$10.3 million to train and equip Army strike companies. Are these new companies? Are they specifically dedicated to narcotics control activities, or do they have other responsibilities as well?

A: A total of 10 new companies is being formed in the Colombian Army with a specific mission to conduct counternarcotics operations.

Q: The equipment list includes \$2.12 million for rifles for the Colombian Army. It has been our understanding that the Colombian military is already quite well-equipped and had no need for more arms. Is that not the case?

A: The rifles for the Colombian Army are for the new Army companies being formed for counternarcotics missions. The Colombian Army is armed mainly with GALIL and HK 7.62 millimeter rifles, both of which are heavy, older weapons systems best suited for conventional conflict in a Middle Eastern or European environment.

Q: The ammunition we would provide includes 60 millimeter white phosphorous ammo. Should we be concerned about the possible hazards for civilians? How would this be used?

A: The 60 millimeter mortar white phosphorous round is used to mark a target or create smoke for protective cover and concealment while maneuvering toward a target, such as a known cocaine laboratory site. Employed in this manner by the professional and well-trained Colombian Army, the round will not pose a threat to innocent civilians.

Q: You propose \$2 million to support operations and maintenance for riverine patrol craft. Is this for boats we have provided, or for those already in the Colombian inventory?

A: This is to support river patrol boats given to Colombia as part of the \$65 million provided under the recent 506(a) emergency drawdown.

Q: What record have these existing patrol craft had in riverine operations? Have they had any results in interdicting precursors?

A: The existing patrol craft are being utilized as training platforms for the Colombian Marines. Counternarcotics missions should commence when FY 1990 funds become available to complete training and support operations on the rivers.

Q: You also propose to spend \$500,000 on upgrading the weapons systems on the Bell 212 helicopters. What kind of upgrade is proposed, and for what purpose?

A: This is in response to a Colombian request to upgrade their six Bell 212's by installing mini-gun systems. The purpose of the upgrade is to enhance the capability of the helicopters to respond to hostile situations while supporting operations in high altitudes.

Q: You also propose \$3 million for secure communications for the military. Will this system be interoperable with whatever system the Colombian police have?

A: The goal is to provide a secure, interoperable communications system to the Colombian military and National Police. A U.S. military assistance communications survey team will be tasked with performing a survey of both Colombian military and National Police communications. The team will review and evaluate existing hardware and frequencies.

BOLIVIA

Q: The notification includes \$1.85 million for the Bolivian "National Counternarcotics Command". What is this? Does it exist? Who runs it?

A: This new centralized center will establish a national level command and control capability to encourage Bolivian inter-agency cooperation and coordination in the fight against narcotics trafficking.

Q: The notification includes \$12.8 million to train and equip various unspecified Bolivian Army units. Can you provide us more detail on what equipment will be provided?

A: Two light infantry battalions, each with a medical section for civic action, an engineer battalion, a transport battalion, and a service section. These units will be formed, equipped and trained to support counternarcotics operations in conjunction with the police. They will destroy cocaine laboratory facilities and narcotrafficker infrastructure, control illicit activities in growing areas and engage in civic action programs including medical and civil construction projects. The transport and service units will assist in movement of military and police units in support of counternarcotics operations.

Q: The footnote to this item indicates that this is for Bolivian army support for "expanded border operations to interdict precursor chemicals." Isn't \$12.8 million quite a lot of money for this purpose? Do most of the chemicals move on land or on the rivers?

A: Efforts to block the shipment of precursor chemicals, increase the effectiveness of military activities, isolate key coca growing areas, destroy existing laboratories and processing centers, and control key air corridors include expanding riverine capacity and operations, enhancing communications networks and capacity to automate and process data, equipping light infantry, engineering and transport battalions, and participating in interdiction operations.

Precursor chemicals are transported to Bolivia via air, rail and road. Once in Bolivia, precursors are transported to the major coca growing region in the Chapare by road and to cocaine hydrochloride (HCL) process-

ing laboratories in the Beni region primarily by river.

Q: There is quite a bit of money (a total of \$4.1 million) to support the C-130 transport planes. How many C-130's are in Bolivia? What accounts for the high costs of this support (\$3.2 million for depot maintenance alone)?

A: Bolivia purchased seven excess C-130A's from the U.S. in 1988, adding to the two commercial versions of C-130 aircraft already in the Bolivian inventory. Of the seven C-130A's, four are in operation, two are being used for spare parts and one was lost in an accident.

The Bolivian Air Force has no capacity to provide other than basic maintenance. Spare parts, overhaul expertise and technical expertise of depot level maintenance are expensive.

Q: What specific role will the AT-33's (\$4.9 million for repairs) and the TR-33's (\$1.2 million repairs) play?

A: The T-33 is a jet trainer utilized by the Bolivian Air Force and can be converted to AT-33 configuration with the capacity to be used to intercept narcotrafficker aircraft traveling in the Chapare and Beni regions.

\$4.9 million will be used to upgrade up to eight T-33 aircraft to AT-33 configuration.

\$1.2 million will be used to repair T-33 aircraft to be used as a trainer platform.

Q: You propose \$1.5 million to repair and arm PC-7's. How will the PC-7's be armed?

A: The PC-7 fire control systems will be replaced with equipment to accept standardized rockets and NATO ammunition.

PERU

Q: Can you tell us how you would spend the \$2.7 million for "troop support"?

A: This is to fund individual and small unit field equipment for six infantry battalions, consisting of approximately 625 individuals in each battalion, to be assigned to the Upper Huallaga Valley. The U.S. Army estimates the cost of equipping a soldier with personal field gear, excluding weapon, is \$345. Additional equipment, such as compass, binoculars, body armor, costs approximately \$275 per soldier.

Q: There is \$3.2 million for a "Training center." Where will this be, and who will be trained to do what?

A: A training base will be built in the Upper Huallaga Valley to train military units assigned to counternarcotics operations.

Q: You propose \$522,000 for "light anti-tank weapons." Why are they needed?

A: The Light Anti-Tank Weapon (LAW) is being provided for tactical application against armored vehicles (e.g., commercial vehicles with protective armor inserts) and cocaine laboratories.

Q: You indicate that you would spend \$3 million for "up to six patrol craft." That would be \$500,000 per craft. What types of boats would you provide? Would these costs include spare parts, or shouldn't they be included under the \$3.1 million for "riverine craft support"?

A: The patrol craft recommended for counternarcotics operations in the extensive river systems of Peru is a 40-foot river boat with armament. The proposed amount includes procurement, crew training, spare parts and maintenance for approximately two years.

Q: You indicate you would provide aid for operational base facilities. Where would this base be located?

A: The Peruvian Navy is requesting that funds be utilized to upgrade several existing riverine bases.

Q: Out of the funds proposed for the Peruvian Army, you indicate you want to construct a secure base to conduct counternarcotics training. Where would this base be located, who would be trained, how much would it cost? Is this in addition to the Santa Lucia base we have already built?

A: The proposed site of the secure training base is in the Upper Huallaga Valley. The site would be a secure training facility for Peruvian Army troops assigned to units involved in counternarcotics operations. It is estimated that the base could be built for approximately \$8 million.

Q: You propose \$7.2 million for spare parts for A-37's and Bell 212's. How many A-37's are there? How useful are A-37's for counternarcotics activities?

A: There are 27 A-37 aircraft in Peru which can be employed in interdiction operations.

Q: Why do we have both Bell 212 helicopters and your proposed Huey helicopters? Wouldn't it make operations and maintenance easier if you used the same kind of helicopter?

A: The initial plan to provide UH-1H helicopters to Peru has been cancelled at the request of the Ambassador, so that we will continue to support the same kind of helicopter.

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

[Mr. GINGRICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of personal injury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. LEACH of Iowa, for 60 minutes, today.

Mr. IRELAND, for 60 minutes, on May 9.

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

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. SCHROEDER, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. NAGLE, for 30 minutes, today.

Mr. SMITH of Florida, for 30 minutes, today.

Mr. FRANK, for 60 minutes, June 6.

EXTENSION OF REMARKS

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

Mr. CLAY, and to include extraneous matter not withstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost \$1,479.

Mr. VALENTINE, to include extraneous material following his statement on H.R. 4522 today.

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

Mr. BROOMFIELD.

Mr. THOMAS of California.

Mr. ARMEY.

Mr. LAGOMARSINO.

Mr. MILLER of Washington.

Mr. LOWERY of California.

Mr. MACHTLEY in five instances.

Mr. RHODES.

Mr. CRANE.

Mr. SCHUETTE.

Mr. COBLE.

Mr. CONTE.

Mr. LENT.

Mr. ROWLAND of Connecticut.

Mrs. BENTLEY in two instances.

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

Mr. FOGLIETTA.

Mr. RICHARDSON.

Mr. MRAZEK.

Mr. LEHMAN of Florida.

Mr. YATRON.

Mr. LEVIN of Michigan.

Mr. GRAY.

Mr. MILLER of California.

Mr. MAZZOLI.

Mr. PANETTA.

Mr. DE LUIGO.

Mr. COLEMAN of Texas.

Mr. DOWNEY.

Mr. SOLARZ in two instances.

Mr. ROE.

Mr. FAZIO.

Mr. MATSUI in three instances.

Mr. FAUNTROY.

Mr. TRAXLER in two instances.

Mr. HOYER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1424. An act to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Government Operations.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bill and joint

resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits, and

H.J. Res. 490. Joint resolution, commemorating May 18, 1990, as the 25th anniversary of Head Start.

A BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On May 7, 1990:

H.R. 3802. An act to designate May 1990 as "Asian/Pacific American Heritage Month."

ADJOURNMENT

Mr. DREIER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 9, 1990, at 2 p.m.

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. DINGELL: Committee on Energy and Commerce. H.R. 3656. A bill to amend the Securities Exchange Act of 1934 to improve the clearance and settlement of transactions in securities and related instruments, and for other purposes; with an amendment (Rept. 101-477). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 44. A bill to provide that certain service of members of the United States merchant marine during World War II constituted active military service for purposes of any law administered by the Veterans' Administration and to establish a mechanism to provide for nonprofit organizations for merchant marine memorials; with amendments (Rept. 101-478, Pt. 1). And ordered to be printed.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 388. Resolution providing for the consideration of H.R. 770, a bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of provid-

ing salary replacement for employees who take any such leave (Rept. 101-479). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYSON (for himself and Mr. JONES of North Carolina):

H.R. 4738. A bill to amend the Federal Water Pollution Control Act to encourage States to establish a uniform system for managing nontidal wetlands, to conserve unique and high value tidal and nontidal wetlands, to encourage restoration of converted wetlands, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ASPIN (for himself and Mr. DICKINSON) (both by request):

H.R. 4739. A bill to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes; to the Committee on Armed Services.

By Mr. BATES:

H.R. 4740. A bill to authorize the Secretary of Commerce to make loans for research into the development of dolphin-safe tuna catching equipment, to ban the import of tuna products caught with equipment which involves the taking of dolphins, to call for an international convention to protect dolphins, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and Foreign Affairs.

By Mr. BOSCO:

H.R. 4741. A bill to amend title 5, United States Code, to improve the ability of the United States to attract and retain qualified air traffic controllers by offering controllers premium pay for Saturday work, by raising the controller differential from 5 to 15 percent, and by eliminating the age limitation on the voluntary retirement of controllers with 20 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. BOXER:

H.R. 4742. A bill to amend section 218(n) of the Social Security Act to provide for a transition in the case of voluntary agreements for coverage of State and local employees under Medicare; to the Committee on Ways and Means.

By Mr. COBLE (for himself, Mr. CONTE, Mr. BALLENGER, Mr. JONES of North Carolina, Mr. HEFNER, Mr. ROSE, Mr. HENRY, Mr. UPTON, Mr. KLECZKA, Mr. COOPER, Mr. McMILLAN of North Carolina, Mr. VALENTINE, Mr. NEAL of Massachusetts, Mr. SCHUETTE, Mr. PRICE, Mr. BUSTAMANTE, and Mr. TANNER):

H.R. 4743. A bill to amend title 18, United States Code, to govern participation of Federal Prison Industries in Federal procurements, and for other purposes; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 4744. A bill to amend the Federal Home Loan Bank Act to make the Resolution Trust Corporation subject to the Federal acquisition regulation; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. CONTE (for himself and Mr. SKELTON):

H.R. 4745. A bill to amend title 10, United States Code, to permit the Secretary of a military department to transfer excess industrial plant equipment to small business concerns; to the Committee on Armed Services.

By Mr. CONTE (for himself, Mr. SKELTON, and Mr. LANCASTER):

H.R. 4746. A bill to direct the Administrator of the Small Business Administration to station a traditional procurement center representative at the Department of Agriculture, the Navy Sea Systems Command, and the Environmental Protection Agency; to the Committee on Small Business.

By Mr. HENRY:

H.R. 4747. A bill to require the Administrator of the Environmental Protection Agency to conduct research on, and establish uniform standards for, the measurement of solid waste and to develop and maintain a uniform data base on solid waste generated in the States and the Nation; to the Committee on Science, Space, and Technology.

By Mr. JACOBS:

H.R. 4748. A bill to authorize a suitability and feasibility study of designating the home of President Benjamin Harrison as a unit of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. JONES of North Carolina:

H.R. 4749. A bill to authorize the transfer of Coast Guard property to Dare County, NC; to the Committee on Merchant Marine and Fisheries.

By Mr. LEVIN of Michigan (for himself, Mrs. JOHNSON of Connecticut, Mr. HENRY, Ms. KAPTUR, Mr. JONTZ, and Mr. ECKART):

H.R. 4750. A bill to promote fair trade in auto parts, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLLOHAN (for himself, Mr. RAHALL, Mr. STAGGERS, Mr. McCLOSKEY, and Mr. APPLEGATE):

H.R. 4751. A bill to extend the moratorium on interest owed by the black lung disability trust fund to the U.S. Treasury; to the Committee on Ways and Means.

By Mr. SCHUETTE:

H.R. 4752. A bill to amend the Low-Level Radioactive Waste Policy Act to prohibit the siting of low-level radioactive waste disposal facilities in areas with more than 18 inches annual rainfall, and for other purposes; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. THOMAS of California (for himself and Mr. MATSUI):

H.R. 4753. A bill to amend the Internal Revenue Code of 1986 to provide for fair treatment of small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. McNULTY (for himself, Mr. HORTON, Mr. FEIGHAN, Mr. BUSTAMANTE, Mr. KASICH, Ms. OAKAR, Mr. YOUNG of Alaska, Mr. PAYNE of Virginia, Mr. SCHEUER, Mr. PANETTA, Mrs. UNSOELD, Mr. RANGEL, Mr. LANCASTER, Mr. LAGOMARSINO, Mr. ANDERSON, Mr. BLAZ, Mr. MADIGAN, Mr. EVANS, Mr. MARTIN of New York, Mr. SERRANO, and Mrs. BENTLEY):

H. Con. Res. 322. Concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. YATRON, Mr. LEACH of Iowa, Mr. SMITH of New Jersey, Mr. FALEOMA-

VAEGA, Mr. BLAZ, Mr. ROSE, Mr. CLARKE, and Mr. LANTOS):

H. Con. Res. 323. Concurrent resolution concerning human rights and democracy in Nepal; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. LEACH of Iowa, Mr. ROHRBACHER, Mr. BLAZ, Mr. ROSE, Mr. YATRON, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. CLARKE, and Mr. LANTOS):

H. Con. Res. 324. Concurrent resolution concerning human rights, democracy, and illicit narcotics production and trafficking in Burma; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. SMITH of New Jersey, Mr. LEACH of Iowa, Mr. BLAZ, Mr. FALEOMAVAEGA, Mr. ROSE, Mr. CLARKE, and Mr. LANTOS):

H. Con. Res. 325. Concurrent resolution expressing the sense of the Congress that the United States remains firmly committed to its Mutual Defense Treaty with the Republic of Korea, and is steadfastly dedicated to the promotion of security and peace on the Korean peninsula; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. SAIKI introduced a bill (H.R. 4754) for the relief of Ikechukwu J. Ogujiofor, Joy I. Ogujiofor, and Godfrey I. Ogujiofor; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 220: Mr. FORD of Tennessee, Mr. RICHARDSON, Mr. LEVINE of California, Mr. RANGEL, Mr. ACKERMAN, Mrs. SAIKI, Mr. FAUNTROY, and Mr. FASCELL.

H.R. 262: Mr. WALKER.

H.R. 467: Mr. DIXON, Mr. McHUGH, Mr. JACOBS, Mr. ANNUNZIO, and Mr. McMILLEN of Maryland.

H.R. 802: Mr. MOODY, Mr. PETRI, Mr. TALLON, Mr. ASPIN, Mr. JONTZ, Mr. JOHNSON of South Dakota, Mr. BROWN of California, Mr. KLECZKA, and Mr. JONES of North Carolina.

H.R. 844: Mr. HILER.

H.R. 965: Mr. OWENS of New York.

H.R. 990: Mr. McNULTY, Mr. LANTOS, Mr. BROWN of California, Mr. CAMPBELL of Colorado, Mr. HUGHES, Mr. JONTZ, and Mr. EMERSON.

H.R. 1163: Mrs. LOWEY of New York, Mr. DWYER of New Jersey, Mr. WHEAT, Mr. SAXTON, Mr. EMERSON, Mr. EVANS, Mr. ENGEL, Mr. SMITH of Florida, Mr. DELLUMS, and Mr. LEWIS of Georgia.

H.R. 1352: Mr. BURTON of Indiana.

H.R. 1381: Mr. DELLUMS.

H.R. 1400: Mr. VANDER JAGT, Mr. BOUCHER, Mr. GOSS, Mr. MARLENEE, Mr. HUBBARD, Mr. McMILLAN of North Carolina, Mr. DWYER of New Jersey, Mr. REGULA, and Mr. SLATTERY.

H.R. 1617: Mr. WALSH.

H.R. 1634: Mr. FAUNTROY, Mr. WILLIAMS, Ms. PELOSI, Mrs. BOXER, Mr. LEWIS of Georgia, Mr. BORSKI, Mr. EVANS, Mr. ESPY, Mr. JONTZ, and Mr. ATKINS.

H.R. 1635: Mr. FAUNTROY, Mr. WILLIAMS, Ms. PELOSI, Mrs. BOXER, Mr. LEWIS of Georgia, Mr. BORSKI, Mr. EVANS, Mr. ESPY, Mr. JONTZ, and Mr. ATKINS.

H.R. 1784: Mr. JOHNSON of South Dakota.

H.R. 1875: Mr. PENNY and Mr. LANCASTER.

H.R. 2274: Mr. SISISKY and Mr. TORRES.

H.R. 2319: Mr. McEWEN, Mr. CONYERS, Mr. DAVIS, Mr. CLINGER, and Mr. MILLER of Washington.

H.R. 2351: Mr. FAZIO.

H.R. 2383: Mr. UPTON.

H.R. 2403: Mr. POSHARD.

H.R. 2460: Mr. SENSENBRENNER, Mr. HAYES of Illinois, Mr. HALL of Texas, Mr. ESPY, Mr. TAUZIN, and Mr. MYERS of Indiana.

H.R. 2505: Mr. FAUNTROY, Mr. BROWN of California, Mr. WHEAT, and Mr. WALSH.

H.R. 2584: Ms. OAKAR.

H.R. 2740: Mr. HAYES of Louisiana.

H.R. 2881: Mr. DELAY.

H.R. 2951: Ms. LONG, Mr. LEVINE of California, and Mrs. SAIKI.

H.R. 2952: Ms. LONG, Mr. LEVINE of California, and Mrs. SAIKI.

H.R. 2973: Mr. JOHNSON of South Dakota, Mr. DERRICK, Mr. THOMAS of Wyoming, Mr. PASHAYAN, Mrs. MARTIN of Illinois, and Mr. SARPALIUS.

H.R. 3112: Mr. MARLENEE and Mr. SCHUETTE.

H.R. 3122: Mr. LEVINE of California.

H.R. 3267: Mrs. JOHNSON of Connecticut.

H.R. 3412: Mr. OWENS of Utah.

H.R. 3604: Mr. STUMP.

H.R. 3643: Mr. GOSS.

H.R. 3719: Mr. ATKINS and Mr. LANCASTER.

H.R. 3732: Mr. GILLMOR, Mr. WATKINS, Mr. MORRISON of Washington, Mr. WISE, Mr. BEREUTER, Mr. CALLAHAN, Mr. STALLINGS, Mrs. BYRON, Ms. SNOWE, Mr. HILER, Mr. PANNETTA, Mr. HUCKABY, Mr. JAMES, Mr. JAMES, Mr. LEWIS of California, and Mr. ROWLAND of Georgia.

H.R. 3735: Mr. DEWINE.

H.R. 3772: Mr. TOWNS, Mr. LEWIS of Florida, and Mr. NEAL of North Carolina.

H.R. 3821: Mr. STEARNS.

H.R. 3859: Mr. DELLUMS, Mr. LENT, and Mr. MARKEY.

H.R. 3863: Mr. DWYER of New Jersey, Mr. SAXTON, Mr. TRAFICANT, Mr. DEFazio, and Mr. RICHARDSON.

H.R. 3880: Mr. WISE and Mrs. SCHROEDER.

H.R. 3914: Mr. HUNTER, Mr. RUSSO, Mr. ROYBAL, Mr. COSTELLO, Mr. SOLOMON, Mr. McGRATH, Mr. EVANS, Mr. UDALL, Mr. ANDERSON, Mr. DORNAN of California, and Mr. DIXON.

H.R. 3935: Mrs. JOHNSON of Connecticut, Mr. BOEHLERT, Mr. OWENS of Utah, Mr. LANTOS, Mr. HORTON, Mr. RAVENEL, Mr. DORGAN of North Dakota, Mr. JONTZ, and Mr. COSTELLO.

H.R. 4075: Mr. HUGHES, Mr. RANGEL, Mr. RAVENEL, Mr. PALLONE, and Mr. FLAKE.

H.R. 4103: Mr. MILLER of Washington.

H.R. 4104: Mr. MILLER of Washington.

H.R. 4105: Mr. MILLER of Washington.

H.R. 4138: Mr. CONTE, Mr. GILMAN, Ms. ROS-LEHTINEN, and Mr. FAUNTROY.

H.R. 4161: Mr. MORRISON of Washington, Mr. THOMAS of Wyoming, Mr. DORGAN of North Dakota, and Mr. DERRICK.

H.R. 4164: Mr. BATES.

H.R. 4237: Mr. JOHNSTON of Florida.

H.R. 4250: Mr. OBERSTAR, Mr. BENNETT, Mr. EMERSON, and Mr. RITTER.

H.R. 4254: Mr. PAYNE of Virginia and Mr. COBLE.

H.R. 4258: Mr. JONES of North Carolina, Mr. BILBRAY, Mr. HARRIS, Mr. TAYLOR, Mr. SMITH of Vermont, Mr. OLIN, Mr. STEARNS, and Mr. KASTENMEIER.

H.R. 4268: Mr. LEVIN of Michigan, Mr. HUGHES, Mrs. MEYERS of Kansas, Mr. ECKART, Mr. LANCASTER, Mr. VENTO, and Mr. ROTH.

H.R. 4269: Mr. LEVINE of California, Ms. PELOSI, Mr. EMERSON, Mr. LANCASTER, Mr.

GILLMOR, Mr. EVANS, Mr. POSHARD, Mr. SMITH of Vermont, Ms. MOLINARI, Mr. CONDIT, and Mrs. BOXER.

H.R. 4287: Mr. CARDIN, Mr. DERRICK, Mr. FORD of Michigan, Mr. GALLO, Mr. GINGRICH, Mr. McMILLEN of Maryland, Mr. SCHAEFER, Mr. SISISKY, Mr. SUNDQUIST, Mr. WALSH, Mr. WHITTAKER, and Mr. WOLF.

H.R. 4310: Mr. MARTINEZ, Mr. TALLON, Mr. MAZZOLI, Mr. STUDDS, and Mr. KOSTMAYER.

H.R. 4311: Mr. TOWNS, Mr. RANGEL, Mr. AUCCOIN, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. FUSTER, and Mr. MINETA.

H.R. 4344: Mr. HAYES of Illinois.

H.R. 4347: Mr. HAYES of Louisiana, Mr. HORTON, and Mr. CONDIT.

H.R. 4353: Mr. HORTON and Mr. TOWNS.

H.R. 4355: Mr. DUNCAN, Mr. HORTON, and Mr. MONTGOMERY.

H.R. 4361: Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. ATKINS, Mr. SAVAGE, Mr. FOGLIETTA, Mr. FAUNTROY, Mr. WASHINGTON, Mr. LANTOS, and Mr. HORTON.

H.R. 4418: Mr. BRYANT.

H.R. 4425: Mr. HALL of Texas.

H.R. 4460: Mr. BEVILL, Mr. BONIOR, Mr. NAGLE, Mr. EMERSON, Mr. FORD of Michigan, Mr. BUSTAMANTE, and Mr. ROSE.

H.R. 4488: Mr. HERGER and Mr. NEAL of North Carolina.

H.R. 4492: Mr. SAXTON, Mr. LIPINSKI, Mr. SOLARZ, and Mr. MARTINEZ.

H.R. 4494: Mr. SISISKY, Mr. EMERSON, Mr. ROBERTS, Mr. BLAZ, Mr. BUSTAMANTE, Mr. COSTELLO, Mr. DWYER of New Jersey, and Mr. WISE.

H.R. 4498: Mr. MORRISON of Washington, Mrs. PATTERSON, Mrs. MEYERS of Kansas, Mr. SIKORSKI, and Mr. EVANS.

H.R. 4509: Mr. WALSH and Mr. TOWNS.

H.R. 4512: Mr. MATSUI.

H.R. 4520: Mr. ECKART, Mr. GILLMOR, Mr. RIDGE, Mr. BEREUTER, and Mr. BUSTAMANTE.

H.R. 4528: Mr. BONIOR, Mr. NEAL of North Carolina, Mr. FISH, Mr. RINALDO, Mr. ATKINS, Ms. OAKAR, and Mr. TOWNS.

H.R. 4530: Ms. KAPTUR, Mr. MILLER of California, Mr. RANGEL, and Mr. FAUNTROY.

H.R. 4531: Mr. FAZIO, Mr. BOSCO, and Mr. BATES.

H.R. 4548: Mr. RANGEL, Ms. PELOSI, and Mr. CROCKETT.

H.R. 4555: Mr. SHAYS.

H.R. 4562: Mr. HOUGHTON.

H.R. 4575: Mr. EMERSON and Mr. JAMES.

H.R. 4594: Mr. ECKART, Mr. STUDDS, Mr. SMITH of New Jersey, and Mr. SABO.

H.R. 4631: Mr. BENNETT and Mr. BONIOR.

H.R. 4641: Mr. INHOPE, Mr. WEBER, Mr. DANNEMEYER, Mr. WELDON, Mr. HORTON, Mr. MATSUI, and Mr. ROHRBACHER.

H.R. 4650: Mr. HOCHBRUECKNER, Mr. SERANO, and Mr. VALENTINE.

H.R. 4684: Mr. SCHEUER, Mr. WEISS, Mr. SOLARZ, and Mr. DURBIN.

H.R. 4721: Mr. STENHOLM and Mr. MONTGOMERY.

H.J. Res. 81: Mr. OXLEY and Mr. BROOMFIELD.

H.J. Res. 156: Mr. ENGEL.

H.J. Res. 482: Mr. HORTON, Mr. McGRATH, Mr. HAWKINS, Mr. LEWIS of California, Mr. HOYER, Mr. NATCHER, Mr. DREIER of California, Mr. SCHUETTE, Mr. DE LA GARZA, Mr. CHAPMAN, Mr. HAYES of Louisiana, Mr. CONYERS, Mr. GRAY, Mr. ORTIZ, Mr. LOWERY of California, Mr. BEVILL, Mr. THOMAS of Georgia, Mr. ROHRBACHER, Mr. HOAGLAND, Mr. SARPALIUS, Mr. SHUSTER, and Mr. DURBIN.

H.J. Res. 486: Mr. HOYER, Mr. WHITTEN, Mr. RHODES, Mr. DE LA GARZA, Mr. EARLY, and Mr. PICKLE.

H.J. Res. 496: Mr. ANDERSON, Mr. ANDREWS, Mr. BILIRAKIS, Mrs. COLLINS, Mr.

EMERSON, Mr. HERGER, Mrs. MEYERS of Kansas, Mr. OXLEY, Mr. SCHAEFER, Mr. SHUMWAY, Mr. SKEEN, Mr. SWIFT, Mrs. UNSOELD, Mr. FALOMAVAEGA, Mr. RHODES, and Mr. GOODLING.

H.J. Res. 509: Mr. SPRATT, Mr. WALSH, Mr. EMERSON, Mr. HEFLEY, Mr. FAZIO, and Mr. SAXTON.

H.J. Res. 517: Ms. OAKAR, Mr. DELAY, Mr. EMERSON, Mr. GEREN, Mr. SMITH of Vermont, Mr. GUNDERSON, Mr. SHAYS, Mr. PICKETT, Mr. WASHINGTON, Mr. BALLENGER, Mr. AKAKA, Mr. BUSTAMANTE, Mr. STENHOLM, and Mr. REGULA.

H.J. Res. 519: Mr. CROCKETT.

H.J. Res. 522: Mr. BOEHLERT, Mr. JACOBS, Mr. SAWYER, and Mr. ORTIZ.

H.J. Res. 525: Mr. CROCKETT, Mr. PANETTA, Mr. FROST, Mr. GEJDENSON, Mr. SAXTON, Mr. STOKES, Mr. BATES, Mr. APPLGATE, Mrs. BENTLEY, and Mr. BILIRAKIS.

H.J. Res. 533: Mr. BOSCO, Mr. LANTOS, Mr. FOGLIETTA, Mr. BORSKI, Mr. SKAGGS, Mr. PARRIS, Mr. DICKS, Mr. NEAL of North Carolina, Ms. PELOSI, Ms. OAKAR, Mr. SCHAEFER, Mr. BATES, Mr. LEWIS of California, Mr. JENKINS, Mr. BEVILL, Mr. FUSTER, Mr. COSTELLO, Mr. McDERMOTT, Mr. DURBIN, Mr. ALEXANDER, Ms. SLAUGHTER of New York, Mr. LEHMAN of Florida, Mr. CARDIN, Mr. STUDDS, Mr. ACKERMAN, Mr. LEHMAN of California, Mr. LIPINSKI, Mr. GINGRICH, Mr. GRAY, Mr. HARRIS, Mr. WHITTAKER, Mr. BROOKS, Mr. WYDEN, Mr. GUNDERSON, Mr. PERKINS, Mr.

VOIKMER, Mr. HAMILTON, Mr. WOLFE, Mr. PANETTA, Mr. AU COIN, Mr. LEWIS of Georgia, Mr. NIELSON of Utah, Mr. PRICE, Mr. STAGGERS, Mr. CAMPBELL of Colorado, Mr. STARK, Mr. CLEMENT, Mr. UPTON, Ms. LONG, Mr. TORRES, Mr. CHAPMAN, Mr. HOCHBRUECKNER, Mr. DE LUGO, Mr. SMITH of Florida, Mr. DYMALLY, Mr. FAUNTROY, Mr. KOLTER, Mr. OWENS of New York, Mr. OLIN, Mr. RANGEL, Mr. MINETA, Mr. SAWYER, Mr. LANCASTER, Mr. HEFNER, Mr. HORTON, Mrs. COLLINS, Mr. PALLONE, Mr. CHANDLER, Mr. BILLEY, Mr. WILSON, Mr. CARPER, Mr. VALENTINE, Mr. PAYNE of Virginia, Mr. FEIGHAN, Mr. ENGEL, Mr. DARDEN, Mr. ESPY, Mr. UDALL, Mr. WEISS, Mr. PARKER, Mr. TALLON, Mr. ECKART, Mr. FLAKE, Mr. ROBERT F. SMITH, Mr. STALLINGS, Mr. KENNEDY, Mrs. PATTERSON, Mr. LAFALCE, Mr. BENNETT, Mr. BERMAN, Mr. DENNY SMITH, Mr. TRAFICANT, Mr. McMILLAN of Maryland, Mr. NAGLE, Mr. HOAGLAND, Mr. MRZEK, Mr. JONTZ, Mr. FORD of Michigan, Mr. SCHUMER, Mr. DE LA GARZA, Mr. KILDEE, Mr. WISE, Mr. LEVIN of Michigan, Mr. MAZZOLI, Mrs. UNSOELD, Mr. MILLER of Washington, Mr. GONZALEZ, Mr. FAZIO, Mr. BUSTAMANTE, Mr. DONNELLY, Mr. HERGER, Mr. ROSE, Mr. ATKINS, Mr. FASCELL, Mr. VENTO, Mr. HUCKABY, Mr. MAVROULES, Mr. LAUGHLIN, Mr. MILLER of California, Mr. CLARKE, Mr. DERRICK, Mr. FAWELL, Mr. HAWKINS, Mr. MARTINEZ, and Mr. GRANDY.

H.J. Res. 551: Mr. KOLTER, Mr. McDERMOTT, Ms. KAPTUR, Mr. HORTON, Ms. PELOSI, Mrs. BOXER, Mr. LANCASTER, Mr. BUSTAMANTE, Mr. QUILLEN, Mr. FAZIO, and Mr. DWYER of New Jersey.

H.J. Res. 554: Mr. SPENCE, Mr. DAVIS, Mr. BILLEY, Mr. MOAKLEY, Mr. MONTGOMERY, and Mr. SMITH of Florida.

H.J. Res. 558: Mr. Ballenger and Mr. MILLER of Washington.

H. Con. Res. 5: Mr. FRANK.

H. Con. Res. 7: Mr. LAGOMARSINO.

H. Con. Res. 62: Mr. NAGLE, Mr. BOEHLERT, Mr. McHUGH, and Mr. KANJORSKI.

H. Con. Res. 172: Ms. LONG, Mr. LEVINE of California, and Mrs. SAIKI.

H. Con. Res. 252: Mr. ROYBAL, Mr. EVANS, Mr. McGRATH, Mr. UDALL, and Mr. SOLOMON.

H. Con. Res. 288: Mr. CAMPBELL of California and Mr. CONDIT.

H. Res. 374: Mr. HERGER, Mr. GILLMOR, and Mr. EMERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 4641: Mr. STALLINGS.