HOUSE OF REPRESENTATIVES—*Tuesday, June 4, 1985*

The House met at 12 o'clock noon.

Rabbi Joshua O. Haberman, Washington Hebrew Congregation, Washington, DC, offered the following prayer:

Creator of all the world:

Thou who hast turned dust into creatures of intelligence, how wondrous is Thy work, how mysterious Thy power which brings order out of chaos! Help us to create order in the affairs of man.

Thou who hast set limits to the forces of nature to keep all things in marvelous balance, help us to cope with the forces of human nature.

Help us distinguish clearly the line between right and wrong; between the interest of the few and the welfare of the many; between the instant gain of today and the larger, lasting good of future years.

Lead us by Thy justice to enact just laws and by Thy mercy to lift up the fallen, feed the hungry, clothe the naked and bring healing to those who suffer.

We thank Thee for all men and women who uphold the public trust with integrity and lead this Nation as faithful servants. May they keep America free, strong, and just. May the Lord grant strength unto His people. May the Lord bless His people with peace. Amen.

THE JOURNAL

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

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

Mr. DORNAN of California. 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. DORNAN of California. 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 inform absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 144, answered "present" 2, not voting 37, as follows:

[Roll No. 132]

YEAS—250

Ackerman	Guarini	Owens
Addabbo	Hall (OH)	Panetta
Alexander	Hall, Ralph	Pease
Anderson	Hamilton	Pepper
Andrews	Hammerschmidt	Perkins
Annunzio	Hatcher	Petri
Anthony	Hawkins	Pickle
Applegate	Hayes	Price
Archer	Hefner	Quillen
Aspin	Heftel	Rahall
Atkins	Hertel	Rangel
AuCoin	Holt	Ray
Barnard	Horton	Regula
Barnes	Howard	Reid
Bartlett	Hoyer	Richardson
Bateman	Hubbard	Rinaldo
Bates	Huckaby	Robinson
Bedell	Hughes	Roe
Bellenson	Hutto	Rose
Bennett	Jenkins	Rostenkowski
Berman	Johnson	Roukema
Bevill	Jones (NC)	Rowland (CT)
Biaggi	Jones (OK)	Rowland (GA)
Boland	Jones (TN)	Roybal
Boner (TN)	Kanjorski	Rudd
Bonior (MI)	Kaptur	Russo
Borski	Kastenmeier	Sabo
Bosco	Kemp	Savage
Boucher	Kennelly	Scheuer
Breaux	Kildee	Schneider
Brooks	Kleczka	Schulze
Broomfield	Kolter	Schumer
Brown (CA)	Kostmayer	Seiberling
Broyhill	LaFalce	Sharp
Bruce	Lantos	Shelby
Bryant	Leath (TX)	Sisisky
Burton (CA)	Lehman (CA)	Skelton
Bustamante	Lehman (FL)	Slattery
Carper	Leland	Smith (FL)
Carr	Levin (MI)	Smith (IA)
Chappell	Levine (CA)	Smith, Robert
Coelho	Lipinski	Snowe
Coleman (TX)	Lloyd	Snyder
Conyers	Long	Solarz
Cooper	Lowry (WA)	Spence
Coyne	Luken	Spratt
Daniel	Lundine	St Germain
Darden	MacKay	Staggers
Daschle	Manton	Stallings
de la Garza	Markey	Stark
DeLay	Matsui	Stokes
Dellums	Mavroules	Stratton
Dicks	Mazzoli	Studds
Donnelly	McCloskey	Swift
Dorgan (ND)	McCollum	Synar
Dowdy	McCurdy	Tallon
Downey	McHugh	Tauzin
Duncan	McKinney	Thomas (GA)
Dwyer	McMillan	Torres
Dyson	Mica	Traxler
Early	Mikulski	Valentine
Edgar	Miller (CA)	Vander Jagt
Edwards (CA)	Mineta	Vento
English	Moakley	Visclosky
Erdreich	Mollohan	Volkmer
Evans (IL)	Montgomery	Walgren
Fascell	Moody	Watkins
Fazio	Moore	Weaver
Feighan	Morrison (CT)	Weiss
Foley	Morrison (WA)	Wheat
Ford (TN)	Mrazek	Whitley
Frank	Murphy	Whitten
Frost	Murtha	Wirth
Fuqua	Myers	Wise
Garcia	Natcher	Wolpe
Gaydos	Neal	Wortley
Gejdenson	Nelson	Wright
Gephardt	Nowak	Wyden
Gibbons	O'Brien	Wylie
Glickman	Oakar	Yates
Gonzalez	Oberstar	Yatron
Gordon	Obey	Young (MO)
Gray (PA)	Olin	
Green	Ortiz	

NAYS—144

Armey	Gekas	Monson
Badham	Gilman	Moorhead
Barton	Goodling	Nielson
Bentley	Gradison	Packard
Bereuter	Gregg	Parris
Bilirakis	Grotberg	Pashayan
Bliley	Gunderson	Penny
Boehlert	Hansen	Porter
Boulter	Hendon	Pursell
Brown (CO)	Henry	Ritter
Burton (IN)	Hiler	Roberts
Callahan	Hillis	Roemer
Campbell	Hopkins	Rogers
Carney	Hunter	Roth
Chandler	Hyde	Saxton
Chappie	Ireland	Schaefer
Cheney	Jacobs	Schroeder
Clay	Jeffords	Schuette
Coats	Kasich	Sensenbrenner
Cobey	Kindness	Shaw
Coble	Kolbe	Shumway
Coleman (MO)	Kramer	Shuster
Combest	Lagomarsino	Sikorski
Conte	Latta	Siljander
Coughlin	Leach (IA)	Skeen
Courter	Lent	Slaughter
Craig	Lewis (CA)	Smith (NE)
Crane	Lewis (FL)	Smith (NH)
Dannemeyer	Lightfoot	Smith (NJ)
Daub	Livingston	Smith, Denny
Davis	Loeffler	Solomon
Derrick	Lott	Stangeland
DeWine	Lowery (CA)	Strang
Dickinson	Lujan	Stump
DioGuardi	Lungren	Sundquist
Dornan (CA)	Mack	Sweeney
Dreier	Madigan	Swindall
Durbin	Marlenee	Tauke
Eckert (NY)	McCandless	Taylor
Edwards (OK)	McDade	Thomas (CA)
Emerson	McEwen	Vucanovich
Evans (IA)	McGrath	Walker
Fiedler	McKernan	Weber
Fields	Meyers	Whitehurst
Fish	Michel	Wolf
Franklin	Miller (OH)	Young (AK)
Frenzel	Miller (WA)	Young (FL)
Gallo	Molinari	Zschau

ANSWERED "PRESENT"—2

Dymally	Fawell

NOT VOTING—37

Akaka	Foglietta	Ridge
Boggs	Ford (MI)	Rodino
Bonker	Fowler	Stenholm
Boxer	Gingrich	Torricelli
Byron	Gray (IL)	Towns
Clinger	Hartnett	Traficant
Collins	Martin (IL)	Udall
Crockett	Martin (NY)	Waxman
Dingell	Martinez	Whittaker
Dixon	McCain	Williams
Eckart (OH)	Mitchell	Wilson
Flippo	Nichols	
Florio	Oxley	

□ 1220

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

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

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

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

H.R. 873. An act to amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

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

S.J. Res. 144. Joint resolution to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

The message also announced that pursuant to the provisions of Public Law 86-380, the Vice President appoints Mr. ROTH and Mr. DURENBERGER as members of the Advisory Commission on Intergovernmental Relations.

RABBI JOSHUA O. HABERMAN

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

Mr. GILMAN. Mr. Speaker, I ask my colleagues to join me in welcoming Rabbi Joshua O. Haberman of Washington as our guest chaplain.

Rabbi Haberman is a distinguished clergyman from the Washington area, where he has served as senior rabbi of the Washington Hebrew congregation for the past 16 years. Rabbi Haberman was born in Austria and began his studies at the University of Vienna, but was forced to continue his education, following the Nazi invasion, in the United States at the University of Cincinnati and the Hebrew Union College in Cincinnati.

Rabbi Haberman has served congregations in Mobile, AL, in Buffalo, NY, and in Trenton, NJ. He was awarded an honorary degree of doctor of divinity by the Hebrew Union College and has received numerous other awards as well. In addition to his work as a professor, author, and lecturer, he has long been a leader in interfaith activities.

On behalf of my colleagues I am honored to welcome Rabbi Haberman to the Chamber today and to thank him for his eloquent prayer and to reiterate my appreciation for his officiating at my recent marriage to Rita Gail Gilman.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CERTAIN FORMER FLIGHT ENGINEERS OF WESTERN AIRLINES

The Clerk called the bill (H.R. 484) for the relief of certain former flight engineers of Western Airlines.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MEALS ON WHEELS OF THE MONTEREY PENINSULA, INC.

The Clerk called the bill (H.R. 1095) for the relief of Meals on Wheels of the Monterey Peninsula, Inc.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

PERMISSION FOR SUBCOMMITTEE ON FINANCIAL INSTITUTIONS OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, JUNE 5, 1985, AND THE REMAINDER OF THE WEEK

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Finance and Urban Affairs be permitted to sit during proceedings under the 5-minute rule on Wednesday, June 5, and the remainder of the week.

Mr. Speaker, this request has been cleared with the ranking minority member of the committee, the gentleman from Ohio [Mr. WYLIE].

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

There was no objection.

HOUR OF MEETING TOMORROW

Mr. WRIGHT. Mr. Speaker, in view of the fact that there is a meeting of the Republican Conference tomorrow morning, and also a meeting of the Democratic caucus, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow, rather than at 10 a.m.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 512

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Connecticut [Mr. GEJDENSON] be removed from the list of cosponsors of H.R. 512.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 192

Mr. HUTTO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 192.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2600

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2600.

The SPEAKER. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1401, H.R. 1402, AND H.R. 1403

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bills, H.R. 1401, H.R. 1402, and H.R. 1403.

The SPEAKER. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

PREDICTION ON FUTURE OF FEDERAL JUDGE SAM B. HALL, JR.

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

Mr. FROST. Mr. Speaker, I had the privilege of being present in Marshall, TX, last week for the swearing in as a Federal judge of our former colleague, Sam Hall, from the First District of Texas.

I wanted to take just a moment today to reflect on Sam's 9 years in Congress and to make a prediction on his future as a Federal district judge.

Sam Hall is a true gentleman in every sense of the word. He took his work seriously as a Member of this body, studied the issues carefully and did what he thought was best. During the 4 years that I have served as chair-

man of the Committee on Organization, Study and Review of the Democratic Caucus, Sam served as one of that committee's most thoughtful members. He helped us deal with some very difficult procedural matters as we fashioned changes in the Democratic caucus rules and the rules of the House.

Sam Hall has the perfect temperament to be a Federal district judge. He is careful and he is evenhanded. And, I would like to make a small prediction about his career on the bench. Like so many men and women before him who have been appointed to Federal judgeships, Sam Hall may surprise the U.S. Senator who recommended him and the President who appointed him. He may not decide every case the way they would like to see them decided.

Sam Hall is a conservative, he will enforce the law as written, and he will do it fairly. Some elements in our society would like to see activist Federal judges who rewrite the laws to fit their particular moral or religious views. These forces of the extreme right may well be disappointed in Sam Hall. He will administer justice consistent with the constitution and do so in an outstanding way.

□ 1230

WATER PROJECTS WOULD ADD PORK TO THE BUDGET

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

Mr. PETRI. Mr. Speaker, tomorrow we are scheduled to debate a bill to add billions of dollars of additional spending to the current fiscal year.

We've just gone through a lot of pain trying to craft budgets for next year and the following years. And all around the country people are asking, "Are the savings in these budgets for real, or is it just blue smoke and mirrors?"

Now here we go, as virtually our next major act, proposing new, added spending for the current fiscal year. While everyone's attention is on the proposed budget cuts in fiscal year 1986, this House is proposing to cram tons of pork into the tail end of fiscal year 1985—while nobody's looking.

The worst part of the supplemental appropriation bill is chapter IV, which would fund 66 new water projects, costing an eventual $4.8 billion.

Whom are we trying to fool? Sooner or later the country will realize that this trick can be pulled every year, and Congress will be left without a shred of credibility.

Supplemental appropriations are supposed to be for emergencies, but there is nothing urgent about these 66 new water projects. Accordingly, I will offer an amendment to strike these projects from the bill.

I urge the support of every Member of this House. There could hardly be a clearer test vote on our commitment to control Federal spending.

NEW STRICT PENALTIES FOR TRAITORS

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

Mr. SKELTON. Mr. Speaker, it is difficult for most Americans to comprehend the idea of selling out their own Nation and their patriotism. But, as the competition for high technology in this world of ours has increased in recent years, more individuals have found it profitable to sell out their country. Our national security has been compromised due to the increasing theft of high technology; and as of today, never before have so many people been awaiting trial on charges of espionage against the United States. Now because of the Walker case, who knows to what degree our national security has been endangered for a fast buck.

Death should be the penalty for traitors who jeopardize America's security; however, since 1972, the Supreme Court of the United States has issued a series of rulings which make it clear that it would be a violation of our Constitution to make the death penalty automatic with respect to any crime, espionage included. That is why today I am introducing legislation which would require a judge to impose either the sentence of death or the strictest penalty of true life imprisonment. Under my bill, the sentence for life could not be suspended and the defendant will not be granted a probationary sentence or be eligible for parole.

An individual who sells out his country should be physically removed from society never to return again. That is what my legislation accomplishes.

Presently, the law permits a judge to sentence a defendant in an espionage case either to the death penalty, now unconstitutional, or to life imprisonment, or any term of years. This legislation would add an entirely new sentencing provision which would apply to those individuals who transmit our defense secrets for the advantage of another nation, group, or individual. A judge would no longer be able to sentence an individual to "any term of years" but would have to impose the death penalty or true life imprisonment.

Those who desire to turn their backs on this Nation deserve the strictest of penalties, and those who even contemplate such an act, must know that if they are convicted of having committed espionage their punishment will be certain and irrevocable.

THE DEATH PENALTY FOR TRAITORS

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

Mr. GEKAS. Mr. Speaker, I have introduced a bill which has been pending since February to do exactly what the previous speaker wants to accomplish; that is, to apply the death penalty to anybody who would betray our country through an act of espionage or treason.

There is no more reprehensible crime an American citizen can commit than to betray our own Nation. That, in the judgment of everyone in this room, is punishable by death, or should be. Yet we have been struggling for two or three Congresses now to pass a proper death penalty bill. It is the only proper deterrent we have against espionage and treason.

I invite the gentleman who just spoke to join with me in producing a proper bipartisan approach to the restoration of the death penalty in the Federal jurisdiction.

Mr. Speaker, those people who rant and rave about the threat of nuclear war and all the other dangers this country is facing had better face up to the fact that we ought to have this deterrent on the books to prevent destruction from within.

A TRIBUTE TO THE LATE HONORABLE MARK W. HANNAFORD

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

Mr. LUNGREN. Mr. Speaker, I rise to pay tribute to my predecessor former California Congressman Mark W. Hannaford. Following a 6-month illness, Mark passed away last Sunday at Doctors Hospital in his hometown of Lakewood, CA.

Mark Hannaford was born and educated in the Midwest. His educational accolades included bachelor and master of arts degrees in political science. He went on to become a teacher, first in grammar school and later on in high school. In 1966 he became a political science professor at Long Beach City College. Hannaford served his country as a bombardier in the Army Air Corps during World War II.

The main efforts of his adult professional life were directed toward serving his neighbors and friends as an elected official. Mark Hannaford served on the Lakewood City Council for 8 years, and was twice voted mayor. Congressman Hannaford served in the House of Representatives from 1974 to 1978. As a Member of Congress, Mark Hannaford was referred to as the "de facto spokesman"

for the Sun Belt States. He was the organizer of the Sun Belt caucus, which was formed to counter balance forces which sought to divert Federal funds from the South and West.

Congressman Hannaford and I grew to respect one another during two campaigns as political adversaries. The congressional races between us were very tough, and we went after each other pretty hard. But I believe we did not retain any hard feelings.

Mr. Speaker, today I offer my condolences to Mark Hannaford's wife Sarah, his three children, and three grandchildren. Congressman Hannaford had the respect and admiration of many. His unselfish life serves as a fine example of the rewards of hard work and determination. He will be missed by all of us.

KING HUSSEIN OF JORDAN—A "STATESMAN" SEEKING ARMS

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

Mr. BIAGGI. Mr. Speaker, beware of "statesmen" seeking arms. That characterization seems to fit Jordan's King Hussein and his efforts last week to put forth a new Middle East peace initiative while he awaits final approval of a request for new advanced military equipment from the United States.

What is most flawed about the King's latest proposal is his dangerously naive assumption about the Palestine Liberation Organization. He contends that the PLO is now prepared to accept those United Nations resolutions which recognize and accept Israel's right to exist. On the basis of his expectations, he is asking Israel to participate in and the United States to back negotiations that involve the PLO.

The idea of PLO participation in future Mideast negotiations should not even be contemplated until they take two basic steps. The first is to make an explicit and unequivocal statement of support for U.N. Security Council Resolutions 242 and 338 and Israel's right to exist. The second step would be the declaration of a ceasefire as a precondition for participation.

The Reagan administration is right to express reservations about the Hussein peace plan. They would also be well served to shelve the King's latest request for military equipment until he demonstrates a commitment to enter into direct negotiations with Israel.

FORM 1099 PAPERWORK RELIEF ACT: AN UPDATE

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

Mr. SLAUGHTER. Mr. Speaker, as the first Member of Congress to introduce legislation to modify the separate mailing requirement for corporations, I want to give an update on the progress of H.R. 1423, the Form 1099 Paperwork Relief Act of 1985.

Twenty-seven of my colleagues from both sides of the aisle have agreed to cosponsor this effort to relieve corporations of this unnecessary and expensive requirement. Businesses of all sizes have contacted my office in support of this legislation, and the support continues to grow.

It has been conservatively estimated that the present provision of the Internal Revenue Code costs publicly owned companies, and consequently their stockholders, at least $20 million to make these separate mailings during the month of January 1985. A large brokerage firm spent almost $900,000 to notify its clients of their dividend earnings last year. The case against the separate mailing requirement gets stronger every day; and the situation can only get worse next year due to the increase in first-class postage rates.

I believe the objectives of the interest and dividend tax compliance law of 1983, of which the separate mailing requirement is a part—namely to assure that interest and dividend payments will be faithfully and accurately reported to the Internal Revenue Service by payees as income—have been fulfilled by other sections of the law; that is by the requirements that payees must provide payors with a taxpayer identification number, certified under penalty of perjury, with significant penalties both for failure to comply with this provision and for failure to report dividend and interest income to the IRS.

I believe, and a steadily increasing group of H.R. 1423 supporters agrees, that the requirement for a separate mailing of 1099 statements adds little or nothing to the increased compliance this measure achieved, and that the unnecessary corporate expense has, in fact, had a modest negative effect on tax revenues.

This separate mailing requirement needs to be modified before businesses are forced to waste over $20 million again next January.

My bill would once again allow corporations to mail out 1099 statements in the same envelope with dividend checks, while continuing to prohibit their inclusion with other extraneous matter likely to be thrown away.

I invite my colleagues to cosponsor H.R. 1423 and strike a blow for simplicity, fairness, and efficiency in our Tax Code, while adding to the code a small piece of badly needed common sense and practicality.

RESTORE MEMORIAL DAY TO MAY 30

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute.)

Mrs. BENTLEY. Mr. Speaker, many people have expressed concern about the tendency in our Nation to neglect our roots and our traditions. Such concerns are quite valid. Last week, a few people observed Memorial Day, May 30.

The major reason that it was only a few was that Memorial Day was an ordinary work day for most people. The Congress in the name of recreation had moved the observance of several of our national holidays to weekends, among them Memorial Day which is now simply, the last Monday in May.

I have introduced a bill to restore Memorial Day to May 30 so that those of us who wish to remember with tangible acts, the sacrifices of all the brave people who made and kept us a great nation, might have the opportunity to do so.

If we wish to retain our traditions and restore our national identity, we can give up celebrating the first Monday of summer. Compared to the debt we acknowledge on Memorial Day, it doesn't seem such a large burden.

LET US NOT GRATUITOUSLY AFFRONT A NATO ALLY

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

Mr. DICKINSON. Mr. Speaker, scheduled today is a bill under the suspension of the rules having to do with a resolution condemning genocide by the Turks 70 years ago. Well, no one is in favor of genocide, and certainly I would be one of the first to condemn such acts; but I have just returned from the country of Turkey as a member of the Armed Services Committee. Going back 70 years to dredge up the memories and hostilities, the ill will and bad feelings, certainly is not in the best interests of this country at this time. Turkey is one of the strongest allies and friends that we have in NATO. They are strategically placed. We need them as friends. They fought beside us in Korea. They fought and bled and died beside us.

We do not need to gratuitously affront a friend and ally; so I would hope that when the bill comes up today under suspension that the Members of the House will be apprised of what is involved and the sensitivity of the Turks; not to say that we condone genocide, of course not, but to gratuitously affront and insult a friend and ally—for what purpose?

It does not do anyting except work against our best interests; so I would

hope that we would vote it down when it comes up today.

KEVIN COLLINS, MISSING, BUT NOT FORGOTTEN

(Mrs. BURTON of California asked and was given permission to address the House for 1 minute.)

Mrs. BURTON of California. Mr. Speaker, on February 10, 1984, Kevin Collins, who had recently celebrated his 10th birthday, disappeared from a street in San Francisco. He remains missing, but not forgotten.

Yesterday Kevin's parents, Dave and Anne Collins of San Francisco, visited me in my office to plea for all possible assistance, not just to find their son, but for all the families of missing children around the Nation.

Despite their heartbreak, they have managed to form the Kevin Collins Foundation in an effort to marshall the financial and emotional resources to find missing children and to prevent further abductions.

Mr. Speaker, I was moved by the Collins' appeal. They are working with State and local law enforcement agencies in California to improve the coordination and cooperation between agencies on reported missing children and they seek more funding for search and prevention activities.

The Collins' came to Washington seeking a grant from the Justice Department for a joint program with the University of California for the study of impacts of missing children on families and family members, a long-neglected and important area of study.

Mr. Speaker, I am tremendously moved by David and Anne Collins' dedication and their courage. I am hopeful that their effort to obtain the grant will be successful and I pray that Kevin will be returned to his family in the very near future.

THE BUDGET CHARADE

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

Mr. WALKER. Mr. Speaker, I think most of us when we were home on the recent recess found the American people are still concerned about deficits and still concerned about the fact that this Congress goes on spending, spending, and spending, with seemingly no end to that spending in sight.

Coming back from that recess, how does Congress respond to the American people? Well, we come up with this bill that will be on the House floor tomorrow. This is a supplemental appropriations bill. Supplemental appropriations is another word to say add-on spending. In other words, it is to increase spending for fiscal year 1985.

Oh, we will be assured that the spending is within the Budget Act and so on. It is add-on spending. There is 13.5 billion dollars' worth of add-on spending for pork barrel projects to feather our own nests to the tune of millions of dollars.

Forty-five of the one hundred and one pages in this bill are in violation of the House rules. So what do we get? We will get rule from the Rules Committee out here on the floor waiving those provisions so that we can violate our own rules in order to spend the money.

We will also probably have a waiver of the Budget Act in there so that the whole exercise that went on for the budget last week will be meaningless with regard to this particular bill.

Of course, what we found out in that budget last week is that we have overspent, to use their own figures, we have overspent our own budgets around here by $157 billion in the last 5 years. This is how we do it and it is about time we stop it.

□ 1250

REINSTATING DEATH PENALTY FOR CRIMES OF TREASON AND ESPIONAGE

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

Mr. RUDD. Mr. Speaker, the FBI recently uncovered what could prove to be one of the most serious and extensive cases of espionage against the United States. Three members of the Walker family of Virginia have been charged with spying for the Soviet Union over a period of as many as 18 years. A fourth man has been arrested in the case in California.

This one case is grave enough, but the fact is that we have had more people charged with espionage in the last year than at any time in our Nation's history. The current maximum penalty of life in prison is obviously not enough, and the time has come to make it clear that those convicted of espionage will be punished severely and irreversibly.

Early this year, I introduced H.R. 704 to reinstate the death penalty for crimes of treason and espionage. Anyone who is thinking about doing irreparable harm to the Nation's security will have to think twice with the death penalty hanging over them.

I urge my colleagues to join me in cosponsoring H.R. 704.

BALANCED BUDGET AMENDMENT

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

Mr. SILJANDER. Mr. Speaker, the State of Michigan could literally change the course of economic history in this country.

So far, 32 States have passed resolutions calling for a balanced budget. Michigan could have been the 33d. The State senate passed the resolution. The State house, by a four-vote narrow defeat, with nine Republicans voting no, defeated the measure. But it could come back again.

Is it not time that America and those of us in the State of Michigan realized we cannot continue to spend, spend, spend. We have a $2 trillion debt, nearly a $1 trillion budget. Even if freezing Social Security and freezing defense were to pass we would still have a $175 billion deficit in 1986. And keep in mind the interest on the national debt is over $220 billion in 1986.

The gentleman from North Carolina, Congressman BILLY HENDON, came to my district and he said that the credit card that Members of Congress own has a trillion dollar limit. That credit card is our voting card. Yes; we in this Congress can vote $1 trillion with this credit card.

I plead with the people of Michigan and the people of Connecticut, who could make the 33d and the 34th States, respectively, please put a limit to our spending. We in Congress seem to be addicted and cannot stop the spending frenzy.

PRAYER IN SCHOOL

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

Mr. KINDNESS. Mr. Speaker, it is with some concern that I call to the attention of the House the action of the Supreme Court of the United States in announcing today the decision in the case of Wallace, Governor of Alabama and others, against Jaffree and others, a case in which the Court has decided that an Alabama statute which authorizes or allows a 1-minute period of silence in all public schools for meditation or voluntary prayer is unconstitutional.

The Court is quite divided in its opinion on the case. There are a majority of five Justices concurring. In the majority, however, one of them files a separate concurring opinion and another concurring opinion by an additional Justice, with the Chief Justice and two other Justices dissenting.

In one of the dissents the Chief Justice says with regard to the majority opinion, "To suggest that a moment of silence statute that includes the word 'prayer' unconstitutionally endorses religion, while one that simply provides for a moment of silence does not, manifests no neutrality but hostility toward religion," and, indeed, that seems to be the gist of the majority opinion.

It brings home, Mr. Speaker, to us the importance of our effort here in the House to present a constitutional amendment which would allow voluntary prayer, which would allow the exercise of our first amendment right of free speech as well as religion.

The establishment clause is in the first amendment. The arguable concept of separation of church and state is not in the first amendment, is not in the Constitution. That is the basis for the majority's opinion in this case, a sadly mistaken and long continued mistake.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 4, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 9:50 p.m. on Monday, June 3, 1985 and said to contain a message from the President transmitting documents extending the waiver authority under section 402 of the Trade Act of 1974 for the Hungarian People's Republic, the People's Republic of China, and the Socialist Republic of Romania.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

DOCUMENTS EXTENDING WAIVER AUTHORITY UNDER SECTION 402 OF THE TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-75)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, June 4, 1985.)

ANNOUNCEMENT BY THE SPEAKER

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

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

The Chair will note also that he had earlier informed certain Members that he intended to postpone votes until tomorrow in lieu of the fact that Members were overseas.

But in view of the fact that the committee in question is back, the Chair has changed that decision and has notified both sides of the aisle that the votes will take place today.

DEFERRAL OF WHEAT REFERENDUM

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1614) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986, as amended.

The Clerk read as follows:

H.R. 1614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1336) is amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding any other provision hereof, the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986, shall not be conducted before thirty days after adjournment sine die of the first session of the Ninety-ninth Congress.".

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

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1614 will postpone—until 30 days after adjournment sine die of the first session of the 99th Congress—the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

I urge my colleagues to join me in voting for this measure because it will avoid a costly, confusing, and needless exercise.

BACKGROUND

The law currently in effect with respect to the Department of Agriculture's wheat program, enacted as part of the Agriculture and Food Act of 1981 and applicable to the 1982 through 1985 crops of wheat, suspends the applicability of the wheat quota and referendum provisions of the Agricultural Adjustment Act of 1938 to those crops of wheat.

In fact, these provisions of the 1938 act have been suspended and supplanted by wheat program provisions contained in periodic omnibus farm bills for every crop since 1965. However, without enactment of new legislation or an extension of the 1981 act, the program for the 1986 crop of wheat will be governed by the Agricultural Adjustment Act of 1938.

Under section 332 of the 1938 act, if the Secretary of Agriculture determines that the total supply of wheat in a marketing year, in the absence of a marketing quota program, will likely be excessive, he must proclaim a quota applicable to the marketing year not later than April 15 of the calendar year preceding the year in which the marketing year starts. On April 12, 1985, Secretary Block announced a marketing quota applicable to the 1986 crop of wheat under section 332.

Because the quota for 1986 has been proclaimed, under section 336 of the 1938 act, a referendum on the quota must be held by August 1, 1985, to determine whether producers favor or oppose imposition of the quota.

NEED FOR THE LEGISLATION

Congress is now considering an omnibus farm bill to govern the 1986 and succeeding crops of wheat and other commodities. The wheat program under the new farm bill, once enacted, will take the place of the out-of-date provisions that will be the subject of the referendum; so, it is just good common sense to delay the referendum.

That is what H.R. 1614 will do. It will require the Secretary of Agriculture to defer conducting the 1986 wheat referendum under the 1938 act until Congress has had the opportunity to complete action on the 1985 farm bill. Specifically, the bill will postpone the referendum until 30 days after the adjournment sine die of the first session of the 99th Congress.

Since the conducting of the referendum would involve substantial outlays, perhaps as much as $1 million, enactment of H.R. 1614 will ensure that the outlay of funds is not made unless needed.

Further, since the wheat program under the 1938 act bears little relation to current realities, the referendum would not give our wheat producers a fair choice to vote on.

Therefore, I urge adoption of the measure.

Mr. Speaker, I yield such time as he may consume to the distinguished majority whip, the chairman of the subcommittee which handled this legislation, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. I thank the distinguished chairman of the full committee.

Mr. Speaker, similar legislation has been enacted on several occasions in

the past to postpone the otherwise required national wheat referendum.

The last such wheat referendum provided for in the Agricultural Adjustment Act of 1938 was conducted in 1965, 20 years ago, and was resoundingly rejected by wheat producers at that time. On those occasions when reauthorization of the omnibus farm bill has been considered since 1965, legislation has been adopted to postpone the wheat referendum so as not to require the Secretary to hold such a referendum by August 1 of the year previous to the marketing year for which the referendum is conducted.

This particular year, however, the committee has been advised of the Department's objection to a postponement. The Secretary, in effect, has indicated his desire to conduct the referendum.

It was the judgment of the subcommittee and the full committee that the wheat referendum would serve no purpose. Accordingly, by a strong bipartisan, indeed unanimous vote, it was decided to adopt this legislation, first in the form of the postponement and then, because of the acceptance of an amendment offered by the gentleman from Kansas [Mr. GLICKMAN]. The legislation now prohibits the holding of the referendum until after the Congress adjourns this year.

Having thus evolved, the bill now comes before the House in an amended form prohibiting the Secretary from conducting such a referendum.

The referendum itself is now a question which is no longer a relevant one in terms of the development of farm programs; it is based on a 1938 act which provides for a judgment on the part of farmers as to whether they want to submit to mandatory marketing quotas on a much smaller production base. It is almost universally conceded that the referendum would be rejected by the wheat producers. But beyond the waste of time and manpower and money involved in holding the referendum, it offers no instruction to the Congress or any assistance in the development of farm programs. Accordingly, I would strongly urge my colleagues to agree to the motion of the gentleman from Texas to suspend the rules and to adopt this bill.

I thank the gentleman from Texas for yielding.

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Montana [Mr. MARLENEE] is recognized.

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

Mr. Speaker, H.R. 1614 as reported by the Committee on Agriculture provides for the extension of time for conducting a referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

The referendum shall not be conducted until 30 days after adjournment sine die of the 1st session of the 99th Congress. That is a part of the language of the bill. As I have stated publicly on numerous occasions, a national wheat referendum is unnecessary, frustrating and confusing.

Now, under permanent law the referendum would be necessary if Congress fails to approve a new 4-year farm bill in 1985. The law calls for a nationwide referendum of wheat growers who would vote to accept a 1986 Wheat Program calling for a 54-million-acre allotment—substantially below current production levels. The referendum would be a nightmare to administer, and would be especially confusing and frustrating at the local level. We have some 3,000 local ASCS offices who would have to deal with this particular referendum to say nothing of the numerous farmers and agricultural producers who would have to participate.

The cost would be substantial, some $7 million, and that would not include the cost of the producer's time. The producers do not want a referendum, they do not need a referendum. The bill provides that the referendum cannot be conducted until 30 days after Congress adjourns in 1985. Congress has an adjournment target date of November 1.

I would remind the Members of the Congress that in a letter in 1981 the Department of Agriculture recommended postponing the referendum until October 15, 1981, which is 45 days earlier than the present legislation provides for.

So I would recommend that we pass this legislation and proceed with marking up a farm bill that is both beneficial to the producer and beneficial to the taxpayer.

H.R. 1614 provides the opportunity to send a clear signal that the wheat referendum is simply bad policy. I strongly urge my colleagues to support this measure mandating the Secretary of Agriculture to postpone the scheduled July 19-26 wheat referendum.

Mr. Speaker, I ask unanimous consent to enter into the RECORD a letter of May 31, 1985, from the Department of Agriculture that says that the Department strongly opposes enactment of this bill. In spite of that I think we should go ahead.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, May 31, 1985.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 1614, a bill "To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986."

The Department strongly opposes the enactment of this bill.

H.R. 1614, as reported by the Committee on Agriculture, provides for the extension of time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986. The referendum shall not be conducted before thirty days after adjournment sine die of the 1st Session of the 99th Congress.

A delay in holding the referendum would postpone wheat producer decisions as to 1986 crop plantings. We believe most producers would consider the early announcement of a marketing quota and acreage allotment program preferable to a late announcement since this would avoid misunderstandings, dispel rumors as to program content, and avoid costs and probably errors which would be incurred in implementing a program at the last minute.

Producers have frequently complained that enactment of major farm legislation has always been too late to allow adequate planning for the next year's crop. If the referendum is conducted to determine whether a marketing quota and acreage allotment program will be in effect for wheat producers will have the benefit of knowing what the program will be and will have the opportunity to make contingency plans on that basis should no new legislation be enacted.

If the referendum is postponed now and no new legislation is enacted, producers would be left in a quandary until such time as the legislative issue was resolved. Further, if at the last moment (adjournment sine die of the 1st Session of the 99th Congress) no new legislation is enacted, it would be virtually impossible to then implement the mandated statutory requirements of the Agricultural Adjustment Act of 1938 involving marketing quotas and acreage allotments without severe hardship on the part of winter wheat producers.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK.

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

Mr. MARLENEE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I was just reading the Legislative Digest on this particular bill. I do notice that the administration opposes the legislation.

Can the gentleman give us some explanation as to why the administration does not agree with the position that evidently the majority and minority have taken on this bill?

Mr. MARLENEE. Well, the administration's position is outlined in the letter. They say a postponement of the referendum would not give producers enough time to make the planting decisions, and they mention that producers have frequently complained that enactment of major farm legislation has always come too late to allow adequate planning for next year's crop.

Yet I would remind my colleague from Pennsylvania that on May 18, 1981, they wrote a letter to the Speaker, THOMAS "TIP" O'NEILL, recom-

mending that we pass similar legislation. So there seems to be some conflict here from the earlier legislation to this legislation on their position.

Mr. WALKER. If the gentleman would yield further, but I think that the gentleman is basing that on the fact that our proposed date of adjournment is November 1. However, there is a good deal of talk because of the tax bill that we might go to Christmas. If that is the case, then we would be in a considerably different situation, would we not, than an October 15 date compared to a January 1, perhaps, date, or January 15 date?

Mr. MARLENEE. That might well be. But I think that this Congress and particularly the Agriculture Committee and this House of Representatives will pass permanent legislation by the time that we adjourn that will make null and void any referendum that would take place. For the sake of the producer, for the sake of this country, I hope we pass comprehensive agricultural legislation.

Mr. WALKER. If the gentleman would yield once again.

Mr. MARLENEE. I am happy to yield further.

Mr. WALKER. I hope the gentleman's optimism can be sustained but I am also hearing that passage of a farm bill may indeed be very difficult particularly getting it through both Houses of Congress by the end of this year, that we may get a farm bill at some point in this Congress but it may not take place this year.

I am left a little bit confused here about what the dates are because we are providing a fairly indefinite kind of arrangement; if it is dependent upon the farm bill which may or may not happen this year and it is dependent on the sine die adjournment of Congress which may or may not take place on November 1. It seems to me at that point the administration has some legitimate concerns as to whether or not the wheat farmers are going to have enough information in order to get their crops planted in a timely manner. The gentleman is far more expert in the business of farming than I am.

Mr. MARLENEE. Regaining my time, this is exactly why we need to pass farm legislation out of the House of Representatives and out of the U.S. Congress, both the Senate and the House.

In addition, I bring up, with reluctance, the rumor that the administration would like to have a referendum to be used for blackmail purposes in forcing us into legislation that would be unpalatable both to the U.S. Congress and to the producers themselves. And I would not like to pursue that any further but that seems to be the intent of some of the letters that we are getting and some of the signals we are getting from the Department of Agriculture.

Mr. WALKER. If the gentleman would yield further.

Mr. MARLENEE. I am happy to yield further.

Mr. WALKER. I just wanted to get something clear in my own mind here because, as I say, it does not say anything in the administration view that I am reading in the Legislative Digest anything about blackmailing, but it does say they want to make certain that we have proper information to enable the wheat farmers to make informed planning decisions for the 1986 crop. Is the gentleman's assurance to the body that in fact that is not a danger, that the administration's position on this is ludicrous and that we are not faced with that kind of a choice?

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

Mr. MARLENEE. I am happy to yield to my colleague and chairman of the subcommittee.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, in response to the gentleman from Pennsylvania's question, in order to provide enough time for farmers to make a decision for planning purposes in winter wheat country you would have to make the decision within a matter of weeks. The fact that the administration said 4 years ago that the referendum was unnecessary and estimated its cost at that time at $4.8 million; now $4.8 million is not a huge sum, unfortunately, as Congress appropriates the money, and the gentleman knows. But if it is unnecessary, if it accomplishes no purpose, it serves no advantage to wheat farmers, to the administration, to the conduct of the programs and it seems obvious to us that it ought to be dispensed with.

That is the reason that this bill has been brought today.

I share the gentleman's concern about the administration's position because we have been unable, I think on both sides of the aisle, to really determine why the administration is determined to go ahead with such a costly and unnecessary activity.

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Mr. MARLENEE. Reclaiming my time, I would say also to the gentleman that we are working most diligently to complete legislation for the 1986 farm bill, legislation that would be beneficial to the farmers, and that would come in under budget. It is no easy task. We are meeting this week, and next week; we had met prior to the Memorial Day recess and will continue to meet until we hammer out legislation that will be of benefit and that will come in with the budget savings that have been promised by both the chairman and by myself.

As a matter of fact, the chairman today exhorted the committee, admonished them, to keep this legislation under budget and to proceed expeditiously with the legislation. So we are working at that, and I give the gentleman assurances that this member, as ranking member on the Wheat Subcommittee will do everything that he can to see that the process is complete in time for planning.

Mr. WALKER. Will the gentleman yield again?

Mr. MARLENEE. I would be happy to yield to the gentleman.

Mr. WALKER. I thank the gentleman for continuing to yield. I see by it again, the same digest, that there are no significant costs associated with the passage of this bill.

Do I understand that if in fact we would not pass this bill that there would be a cost of $4.8 million associated with failing to pass this bill. Is that correct?

Mr. MARLENEE. Failing to pass this bill would incur the cost of administering the referendum.

Mr. WALKER. In other words, it is not going to cost us any money to pass the bill, but if we do not pass the bill we are going to have a referendum that will cost $4.8 million, at least.

Mr. MARLENEE. We are going to have a referendum that will cost some money; that is correct.

Mr. WALKER. That is good enough for me. I thank the gentleman.

The SPEAKER pro tempore. The gentleman from Montana has consumed 10 minutes.

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

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN], a member of the committee.

Mr. GLICKMAN. Mr. Speaker, I urge support for this bill. Without this bill and the deferral of the referendum, producers vote on a system based on the Agricultural Adjustment Act of 1938. There are proposals before the Committee on Agriculture calling for producer referendum. Those proposals, however, set choices based on the conditions of the 1980's, not the 1930's.

Also, those proposals would apportion votes according to existing growing patterns, unlike the impending referendum which the administration seems to want, which disenfranchises many farmers who now grow wheat and enfranchises farmers who have long since left the business.

No matter what kind of farm program you favor, I think you will agree that it should be based on present circumstances, not ones nearly 40 years old. I think farmers share that view, also.

No one expects that the referendum, which is contemplated by this bill, would receive the two-thirds necessary for approval. The outdated system of mandatory quotas and acreage allotments plus the skewed voter pattern virtually guarantee defeat. That does not mean, however, that the current farm program would continue.

If the referendum is held and defeated, as is likely, so-called permanent law would take effect in the absence of new farm legislation, and that permanent law would be most discriminatory against the wheat farmers of this country.

As my colleague from Washington stated, the Department of Agriculture opposes this bill, but my colleagues also ought to be aware that in 1981, when faced with the same situation, Agriculture Secretary Block called the referendum an almost certainly needless and somewhat costly exercise, and recommended enactment of legislation delaying the referendum.

I am not sure, Mr. Speaker, why the Secretary of Agriculture wants to have this referendum when it will cost millions of dollars to conduct and when its results are already known right now is a mystery to me, but whatever his reasons are, this bill ought to be passed and the referendum ought to be postponed.

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

Mr. Speaker, I enter into the RECORD a letter of May 18, 1981, to the Honorable THOMAS P. O'NEILL, JR., from the Department of Agriculture, from the Secretary of Agriculture, regarding the request for postponement:

OFFICE OF THE SECRETARY,
Washington, DC, May 18, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a bill "To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1982."

The Department recommends enactment of this legislation.

This legislation is needed to avoid USDA's having to conduct a wheat referendum on August 1, 1981. In such a referendum, producers would vote yes or no on the question of whether a marketing quota should be in effect for the 1982 crop of wheat. When the final version of the 1981 farm legislation is passed, wheat marketing quotas will probably not be required. However, should the 1981 farm legislation not pass by August 1, the Department would be required, under the Agricultural Adjustment Act of 1938, to conduct the referendum—an almost certainly needless and somewhat costly exercise. The Department estimates that the total cost of preparing for and conducting the referendum would be about $4.8 million.

The proposed legislation is similar to P.L. 95-48, passed June 17, 1977, which postponed the wheat referendum that was scheduled for August 1, 1977.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

A similar letter has been sent to the President of the Senate.

Sincerely,

JOHN R. BLOCK,
Secretary.

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

Mr. DE LA GARZA. Mr. Speaker, I would like to give an example to the Members before I close. Having this referendum on wheat as stipulated in the 1938 act would be comparable to having a referendum today on whether to terminate World War II, and only persons living at that time would be eligible to vote. That would be about what we would be doing if we went on with a wheat referendum.

I would urge the Members to support passage of the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 1614, 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. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

REDUCTION OF COSTS OF PRESIDENTIAL LIBRARIES

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1349) to reduce the costs of operating Presidential libraries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1349

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

SECTION 1. SUITABILITY OF BUILDING AND EQUIPMENT FOR PRESIDENTIAL ARCHIVAL DEPOSITORY.

(a) REQUIREMENT FOR CERTIFICATION OF SUITABILITY.—Subsection (a) of section 2112 of title 44, United States Code, is amended by inserting at the end of the five indented clauses of the second paragraph of such subsection the following new clause:

"(F) a certification that such building and equipment (whether offered as a gift or made available without transfer of title) comply with minimum standards prescribed by the Archivist relating to suitability for use for archival purposes.".

(b) CLERICAL AMENDMENTS.—Subsection (a) of section 2112 of title 44, United States Code, is further amended—

(1) by inserting "(1)" after "(a)" in the first paragraph of such subsection;

(2) by inserting "(A)" after "public interest he may" in such paragraph;

(3) by inserting "(B)" after "archives system; and" in such paragraph;

(4) by designating the second paragraph of such subsection as paragraph (2) and by designating the five indented clauses in such paragraph as clauses (A) through (E), respectively;

(5) by striking out "and" at the end of the clause so designated as clause (D), by striking out the period at the end of the clause so designated as clause (E) and inserting in lieu thereof "; and"; and

(6) by designating the third paragraph of such subsection as paragraph (3).

SEC. 2. GIFTS AND BEQUESTS FOR THE SUPPORT OF PRESIDENTIAL ARCHIVAL DEPOSITORIES.

(a) AUTHORITY TO SOLICIT GIFTS.—Subsection (g) of section 2112 of title 44, United States Code, is amended by striking out "accept gifts or bequests of money or other property" and inserting in lieu thereof "solicit and accept gifts or bequests of money or other property".

(b) DEPOSIT AND USE OF GIFT PROCEEDS.—Subsection (g) of such section is further amended—

(1) by inserting "an account in" before "the National Archives Trust Fund"; and

(2) by striking out "including administrative and custodial expenses as the Archivist determines" and inserting in lieu thereof "for the same purposes and objects, including custodial and administrative services for which appropriations for the maintaining, operating, protecting, or improving Presidential archival depositories might be expended".

(c) REQUIREMENT OF ENDOWMENT TO SUPPORT BUILDING OPERATIONS.—Subsection (g) of such section is further amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Archivist shall provide for the establishment in such Trust Fund of separate endowments for the maintenance of the land, buildings, and equipment of each Presidential archival depository, to which shall be credited any gifts or bequests received under paragraph (1) that are offered for that purpose. Income to each such endowment shall be available to cover the cost of building operations, but shall not be available for the performance of archival functions under this title.

"(3) The Archivist shall not accept or take title to any land, building, or equipment under subsection (a)(1)(A), or make any agreement to use any land, building, or equipment under subsection (a)(1)(B), for the purpose of creating a Presidential archival depository unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) in an endowment with respect to that depository, an amount for the purpose of maintaining such land, buildings, and equipment equal to at least 20 percent of the sum of—

"(A) the total cost of acquiring or constructing such buildings and of acquiring and installing such equipment; and

"(B)(i) if title to the land is to be vested in the United States, the cost of acquiring the land upon which such buildings are situat-

ed, or such other measure of the value of such land as is mutually agreed upon by the Archivist and the donor; or

"(ii) if title to the land is not to be vested in the United States, the cost to the donor of any improvements (other than such buildings and equipment) to the land upon which such buildings are situated.".

(d) EFFECTIVE DATE OF ENDOWMENT REQUIREMENTS.—Paragraph (3) of section 2112(g) of title 44, United States Code, as added by subsection (c) of this section, shall apply with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Federal records pertaining to any President who takes the oath of office as President for the first time on or after January 20, 1985.

SEC. 3. STUDY OF MUSEUM OF THE PRESIDENTS.

(a) STUDY BY ARCHIVIST.—The Archivist of the United States, in consultation with the Secretary of the Smithsonian Institution and the Chairman of the National Capital Planning Commission, shall study the demand for, and the cost, and space and program requirements of, establishing a museum of the Presidents. With respect to such costs, the study shall examine the feasibility of establishing and operating such museum exclusively with non-Federal funds.

(b) COOPERATION OF OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate with the Archivist in conducting the study required by subsection (a).

(c) SUBMISSION OF RESULTS OF STUDY.—In the annual report for fiscal year 1986 required by section 2106 of title 44, United States Code, the Archivist shall include a statement of the results of the study required by subsection (a) and any recommendations of the Archivist with respect to establishing such a museum.

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

The gentleman from Oklahoma [Mr. ENGLISH] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ENGLISH].

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

Mr. Speaker, the cost of keeping our former Presidents has received a great deal of attention in recent years, and rightfully so. The cost has grown from $64,000 in 1955 to an estimated $27 million for the current year. One element of that cost, the Presidential library system, is addressed in H.R. 1349.

Mr. Speaker, before I talk about the money-saving aspects of H.R. 1349, I would like to make a point about Presidential libraries: To characterize Presidential libraries as simply serving to aggrandize former Presidents—as a perquisite—perk—in the same sense as office space, staff allowances, and mailing privileges may well be inappropriate. While the libraries frequently have an associated museum, they do serve as depositories for documents pertaining to the service and life of Presidents. Consequently, Presidential libraries are a valuable link in the chain of our Nation's rich documentary heritage, and the public is the primary beneficiary.

Nevertheless, while these libraries are built with private funds, once donated to the Federal Government, they do cost money to operate; and, this cost is borne entirely by the taxpayer. It behooves us, therefore, to do what we can to limit the burden on the taxpayer of operating future, and to the extent possible, current, Presidential libraries.

The bill before you would accomplish this by shifting the burden of ongoing operating costs for future libraries from the taxpayer to endowment funds required to be provided by the same private parties who build and donate library buildings.

H.R. 1349 requires that the gift of a Presidential library be accompanied by an endowment equal to at least 20 percent of the cost of constructing and equipping that facility. The earnings from the endowment would then be used to offset building-related operations costs. An endowment would be required for the library of any President taking office for the first time after January 20, 1985.

With respect to existing libraries—of which there are seven—and those not otherwise covered by the 20-percent endowment requirement—the Nixon, Carter, and Reagan facilities—the bill encourages the voluntary establishment of endowments; and, in this regard, requires the establishment of endowment accounts in the National Archives Trust Fund for each such facility.

In a further effort to ensure that new facilities are both efficient to operate and suitable for their principal—archival—purpose, all future Presidential libraries would be required to comply with minimum standards prescribed by the Archivist.

The bill also clarifies the authority of the Archivist to solicit, as well as accept gifts and bequests in support of the Presidential libraries. Finally, H.R. 1349 provides for a study by the Archivist—in conjunction with other interested agencies—of the desirability and feasibility of establishing, exclusively with non-Federal funds, a Museum of the Presidents in Washington. This provision—the only substantive change from H.R. 5584 which was passed by the House last year—was prompted by the concerns of the National Capital Planning Commission over tourist pressures on the White House.

This bill is the product of a lengthy, indepth, and bipartisan examination of the Presidential library system by the Committee on Government Operations; it is virtually identical to the bill passed by the House last year, and I think it represents the best opportunity to limit the burden to the taxpayer with respect to the Presidential library system.

□ 1320

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

Mr. Speaker, I support H.R. 1349 and urge my colleagues to do so. I ask that we consider this bill in a strictly bipartisan or nonpartisan context.

Thirty years have passed since the Congress enacted the Presidential Libraries Act authorizing the U.S. Government to accept the donation of land, buildings, and equipment for use for Presidential libraries or to enter into agreements with States or other institutions which would make facilities available for use as Presidential libraries.

The law has changed in the meantime. At that time, the condition of the law was that the papers of a President were presumed to be his own personal property. Through the Presidential Libraries Act of 1955, a mechanism was provided to encourage former Presidents to donate there papers to the Federal Government for preservation in facilities that were located around the country.

The law has changed further since that time, with the Presidential Records Act of 1978. That made it clear that the United States shall preserve and retain complete ownership, possession, and control of Presidential records, beginning with the first term of the now current administration. Thus, with the advent of this administration, the U.S. Government acquired all of the responsibilities for ownership of the Presidential records of this and future administrations.

So it is timely, Mr. Speaker, that the Congress act to control the situation, as described by the gentleman from Oklahoma, the chairman of the subcommittee.

I think it is interesting to note that, as stated by the gentleman from Oklahoma, H.R. 1349 is identical to the product passed by the House of Representatives in the last Congress. It was supported by the administration last year. I supported the bill last year because the committee decided to exempt the incumbent President from the endowment requirement.

In a surprising if not offensive communication at the time of our full committee markup this year, the Office of Management and Budget said that that exemption did not go far enough. OMB stated that the incumbent should be exempted from the building standards for archival suitability. Such a suggestion, Mr. Speaker, should not be taken seriously, and I cannot believe that this is in furtherance of the President's wishes. I think something I have seen in print indicates that the administration's posi-

tion on this measure is that it has no objection to House passage of H.R. 1349 but will seek clarifying amendments in the Senate. I certainly hope and trust that one of the clarifying amendments is not to exempt the current administration from the requirements of the building standards for archival suitability for Presidential libraries.

I might mention also that section 3 of this bill is new this year. I would just like to say for the record that the performance of the study that is called for by section 3 of the bill should not be based on a forgone conclusion. The National Capital Planning Commission has suggested several ideas for museums on the Mall, of which a Presidential museum would have been one. Given the responsibilities of the National Archives, I think it is appropriate that the Archives conduct that study, but I would certainly not think it a foregone conclusion that there should be, with certainty, such a museum established.

Before yielding back, Mr. Speaker, I would like to thank our subcommittee chairman, the gentleman from Oklahoma [Mr. ENGLISH], for the thoughtful, pragmatic, and cooperative approach that he and his staff have taken with respect to this issue which has brought us to this point today.

Mr. ENGLISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS], the outstanding chairman of the Government Operations Committee.

Mr. BROOKS. I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the chairman, the gentleman from Oklahoma [Mr. ENGLISH], and the gentleman from Ohio [Mr. KINDNESS], the Republican counterpart, on their fine work on this bill and to say that I am pleased to rise today in support of H.R. 1349. This bill will establish a procedure for funding part of the operational costs of future Presidential libraries, by requiring that endowments for such libraries be donated for deposit in the National Archives Trust Fund. The bill also would create similar endowments for existing Presidential libraries and specify that the income to each endowment be applied to the building operations costs of that particular library. Further, all future Presidential libraries will be required to comply with minimum standards laid down by the Archivist of the United States.

Mr. Speaker, this bill is a modest and sensible effort to get control of the operations costs of Presidential libraries. It will shift part of the burden of building operations costs for future libraries from the taxpayer to endowment funds provided by the private parties who build and donate Presidential library buildings. In addition, H.R. 1349 provides for a study by the Archivist, in conjunction with other agencies, of the desirability and feasibility of establishing a museum of the Presidents to be supported with non-Federal funds.

Mr. Speaker, H.R. 1349 is a worthwhile and prudent measure, and I hope that we will act favorably upon it today.

● Mr. OWENS. Mr. Speaker, let me first of all congratulate the capable gentleman from Oklahoma for his effective leadership in handling this legislation and managing its hopeful passage today.

I rise today in support of H.R. 1349 which begins the process of shifting the financial burden of Presidential libraries from the taxpayer to the private sector. This legislation would also further improve the preservation and management of Presidential records. These institutions for the last three decades now have made a valuable contribution to our Nation's history by providing appropriate archival services. While the Presidential Library Act of 1955 provided a structured process for insuring that the papers of Presidents would be properly preserved, we have, however, experienced a tremendous growth in cost to maintain these libraries. Unlike other perks former Presidents receive such as Secret Service, staff assistants and generous office allowances and pensions, libraries are not really frills but a wise investment for present and future generations. As the only elected librarian in the Congress, it is with pride and in sincerity that I make the claim that Presidential libraries contribute to our Nation's cultural and historical wealth.

Since the system's inception, the initial appropriation of less than $70,000 has skyrocketed. The cost of operating these institutions is nearly $2 million each library or $14 million in fiscal year 1984, an increase that is 250 times the Congress' initial investment. With the completion of the Nixon, Carter, and Reagan Libraries, the cost is expected to reach $20 million annually.

It is right that this Congress in the midst of an alarming deficit confront the ever-increasing cost associated with Presidential libraries. It is right at a time when this administration seeks to savagely reduce Federal support of public libraries in the name of economy that this Congress should also apply the brakes to escalating cost regarding these libraries. H.R. 1349 enables us to finally develop a process which would hold down cost while not reducing the quality of services. It is only right that this Congress does what is prudent and our duty in these austere times. We have no other option except to limit the cost of Presidential libraries on the taxpayer and to share that cost with those who can afford to contribute. I must say that the bill's flaw is that it should be effective now, not 3 years hence. Any President who talks about deficits and the responsibility of the private sector to absorb costly governmental programs surely should put his "money where his mouth is." The "great communicator" should also show great action and volunteer to advance the effective date of this bill and thus demonstrate to the Nation the practice of his philosophy.

This bill is not only about the establishment of endowments of 20 percent to offset Federal cost for operating Presidential libraries. Additionally, the bill establishes standards governing the planning and design of future Presidential libraries. It further requires the National Archives and Records Service to certify to the Congress that the proposed new projects conform with building and equipment standards appropriate for archival maintenance. Finally this bill would clarify the authority of the National Archives to solicit and receive gifts or bequests.

While the bill's schedule of effect is not consistent with my own timeline, I believe that this bill will be effective in limiting governmental financial support of Presidential libraries and will strengthen these institutions. Again I want to commend the subcommittee chairman for his thoughtful and cooperative work on this legislation.●

● Mr. McCANDLESS. Mr. Speaker, as a member of the Government Operations Committee and a cosponsor of H.R. 1349, I rise in strong support of this legislation. H.R. 1349 will reduce the burden that taxpayers must bear to maintain and operate Presidential libraries.

When Congress passed the Presidential Library Act of 1955, it was anticipated that each library would cost the Government about $150,000 a year to operate. Last year, the Federal Government spent over $14 million on the seven existing Presidential libraries, and that figure is expected to jump to over $20 million annually when former Presidents Nixon, Ford, and Carter build their libraries.

While Presidential libraries are recognized as being necessary for preserving and maintaining important public papers, H.R. 1349 reflects the view of the committee that, in view of the deficit, Presidents planning to establish libraries must bear more of the responsibility for the upkeep of their libraries.

H.R. 1349 requires all future Presidents to provide for an endowment at least equal to 20 percent of the total costs of the library's physical structure and grounds. The interest from the trust account will be used to defray the costs of the operations of that library.

While the bill is prospective, and applicable only to Presidents after

Ronald Reagan, it is my hope that President Reagan and former Presidents Nixon, Ford, and Carter will voluntarily abide by the provisions of this legislation.

H.R. 1349 is quite modest in terms of deficit reduction. It is, however, symbolic that Congress is willing to address some of the "frills" that have been added to the Federal budget and which, collectively, do have a direct impact on the deficit. Therefore, I urge my colleagues to support H.R. 1349.●

● Mr. HORTON. Mr. Speaker, I rise in support of H.R. 1349.

Mr. Speaker, the National Archives and Records Administration currently operates seven Presidential libraries, each of which is located in a community which a President called home at one time or another in his life. These libraries are vital repositories for the preservation of the documentary history of the periods in which the Presidents served their country. Not only historians, but also persons from all walks of life, visit these libraries to see firsthand the documents and artifacts that they would otherwise know about only through news media accounts and what they have learned at school.

These libraries are built entirely with donations of private funds. Once they have been built and turned over to the National Archives, regular annual appropriations pay for their operation and maintenance. It now costs the U.S. Government approximately $15 million annually to operate these Presidential libraries and to care for the papers of the Presidents for whom there is no library yet—specifically, Presidents Nixon, Carter, and Reagan.

The Government Operations Committee has long been concerned with the preservation of the papers of our Presidents. We proposed the original Presidential Libraries Act of 1955, and in 1978 recommended the law which provided for permanent U.S. Government responsibility for Presidential records, beginning with the current administration.

In 1982, the committee issued a report which made several recommendations of administrative actions which might be taken with respect to the costs of operating the libraries. One of those recommendations was that the donation of each future Presidential library be accompanied by the donation of a sum of money—an endowment—the income from which would cover the cost of operation and maintenance of that library. The General Services Administration, which was responsible for the Archives at that time, believed that it did not have authority to implement this recommendation. The bill before us now would grant that authority.

H.R. 1349 is substantially similar to legislation which was passed by the House last year and was supported by the administration. The broad bipartisan support for this legislation within the Committee on Government Operations is a direct result of the very thoughtful and cooperative effort put behind this bill by the members. I would especially like to commend the Subcommittee on Government Information, Justice, and Agriculture; its chairman, GLENN ENGLISH; and its ranking minority member, TOM KINDNESS, for the very thorough way in which, over the past several years, they have reviewed the Presidential libraries program and the concerns that have been raised regarding its cost, and then come up with practical and effective recommendations on how to reduce the growth in the cost of the Presidential libraries system of the National Archives.

I commend this measure to my colleagues and urge its passage.●

● Mr. LIGHTFOOT. Mr. Speaker, I rise to indicate my support for requiring the private sector to help defray the expense of operating Presidential libraries.

In 1955, when the Presidential Libraries Act was passed, Congress expected each Presidential library to cost about $150,000 a year. However, in fiscal year 1984 the Federal Government spent over $14 million on the seven existing libraries. When libraries are built for former Presidents Nixon, Ford, and Carter, the cost is expected to exceed $20 million a year. This figure will continue to balloon as new Presidents are continuously added to the program.

I recognize that the Federal Government has a responsibility to preserve Presidential documents and other important public papers for posterity. The Presidential libraries are a good way to provide for this and to honor our former Presidents at the same time.

However, I also believe that Presidents and their supporting sponsors who plan to establish libraries should be required to relieve the taxpayers of some of the financial burden involved.

H.R. 1349 would require an individual or group that has donated land or buildings to contribute an endowment equal to 20 percent of the land and buildings' cost. The interest from this endowment would only help defray the cost of operating the libraries. It does not require full funding from the endowment—in fact, it comes far from it. Instead, H.R. 1349 creates a fair balance of costs according to the responsibilities of the private sector and the Federal Government.

As a nation, the Federal deficit is the greatest problem we are currently faced with. In our attempts to rid ourselves of this burden we can't afford to leave any stones unturned. That's why the passage of H.R. 1349 today is important to each and every American.●

● Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 1349, legislation to reduce the costs of operating Presidential libraries.

Earlier this year I introduced the Former Presidents' Benefits Containment Act that would among other things reduce the cost to the American taxpayers of Presidential libraries. The legislation we consider today is similar to that I introduced February 21 in calling for the establishment of an endowment prior to construction of these libraries to defray future operating costs. H.R. 1349 also requires, as does my legislation, that Presidential libraries meet minimal architectural and design standards to ensure that Presidential papers are properly preserved and that they contain adequate research facilities.

Although I recognize the historical importance of preserving and maintaining Presidential documents for future generations to study, I am concerned that the American taxpayers are being asked to shoulder an increasing financial burden to cover the operating expenses of these libraries. When Congress authorized the Federal Government in 1955 to operate Presidential libraries donated by private foundations, the estimated cost of operating each library was $150,000. Thirty years later, taxpayers are paying $2 million per year for each of the seven Presidential libraries, with three more libraries scheduled to open in the next few years.

While the legislation I introduced is more comprehensive than H.R. 1349 in also limiting former Presidents' staff, office, travel expenses, communication services, and Federal protection, the legislation we consider today is an important first step in this effort. While I continue to honor and respect those who have served in our Nation's highest office, it is time that we reduce the escalating cost of Presidential libraries. It's my hope that after passage of this measure we soon will consider the other important issues addressed by my legislation.●

● Mr. CLINGER. Mr. Speaker, in this time of soaring Federal budget deficits, it is imperative that we reduce the operating costs of the Federal Government as much as possible without risking important services. One such service, the housing of important documents in Presidential libraries, costs the Federal Government over $14 million annually for the seven existing Presidential libraries. Keeping in mind that these costs are expected to increase significantly when Presidents Nixon, Ford, and Carter build their respective libraries, I wholeheartedly support the Committee on Government Operations' proposal to drastically reduce the enormous costs associated with maintaining the Presidential library facilities.

H.R. 1349 proposes that Presidents be required to contribute to the maintenance costs of the library buildings and properties, thereby relieving the taxpayers of some of the current maintenance burdens. Meanwhile, the National Archives and Records Administration [NARA] will be responsible for the preservation, cataloging, and display of Presidential materials.

Presidents after Ronald Reagan will be required by H.R. 1349 to provide a minimum endowment of 20 percent to the total cost of the library buildings, NARA's required equipment, and the surrounding property. In addition, it is also hoped that Presidents Nixon, Ford, Carter, and Reagan will voluntarily comply with H.R. 1349 if passed. Such actions on the part of the former Chief Executives would allow for savings for the taxpayers, while representing the Federal Government's sincere concern and interest in eliminating excess spending.

While H.R. 1349 may not have an immediate effect on the Federal budget, it is anticipated that substantial savings will be realized for the taxpayers beginning in the 1990's. For this reason, I urge my colleagues to vote for the saving of taxpayers' dollars while simultaneously ensuring the future of our valuable historical documents.●

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

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1349.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. ENGLISH] that the House suspend the rules and pass the bill, H.R. 1349, 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.

MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT OF 1985

Mr. PICKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1868) to amend the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the anti-fraud provisions of that act, as amended.

The Clerk read as follows:

H.R. 1868

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicare and Medicaid Patient and Program Protection Act of 1985".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act.

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SEC. 2. EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128 (42 U.S.C. 1320a-7) is amended to read as follows:

"EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS

"SEC. 1128. (a) MANDATORY EXCLUSION.—The Secretary shall exclude the following individuals and entities from participation in any program under title XVIII and shall direct that the following individuals and entities be excluded from participation in any State health care program:

"(1) CONVICTION OF PROGRAM-RELATED CRIMES.—Any individual or entity that has been convicted of a criminal offense related to the delivery of an item or service under title XVIII or under any State health care program (as defined in subsection (h)).

"(2) CONVICTION RELATING TO PATIENT ABUSE.—Any individual or entity that has been convicted, under Federal or State law, of a criminal offense relating to neglect or abuse of patients in connection with the delivery of a health care item or service.

"(b) PERMISSIVE EXCLUSION.—The Secretary may exclude the following individuals and entities from participation in any program under title XVIII and may direct that the following individuals and entities be excluded from participation in any State health care program:

"(1) CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a program operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or financial abuse.

"(2) CONVICTION RELATING TO OBSTRUCTION OF AN INVESTIGATION.—Any individual or entity that has been convicted, under Federal or State law, in connection with the interference or obstruction of any investigation into any criminal offense described in paragraph (1) or in subsection (a).

"(3) CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted, under Federal or State law, of unlawful manufacture, distribution, prescription, or dispensing of a controlled substance or other criminal offense relating to a controlled substance.

"(4) LICENSE REVOCATION OR SUSPENSION.—Any individual or entity—

"(A) whose license to provide health care has been revoked or suspended by any State licensing authority, or who otherwise lost such a license, for reasons bearing on the individual's or entity's professional competence, professional conduct, or financial integrity, or

"(B) who surrendered such a license while a formal disciplinary proceeding was pending before such an authority and the proceeding concerned the individual's or entity's professional competence, professional conduct, or financial integrity.

"(5) EXCLUSION FROM FEDERAL HEALTH CARE PROGRAM.—Any individual or entity which has been suspended or excluded from participation, or otherwise sanctioned, under any Federal program, including programs of the Department of Defense or the Veterans' Administration, involving the provision of health care, or under a State health care program (as defined in subsection (h)).

"(6) CLAIMS FOR EXCESSIVE CHARGES OR UNNECESSARY SERVICES AND FAILURE OF CERTAIN ORGANIZATIONS TO FURNISH MEDICALLY NECESSARY SERVICES.—Any individual or entity that the Secretary determines—

"(A) has submitted or caused to be submitted bills or requests for payment under title XVIII or a State health care program containing charges (or, in applicable cases, requests for payment of costs) for items or services furnished substantially in excess of such individual's or entity's customary charges (or, in applicable cases, substantially in excess of such individual's or entity's costs) for such items or services, unless the Secretary finds there is good cause for such bills or requests containing such charges or costs;

"(B) has furnished items or services to patients (whether or not eligible for benefits under title XVIII or a State health care program) substantially in excess of the needs of such patients or of a quality which fails to meet professionally recognized standards of health care;

"(C) is—

"(i) a health maintenance organization (as defined in section 1903(m)) providing items and services under a State plan approved under title XIX, or

"(ii) an entity furnishing services under a waiver approved under section 1915(b)(1),

and has failed substantially to provide medically necessary items and services that are required (under law or the contract with the State under title XIX) to be provided to individuals covered under that plan or waiver, if the failure has adversely affected (or has a substantial likelihood of adversely affecting) these individuals; or

"(D) is an entity providing items and services as an eligible organization under a risk-sharing contract under section 1876 and has

failed substantially to provide medically necessary items and services that are required (under law or such contract) to be provided to individuals covered under the risk-sharing contract, if the failure has adversely affected (or has a substantial likelihood of adversely affecting) these individuals.

"(7) FRAUD, KICKBACKS, AND OTHER PROHIBITED ACTIVITIES.—Any individual or entity that the Secretary determines has committed an act which is described in section 1128A or sectio • 1128B.

"(8) ENTITIES CONTROLLED BY A SANCTIONED INDIVIDUAL.—Any entity with respect to which the Secretary determines that a person—

"(A)(i) with an ownership or control interest (as defined in section 1124(a)(3)) in that entity, or

"(ii) who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of that entity—

is a person—

"(B)(i) who has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection;

"(ii) against whom a civil monetary penalty has been assessed under section 1128A; or

"(iii) who has been excluded from participation under a program under title XVIII or under a State health care program.

"(9) FAILURE TO DISCLOSE REQUIRED INFORMATION.—Any entity that did not fully and accurately make any disclosure required of it by section 1124 or section 1126.

"(10) FAILURE TO SUPPLY REQUESTED INFORMATION ON SUBCONTRACTORS AND SUPPLIERS.—Any disclosing entity (as defined in section 1124(a)(2)) that fails to supply (within such period as may be specified by the Secretary in regulations) upon request specifically addressed to the entity by the Secretary—

"(A) full and complete information as to the ownership of a subcontractor (as defined by the Secretary in regulations) with whom the entity has had, during the previous 12 months, business transactions in an aggregate amount in excess of $25,000, or

"(B) full and complete information as to any significant business transactions (as defined by the Secretary in regulations), occurring during the five-year period ending on the date of such request, between the entity and any wholly owned supplier or between the entity and any subcontractor.

"(11) FAILURE TO SUPPLY PAYMENT INFORMATION.—Any individual or entity furnishing items or services for which payment may be made under title XVIII or a State health care program that fails to provide such information as the Secretary or the appropriate State agency finds necessary to determine whether such payments are or were due and the amounts thereof, or has refused to permit such examination of its records by or on behalf of the Secretary or that agency as may be necessary to verify such information.

"(12) FAILURE TO GRANT IMMEDIATE ACCESS.—Any individual or entity that fails to grant immediate access, upon reasonable request (as defined by the Secretary in regulations) to any of the following:

"(A) To the Secretary, or to the agency used by the Secretary, for the purpose specified in the first sentence of section 1864(a) (relating to compliance with conditions of participation or payment).

"(B) To the Secretary or the State agency, to perform the reviews and surveys required under State plans under paragraphs (26), (31), and (33) of section 1902(a) and under section 1903(g).

"(C) To the Inspector General of the Department of Health and Human Services, for the purpose of reviewing records, documents, and other data necessary to the performance of the statutory functions of the Inspector General.

"(D) To a State medicaid fraud control unit (as defined in section 1903(q)), for the purpose of conducting activities described in that section.

"(13) FAILURE TO TAKE CORRECTIVE ACTION.—Any hospital that fails to comply substantially with a corrective action required under section 1886(f)(2)(B).

Subject to subsection (d)(2), the Secretary shall exercise the authority under this subsection in a manner that results in an individual's or entity's exclusion from all the programs under title XVIII and all the State health care programs in which the individual or entity may otherwise participate.

"(c) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section or under section 1128A shall be effective at such time and upon such reasonable notice to the public and to the individual or entity excluded as may be specified in regulations consistent with paragraph (2).

"(2)(A) Except as provided in subparagraph (B), such an exclusion shall be effective with respect to services furnished to an individual on or after the effective date of the exclusion.

"(B) Unless the Secretary determines that the health and safety of individuals receiving services warrants the exclusion taking effect earlier, an exclusion shall not apply to payments made under title XVIII or under a State health care program for—

"(i) inpatient institutional services furnished to an individual who was admitted to such institution before the date of the exclusion, or

"(ii) home health services and hospice care furnished to an individual under a plan of care established before the date of the exclusion,

until the passage of 30 days after the effective date of the exclusion.

"(3)(A) The Secretary shall specify, in the notice of exclusion under paragraph (1) and the written notice under section 1128A, the minimum period (or, in the case of an exclusion under subsection (b)(12), the period) of the exclusion.

"(B) In the case of an exclusion under subsection (a)(1), the minimum period of the exclusion may not be less than five years.

"(C) In the case of an exclusion under subsection (b)(12), the period of the exclusion shall be equal to the sum of—

"(i) the length of the period in which the individual or entity failed to grant the immediate access described in that subsection, and

"(ii) an additional period, not to exceed 90 days, set by the Secretary.

"(d) NOTICE TO STATE AGENCIES AND EXCLUSION UNDER STATE HEALTH CARE PROGRAMS.—(1) The Secretary shall promptly notify each appropriate State agency administering or supervising the administration of each State health care program (and, in the case of an exclusion effected pursuant to subsection (a) and to which section 304(a)(5) of the Controlled Substances Act may apply, the Attorney General)—

"(A) of the fact and circumstances of each exclusion effected against an individual or entity under this section or section 1128A, and

"(B) the period (described in paragraph (2)) for which the State agency is directed to exclude the individual or entity from participation in the State health care program.

"(2)(A) Except as provided in subparagraph (B), the period of the exclusion under a State health care program under paragraph (1) shall be the same as any period of exclusion under a program under title XVIII.

"(B) The Secretary may waive an individual's or entity's exclusion under a State health care program under paragraph (1) if the Secretary receives and approves a request for the waiver with respect to the individual or entity from the State agency administering or supervising the administration of the program.

"(e) NOTICE TO STATE LICENSING AGENCIES.—The Secretary shall—

"(1) promptly notify the appropriate State or local agency or authority, having responsibility for the licensing or certification of an individual or entity excluded (or directed to be excluded) from participation under this section or section 1128A, of the fact and circumstances of the exclusion,

"(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and

"(3) request that the State or local agency or authority keep the Secretary and the Inspector General in the Department of Health and Human Services fully and currently informed with respect to any actions taken in response to the request.

"(f) NOTICE, HEARING, AND JUDICIAL REVIEW.—(1) Any individual or entity that is excluded (or directed to be excluded) from participation under this section (or is denied termination of the exclusion under subsection (g)) is entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(2) The provisions of section 205(h) shall apply with respect to this section and sections 1128A and 1156 to the same extent as it is applicable with respect to title II.

"(g) APPLICATION FOR TERMINATION OF EXCLUSION.—(1) An individual or entity excluded (or directed to be excluded) from participation under this section (other than under subsection (b)(12)) or section 1128A may apply to the Secretary, in the manner specified by the Secretary in regulations and at the end of the minimum period of exclusion provided under subsection (c)(3) and at such other times as the Secretary may provide, for termination of the exclusion effected under this section or section 1128A.

"(2) The Secretary may terminate the exclusion if the Secretary determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Secretary at the time of the exclusion, that—

"(A) there is no basis under subsection (a) or (b) or section 1128A(a) for a continuation of the exclusion, and

"(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

"(3) The Secretary shall promptly notify each appropriate State agency administering or supervising the administration of each State health care program (and, in the case of an exclusion effected pursuant to subsection (a) and to which section 304(a)(5) of the Controlled Substances Act may apply, the Attorney General) of the fact and circumstances of each termination of exclusion made under this subsection.

"(h) DEFINITION OF STATE HEALTH CARE PROGRAM.—For purposes of this section and sections 1128A and 1128B, the term 'State health care program' means—

"(1) a State plan approved under title XIX,

"(2) any program receiving funds under title V or from an allotment to a State under such title, or

"(3) any program receiving funds under title XX or from an allotment to a State under such title.".

SEC. 3. CIVIL MONETARY PENALTIES.

(a) GROUNDS FOR IMPOSITION.—(1) Subsection (a)(1) of section 1128A (42 U.S.C. 1320a-7a) is amended by striking out "the Secretary determines" and all that follows through "; or" and inserting in lieu thereof "the Secretary determines—

"(A) is for a medical or other item or service that the person knows or has reason to know was not provided as claimed,

"(B) is for a medical or other item or service and the person knows or has reason to know the claim is false or fraudulent,

"(C) is presented for a physician's service (or an item or service incident to a physician's service) by a person who knows or has reason to know that the individual who furnished (or supervised the furnishing of) the service—

"(i) was not licensed as a physician,

"(ii) was licensed as a physician, but such license had been obtained through a misrepresentation of material fact (including cheating on an examination required for licensing), or

"(iii) represented to the patient at the time the service was furnished that the physician was certified in a medical specialty by a medical specialty board when the individual was not so certified, or

"(D) is for a medical or other item or service furnished during a period in which the person was excluded under the program under which the claim was made pursuant to a determination by the Secretary under this section or under section 1128, 1156, 1160(b) (as in effect on September 2, 1982), 1862(d) (as in effect on the date of the enactment of the Medicare and Medicaid Patient and Program Protection Act of 1985), or 1866(b); or".

(2) Subsection (a)(2)(B) of such section is amended by inserting "(or other requirement of a State plan under title XIX)" after "State agency".

(3) Subsection (a) of such section is further amended by adding at the end thereof the following new sentence: "In addition the Secretary may make a determination in the same proceeding to exclude the person from participation in the programs under title XVIII and to direct the appropriate State agency to exclude the person from participation in any State health care program.".

(4) No civil penalty or assessment may be imposed under section 1128A(a) of the Social Security Act in the case of a claim filed before August 13, 1981, if liability for the amount of the penalty or assessment could not have been imposed with respect to the claim under section 3729 of title 31, United States Code (relating to false claims).

(b) STATUTE OF LIMITATION ON ACTIONS.—Subsection (b)(1) of such section is amended by adding at the end the following new sentences: "The Secretary may not initiate an action under this section with respect to any claim later than six years after the date the claim was presented. The Secretary may initiate an action under this section by personal service or by mailing, by registered or certified mail, the notice required by paragraph (2).".

(c) CONFORMING AMENDMENT.—Subsections (b), (c), (f), and (g) of such section are each amended by striking out "penalty or assessment" and inserting in lieu thereof "penalty, assessment, or exclusion" each place it appears.

(d) PRO-RATED PAYMENT OF RECOVERIES TO STATE AGENCIES.—Subsection (e)(1)(A) of such section is amended by striking out "equal to the State's share of the amount paid by the State agency" and inserting in lieu thereof "bearing the same proportion to the total amount recovered as the State's share of the amount paid by the State agency for such claim bears to the total amount paid".

(e) NOTICE TO STATE AGENCIES.—Subsection (g) of such section is further amended by inserting "the appropriate State agency or agencies administering or supervising the administration of State health care programs (as defined in section 1128(h))," after "professional organization,".

(f) APPLICATION OF SUBPOENA POWER AND INJUNCTIVE POWERS.—Such section is further amended by adding at the end the following new subsections:

"(i) The provisions of subsections (d) and (e) of section 205 shall apply with respect to this section to the same extent as they are applicable with respect to title II.

"(j) Whenever the Secretary has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil monetary penalty under this section, the Secretary may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, or encumbering assets which may be required in order to pay a civil monetary penalty if any such penalty were to be imposed or to seek other appropriate relief.".

SEC. 4. CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) TECHNICAL AMENDMENTS.—Section 1909 (42 U.S.C. 1396h) is amended—

(1) by amending the heading to read as follows:

"CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE OR STATE HEALTH CARE PROGRAMS";

(2) in subsection (a)(1), by striking out "a State plan approved under this title" and inserting in lieu thereof "a program under title XVIII or a State health care program (as defined in section 1128(h))";

(3) in the matter in subsection (a) following paragraph (4), by striking out "this title" the first place it appears and inserting in lieu thereof "the program";

(4) in the last sentence of subsection (a), by striking out "this title" the first place it appears and inserting in lieu thereof "title XIX", and by striking out "this title" the second place it appears and inserting in lieu thereof "that title";

(5) in paragraphs (1)(A), (1)(B), (2)(A), (2)(B), and (3)(A) of subsection (b), by striking out "this title" and inserting in lieu thereof "title XVIII or a State health care program" each place it appears;

(6) in subsection (c), by striking out "or home health agency (as those terms are employed in this title)" and inserting in lieu thereof "home health agency, or other entity for which certification is required under title XVIII or a State health care program"; and

(7) in subsection (d), by striking out "this title" and inserting in lieu thereof "title XIX" each place it appears.

(b) CRIMINAL PENALTIES FOR PHYSICIAN MISREPRESENTATIONS.—Subsection (a) of such section is further amended—

(1) by striking out "or" at the end of paragraph (3),

(2) by inserting "or" at the end of paragraph (4), and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) presents or causes to be presented a claim for a physician's service for which payment may be made under a program under title XVIII or a State health care program and knows that the individual who furnished the service either—

"(A) was not licensed as a physician, or

"(B) was licensed as a physician, but such license had been obtained through a misrepresentation of material fact (including cheating on an examination required for licensing),".

(c) REDESIGNATION OF SECTION 1877(d) AS SECTION 1128B(e).—Subsection (d) of section 1877 (42 U.S.C. 1395nn) is redesignated as subsection (e) and is transferred and inserted in section 1909 at the end thereof.

(d) REDESIGNATION OF SECTION 1909 AS SECTION 1128B.—Section 1909, as amended by subsections (a), (b), and (c) of this section, is redesignated as section 1128B and is transferred to title XI and inserted immediately after section 1128A.

(e) REPEAL.—Section 1877 (other than subsection (d) thereof which was transferred under subsection (c) of this section) is repealed.

SEC. 5. INFORMATION CONCERNING SANCTIONS TAKEN BY STATE LICENSING AUTHORITIES AGAINST HEALTH CARE PRACTITIONERS AND PROVIDERS.

(a) MEDICAID PLAN REQUIREMENT.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking out "and" at the end of paragraph (45),

(2) by striking out the period at the end of paragraph (46) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (46) the following new paragraph:

"(47) provide that the State will provide information and access to certain information respecting sanctions taken against health care practitioners and providers by State licensing authorities in accordance with section 1919.".

(b) INFORMATION REQUIRED.—Title XIX is amended by adding at the end the following new section:

"INFORMATION CONCERNING SANCTIONS TAKEN BY STATE LICENSING AUTHORITIES AGAINST HEALTH CARE PRACTITIONERS AND PROVIDERS

"SEC. 1919. (a) INFORMATION REPORTING REQUIREMENT.—The requirement referred to in section 1902(a)(47) is that the State must provide for the following:

"(1) INFORMATION REPORTING SYSTEM.—The State must have in effect a system of reporting the following information with respect to formal proceedings (as defined by the Secretary in regulations) concluded against a health care practitioner or entity by any authority of the State (or of a political subdivision thereof) responsible for the licensing of health care practitioners or entities:

"(A) Any adverse action taken by such licensing authority as a result of the proceeding, including any revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or probation.

"(B) Any dismissal or closure of the proceedings by reason of the practitioner or entity surrendering the license or leaving the State or jurisdiction.

"(C) Any other loss of the license of the practitioner or entity, whether by operation of law, voluntary surrender, or otherwise.

"(2) ACCESS TO DOCUMENTS.—The State must provide the Secretary (or an entity designated by the Secretary) with access to such documents of the authority described in paragraph (1) as may be necessary for the Secretary to determine the facts and circumstances concerning the actions and determinations described in such paragraph for the purpose of carrying out this Act.

"(b) FORM OF INFORMATION.—The information described in subsection (a)(1) shall be provided to the Secretary (or, under suitable arrangements made by the Secretary, to another entity) in such a form and manner as the Secretary determines to be appropriate in order to provide for activities of the Secretary under this Act and in order to provide, directly or through suitable arrangements made by the Secretary, information—

"(1) to licensing authorities described in subsection (a)(1),

"(2) to State agencies administering or supervising the administration of State health care programs (as defined in section 1128(h)),

"(3) to utilization and quality control peer review organizations described in part B of title XI, and

"(4) to State medicaid fraud control units (as defined in section 1903(q)),

in order for such authorities to determine the fitness of individuals to provide health care services, to protect the health and safety of individuals receiving health care through such programs, and to protect the fiscal integrity of such programs.

"(c) CONFIDENTIALITY OF INFORMATION PROVIDED.—The Secretary shall provide for suitable safeguards for the confidentiality of such of the information furnished under subsection (a) as is not otherwise available to the public.".

SEC. 6. OBLIGATION OF HEALTH CARE PRACTITIONERS AND PROVIDERS.

Section 1156 (42 U.S.C. 1320c-5) is amended—

(1) by striking out "title XVIII" and "such title" in subsection (a) and inserting in lieu thereof "this Act" in each instance, and

(2) by striking out "title XVIII" in subsection (b) and inserting in lieu thereof "this Act" each place it appears.

SEC. 7. EXCLUSION UNDER THE MEDICAID PROGRAM.

Section 1902 (42 U.S.C. 1396b) is amended by inserting after subsection (f) the following new subsection:

"(g)(1) In addition to any other authority, a State may exclude any individual or entity for purposes of participating under the State plan under this title for any reason for which the Secretary could exclude the individual or entity from participation in a program under title XVIII under section 1128, 1128A, or 1866(b)(2).

"(2) In order for a State to receive payments for medical assistance under section 1903(a), with respect to payments the State makes to a health maintenance organization (as defined in section 1903(m)) or to an entity furnishing services under a waiver approved under section 1915(b)(1), the State must provide that it will exclude from participation, as such an organization or entity, any organization or entity that—

"(A) could be excluded under section 1128(b)(8) (relating to owners and managing employees who have been convicted of certain crimes or received other sanctions), or

"(B) has, directly or indirectly, a substantial contractual relationship (as defined by the Secretary) with an individual or entity that is described in section 1128(b)(8)(B).

"(3) As used in this subsection, the term 'exclude' includes the refusal to enter into or renew a participation agreement or the termination of such an agreement.".

SEC. 8. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) MATERNAL AND CHILD HEALTH PROGRAM.—Section 504(b) (42 U.S.C. 704(b)) is amended—

(1) by striking out "or" at the end of paragraph (4),

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(6) payment for any item or service furnished by an individual or entity excluded from participation in the program under this title pursuant to section 1128 or section 1128A.".

(b) DISCLOSURE REQUIREMENTS.—(1) Subsection (a) of section 1126 (42 U.S.C. 1320a-5) is amended—

(A) in the first sentence, by striking out "or other institution" and all that follows through the period at the end and inserting in lieu thereof "or other entity (other than an individual practitioner or group of practitioners) shall be required to disclose to the Secretary or to the appropriate State agency the name of any person that is a person described in subparagraphs (A) and (B) of section 1128(b)(8).", and

(B) in the second sentence, by striking out "institution, organization, or agency" and inserting in lieu thereof "entity".

(2) Subsection (b) of such section is amended by striking out "institution, organization, or agency" and inserting in lieu thereof "entity" each place it appears.

(c) MEDICARE PAYMENTS.—(1) Section 1862 (42 U.S.C. 1395y) is amended—

(A) by striking out subsection (d), and

(B) by amending subsection (e) to read as follows:

"(e) No payment may be made under this title with respect to any item or service furnished by an individual or entity during any period when the individual or entity is excluded from participation in a program under this title pursuant to section 1128 or section 1128A.".

(2) Section 1842(j) (42 U.S.C. 1395u(j)) is amended—

(A) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

"(A) excluding a physician from participation in the programs under this title for a period not to exceed 5 years, in accordance with the procedures of subsections (c), (f), and (g) of section 1128, or", and

(ii) by striking out "barred from participation in the program" in the second sentence and inserting in lieu thereof "excluded from participation in the programs"; and

(B) by striking out "bar" in paragraph (3)(A) and inserting in lieu thereof "exclude".

(3) Section 1862(h)(4) (42 U.S.C. 1395y(h)(4)) is amended by striking out "paragraphs (2) and (3) of subsection 1862(d)" and inserting in lieu thereof "subsections (c), (f), and (g) of section 1128".

(4) Paragraph (3) of section 1886(f) (42 U.S.C. 1395ww(f)) is amended to read as follows:

"(3) The provisions of subsections (c) through (g) of section 1128 shall apply to determinations made under paragraph (2) in the same manner as they apply to exclusions effected under section 1128(b)(13).".

(d) TERMINATION OF PROVIDER AGREEMENTS UNDER MEDICARE.—Section 1866 (42 U.S.C. 1395cc) is amended—

(1) by striking out paragraph (3) of subsection (a);

(2) by amending subsection (b) to read as follows:

"(b)(1) A provider of services may terminate an agreement with the Secretary under this section at such time and upon such notice to the Secretary and the public as may be provided in regulations, except that notice of more than six months shall not be required.

"(2) The Secretary may refuse to enter into an agreement under this section or, upon such reasonable notice to the provider and the public as may be specified in regulations, may refuse to renew or may terminate such an agreement after the Secretary—

"(A) has determined that the provider fails to comply substantially with the provisions of the agreement, with the provisions of this title and regulations thereunder, or with a corrective action required under section 1886(f)(2)(B),

"(B) has determined that the provider fails substantially to meet the applicable provisions of section 1861, or

"(C) has excluded the provider from participation in a program under this title pursuant to section 1128 or section 1128A.

"(3) A termination of an agreement or a refusal to renew an agreement under this subsection shall be effective on the same date, and with respect to the same items and services, as an exclusion from participation under the programs under this title would become effective under section 1128(c).";

(3) in paragraphs (1) and (3) of subsection (c), by striking out "an agreement filed under this title by a provider of services has been terminated by the Secretary" and inserting in lieu thereof "the Secretary has terminated or has refused to renew an agreement under this title with a provider of services";

(4) by inserting "or nonrenewal" in subsection (c) after "termination" each place it appears; and

(5) by adding at the end the following new subsection:

"(g)(1) Except as provided in paragraph (2), an institution or agency dissatisfied with a determination by the Secretary that it is not a provider of services or with a determination described in subsection (b)(2) shall be entitled to a hearing thereon by the Secretary (after reasonable notice) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(2) An institution or agency is not entitled to separate notice and opportunity for a hearing under both section 1128 and this section with respect to a determination or determinations based on the same underlying facts and issues.".

(e) CONFORMING AMENDMENT.—Section 1869 (42 U.S.C. 1395ff) is amended by striking out subsection (c).

(f) MEDICAID PLAN REVISIONS.—Section 1902(a) (42 U.S.C. 1396b(a)) is amended—

(1) in paragraph (23), by inserting "subsection (g) and in" after "except as provided in",

(2) in paragraph (38), by striking out "respectively, (A)" and all that follows up to the

semicolon at the end and inserting in lieu thereof "the information described in section 1128(b)(9)", and

(3) in paragraph (39)—

(A) by striking out "bar" and inserting in lieu thereof "exclude",

(B) by striking out "person" and inserting in lieu thereof "individual or entity" each place it appears, and

(C) by inserting "or section 1128A" after "section 1128".

(g) DENIAL OF FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID.—Paragraph (2) of section 1903(i) (42 U.S.C. 1396b(i)) is amended to read as follows:

"(2) with respect to any amount expended for items or services furnished under the plan by any individual or entity during any period when the individual or entity is excluded from participation in the State plan under this title pursuant to section 1128 or section 1128A; or".

(h) OTHER MEDICAID CONFORMING AMENDMENTS.—(1) Subsection (n) of section 1903 (42 U.S.C. 1396b) is repealed.

(2) Paragraph (2) of section 1915(a) (42 U.S.C. 1396n(a)) is amended to read as follows:

"(2) restricts for a reasonable period of time the provider or providers from which an individual (eligible for medical assistance for items or services under the State plan) can receive such items or services, if—

"(A) the State has found, after notice and opportunity for a hearing (in accordance with procedures established by the State), that the individual has utilized such items or services at a frequency or amount not medically necessary (as determined in accordance with utilization guidelines established by the State), and

"(B) under such restriction, individuals eligible for medical assistance for such services have reasonable access (taking into account geographic location and reasonable travel time) to such services of adequate quality.".

(i) TITLE XX.—Section 2005(a) (42 U.S.C. 1397d(a)) is amended—

(1) by striking out "or" at the end of paragraph (7),

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(9) for payment for any item or service furnished by a person excluded from participation in the program under this title pursuant to section 1128 or section 1128A.".

(j) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION TO MANUFACTURE, DISTRIBUTE, OR DISPENSE A CONTROLLED SUBSTANCE FOR ENTITIES EXCLUDED FROM THE MEDICARE PROGRAM.—Section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended—

(1) by striking out "or" at the end of paragraph (3),

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) has been excluded (or directed to be excluded) from participation in a program pursuant to section 1128(a) of the Social Security Act.".

SEC. 9. CLARIFICATION OF MEDICAID MORATORIUM PROVISIONS OF DEFICIT REDUCTION ACT OF 1984.

Section 2373(c) of the Deficit Reduction Act of 1984 (Public Law 98-369; 98 Stat. 1112) is amended—

(1) in paragraph (1)—

(A) by inserting "(whether or not approved)" after "such State's plan",

(B) by inserting "(including any part of the plan operating pursuant to section 1902(f) of that Act), or the operation thereunder," after "Social Security Act", and

(C) by inserting "(or its operation's)" after "such plan's"; and

(2) by adding at the end the following new paragraph:

"(5) In this subsection, a State plan is considered to include any amendment or other change in the plan which is submitted by a State, or for which the Secretary otherwise has notice, whether before or after the date of enactment of the Deficit Reduction Act of 1984 and whether or not the amendment or change was approved, disapproved, acted upon, or not acted upon by the Secretary.".

SEC. 10. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b), (c), (d), and (e), the amendments made by this Act shall become effective at the end of the fourteen-day period beginning on the date of the enactment of this Act and shall not apply to administrative proceedings commenced before the end of such period.

(b) MANDATORY MINIMUM EXCLUSIONS APPLY PROSPECTIVELY.—Section 1128(c)(3)(B) of the Social Security Act (as amended by this Act), which requires an exclusion of not less than five years in the case of certain exclusions, shall not apply to exclusions based on convictions occurring before the date of the enactment of this Act.

(c) EFFECTIVE DATE FOR CHANGES IN MEDICAID LAW.—(1) The amendments made by sections 5 and 8(f) apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning more than thirty days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(3) Subsection (j) of section 1128A of the Social Security Act (as added by section 3(f) of this Act) takes effect on the date of the enactment of this Act.

(d) PHYSICIAN MISREPRESENTATIONS.—Clauses (ii) and (iii) of section 1128A(a)(1)(C) of the Social Security Act, as amended by section 3(a)(1)(F) of this Act, and subparagraph (B) of section 1128B(a)(5) of the Social Security Act, as amended by section 4(b)(3) of this Act, apply to claims presented for services performed on or after the effective date specified in subsection (a), without regard to the date the misrepresentation of fact was made.

(e) CLARIFICATION OF MEDICAID MORATORIUM.—The amendments made by section 9 apply as though they were originally included in the enactment of section 2373(c) of the Deficit Reduction Act of 1984.

(f) TREATMENT OF CERTAIN DENIALS OF PAYMENT.—For purposes of section 1128(b)(8)(B)(iii) of the Social Security Act (as amended by section 2 of this Act), a person shall be considered to have been excluded from participation under a program under title XVIII if payment to the person has been denied under section 1862(d) of the Social Security Act, as in effect before the effective date specified in subsection (a).

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

The gentelman from Texas [Mr. PICKLE] will be recognized for 20 minutes and the gentleman from Louisiana [Mr. MOORE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. PICKLE].

GENERAL LEAVE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1868, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, ever since the Medicare Program was created nearly 20 years ago, we've been trying to eliminate fraud and abuse and protect both the patient and the Government. The bill we are considering today, H.R. 1868, was reported by the Ways and Means Committee as the latest effort toward this goal.

Under this legislation, where Medicare and Medicaid sanctions are imposed on health care providers in one State, they would be extended to other States as well. No longer will a physician who has lost his license in one State be able to simply relocate across a State border and resume business as usual.

This bill will protect patients from providers who have violated professional standards and will protect the Government from cheats. Enacting this legislation will send a clear message and help teach providers that crime doesn't pay.

I urge my colleagues to support this useful antifraud and abuse legislation.

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Mr. Speaker, I now yield such time as he may consume to the gentleman from California [Mr. STARK], the chairman of the Subcommittee on Health, for a more detailed explanation of this legislation.

Mr. STARK. I thank the gentleman for yielding time to me.

Mr. Speaker, today we are considering legislation approved by the Ways and Means and Energy and Commerce Committees designed to reduce fraud and abuse in the Medicare and Medicaid Programs. We make no grand claim for H.R. 1868. It will not eliminate fraud or abuse. But it will curtail

them and, for that reason alone, deserves passage.

This legislation protects both patients and the Government. It is aimed at physicians and other health professionals who are disciplined for improper activity in one State and simply move to another State and sin again. When this happens, a patient may be at risk because of treatment by a health professional who has already been judged guilty of abuse. Or the Government may be paying someone who has been barred from program participation in another State because of financial misbehavior.

This bill empowers the Secretary of Health and Human Services and the States to bar such providers from a number of Government programs, including Medicare, Medicaid and Maternal and Child Health programs on a national basis.

Patients whose care is purchased have a right to believe that they are treated by competent providers. The Government has an obligation not to continue paying providers who have been disciplined for fraudulent behavior. This bill will help achieve both of these goals.

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

Mr. Speaker, I appreciate the consideration today of H.R. 1868, which will protect Medicare and Medicaid patients from unscrupulous doctors, and will protect the American taxpayer at the same time from paying for fraudulent or false claims.

I especially appreciate the chairman of the Health Subcommittee of the Energy and Commerce Committee and the chairman of the Health Subcommittee of our own Ways and Means Committee, the two gentlemen from California, for joining me in authoring this legislation and for moving it to the House and through their committees so expeditiously.

We are also joined in sponsoring this legislation by 62 of our colleagues from both sides of the aisle. The bill reflects the recommendations of the inspector general; the Department of Health and Human Services; the American Association of Retired Persons; the Federation of State Medical Licensing Boards, and other physician and hospital groups.

Recently, there has been a great deal of attention given to doctors who lose their license in one State, but continue to practice in another. This bill is intended to give the inspector general the necessary authority to prevent those doctors from treating Medicare and Medicaid patients.

Only a very small percentage of physicians are abusing the system, but they must be stopped. This bill represents a significant improvement toward protecting the integrity of the Medicare and the Medicaid Programs.

Since the Medicare and Medicaid programs were established in 1965, Federal and State spending for direct health care services has grown from $5 billion to over $112 billion. An unfortunate byproduct of that growth has been an increase in the problems relating to fraud and abuse.

With the implementation of prospective payment legislation, there are fewer opportunities now for fraudulent billing. Hospitals are being paid a fixed amount for providing health care services. As long as hospitals are accurately reporting the services they provide, they will not be affected by this legislation.

This legislation will work hand-in-hand with the prospective payment system, and insure that the Government is getting what it is paying for. We are especially attempting to crack down on those providers that have shown a pattern of abuse and have made no attempt to correct their misconduct.

The Department of Health and Human Services has already had a great deal of success in cracking down on fraudulent providers through the authority provided by Congress in 1972, and again in 1977 under the Medicare-Medicaid antifraud and abuse amendments. The Secretary's authority was delegated to the inspector general in 1983. Since that time, more than 647 sanctions have been imposed, an amount more than 2 times the total imposed in the previous 11 years.

This increased activity to protect patients as well as the fiscal integrity of the Medicare and Medicaid programs is indeed heartening and is to be commended. However, with this increased activity has come an awareness that serious loopholes still exist in these sanction statutes.

The General Accounting Office identified one such loophole for us recently. The Department is currently powerless to bar certain practitioners from participating based upon disciplinary actions imposed on them by State and medical licensing boards. For example, if a physician is found to be unqualified to practice medicine, and therefore, no longer allowed to practice medicine in that State, he simply moves to another State where he has already, previously been licensed or can gain license, and he is allowed to continue practicing upon Medicare and Medicaid patients, among others, even though he has been found unqualified to do so.

This is the gap that allows a physician who loses his license in one State to continue to practice in another. This loophole has subjected many of our elderly and poor to inferior medical attention at the hands of these practitioners. This legislation will close that loophole.

In addition, we have also stiffened the penalties from existing civil monetary penalties only up to disbarment from the program of participating in Medicare and Medicaid for a minimum of 5 years. Our prompt action in approving this legislation will assure that the Department has the adequate authority to further curtail fraud and abuse in our governmental health programs. It will also assure quality health care services to our Nation's elderly and poor.

In passing this legislation, we are sending a signal to the American people that fraudulent and abusive health care providers will not be allowed to destroy the integrity of the Medicare and Medicaid programs.

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

Mr. Speaker, I would be remiss if I did not point out to my colleagues in the House that H.R. 1868 bears the name of Mr. MOORE, the distinguished gentleman from Louisiana, and who, in the previous Congress, was the ranking member of the Health Subcommittee of the Committee on Ways and Means, and who was the original author of this bill.

I think that I would be remiss if I did not thank him for his work in the previous Congress which led to this legislation. It was reported out of our committee in the 98th Congress, and due to scheduling problems, never did come to the floor. We are sure that had it come to the floor, we would have passed it then.

I want to just add my voice to the distinguished gentleman from Louisiana for the pioneering work that he did in this area.

I would also recognize as a very new participant in health legislation, to my distinguished colleague from California, who chairs the Subcommittee on Health and the Environment of the Committee on Energy and Commerce, whose collateral work in this area has led to the bill being referred to the floor today.

I am most pleased to yield such time as he may consume to the distinguished gentleman from California [Mr. WAXMAN] who chairs this Committee on Energy and Commerce which has done so much in this area.

Mr. WAXMAN. I thank my friend and colleague for yielding this time to me, and I want to join him in commending the gentleman from Louisiana [Mr. MOORE] for this very important legislation.

Mr. Speaker, I rise in strong support of H.R. 1868, the Medicare and Medicaid Patient and Program Protection Act of 1985.

At a time when Federal spending for Medicare and Medicaid are under intense budget scrutiny, we simply cannot tolerate the diversion of pro-

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gram funds by fraudulent or abusive providers.

Unfortunately, there are some individuals who try to rip off the Medicare and Medicaid programs.

Just last week, the inspector general of the Department of Health and Human Services announced the imposition of civil money penalties and assessments in the amount of $1.79 million against a Florida chiropractor and his wife for fraudulently billing Medicare for 2,700 separate services. The services were billed under the names of medical doctors who had at one time been employed by the couple but did not render the services. A substantial portion of these claims were for x rays routinely taken of Medicare beneficiaries that were filed and never read by any practitioner. In addition to imposing the civil fines, the IG also suspended the couple from participating in Medicare for 25 years.

Both the General Accounting Office and the inspector general testified before the Health and Environment Subcommittee this spring that they needed additional tools to deter and punish fraud and abuse in the Medicare and Medicaid programs. This bill gives them the necessary tools.

H.R. 1868 has four major elements: First, it broadens the grounds for exclusion of health care providers from Medicare and Medicaid and the Maternal and Child Health Services Block Grant.

Second, H.R. 1868 clarifies the Secretary's authority to consolidate exclusion and civil money penalty determinations involving the same provider in a single administrative proceeding.

Third, H.R. 1868 provides criminal penalties for the submission of claims by individuals who are not licensed as physicians or who obtained their licenses through misrepresentation or cheating on a licensing exam.

Finally, the bill requires States, as a condition of receiving Federal Medicaid matching funds, to provide information to the Secretary regarding actions taken against health care providers by State licensing authorities.

According to CBO, this bill has no cost. CBO argues that it won't actually save us money because Medicare and Medicaid beneficiaries will continue to receive services from nonfraudulent providers. My own view is that the bill may well save us money by deterring the systematic abuses of the kind in the Florida chiropractor case, which resulted in, among other things, a lot of unnecessary x rays for Medicare patients.

I want to recognize the contributions of both Congressman MADIGAN and Congressman WYDEN of the Health Subcommittee. This bill is not only bipartisan, it is bicommittee. The bill before you today was reported by the Energy and Commerce Committee in a form identical to that reported by the Committee on Ways and Means. There was no opposition to the bill in either committee.

The bill has the support of the General Accounting Office, the inspector general and the administration.

I urge my colleagues to vote to suspend the rules and pass H.R. 1868.

□ 1340

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON. I thank the gentleman for yielding time to me.

Mr. Speaker, I urge my colleagues to join in supporting H.R. 1868, the Medicare and Medicaid Patient and Program Protection Act. I strongly support its main purpose which is to assure that those providers of health care services who have demonstrated that they are not professionally responsible may be excluded from Medicare, Medicaid, and other federally funded health care programs.

I would especially like to point out sections of this bill which provide authority to exclude providers of criminal offenses that involve criminal neglect or abuse of patients from federally funded health care programs.

I also note the section contained in this bill that requires States, as a condition of receiving Federal Medicaid matching funds, to provide information to the Secretary of Health and Human Services regarding sanctions taken against health care practitioners by State licensing authorities. It is important that Federal officials know about errant providers so that these providers cannot simply cross a State line and begin billing the Medicare and Medicaid programs again.

While I support all aspects of this bill, I hope that all investigators and prosecutors who use the authorities contained in it use their resources wisely and make it their priority to pursue those providers whose transgressions are most costly to Federal health care programs.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. I thank the gentleman for yielding time to me. Mr. Speaker, today we have the opportunity to vote on an important bill which will send the strong message that the Federal Government won't let the Medicare Program and senior citizens be swindled.

We're not talking about some sort of abstract, theoretical issue here—we're talking about cold, hard facts.

Fact one: The inspector general of the Department of Health and Human Services has testified that there may be more than a dozen diploma mills operating in this country—rings where people make and sell medical degrees to people who have never attended medical school and have absolutely no medical training whatsoever. One of those mills was operating in my home State of Oregon.

Fact two: A recent hearing before the Subcommittee on Health and Long Term Care, chaired by Mr. PEPPER, disclosed that there may be as many as 10,000 phony doctors practicing medicine in this country. Many of these people purchased phony degrees, never even attended medical school or attended foreign medical schools that have no pretense of quality.

These mills and the thousands of phony doctors working in our clinics and hospitals make a sham of our health care system and are an insult to the many fine physicians in this country. They're an insult to our taxpayers, too, who often pay the bills for bogus "medical services."

This legislation to stamp out consumer fraud and abuse and to put these dangerous charlatans out of business makes particular good sense at a time when critically needed government health care programs are being cut back and frozen.

In addition to cracking down on phony physicians, the legislation will allow the Federal Government to stop the Medicare and Medicaid traveling road show, where physicians who are found incompentent in one State simply move to another State to continue their practice, with Medicare and Medicaid continuing to pay their bills.

In order to address this serious problem, I introduced with Mr. PEPPER the Medical Imposters Act of 1985, which has been fully incorporated with H.R. 1868.

This part of the legislation will close a dangerous loophole that currently allows phony doctors to receive Medicare payment for physician's services without incurring any penalty. I think it's absurb that currently there is a stiff penalty for beneficiaries who apply for Medicaid or Medicare benefits under false pretense, but there is no penalty for phony physicians. My bill will close this gap in the laws by penalizing bogus doctors who file for Medicare or Medicaid reimbursement for physican's services and penalizing doctors who falsely claim to be certified in a medical speciality and then seek Medicare or Medicaid reimbursement.

I applaud Mr. WAXMAN and Mr. STARK, distinguished chairs of the Health Subcommittees in the House, for their leadership and dedication in bringing this important bill to the floor quickly. Strong bipartisan support has made clear that we need to put the health and safety of our seniors before the greed and fast footwork of charlatans. H.R. 1868 will allow the Federal Government to take concrete steps toward putting medical imposters out of business.

Mr. MOORE. Mr. Speaker, I want to thank the gentleman from Oregon for his remarks, and certainly I thank the chairman of our committee, the gentleman from California, and the chairman of the Health Subcommittee of the Committee on Energy and Commerce for their help, their support, and their coauthorship.

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

● Mr. BIAGGI. Mr. Speaker, as a cosponosor of this legislation I urge the House to quickly pass H.R. 1868, the Medicare and Medicaid Patient and Program Protection Act of 1985. It is time that we take another strong and definitive step in the battle to rid Medicare and Medicaid of the dual evils of fraud and abuse which cost this Nation at least $7 billion a year.

The particular type of fraud and abuse we are going after with this legislation involves another angle far more dangerous than just waste of dollars. It has to do with the very integrity of the program and those providers who participate in it. This bill has as its main purpose to strengthen the hand of the Secretary of HHS to keep out of the Medicare and Medicaid programs those providers who through either criminal acts or other travesties have reached the degree of incompetence to have had their license to practice in one State revoked.

More specifically the bill has four main elements. It mandates the exclusion from Medicare and Medicaid of individuals convicted of program related crimes or patient abuse and neglect. The bill extends the coverage to include the Maternal and Child Health Services Block Grant as well as the Social Services Block Grant.

The committee bill also revises the current civil money penalty authorities. It clarifies the Secretary's authority to consolidate exclusion and civil money determinations involving the same provider into a single administrative proceeding, and it broadens the Secretary's authority to seek injunctive relief to protect assets for the payment of civil money penalties imposed.

Third, the bill provides for criminal penalties for the submission of claims by individuals who are not licensed as physicians or who obtained their licenses through misrepresentation or cheating on a licensing exam.

Finally, the bill requires States as a condition of receiving Federal Medicaid matching funds to provide information to the Secretary regarding actions taken against health care practitioners by State licensing authorities.

All of these steps are necessary if we are to, in fact, combat still another form of fraud and abuse practiced against these Federal health programs. This legislation was in some measure spurred by a General Accounting Office report which recommended that HHS needed to have expanded Federal authority to protect Medicare and Medicaid patients from health practitioners who lose their licenses. It was developing into far too common a practice. A health care provider would lose their license in one State for any number of reasons. Many were licensed in several States and what they did was simply pick up their practice and move elsewhere to one of the other States where they did have a license to practice, resume the practice and resume their participation in Medicare and Medicaid. This practice served as an invitation to the kind of abuse which was happening in far too many States. In some instances even when States were notified, their processes could take up to 3 years to bring to final resolution, meanwhile the health care practitioner could continue to practice.

Those individuals served by Medicare and Medicaid have a right to be treated by the best qualified health care providers. They most certainly should not be subjected to treatment by someone who has committed a criminal offense perhaps involving the misuse of drugs or fraud and abuse. The taxpayers of this Nation should not be subsidizing the continued participation in Medicare or Medicaid of unscrupulous and incompetent health care providers. This bill will go a long way toward correcting this obvious abuse.

In a time when we are conscious of the need to develop better solvency for the Medicare program—one obvious place to start is to rid the system of the rampant fraud waste and abuse that does exist. The work of the inspector general at HHS has been commendable and has made some genuine inroads. However there is much more to do. Just yesterday according to an article in U.S.A. Today, 21 Texas hospitals have filed billions of dollars in false Medicare claims in a scandal likened by the GAO to defense contract overcharges. The amounts may reach into the billions.●

● Mr. FRENZEL. Mr. Speaker, as a cosponsor of H.R. 1868, the Medicare Patient and Program Protection Act of 1985, I would like to stress the importance of this long overdue legislation which protects our Social Security beneficiaries from fraudulent health practitioners.

All of our citizens deserve to be protected from unscrupulous practitioners who woud otherwise be able to treat Medicare and Medicaid patients in one State, after losing their licenses in a different State for reasons of fraud, financial abuse, or neglect or abuse of patients. These practices are not only direct abuses against our Federal and State medical programs, but also against the elderly and disadvantaged people of our country.

I am pleased that Congress is taking action to close the existing loopholes which allow for such obvious wrongdoings to take place within our Nation's medical system.●

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. PICKLE] that the House suspend the rules and pass the bill, H.R. 1868, 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 192

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 192.

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

There was no objection.

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 192) to designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man," as amended.

The Clerk read as follows:

H.J. RES. 192

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 24, 1986, is hereby designated as "National Day of Remembrance of Man's Inhumanity to Man", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all victims of genocide, especially the one and one-half million people of Armenian ancestry who were victims of the genocide perpetrated in Turkey between 1915 and 1923, and in whose memory this date is commemorated by all Armenians and their friends throughout the world.

The SPEAKER pro tempore. Is a second demanded?

Mr. HANSEN. 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 Michigan [Mr. FORD] will be recognized for 20 minutes and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us today is reported from the Committee on Post Office and Civil Service. Even though it has 232 sponsors, as of a moment ago 231, I guess, we would normally bring this kind of a resolution to the floor with that many cosponsors under a unanimous consent. That was not possible in this case.

I want to make it very clear that members of the committee did object to the resolution when it was being considered; that we held open the offer of bringing this bill with a rule so that it would be amendable on the floor, and the minority indicated to me that they did not wish to have it handled in that fashion, that they would rather have it come on suspension with a straight up-or-down vote.

It is a privilege for me to support House Joint Resolution 192, which designates April 24, 1986 as "National Day of Remembrance of Man's Inhumanity to Man." It sets aside a day of commemoration for all victims of genocide, and especially the 1.5 million Armenians who were the victims of mass killings in Turkey between 1915 and 1923.

I would like to emphasize that this resolution does not criticize the Government of Turkey. It deals entirely with the past and in no way reflects negatively on the present Government of Turkey with whom we enjoy good relations. I urge my colleagues to keep this in mind.

These has been some objection to the resolution from the State Department, which feels it could damage sensitive negotiations. For my part, I think this is a specious argument. We are talking here of events that occurred in eastern Turkey at a time when the Ottoman Empire was in the last throes of its decline, and before the modern-day Republic of Turkey was established.

This resolution is extremely important to the thousands of Armenian-Americans who have contributed and are contributing so much to our Nation. I think it would be impossible to explain to them that this body, which has passed many Holocaust-type resolutions in the past, closed it eyes to this period of horrendous mass murdering. We would, and I think rightly, be accused of discrimination.

Many of the Armenian-Americans are themselves survivors of that terrible time. Others are sons and daughters of those who lived through it. We will be breaking faith with those people if we fail to take simple recognition of this event.

We will be breaking faith with people like Levonti Azadian, who lives in Southfield, outside Detroit. She was born in 1907 and well remembers the genocide. Her family numbered 42 before the nightmare. When it ended, there were four. She remembers well her grandfather's throat being slit and his body thrown into a well. She worries now that when survivors like her die there will be no memory of the nightmare.

Michael Nishanian, who also lives in Southfield, also remembers. Born in 1920, there were 44 members of his family before the genocide. When it was all over, there were 11. He recalls that the police took his father and his brother and that they were never seen again. During it all his strength came from his father's admonition that he was born a Christian and should die a Christian no matter what they tried to do to make him a Moslem.

Just recently the President addressed several groups in Europe and pointed out repeatedly that it is not our policy to hold the present Republic of West Germany responsible for the activities of their predecessors when Germany was a totalitarian state under the rule of the Nazis.

The parallel here, the State Department concern notwithstanding, is striking.

And I don't think we want to be in a position where we are saying that we recognize the mass murders of some as genocide, but not the mass murders of others. Given our clear position on the Holocaust, I don't think we can simply shrug our shoulders here and say this is something that happened a long time ago and let's just forget it.

We have an opportunity to speak up and say the things that should have been said a long time ago: that what happened in Turkey those many decades ago is against all that America stands for—that when people turn against their own in a national orgy of bloodletting just because they don't like someone else's religion or the church they go to, they can expect our condemnation in the court of world opinion.

In the history of man, few acts of violence even come close to what happened in Turkey during those terrible 8 years. Virtually the whole Christian population was wiped out. And their only crime was that they were Christians in a Moslem country.

It is their annihilation that we are proposed to remember. And such a rememberance is in no way an attack on the prevent government or the brave Turkish soldiers who fought shoulder-to-shoulder with us in Korea. Our only purpose here is to call attention to an act of incredible inhumanity in the hope that what we do will serve as a reminder for the future.

□ 1350

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

Mr. Speaker, I rise in strong opposition to the adoption of this resolution.

It is a bill that appears to be noncontroversial. Who among us could oppose establishing a day to remember those who have suffered and to ponder the tragedy? Yet, Mr. Speaker, this resolution goes far beyond the noble purpose.

It is an accusation of the history, the disputed facts, so to speak. Sunday's Washington Post wondered if it was legitimate and a serious question that we were finding ourselves involved in.

The think that really bothers me, Mr. Speaker, is whether this Chamber is really qualified to get into this issue. Should we take one side or the other? It always reminds me of a trial where the plaintiff gets up and says the person has a tremendous injury and the defense gets up and says the plaintiff is a malingerer. I do not really know, if we look at this and look at the scholars who have been involved in this particular issue, whether or not this Chamber, this group is qualified or if there is one among us, in this group of 435, who can say this is truly a genocide.

And whether or not it is a genocide is really not the issue, in my mind. The issue comes down to another more important fact, and that fact comes out that in our NATO alliance we have this country, the Republic of Turkey. The Republic of Turkey has been one of our very faithful and strong allies for many years. We have bases there. We have a good rapport with these people.

Now, as the distinguished committee chairman pointed out, the Ottoman Empire is now gone. This is an empire that in effect perpetuated this so-called genocide, if there was one. How can we in good conscience stand here and say this Ottoman Empire that is gone, completely defunct and over with, did this, and we are now going to put this on a government that stepped into that country and say, "You are responsible for what they did"? I have a hard time believing that. Just like there were people on this continent before this Nation took over. Are we responsible for anything they did? I would have a hard time believing that.

So as I look at it, Mr. Speaker, I think it is a little wrong for us to pick out this one thing.

The chairman of the committee mentioned that the reason these people had these problems was because they believed in Christianity. I would say that the founder of Christianity made it abundantly clear how He should treat those who walk against him. I have a hard time buying that argument. I think, as I read the Book, what the founder of Christianity talked about was to forgive your enemies and turn the other cheek; it was not to go back and seek revenge.

So as I look at this, this is one particular thing we are pulling out, extracting from all others all around this world. We are seeing it in Cambodia, we have seen it in Russia, we have seen it in Nazi Germany, and we have seen it in many other places. So why today? Why today, on this particular day, do we extract just the one and bring it up and say this is the one we are going to look at?

Contrary to those of us in America who think we are the only God-given people who have pure hearts and clean hands, we have had it practiced right here. In one of our States in 1832 they issued an order to exterminate the Mormons, and that was not even rescinded until 4 years ago. So when you get down to it, is it our position to rehash all these old problems and bring them up in front of our eyes and say, "Here, let's do it again"? Or is it our position to look at it a little differently?

So as we look at it today, this is not a political issue. This is not an issue of whether or not you have Armenians in California, in Illinois, or New York, or whether you have Turks in your area. This is an issue of what is right for a great ally that we have had for many years, and I think we would be amiss, Mr. Speaker, if we went beyond that point and passed this. I think today we should look at our conscience and say that this is one fine ally that we have had; let us forget it at this point, let us forgive, and let us have this one behind us.

Mr. Speaker, I would call upon the Members of this House who walk past the Supreme Court building and see that sign that says, "Equal Justice under the Law" to remember that if we are going to play games, if we are going to do this today, let us be equal with everybody. If we are going to pass this, I personally felt that it should not have come out of committee specifying these two different groups of individuals that we all respect very much, but it should have gone over the whole gamut of those involved.

Therefore, Mr. Speaker, I would suggest to the body that we vote no on this particular issue.

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

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to observe that the gentleman's party has been embarrassed on more than one occasion by the nominee in my congressional district who does not believe there were 6 million Jews killed and further believes they brought it on themselves if there were any killed.

So the idea that people have quibbled about these things afterwards is not unusual. That has never been raised on the floor of this House in my years here with the literally dozens and dozens of resolutions that have touched directly or indirectly on the incidents that were perpetrated by what is now our strongest European ally during a bad period of time in that country. And as recently as a couple of weeks ago, the President of the United States was saying that. I do not find myself out of step with the sentiments and comments of the President at all. One might suggest that because of the heightened public interest in his visit to the cemetery, his remarks went further than he might have wanted, but I am not going to question whether the President really meant it or not. He said it with sincerity, the American people heard it with sincerity and understood it to be what he believed, and I am taking him at his word.

Mr. Speaker, I am not going to quibble with the gentleman. And if he wants a resolution commemorating the persecution of the Mormons, he can have my support immediately.

Mr. HANSEN. No.

Mr. FORD of Michigan. I would support that immediately.

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

□ 1400

Mr. HANSEN. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia [Mr. WHITEHURST].

Mr. WHITEHURST. Mr. Speaker, there is one word to describe this resolution. It is egregious. In nine terms in this body, I have seen my share of resolutions that were not worth our time to consider, but this really takes the prize, because the sponsors of this resolution are trying to have their cake and eat it, too.

On the one hand, they say that attention should be called to an example of genocide that allegedly occurred 70 years ago. On the other hand, they say it is not directed against the Turkish Republic.

The question I ask is, Whose diplomats are being murdered by Armenian terrorists today? Not from the Ottoman empire, they are current servants of the Turkish Republic.

We speak about resolutions for other groups who have been victims of genocide. What is it going to be next week, one for the American Indians?

There is hardly a country that does not have some shadow on its past that is a blemish and that causes its present generation some shame; but this is going to boomerang on us. Several of us have just returned from a visit to Turkey. We have been advised in no uncertain terms about the sensitivity of this resolution in that country. The people are very proud and take no responsibility for what might have happened more than two generations ago.

The Turkish Republic was born out of the ashes of the Ottoman empire, so they see this for what it is, a gratuitous slap in the face to a loyal and most faithful ally.

I think that we place in jeopardy the vital interests of the United States if we pass this resolution. I hope and urge my colleagues to vote against it. All we are doing is creating for ourselves and for our friends a great deal of mischief.

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

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Michigan indicated that this was not a slap at the Turkish Government, but they consider it to be one.

I received this telegram from the Turkish Ambassador:

> H.J. Res. 192 which would indict Turkey for fallacious and historically unsubstantiated charges of genocide on the Armenians living in the Ottoman empire in 1915. If such such resolutions were to be adopted by the U.S. Congress, that would be tantamount to the validation and legitimization of the pretexts advanced by Armenian terrorists each time they assassinate a Turkish official or an innocent bystander.
>
> In the eyes of the Turkish people, such a course of action would constitute nothing less than encouraging the terrorists to continue shedding further Turkish blood. As you know, in the past decade, Armenian terrorists have murdered over 40 Turkish diplomats and their family members. The attempt during the 98th Congress to pass such a resolution caused great furor in Turkey. The Turkish nation as a whole equated the endorsement of Armenian allegations with the U.S. congressional support for hostile forces whose aim is to carve out a portion of Turkey (a NATO ally) and annex it to the Soviet Socialist Republic of Armenia, in keeping with the declared aim of Armenian terrorist organizations.
>
> The passage of H.J. Res. 192 would strike at the innermost sensitivities of the Turkish people and will be regarded by them as a manifestly hostile action.

Turkey is a great ally. The largest military facility between Italy and the Philippines is in Turkey. They are on the Soviet border. We really need them and to jeopardize our relationship with Turkey by passing this resolution, I think would be a terrible mistake.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes and 15 seconds to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, after studying this issue carefully and after 3 intense days of visits to American NATO and Turkish military installations and discussions with the Foreign Minister, the Minister of Foreign Affairs and the Minister of Defense of Turkey, I have concluded that it would not only be a mistake, but a tragic one, for this House to pass House Joint Resolution 192. At best, its passage would be an exercise in ethnic politics appealing to a handful of constituents. At worst, it will deliver a serious blow to our alliance with one

of our must supporting and vital NATO allies.

The political and military leadership of Turkey are concerned about House Joint Resolution 192 to an extent and depth that its passage will indeed damage the steadfast manner in which the people of Turkey have supported the United States and they have done so in an extraordinary way.

The good intentions of the sponsors of House Joint Resolution 192 in condemning genocide are not questioned. The wisdom of a gratuitous insult to one of our most needed and trusted allies is another matter.

The leaders of Turkey dispute the assertions of House Joint Resolution 192 on a factual basis. They deplore it beyond any factual dispute on the basis that whatever wrong was perpetrated early in this century, those wrongs were committed by the Ottoman empire, which was allied with the Kaiser in World War I and not the Republic of Turkey which emerged from the ashes of the Ottoman empire.

There is indeed serious and sincere dispute over the factual premises of this resolution. It charges: "the genocide perpetrated in Turkey between 1915 and 1923."

This resolution perpetuates this persistent misstatement of historical fact. The atrocities perpetrated on the Armenian people between 1915 and 1923 were not the responsibility of the people of the Republic of Turkey. There is no dispute over the noninvolvement of the nation of Turkey, founded in 1923 as one of the new nations emerging from the ashes of the Ottoman empire. Turkey is a country which is a bridge between East and West and predominantly and historically the Turks are an Islamic people; yet, following the vision of their hero and the founder of the Turkish Republic, Kemal Ataturk, the people and the Government chose a European pro-Western orientation. As one of the most strategic areas on Earth, controlling access to and from the Black Sea and the Eastern Mediterreanean Sea, through the Bosporus and the Dardanelles, Turkey is of paramount importance to the United States.

Turkey has been intensely pro-American and was among the few nations who deployed troops to fight along with us in Korea.

Turkish acceptance of its defensive mission in NATO is crucial to NATO's success and to the security of the United States.

With the reelection of Andreas Papandreou's Pan-Hellenic Socialist government in Greece, the importance of Turkey to protect NATO's southern flank is all the more pronounced. The Papandreou government, recently aligned with Greece's pro-Moscow Communist Party, emits increasingly anti-American rhetoric and maintains a declared intention of closing the four U.S. NATO military bases in Greece. If the Socialists and Communists in Greece follow through with their pledges and threats, it certainly makes our Turkish alliance even more important.

I hope we will not do unnecessary and gratuitous damage by passing this resolution.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. Mr. Speaker, I hate that I have to be against this resolution, because it sounds like a resolution that anybody could vote for and I have great respect for my friend, the gentleman from California, Mr. TONY COELHO. As I look down the cosponsor list, I have great respect for most everybody on that list; but I think something that appears to us, sitting in this Chamber today as very innocent, is very much differently perceived by our great ally, Turkey.

We just returned, a number of us, from an Armed Services Committee trip to Turkey. I can understand why our Armenian people in this country would be upset about the events that happened 70 years ago, so are we.

Let me tell you, the Turkish people today do not like to remember that any more than we do. It is a very difficult thing, but the problem is one of perception. What will we accomplish if we pass this resolution?

We will make some people who, obviously, have some bad memories that are currently living in this great country of ours perhaps feel a little better, but we are going to take the strongest link in NATO, Turkey, and embarrass them.

Now, visualize, if you can, the country of Turkey, sitting there with a 700-kilometer border on the Soviet Union. Its next neighbor is Iraq. Its next neighbor is Iran. Its next neighbor is Syria and across the Bosporus Straits, Papandreou constantly causing turmoil. These people are sitting there on a powder keg, the most strategic piece of geography to the free world on the face of this Earth.

Now, we can sit here and say they should not get upset about this resolution. Let me tell you something. They are upset about it, because they do not feel that they should be slapped in the face. We can say we are not doing that, but as far as the Turks are concerned, that is what we are doing, for something that happened prior to the time that the republic they live in today even came into existence.

□ 1410

Now, I do not think we can just sit here and just slough it off and say, well, this does not mean anything.

So I would hope we would think deeply before we vote on this resolution.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, is the bill under consideration House Joint Resolution 192?

The SPEAKER pro tempore. It is House Joint Resolution 192, as amended.

Mr. WALKER. And that amendment took place at the beginning of this process?

The SPEAKER pro tempore. The amendment was included in the motion to suspend the rules.

Mr. WALKER. It was included in the motion to suspend the rules. Is it possible for another motion for amendment?

The SPEAKER pro tempore. The Chair would state, not at this time.

Mr. WALKER. Is it possible under unanimous consent to amend the bill?

The SPEAKER pro tempore. Any modification of the motion offered by the manager of the bill would require unanimous consent.

Mr. WALKER. The manager would have to yield for that purpose?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. I thank the Chair.

Mr. RAHALL. Mr. Speaker, many commentators have argued that, whatever the consequences for our relations with the Republic of Turkey, or for our policy of fighting terrorism, we should pass House Joint Resolution 192 on purely moral grounds. I am sympathetic to this argument. How could we morally defend ignoring or covering up a crime as heinous as that of genocide?

And I salute my distinguished friend from the State of Michigan, Mr. FORD, and my distinguished friend from California, Mr. COELHO, for defending this argument and making it before us today, and I find myself in agreement with them on more issues than I am in disagreement.

However, Mr. Speaker, I think it is important that we ask the question: Is it moral to levy such a great charge when the historical assumptions on which it rests are so clearly open to historical debate? And, as has already been mentioned, it is important that we look at that historical debate and let scholars who are very knowledgeable in this area decide the true resolution of this issue. It is important, as has already been pointed out, that we consider the importance of Turkey to our NATO defenses and security of the United States.

I urge a "no" vote on the resolution.

Mr. Speaker, let us review the open letter to the House recently published by over 60 of our most distinguished scholars of Turkish, Ottoman, and Middle Eastern studies. That letter asks the House to recognize that the nature of the events which occured in Eastern Anatolia during the period cited by this resolution is still a matter of historical debate. Armenians argue passionately that the tragedy which befell their people in Turkey was the result of a deliberate Ottoman government policy to destroy their race. This is the view adopted by the resolution. Turks argue just as passionately that hundreds of thousands of Muslims met the same fate in that time and place, and that these horrors were the result of war and the disease and famine which accompanied it. They deny vehemently that there was a deliberate policy to exterminate the Armenian people. Let us not forget that the tens of thousands of Armenians living in Istanbul—the Ottoman capital—were largely left alone and continue to live there.

The historians point out that congressional endorsement of a resolution based on the views held by only one side of this debate will limit historical enquiry and damage the credibility of the legislative process. Be that as it may, lending the authority of this body to a statement on which a large number of scholars is unable to agree will debase the value of this House, harm our relations with Turkey, and give heart to the terrorists who seek to force the world to accept a characterization these historians are not yet prepared to accept.

I ask my colleagues to leave resolution of this historical point to scholars equipped to do so, and to vote no on this resolution.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Speaker, I intend to vote against House Joint Resolution 192. Like many Members I find this to be a difficult vote.

I do not dispute the historical reality of the enormous number of Armenian deaths. I am satisfied that the evidence is sufficient to justify the claim hundreds of thousands of Armenians died during the reign of the decrepit and corrupt Ottoman empire which was allied to Germany in World War I.

I must vote against this resolution because it is clearly being aimed at the present Government of Turkey which has no political relationship to the Ottoman empire. The Turkey of today is one of our most vital allies in NATO. It is supportive of our efforts in the Middle East. It has fought with us in Europe and Asia over the course of the last 50 years.

The Turkey of today is a young democracy constantly under threat of disruption from the Communist nations of Bulgaria and the Soviet Union on its borders, and a intimidating and anti-NATO Prime Minister in Greece. Our goal in Congress should be to build bridges between our family of allies, not build walls. This resolution clearly will have a destructive effect on our bilateral relationship with present day Turkey and do nothing to punish the evils of the Ottomans.

I do not question the intentions of the sponsors of this resolution. Yet, I am deeply distressed that this resolution is little more than an insult aimed at the Republic of Turkey for the sake of appeasing special interest groups in the United States. The Republic of Turkey did not exist at the time the sponsors claim the Armenian genocide took place.

I urge my colleagues to resist the pressure of special interests and vote against this resolution, not because we dispute the historical accuracy of the sponsors, but because we value the friendship of our allies in the Republic more that we remember the evils of the Ottoman empire.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. HILLIS].

Mr. HILLIS. Mr. Speaker, I rise in opposition to the pending resolution.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, I would like to endorse and underscore what has already been stated from the well of this House by the opponents to this resolution.

Nobody is condoning or wants to be on record as voting against something condemning genocide. But that is not really what is involved here.

As has been pointed out, our committee has just returned from Turkey, one of our most important links in the NATO chain. We met with the Speaker of the parliament, we met with the Prime Minister, we met with the Deputy Chief of the Turkish General Staff. What it all boils down to is that we are gratuitously and for no real good reason affronting a good friend and ally.

Now, in my district I do not have many Turks. I do not have many Armenians. But I have got over 530,000 Americans in my district and the best vote and the most important thing that we can do for the American people, my constituents and your constituents, is to vote this resolution down because this is not in our best interest.

We can moralize as much as we want, but I am telling my colleagues that we are offending a very good, staunch friend and ally if we do this. You cannot cast it in any other shape or form. That is the way they perceive it, according to the people with whom we have just talked.

I think we are going to be winding up where we are likely to be shooting ourselves in the foot, and we get nothing good out of it if we pass this.

So I hope we would vote no.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I am really distressed at this debate today and I am ashamed of my State Department because I think they have taken an unconscionable position when they have said that they will ignore the truth, they will ignore what happened in that part of the world at the beginning of this century because of a particular political relationship they have at the present time with the current Government of Turkey.

That is the same kind of attitude that led to this holocaust. It is the same kind of attitude that led to the next holocaust against the Jewish people. I think by taking this strictly limited political view and ignoring the truth of history they are doing a grave injustice, not just to the Armenian people, but to the American people as well.

I have a lot of firsthand knowledge of the circumstances of this. I know people who witnessed the genocide firsthand. My wife is of Armenian descent, as are many of my friends.

This is not a matter of conjecture. The only people in the world who reject the notion that there was genocide against the Armenian people is the present Government of Turkey. It is a matter of historical fact accepted by every single historian of the time. And if we go around this world making judgments about what happened in the past based upon what our current political situation is, then I think we are going to get ourselves in a lot more trouble real fast.

I ask this body to recognize the truth of what happened at the beginning of this century to the Armenian people. This is the surest way to ensure that we never have another genocide.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON. Mr. Speaker, I rise in support of this resolution, and I agree with the preceding speaker that the issue here is fact, not responsibility. We are not asking the Turkish Government to take responsibility for the genocide of Armenians in Turkey. The current Turkish Government was not the government in power when this massacre occurred.

We are asking rather that the current Turkish Government recognize the reality of this happening, the fact of this event.

I represent many Armenian people. If you could sit, as have I, and listen to

people talk about watching their parents murdered, about being a part of that long march, about the experience of genocide, of facing death for the mere crime of nationality, you would understand that it is a miracle that they survived and a deep and abiding insult that our Government at this time does not admit this event as a fact of history.

There was a genocide in Armenia. Our own records before our own Foreign Affairs Committees affirm that reality and the only reason that this resolution, whose larger purpose is to recognize all victims of genocide, refers specifically to the Armenian genocide is to assure that the record of history is accurate and the fact of that event is recognized and recorded.

We are asking no more than that, and surely if we do not acknowledge the events of history we will be doomed to repeat them. That is one of the reasons why the Holocaust in Germany has been kept before the eyes of the German people, the Western World, and the entire globe. It is one of the reasons why it is important that we as American citizens acknowledge the fact of this tragic event in the history of one of our close and important allies.

It should not disturb that ally relationship but that ally relationship must not require us to deny what is very real in the lives of our own people is a fact of history. I urge passage of the resolution.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BADHAM].

□ 1420

Mr. BADHAM. Mr. Speaker, I believe that it is important that we reassure our friend and ally, the Republic of Turkey, that the United States remains committed to that friendship and alliance. House Joint Resolution 192 is an attack on the integrity of the people and government of modern Turkey. Indeed, the country and government involved in the Armenian Tragedy of 1915, the Ottoman Empire, collapsed and disappeared in 1918. The Turkish nation which arose from the ashes of the Ottoman Empire has little in common with its predecessor. Mustapho Kemal Ataturk led Turkey into the Western community of democratic nations, of which Turkey is now an integral part and key member. Turkish soldiers fought and died beside our own in the defense of freedom in Korea. And, Turkey was one of the few nations to give sanctuary to Jewish Refugees of the Nazi Holocaust.

In addition, we must not in any way concede legitimacy to the extremist positions and criminal activities of the contemporary Armenian terrorists. These terrorists have perpetrated their acts of violence throughout the Western World, including the United States. More than 50 Turks have been murdered, mostly diplomats who sought to maintain Turkey's links to the West. Americans also have been targeted and killed. The Armenian terrorists, who have links with other antidemocratic and anti-American terrorist organizations such as the Islamic Jihad, seek to undermine, and ultimately dismember Turkey.

Secretary Shultz expressed his concern about the potential implications of similar legislation, House Joint Resolution 37, in a letter to the Speaker. I share the Secretary's concerns and believe that after reviewing this correspondence my colleagues will oppose House Joint Resolution 192. Thus, I request that the Secretary's letter be inserted after my remarks.

It would be the height of immorality for us to allow this resolution to be used to condemn our loyal ally Turkey, whose sons have died beside our own, and serve the interests of terrorists who have murdered the citizens of both Turkey and the United States. Let us remember whom our friends and allies are.

THE SECRETARY OF STATE,
Washington, March 4, 1985.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I seek your assistance concerning a problem which has significant implications for American security policy and which I fear may not receive the attention it deserves without your intervention.

A resolution (H.J. Res. 37) has been introduced into the House of Representatives which seeks designation of April 24, 1985, as a day of remembrance for all victims of genocide, especially Armenians who died in Turkey in 1915. A copy of the resolution is enclosed. Other, similar, resolutions are expected to be introduced in both houses of Congress during the legislative year.

A resolution similar to H.J. Res. 37 was adopted by the House last September 10. Although its adoption passed almost unnoticed in the United States, it was greeted by a universal public outcry in Turkey. A movement for parliamentary review of diplomatic relations with the United States was headed off by Prime Minister Ozal at that time, but the Turkish Government has informed us that adoption of further resolutions to this effect would seriously damage the vital relationship between Turkey and the United States.

The underlying cause of this emotional reaction to such resolutions stems not merely from the strong feelings aroused by a US judgment that Turkey bears the guilt of perpetrating genocide. It relates to the dangerous problem of modern day Armenian terrorism. Since 1975 over 50 Turkish citizens, mostly diplomats, have been killed by Armenian terrorists. In addition to demanding Turkish government recognition of an Armenian genocide, the terrorists demand reparations and cession of a major portion of eastern Turkey to form an independent Armenian state. The Turks thus view the campaign to characterize the tragedy of 1915 as a genocide as the first step toward their territorial dismemberment.

Armenian terrorism has not only struck at Turkish citizens, but also our own. Four assassinations have occurred on our soil. U.S. citizens have been the target of a number of attempted bombings or other harassment in the course of this terrorist campaign, and one US citizen died in an Armenian attack on a Turkish airport. ASALA, one of the two major Armenian terrorist groups engaged in these activities, also aids other terrorist groups which have Americans as their primary target. It has publicly declared its support of Islamic Jihad, the Iranian-supported terrorist organization responsible for so much of the violence in Lebanon.

The Department of State greatly regrets and does not dismiss the tragic events early in this century when, in the declining days of the Ottoman Empire, incalculable devastation, including widespread massacres struck at Armenians and members of other ethnic groups in an area encompassing what is now eastern Turkey. We, nonetheless, believe that resolutions such as H.J. Res. 37, however well intentioned and however worded, will inevitably be seen by the terrorists as an encouagement and justification for their acts.

In addition, we need and value Turkish cooperation in mutual security matters. This is important to the defense of Europe, Southwest Asia, and our lines of communication to that part of the world. Recognizing the passions aroused by this issue we must take seriously the Turkish Government's warnings that adoption of these resolutions would diminish sharply its ability to maintain the smooth and effective relationship now existing between our two countries.

Starting with parliamentary elections at the end of 1983, the Turkish Government has made major strides in its return to full democracy after a three-year period of military rule undertaken to deal with widespread domestic terrorism. Turkey is also engaged in a revolutionary program of economic reform which stresses free-market principles, the supremacy of private capital and commitment to monetary and fiscal responsibility which has gained it widespread respect in international banking circles. Favorable action on the resolutions would not only weaken the government of Prime Minister Ozal, the architect of these reforms, it could also greatly set back our ability to influence Ankara positively on Cyprus—another issue which invokes deep nationalist sentiments and on which the Turkish government is currently playing a constructive and helpful role.

I thus ask for your strong efforts in opposition to these resolutions throughout the current Congressional session.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I ask my colleagues if this resolution merits consideration today. After all, the resolution has a basic and crucial flaw.

While it certainly is appropriate to designate a day of remembrance of man's inhumanity to man, it really is a mistake and unnecessarily controversial to give only a single example of man's cruelty by citing the death and killing of Armenians in Turkey almost 75 years ago. Man has unfortunately been cruel to man innumerable times—even on a massive scale. No

matter how well intentioned are the sponsors of the resolution, and how real and massive the Armenian tragedy, this resolution will not change the past but will only create greater difficulties in the present and future.

On the other hand, while this Member knows that emotions run high on this issue, I would respectfully suggest that the Government of Turkey should not assign to this resolution which would express the sense of Congress the importance it does. Turkey, under its present Government, is one of our allies, and holds a vital place in the Western Alliance. Our purpose today should not be and is not to offend a friend.

Turkey should, after all, recognize this resolution only for what it really is. While I emphatically do not question the motives of the sponsor or cosponsors of this resolution, it does reflect a partisan competition, primarily centered in California, for the support of the Armenian-American community. This is particularly unfortunate because resolutions such as these can lead to tragic misunderstandings. This Member knows full well that it is not the intent of any of my California colleagues to alienate and rebuke the moderate, democratic Government of present-day Turkey. Nor, I am certain, do any of my colleagues wish by the resolution to offer any encouragement to a small group of Armenians who espouse terrorism and violence. But, actions such as these today can be misunderstood and misconstrued. That is the key point we must consider in the House today. What unintended messages and acts will be stimulated by the passage of this flawed resolution?

Our colleague, the gentleman from Virginia [Mr. BATEMAN] said in his recent "Dear Colleague" letter, that passage of House Joint Resolution 192 will accomplish nothing constructive. The gentlemen correctly noted that the resolution does nothing for any Armenian. If it did, it would be worthy of consideration, but it does not. The gentleman is correct.

The action in Armenia, in which over a million people died, was taken by the army of the Ottoman Empire in 1915. That army consisted of Turkish and Kurdish soldiers. I do not wish to belabor the obvious, but present-day Turkish realities have as little to do with the Ottoman Empire as does present day Austria represent a mirror image of the Hapsburg Empire.

Few of the democratically elected political leaders of today's Turkey were even born when these tragic events occurred. It is a grave lesson which they and all of us must remember, but it should not be held or used against the leaders or people of modern-day Turkey.

Last, I would reemphasize that this resolution should not be misconstrued or misunderstood. While recognizing that the tragic deaths of millions of Armenians did take place, we also should speak out in the strongest terms against the acts of the small faction of Armenians who choose to remember their slain ancestors by sowing terror and violence.

It is time to reconcile our differences and not to exacerbate them. It is time to emphasize and strengthen American ties with friends throughout the world and with all peoples. I urge my colleagues to vote against this flawed resolution.

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, does the gentleman from Michigan [Mr. FORD] yield for a unanimous-consent request?

Mr. FORD of Michigan. Mr. Speaker, may I ask, what would be the request?

Mr. COELHO. Mr. Speaker, I would like to substitute the words "Ottoman Turkish Empire" for the word "Turkey" on line 2 of page 2 of the resolution.

Mr. FORD of Michigan. Mr. Speaker, I would only yield if it was acceptable to the other side. I do not know at this moment what their position would be.

Mr. HANSEN. Mr. Speaker, I would respectfully object.

Mr. COELHO. I thank the gentleman.

Mr. FORD of Michigan. Then I will not yield for that purpose, Mr. Speaker.

Mr. COELHO. I thank the gentleman.

Mr. Speaker, I felt that the objection would be heard. I just wanted to make sure that we had it on record that it was heard.

Mr. Speaker, some of my colleagues who have appeared on the floor here have talked about the fact that this resolution is directed at the current Government of Turkey. That is not the intent of the resolution and that amendment would have clarified that.

I think the interesting thing is that some of the previous speakers have talked about the fact that a genocide did not occur. I think it is interesting that if we look at an August 1, 1926, issue of the Los Angeles Examiner that we would see that there was an interview with a Mr. Kemal, who is recognized by all of Turkey as the George Washington of Turkey. He said that the Young Turk Party, the party that he brought into being, that now controls Turkey, "should be made to be aware of what happened under the Ottoman Empire when they killed millions of our Christian subjects."

And he goes on and says that they were driven en mass and massacred.

This is a significant acknowledgment by the father of the current Government of Turkey and I find it intriguing that the current Government of Turkey does not accept it and that some of my colleagues on the other side of the aisle do not accept it. I find it also interesting, Mr. Speaker, that we are here responding to the wishes of the Ambassador of a foreign power.

Mr. Speaker, I did not know that ambassadors had the right to lobby the Congress. I find it intriguing that one of my colleagues introduced to the RECORD a telegram from that ambassador. I think that bears looking into and I will.

I think another question was raised: Why was only this particular incident issued in this particular resolution about man's inhumanity to man. My colleague from Connecticut, Mrs. JOHNSON, appropriately addressed that issue when she said that the only reason that it is discussed here specifically is that there is some abiguity with the State Department, and that was brought up by one of our colleagues, that whether or not this massacre did or did not occur.

This fact of history has been in official records of the U.S. Government since the 1920's. It was on the records, and all administrations, in both parties, until 1981, when the Turkish Government successfully lobbied the current administration to remove the reference to it.

All we are trying to do here is to put back that same reference, nothing more, nothing less. It is only fair that those millions of people who were massacred by the previous Turkish Government are recognized for what happened.

I find it intriguing that some of my colleagues are hesitant. They have a right to be hesitant. We are talking about man's inhumanity to man. We are not talking about any particular government. We are talking about anytime in our history that a particular group of people took it upon themselves to persecute those who disagree with them for religious or political reasons and killed them. That is what we are talking about.

We as a government are saying that we do not go along with that.

Now, there is some reference to our allies. We have another ally. I am sure collegues on the other side of the aisle recognize that our ally, West Germany, is a critical ally, is an important ally. Does West Germany, the current Government in West Germany, do they deny the fact that the massacre occurred against the Jewish people? No. They support it. And I urge my colleagues to support this resolution as the right and decent thing to do.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] has 3 minutes remaining and the gentleman from Utah [Mr. HANSEN] has 1¼ minutes remaining.

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I do not understand the attitude of some distinguished diplomats from Turkey who have been making these exaggerated statements about our friendship being in jeopardy over our simple recognition of historical fact, that is the genocide of 1 million Armenians by the Ottoman Empire. Now a handful of Turkish diplomats see this resolution as somehow or another a deep insult to the current government over something historical 70 years ago. It may be their response to the vicious and cowardly killing of Turkish diplomats around the world. But at the root of this tragic horror of young Armenians, many of them Americans, resorting to violence is in great park due to the absense of simple recognition by the world that in fact one of the great horrors in all of history took place during the final years of the decadent 400-year-old Ottoman Empire in what is now the state of Turkey. A massacre of a people, the Armenians, who at one time made up the world's first Christian nation.

□ 1430

Yes, Turkey is a great ally in NATO, and I have faith that they will continue to be a great ally even if we do what is right here today and vote to recognize that this horrible genocide of the Armenian people took place in 1915.

President Woodrow Wilson sent a team of investigators to assess the truthfulness of the claims of what was then history's greatest massacre. The only reason Wilson's confirming report never penetrated the world conscienciousness was the carnage of World War I that followed within months where 10 million of Europe's youth died in the trenches of France and Belgium.

And please keep in mind that there were several genocides of Armenians under the Ottomans that went on from 1895 until 1915, and we simply must recognize that terrible, terrible suffering to ease the pain of the survivors and their progeny. We must acknowledge the history of man's inhumanity to man.

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

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. HOLT].

Mrs. HOLT. Mr. Speaker, I think we are missing the point on this resolution. I can see that it does absolutely no good for anyone, and we have certainly been warned that the people of the Republic of Turkey feel that this is a slap in the face to them. We have been warned that there has been a tremendous public outcry about this resolution; there was in September of last year. The Prime Minister was barely able to avoid a parliamentary review of our diplomatic relations.

We need these allies; they are good allies; they are attempting to set up a democratic form of government; to improve their economy, look how narrow the straits into the Black Sea are and how the Soviet ships steam through. Look at that long border with the Soviet Union, and the great job that our Turkish allies do there in helping us to protect freedom in that part of the world. I see absolutely no reason to pass this kind of resolution.

I urge the defeat of the resolution.

The SPEAKER pro tempore. The gentleman from Utah has one-quarter minute remaining.

Mr. HANSEN. Mr. Speaker, I appreciate the debate that has taken place. Let me just add what the gentleman from Texas [Mr. LEATH] said: What do we really accomplish from this, when you do nothing more than affront a great ally? We've known we can't be the policemen of the world, we can't be the paymaster of the world, I don't know why we try to be the conscience of the world.

I urge a no vote.

Mr. FORD of Michigan. Mr. Speaker, I yield the balance of my time to the gentleman from Calfornia [Mr. PASHAYAN].

Mr. PASHAYAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. PASHAYAN. One question for my colleague from California, who is well known for advocating a strong defense, not only of the United States but of NATO:

Do you believe that this resolution, the passage of it, will hurt either our defense or NATO's defense?

Mr. DORNAN of California. Absolutely not. I spoke with one of the Turkish ambassadors to a European country—I do not have his permission to use his name—but he said that for us to keep using the quotes of Ataturk who is, as stated by the gentleman from California, every bit the George Washington of that country. He had bonfires to burn all the fezes and change their cultural background, change the alphabet from a Cyrillic alphabet to a Roman alphabet.

Not only in this Los Angeles Examiner issue of August 26, but on other occasions he admitted a genocide took place in the country of Turkey.

Mr. PASHAYAN. I appreciate that.

Mr. Speaker, no American, no American of Armenian descent agrees with the terrorism. The cause of the terrorism is the fact that the Government of Turkey has refused to acknowledge what took place 70 years ago, in a prior government, in the same manner as the present West German Government acknowledged what took place in a prior German government.

That is the cause of the frustrations among those people against whom the atrocity was directed.

The irony here is that Turkey not only is creating the problem here, they also have the answer. It will not hurt the defenses of NATO if Turkey, this Government, admitted what a prior government did.

Now my own personal background is relevant here. I spent 2 years in the Pentagon in strategic intelligence. Every piece of paper I saw had a code word on it. I had travel restrictions where I could go. I am more aware than most of the value of Turkey to NATO. I am all in favor of that. That is very important to the defense of NATO and to the defense of the United States, but I cannot see where in modern law and society this present Government of Turkey's admitting that a prior government committed this crime will affect one weapon, one gun, one defensive position in NATO strategy whatsoever.

Mr. Speaker, if the present Government of Turkey would take as much care to prevent the exportation of opium from their country as they do on this issue, we all would be better off.

● Mr. WAXMAN. Mr. Speaker, it is with a sense of sorrow, urgency, and indignation that I call the attention of Congress and the American people to the commemoration of the 1915 genocidal campaign by the Ottoman government of Turkey against the Armenian people.

During the World War I era, approximately 1.5 million Armenian men, women, and children died at the hands of the Turks. The victims of this genocide were unarmed civilians. Their deaths reflected a desire to obliterate both the Armenian nation and the ancient culture with which it was infused.

It should be a source of concern to every decent person that to this very day Turkey does not acknowledge the facts of the 1915 genocide despite eyewitness accounts, including those by Henry A. Morgenthau, U.S. Ambassador to Turkey during this time, and other State Department officials which provide indisputable documentation of the genocide. I am gratified that the U.S. Holocaust Memorial Council unanimously resolved to include the Armenian genocide in its museum and educational programs.

But more must be done. It is our duty to educate the young and the uninformed of this atrocity and to persuade those who still refuse to accept the historical truth of the annihilation of approximately half the world's Armenian population.

We cannot allow Turkey to insist on perpetrating a collossal historical

hoax. Turkish officials, textbooks, and mass media insist that the Armenians died as a result of cold, famine, and unavoidable consequences of World War I. I do not know of a single objective historian who gives any credence to these crude alibis. The historical truth is that Armenians were murdered simply because they were Armenians.

It is impossible to exaggerate the historical significance of the Armenian genocide. The line from Armenia to Auschwitz is a direct one. The Holocaust which took the lives of 6 million Jews, and millions of other innocent people, was inspired by the war against innocent Armenians.

At one of the earliest meetings on the "Final Solution to the Jewish Question," key Nazi officials were astonished at the audaciousness of Adolf Hitler's plan to eliminate the Jewish people. One adviser asked, "What about world opinion? Surely we cannot get away with this." Hitler laughed, "World opinion? A joke! Whoever cared about the Armenians?"

America has a special responsibility with respect to the Armenian genocide. Many of our countrymen are either survivors of the massacres and death marches, or are the children or grandchildren of survivors.

Let me make abundantly clear that I do not hold the Turkish people as a whole or the existing Government of Turkey responsible for the past. Our grievances are not with individual Turks, but with the members of the Turkish political and cultural elite who insist on generating "agit prop" and refuse to acknowledge the past by recognizing the responsibility for the bitter truth.

After World War II, the democratic Government of West Germany accepted responsibility for the crimes of the Third Reich. It adopted a plan of denazification to reduce the influence of the Nazi era on Germany's future. In the name of the German people, the West German Government undertook a costly program of restitution and reparations, both to the new Jewish state of Israel and to Holocaust survivors.

More than a half century has passed without a single gesture of acknowledgment or good will from the Government of Turkey toward the survivors of the Armenian genocide. Nothing has been done to acknowledge and compensate for the monstrous atrocities of that dark period.

The United States must press vigorously for the widespread dissemination of historically reliable information about the Armenian genocide. It is our duty to condemn racial and religious hatred in all its manifestations. It is up to us in this free country to dedicate ourselves to a policy of action, not merely of words, to promote worldwide justice and human rights and to put an end to this kind of madness forever.

Only when the most horrible chapters in human history are courageously acknowledged can we increase the prospects for preventing future holocausts.●

● Mr. FRENZEL. Mr. Speaker, nobody is for inhumanity. Nor is there any support here for genocide. That's why it is difficult to vote against a resolution like House Joint Resolution 192.

There is no dispute about the enormity of the outrage committed 70 years against Armenians in what has subsequently became the Republic of Turkey. Inhumanity is a good description of what has taken place.

However, there are problems with House Joint Resolution 192. It is offensive to a NATO partner, the Republic of Turkey, which feels the resolution may endanger more of its diplomats. They have been subjected to terrorism by Armenian terrorist groups all over the world. Forty Turkish diplomats, or members of their families, have been killed in a mindless, misguided campaign of revenge. The Government of Turkey believes the passage of this resolution will lead to more terrorism.

In addition, the resolution names Turkey as the location of the death of one-half million Armenians. The geographical location is accurate, but the resolution does not state that the event took place in what was then the Ottoman Empire, under the rule of its government.

The Republic of Turkey was formed later. It has been a staunch NATO ally, and a good trading partner. It's government feels the resolution is unfair to the Republic of Turkey, because it creates confusion between location and government.

In my judgment, there is no reason why we should pass a resolution which one of our partners finds insulting unless, of course, we wish to insult it.

We can, I submit, word a resolution against inhumanity more artfully than this one. House Joint Resolution 192 contains the sort of inflammatory language from which we expect the Committee on Foreign Affairs to protect us.

Because we can do a better job, I shall vote against House Joint Resolution 192.●

● Mr. BOLAND. Mr. Speaker, I strongly support House Joint Resolution 192, which would establish April 24, 1986, as a Day of Rememberance of Man's Inhumanity to Man.

This day is intended as a day of commemoration for all victims of genocide. But as the resolution notes, it particularly recognizes the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated in the Ottoman Empire between 1915 and 1923. By setting aside this day, we will acknowledge the pain and suffering of the men, women, and children who died for no other reason than the fact they were Armenians. In remembering those who perished in the Armenian genocide, we can reaffirm our dedication to the principles of personal and religious freedom, and our commitment to promoting peace and liberty throughout the world.

The Armenian genocide is a historical fact and to deny that fact is to deny the enormous amount of evidence supporting it. Today, some, 70 years after the fact, the Turkish Government refuses to even acknowledge the events which took place under its predecessor government. We cannot accept distortions of history that deny the humanity of the Armenians who perished. We owe it to every victim of genocide to remember the horrible events of the past, to better understand and appreciate the magnitude of suffering involved, and to educate our children so that these terrible acts will not be repeated.

I urge my colleagues to support this resolution, which will help keep alive the memory of all victims of genocide. In passing this measure we can acknowledge the fact that there are instances in history when man's worst instincts prevail over his best. As unpleasant as that fact may be, seeking to ignore it or deny its existence poses a far greater threat to the world's future than any effort to recognize it. Only in acknowledging the past can we learn from it. House Joint Resolution 192 can make an important contribution toward that end and it deserves the support of the House.●

● Ms. OAKAR. Mr. Speaker, I urge support for House Joint Resolution 192, designating a National Day of Remembrance of Man's Inhumanity to Man. It is appropriate that such a day be designated. Mankind, which is capable of great creativity and good, has also perpetrated enormous destruction and human suffering.

Tragically, the world has witnessed many examples of systematic inhumanity directed against different nationalities and races. During the winter of 1932–33, for example, millions of Ukrainians were deliberately starved to death in a state-organized famine. That same year, the Soviet Union was exporting grain. In World War II, another monstrous dicator ship declared that entire nations were "subhuman" and therefore subject to genocide. Six million Jews, along with millions of Gypsies and Slavs, were victims of Nazi mass murder. More recently, we witnessed the horrors unleashed by the Khmere Rouge in Cambodia, where once again, horrifying numbers of men, women, and children fell victim of man's inhumanity to man. Our own history is blighted by

inhumanity directed against native Americans and black slaves.

The resolution we are considering today refers specifically to the horrible experience of the Armenian people in the earlier part of this century, when 1½ million people fell victim to the repressions of the Ottoman regime. My own parents, of Arab heritage, experienced the cruelties of the Ottoman Empire and fled from today's Lebanon and Syria to find refuge in America.

It is particularly important that we remember Armenians during the day we designate to commemorate man's inhumanity to man. Strong claims are being made that the massacre of Armenians in Ottoman Turkey never took place. This historical revisionism is also found among those who deny the historical reality of the Jewish Holocaust or the Ukrainian famine. This kind of denial is unfortunate and dangerous. When the historical record is denied, no lessons from it can be learned and the horrible cycle of man's inhumanity to man continues.

Commemoration of a National Day of Remembrance of Man's Inhumanity to Man does not assign guilt to any nation. It does not condone any acts of terrorism. The commemoration, instead, recognizes the dark side that lurks in the human soul. Our recognition of this horrible trait states our humble acknowledgement that mankind can be cruel indeed—whether in Ottoman Turkey, Stalin's Soviet Union, Hitler's Germany or our own Wild West or ante bellum South. Implicit in this recognition is the resolve to keep that dark side harnessed, to reject cruelty and assert our compassion, cooperation, and tolerance for one another so that man's inhumanity to man, while a painful memory, will serve as a lesson to guide us toward a more humane and peaceful future.●

● Mr. DONNELLY. Mr. Speaker, I rise in strong support of House Joint Resolution 192, which would designate April 24 as a National Day of Remembrance of Man's Inhumanity to Man. The resolution calls special attention to the first genocide of the 20th century, that was carried out by the Ottoman Turkish Empire against the Armenian people in Turkey in the period 1915–23.

I am a cosponsor of this deserving resolution, and urge its swift passage by the House. It is difficult to believe that 70 years after the Armenian genocide, some are now engaged in a campaign to convince the international community that the genocide against the Armenian people never took place. Our American Ambassador in Turkey from 1913–16, Henry Morganthau, provided President Wilson with a heart-wrenching account of the Armenian genocide, and left little doubt as to the identity of the perpetrators of that crime against humanity. It is estimated that at least 1½ million Armenians fell victim to the genocide of 1915. Not too many years after the Armenian genocide, Adolf Hitler dismissed criticism of the extermination of 6 million Jews by forces under his control by posing the obscene, yet telling question, Who still talks nowadays about the extermination of the Armenians?

It is critical that official statements by our Government show no confusion on the historical fact of the Armenian genocide. House Joint Resolution 192 accomplishes the noble purpose of maintaining historical integrity. It should be passed without objection.●

● Mr. HERTEL of Michigan. Mr. Speaker, I speak in support of House Joint Resolution 192 to designate April 24, 1986 as National Day of Rememberance of Man's Inhumanity to Man. The attempts to destroy the Armenian race is a violation of every human code. It is unconscionable and a blot on the entire human race. The calculated slaughter of more than a million and a half Armenians and the incredible torture experienced by hundreds of thousands must indeed be remembered by every nation where life, liberty, and the pursuit of happiness is a right.

The atrocities committed were an attempt to destroy and exterminate a race whose only crime was their Armenian heritage.

Unless we dedicate ourselves in strong and unequivocal terms, to the belief that all men must be treated with human dignity and that liberty is for everyone, we add to the shame of history.

A day of rememberance is a necessary and meaningful demonstration of our commitment to human rights and dignity.●

● Mr. COUGHLIN. Mr. Speaker, my vote today for the resolution to declare April 24, 1986, as "National Day of Remembrance of Man's Inhumanity to Man" is, simply, a condemnation of genocide wherever and whenever it took place. It should not be misconstrued as a rebuke to the Republic of Turkey—either the current government or its people—which have been most sensitive to the allegations that the mention of the massacre of Armenians many years ago is intended as an insult.

While it is true that the resolution could have been worded more diplomatically, it also is true that no one can fail to condemn genocide which is defined by one dictionary as, "The systematic, planned annihilation of a racial, political, or cultural group." What took place in Turkey between 1915 and 1923 was a tragedy of immense proportions. Nothing—not even this resolution—can erase that from history.

From the Holocaust perpetrated by Hitler and his Nazi minions to the genocide that began in Cambodia in 1975—all should and must be condemned by the civilized governments of the world. I include in this list the systematic murder and exile of the Miskito Indians by the Sandinista government of Nicaragua.

No excuses. No alibis. Genocide is one of the most horrible of all crimes.

To the Armenians and those of Armenian ancestry, the passage of this resolution can never excise from the pages of history the cruel and merciless murder of men, women, and children in Turkey. I understand that official recognition of the deaths of these people may, in some way, provide solace to Armenians in this country and throughout the world. I hope it does.

To our great friend and ally, Turkey, I can only ask that its government and people understand. I would prefer not to get into the politics involved in the drafting and presentation of this resolution, but I will say that many—if not most—of us who voted for the resolution recognize only too well that Turkey stands as a true NATO ally on the frontiers facing the Soviet Union. I would hope that the Turkish officials and people understand that it is well nigh impossible for an American official not to vote against genocide. Those of us who voted for the resolution know only too well that it was not the Republic of Turkey nor the present-day Turkish Government that can be held responsible for the murder of Armenians.

Likewise, a vote for this resolution does not encourage terrorism. There is no Member of this body who would condone the assassinations of Turkish officials by self-styled Armenian vengeance groups. Terrorism, like genocide, is a crime that holds no redeeming virtue, no glorifying feature and no rational explanation. If the passage of this resolution would abort one terrorist plot against Turkish officials, it would have served a useful purpose. I doubt it, however. Terrorism, like genocide, is the absence of reason.

Let us instead, take this resolution as reaffirmation that civilized peoples want to rid the world of genocide. We are recalling history only so its lessons survive. We must speak out against genocide and condemn it as we have condemned terrorism. That is what we have done today. Nothing more, nothing less.●

● Mr. HILLIS. Mr. Speaker, I rise to voice my strong disapproval of House Joint Resolution 192 which I believe is an ill-conceived and unnecessary resolution that could seriously undermine America's relationship with the Government of Turkey.

I would like to have taken a more active role in today's debate but, unfortunately, the short time limit pre-

scribed for each side prevented me from doing so.

I was a member of the House Armed Services Committee delegation which traveled to Turkey during the Memorial Day recess. While there, we had the opportunity to meet with several high level officials including Prime Minister Turgut Ozal. In virtually every meeting, the Turkish officials with whom we spoke steered the conversation toward House Joint Resolution 192, expressing their vehement opposition to the resolution.

I don't believe this House has an appreciation for the importance the Turkish Government attaches to the defeat of this resolution. But understand this: Turkey considers House Joint Resolution 192 a slap in the face and Prime Minister Ozal stressed time and time again that passage would seriously and adversely affect Turkish-American relations.

There are three reasons for Turkey's opposition to House Joint Resolution 192.

First, the genocide against the Armenian people to which this resolution refers was not an act of the present-day Ankara government. These so-called "acts of genocide" occurred in the years during and just after World War I in the waning days of the Ottoman Empire.

Second, Armenian terrorists have assassinated 43 Turkish diplomatic personnel including one diplomat in Los Angeles. The Turkish Government worries, and in my opinion justifiably so, that this resolution would only serve to intensify and encourage the activities of such terrorist groups. This, of course, would serve to foster instability in the eastern Mediterranean.

Third, many of the so-called "acts of genocide" referred to in House Joint Resolution 192 occurred in the war zone between the Ottoman Empire forces and the armies of czarist Russia. Turkey fervently disputes many of the allegations made pertaining to the acts of genocide which are presented as fact in the resolution.

Why should we disrupt or destroy our good and valuable alliance with modern Turkey by treating this allegation of a bygone era as fact?

Turkey has moved steadily toward democracy in the last generation and their people are now enjoying many of the same freedoms we Americans enjoy. They treat their minorities with respect and dignity, making little, if any distinction among the various ethnic and religious groups.

They are an important American ally and a key to the NATO alliance. Their border with Soviet Union is the longest of any NATO partner and they guard the strategic waterway between the Black Sea and the Mediterranean.

They are a vital key to the NATO defense strategy which we should be acting to strengthen, not weaken. I might add, the White House and State Department also recognize the importance of our alliance and strongly oppose this resolution.

Mr. Speaker, passage of House Joint Resolution 192 will gain nothing and could lose us much—a good friend in a vital region of the world.

Let's not pick a fight. Let's defeat House Joint Resolution 192.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the joint resolution, House Joint Resolution 192, as amended.

The question was taken.

Mr. FORD of Michigan. 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. FORD of Michigan. 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 192, the joint resolution just under consideration.

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

There was no objection.

ENERGY POLICY AND CONSERVATION ACT EXTENSION

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1699) to extend titles I and II of the Energy Policy and Conservation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1699

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

SECTION 1. EXTENSIONS.

(a) GENERAL EXTENSION.—Section 531 of the Energy Policy and Conservation Act (42 U.S.C. 6401) is amended by striking out "June 30, 1985" each place it appears and inserting in lieu thereof "June 30, 1989".

(b) INTERNATIONAL VOLUNTARY AGREEMENTS.—Subsection (j) of section 252 of such Act (42 U.S.C. 6272(j)) is amended by striking out "June 30, 1985" and inserting in lieu thereof "June 30, 1989".

(c) MATERIALS ALLOCATION.—Section 104(b)(1) of such Act is amended by striking out "December 31, 1984" and inserting in lieu thereof "June 30, 1989".

SEC. 2. NOTIFICATION REQUIREMENTS.

(a) AMENDMENTS TO STRATEGIC PETROLEUM RESERVE PLAN.—Section 159(e) of the Energy Policy and Conservation Act (42 U.S.C. 6239(e)) is amended to read as follows:

"(e) Any amendment transmitted pursuant to subsection (d), may become effective after the date of such transmittal.".

(b) SUSPENSION OF PROVISIONS RELATING TO THE STRATEGIC PETROLEUM RESERVE.—Section 160(e) of such Act (42 U.S.C. 6240(e)) is amended—

(1) by inserting "and" at the end of clause (i) of paragraph (1)(B);

(2) by striking out clauses (ii) and (iii) of paragraph (1)(B) and inserting in lieu thereof the following:

"(ii) the President has transmitted such finding to the Congress.";

(3) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) The suspension of the application of subsections (c) and (d) under paragraph (1)(B) may become effective on the day the finding is transmitted to the Congress and shall terminate 9 months thereafter or on such earlier date as is specified in such finding."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 3. TERMINATION OF AUTHORITY UNDER PART A OF TITLE II.

Part A of title II of the Energy Policy and Conservation Act is amended by adding the following new section at the end thereof:

"TERMINATION DATE

"SEC. 204. Except as provided in section 203(f), authority to carry out the provisions of this part and any rule, regulation, or order issued pursuant to such part shall expire at midnight, June 30, 1985.".

SEC. 4. TEST DRAWDOWN AND DISTRIBUTION.

(a) DIRECTIVE TO CARRY OUT TEST DRAWDOWN.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding the following new subsection at the end thereof:

"(g)(1) In order to evaluate the implementation of the Strategic Petroleum Distribution Plan, the Secretary shall, commencing within 180 days after the date of the enactment of this subsection, carry out a test drawdown and distribution under this subsection through the sale or exchange of approximately 1,100,000 barrels of petroleum product from the Reserve. The requirement of this paragraph shall not apply if the President determines, within the 180-day period described in the preceding sentence, that implementation of the Distribution Plan is required by a severe energy supply interruption or by obligations of the United States under the international energy program.

"(2) The Secretary shall carry out such drawdown and distribution in accordance with the Strategic Petroleum Distribution Plan and implementing regulations and contract provisions, modified as the Secretary considers appropriate taking into consideration the artificialities of a test and the absence of a severe energy supply interruption. In order to meet the requirements of subsections (d) and (e) of section 159, any such modification of the Plan, along with explanatory and supporting material, shall be transmitted to both Houses of the Congress no later than 15 calendar days prior to the offering of any petroleum product for sale under this subsection.

"(3) The Secretary may not sell or exchange any petroleum product under this subsection to or with any Federal agency, as defined in section 551(1) of title 5, United States Code.

"(4) The Secretary may not sell any petroleum product under this subsection at a price less than that which the Secretary determines appropriate and, in no event, at a price less than 90 percent of the sales price, as estimated by the Secretary, of comparable petroleum product being sold in the same area at the time the Secretary is offering petroleum product for sale in such area under this subsection.

"(5) The Secretary may cancel any offer to sell or exchange crude oil as part of any drawdown and distribution under this subsection if the Secretary determines that there are insufficient acceptable offers to obtain such product.

"(6)(A) The minimum required fill rate in effect for any fiscal year shall be reduced by the amount of any oil drawn down from the Reserve under this subsection during such fiscal year.

"(B) In the case of a sale of any petroleum product under this subsection, the Secretary shall, to the extent funds are available as a result of such sale in the SPR Petroleum Account, acquire petroleum product for the Reserve within the 12-month period beginning after the completion of the sale. Such acquisition shall be in addition to any acquisition of petroleum product for the Reserve required as part of a fill rate established by any other provision of law.

"(7) Rules, regulations, or orders issued in order to carry out this subsection which have the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, shall not be subject to the requirements of subchapter II of chapter 5 of such title or to section 523 of this Act.

"(8) The Secretary shall transmit to both Houses of the Congress a detailed explanation of the drawdown and distribution carried out under this subsection. Such explanation may be a part of any report made to the President and the Congress under section 165.".

(b) CONFORMING AMENDMENTS.—(1) Section 160(d) of such Act (42 U.S.C. 6240(d)) is amended by adding the following new paragraph at the end thereof:

"(3) In determining the number of barrels of crude oil for the purposes of subparagraph (A) of paragraph (1), any crude oil drawn from the Strategic Petroleum Reserve as a result of any drawdown and distribution carried out under section 161(g) shall be considered to be within the Reserve.".

Section 161(b) of such Act (42 U.S.C. 6241(b)) is amended by striking out "in subsections (c) and (f)" and inserting in lieu thereof "otherwise in this section".

The SPEAKER pro tempore. Is a second demanded?

Mr. DANNEMEYER. 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 Indiana [Mr. SHARP] will be recognized for 20 minutes and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 1699 extends title I of the Energy Policy and Conservation Act, which contains the basic authority to build, fill, maintain, and use the Strategic Petroleum Reserve [SPR]. The extension is for 4 years, until June 30, 1989.

The SPR is a large stockpile of oil held in gulf coast storage sites, and now totals about 470 million barrels of oil—enough to replace all U.S. crude imports for nearly 5 months.

When we first began to develop the SPR, after the enactment of EPCA in 1975, the Nation was very vulnerable to an oil import disruption. Our vulnerability was clearly demonstrated when the gasoline lines and price hikes of 1979 took many by surprise. At that point, SPR held hardly any oil.

Now, the SPR gives us the means to replace oil lost in a disruption. Instead of merely allocating a shortage, we can prevent it—or at least greatly ease its impact on our economy. That is why continued authority to build and use the SPR, if necessary, enjoys wide support.

There has been some debate about how fast SPR should be filled. The bill does not settle this issue. It does authorize a fill rate of up to 300,000 barrels per day. But separate legislation will set the specific rate for future years. I personally support a rate of only 50,000 barrels per day—less than one-third the current rate—because we face strong budget pressures. Indeed, the House budget resolution specifies a rate of 50,000 barrels per day.

But while we may disagree over the future fill rate, we all agree that we must maintain and be ready to use the oil we now have in SPR. The current glut will not last forever. Oil is a depleting resource. The Middle East remains unstable. And confident "predictions" of what will happen in the oil markets continue to turn out wrong.

H.R. 1699 also extends other "energy emergency" authorities in EPCA, including those in title II which allow U.S. participation in the International Energy Agency [IEA], for 4 years, until June 30, 1989.

The IEA is a group of oil importing nations, including the United States and its major allies, which have agreed to coordinate their responses to a future supply shortage in order to minimize its impact.

The bill also requires that the Department of Energy carry out a small "test sale" of SPR oil within 6 months.

This will test the complex mechanical and "paper" bidding and sales processes that must work rapidly in an oil disruption, if our $18 billion investment in SPR is to effectively protect consumers.

While there have been some tests to date of the SPR pumping machinery, and some simulated sales of SPR oil, current law bars any actual sale of SPR oil except in a crisis. H.R. 1699 removes this restriction, but only for a single, small test sale of about 1.1 million barrels—enough to test the five different SPR sites, and the actual bidding and purchasing process.

The bill also deletes EPCA's unconstitutional "legislative veto" provisions, and replaces them with a requirement that the President notify Congress before making a new SPR plan.

The gentleman from California has been very cooperative and supportive on these two measures. I appreciate his efforts to develop this bipartisan legislation.

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

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

Mr. Speaker, I urge adoption of H.R. 1699, which would simply extend for 4 years, parts of titles I and II of the Energy Policy and Conservation Act that are otherwise scheduled to expire on June 30, 1985. These parts of EPCA contain the basic authority for the construction and filling of the strategic petroleum reserve, and for this Nation's participation in the international energy agency.

Aside from the extension of authority for the SPR and U.S. participation in the IEA, H.R. 1699 would accomplish three other things, I would like to mention here:

First, the existing unconstitutional one-House veto and advance joint concurrence provisions would be replaced by a presidential notification requirement.

Second, section 202 of subsection A of title II would not be extended beyond June 30, 1985. This section authorizes the President to impose demand restraint measures during a shortage. This Administration has declared, I believe wisely, that it would never use this provision.

Third, the Secretary of Energy would be required to conduct a small—1.1 million barrel—test drawdown of the SPR within 180 days of enactment.

● Mr. SYNAR. Mr. Speaker, today the House considers legislation to extend the expiration date for titles I and II of the Energy Policy and Conservation Act [EPCA] and to require a 1.1-million barrel strategic petroleum reserve [SPR] test. I support the extension of EPCA titles I and II, which provide authorities for SPR and for U.S. participation in the International Energy Program [IEP]. These authorities are important for this Nation to be able to respond to domestic and international energy supply emergencies. I also strongly support an SPR test.

I do, however, have some concerns about the bill. I question the wisdom of extending the IEP-related authorities in title II for 4 full years through

June 30, 1989, and would prefer a shorter extension. Some have suggested that Congress may want to review U.S. participation in the IEP. I think that this is appropriate given that the IEP was established more than a decade ago when different world oil market conditions prevailed.

Additionally, I have concerns about the administration's consideration of a new plan of action, extending EPCA section 252 antitrust and breach-of-contract defenses to certain so-called type I oil transactions, which are essentially day-to-day commercial oil company transactions not undertaken at the specific request of the International Energy Agency or with the IEP's approval or sanction. I am concerned that this type of antitrust/breach-of-contract coverage would go beyond the scope of what Congress envisioned in enacting EPCA and could possibly result in providing participating companies with wholesale, rather than limited, antitrust/breach-of-contract protection. Certainly this extension of coverage would depart significantly from past administration positions on this issue.

I believe that a careful review of what the administration is proposing is in order, so that we can address the many unanswered questions about the proposal. A shorter extension will allow Congress to revisit the authorities for U.S. participation in the IEP after a careful review of these issues.

While I strongly support a test to demonstrate the reliability of the SPR system—one that will test the drawdown, distribution and sale of SPR oil—I fear that the test envisioned in this bill will do little more than test the sale of SPR oil. I remain convinced that to have a meaningful test of SPR we must actually stress the reserve system, which would require a drawdown at high levels sustained over a period of days. The General Accounting Office reached this same conclusion in a report done recently for the House Government Operations Subcommittee on Environment, Energy and Natural Resources, which I chair.

In that report, GAO concluded that to be fully confident of overall SPR system reliability, a test should involve drawdown and distribution of SPR oil at the maximum sustainable rate—currently about 2.3 million barrels/day—and that a test of this magnitude for 5 to 7 days would be feasible and reasonable.

Importantly, as GAO pointed out, a test of sufficient size to actually stress the system need not involve the sale of all the oil drawn down and run through the distribution system. DOE has the capability to provide temporary storage for the amount of oil drawn down under a sustained test, and this storage—as opposed to actual sale of it—would minimize the costs of the SPR test and the potential impact on world oil markets. Accordingly, while I intend the support the legislation, I continue to hope that DOE will undertake such a test on its own or, barring that, that Congress will manage such a test.

Finally, I would like to take this opportunity to say how disappointed I am with the administration over the whole area of energy emergency preparedness. As my colleagues know, many of us in Congress have spent much time pushing and prodding the administration on preparedness policies and programs. We have urged the Department of Energy to exert some leadership toward coming up with a solution to the fair sharing problem for companies participating in the IEA Program. We have urged the development of an emergency economic response program to assist those who simply cannot afford substantially higher energy prices. Last year we were moving forward and seemed to be making some progress. Then-Secretary Donald Hodel stated in a public hearing in September that he intended to work toward submission to Congress early this year of energy emergency preparedness legislative proposals, including legislative recommendations for an emergency economic response program. That promise has since vanished into thin air.

Even though oil supplies are not plentiful and a sense of complacency seems to abound, adequate preparation for a future energy crisis is no less important today than it was in the past. Unfortunately, emergency preparedness issues have not been sufficiently addressed by the administration.

The issues I noted, along with some general questions about U.S. participation in the International Energy Program, should be addressed, and a shorter extension of the EPCA reauthorization would provide the impetus for a review of these issues. Accordingly, should the Senate adopt a shorter extension, I hope our House conferees would concur in it.●

□ 1440

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

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1699.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 1699, 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.

The title was amended so as to read: "A bill to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes."

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 192

Mr. BUSTAMANTE. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of House Joint Resolution 192.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 192, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the joint resolution, House Joint Resolution 192, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 180, not voting 20, as follows:

[Roll No. 133]

YEAS—233

Ackerman	Breaux	Derrick
Addabbo	Brooks	Dixon
Akaka	Broomfield	Donnelly
Anderson	Brown (CA)	Dorgan (ND)
Andrews	Bruce	Dornan (CA)
Annunzio	Bryant	Downey
Aspin	Burton (CA)	Dreier
Atkins	Carr	Durbin
AuCoin	Chappie	Dwyer
Barnes	Clay	Dymally
Bates	Coats	Early
Bedell	Coelho	Eckart (OH)
Beilenson	Coleman (TX)	Edgar
Berman	Conte	Edwards (CA)
Biaggi	Conyers	Evans (IA)
Bilirakis	Cooper	Evans (IL)
Bliley	Coughlin	Fascell
Boehlert	Courter	Fazio
Boggs	Coyne	Feighan
Boland	Crockett	Fiedler
Bonior (MI)	Dannemeyer	Fish
Borski	Daschle	Foglietta
Bosco	Davis	Foley
Boucher	de la Garza	Ford (MI)
Boxer	Dellums	Ford (TN)

Frank	Luken	Rowland (CT)
Frost	Lungren	Roybal
Gallo	MacKay	Russo
Garcia	Manton	Sabo
Gaydos	Markey	Savage
Gejdenson	Martin (NY)	Saxton
Gekas	Martinez	Scheuer
Gephardt	Matsui	Schneider
Gilman	Mavroules	Schulze
Glickman	McCloskey	Schumer
Gonzalez	McCollum	Seiberling
Gordon	McHugh	Sharp
Gray (PA)	McKernan	Sikorski
Green	McKinney	Slattery
Guarini	Mikulski	Smith (FL)
Hall (OH)	Miller (CA)	Smith (NH)
Hall, Ralph	Miller (WA)	Smith (NJ)
Hamilton	Mineta	Snowe
Hawkins	Mitchell	Spence
Hayes	Moakley	St Germain
Heftel	Mollohan	Stallings
Henry	Moody	Stokes
Hertel	Moorhead	Strang
Horton	Morrison (CT)	Studds
Howard	Mrazek	Synar
Hoyer	Myers	Tauzin
Hughes	Nowak	Thomas (CA)
Hunter	Oakar	Torres
Ireland	Oberstar	Towns
Jacobs	Obey	Traficant
Jeffords	Ortiz	Traxler
Johnson	Owens	Udall
Jones (TN)	Packard	Vento
Kanjorski	Panetta	Visclosky
Kaptur	Parris	Volkmer
Kastenmeier	Pashayan	Vucanovich
Kennelly	Pease	Walgren
Kildee	Penny	Waxman
Kleczka	Pepper	Weaver
Kolter	Porter	Weiss
Kostmayer	Pursell	Wheat
LaFalce	Rangel	Williams
Leach (IA)	Reid	Wirth
Lehman (CA)	Richardson	Wise
Lehman (FL)	Rinaldo	Wolf
Leland	Robinson	Wolpe
Levin (MI)	Rodino	Wortley
Levine (CA)	Roe	Wright
Lipinski	Roemer	Wyden
Long	Rose	Yates
Lowery (CA)	Rostenkowski	Yatron
Lowry (WA)	Roth	Young (AK)
Lujan	Roukema	

NAYS—180

Alexander	Dowdy	Kolbe
Anthony	Duncan	Kramer
Archer	Dyson	Lagomarsino
Armey	Eckert (NY)	Latta
Badham	Edwards (OK)	Leath (TX)
Barnard	Emerson	Lent
Bartlett	English	Lewis (FL)
Barton	Erdreich	Lightfoot
Bateman	Fawell	Livingston
Bennett	Fields	Lloyd
Bentley	Flippo	Loeffler
Bereuter	Franklin	Lott
Bevill	Frenzel	Lundine
Boner (TN)	Fuqua	Mack
Bonker	Gibbons	Madigan
Boulter	Gingrich	Marlenee
Brown (CO)	Goodling	Martin (IL)
Broyhill	Gradison	Mazzoli
Burton (IN)	Gregg	McCain
Bustamante	Grotberg	McCandless
Callahan	Gunderson	McCurdy
Campbell	Hammerschmidt	McDade
Carney	Hansen	McEwen
Carper	Hartnett	McMillan
Chandler	Hatcher	Meyers
Cheney	Hefner	Mica
Cobey	Hendon	Michel
Coble	Hiler	Miller (OH)
Coleman (MO)	Hillis	Molinari
Combest	Holt	Monson
Craig	Hopkins	Montgomery
Crane	Huckaby	Moore
Daniel	Hutto	Murphy
Darden	Hyde	Murtha
Daub	Jenkins	Natcher
DeLay	Jones (NC)	Neal
DeWine	Jones (OK)	Nelson
Dickinson	Kasich	Nichols
Dicks	Kemp	Nielson
DioGuardi	Kindness	O'Brien
Olin	Shelby	Sundquist
Oxley	Shumway	Sweeney
Perkins	Shuster	Swift
Petri	Siljander	Swindall
Pickle	Sisisky	Tallon
Price	Skeen	Tauke
Quillen	Skelton	Taylor
Rahall	Slaughter	Thomas (GA)
Ray	Smith (IA)	Valentine
Regula	Smith (NE)	Vander Jagt
Ritter	Smith, Denny	Walker
Roberts	Smith, Robert	Watkins
Rogers	Snyder	Weber
Rowland (GA)	Solomon	Whitehurst
Rudd	Spratt	Whitley
Schaefer	Staggers	Whitten
Schroeder	Stangeland	Wylie
Schuette	Stenholm	Young (FL)
Sensenbrenner	Stratton	Young (MO)
Shaw	Stump	Zschau

NOT VOTING—20

Applegate	Fowler	Ridge
Byron	Gray (IL)	Solarz
Chappell	Hubbard	Stark
Clinger	Lantos	Torricelli
Collins	Lewis (CA)	Whittaker
Dingell	McGrath	Wilson
Florio	Morrison (WA)	

□ 1450

Messrs. PRICE, DICKS, and ERDREICH changed their votes from "yea" to "nay."

Messrs. DE LA GARZA, WORTLEY, and RALPH M. HALL, and Mrs. VUCANOVICH changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1500

ANTI-APARTHEID ACT OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 174 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1460.

□ 1500

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, with Mr. DE LA GARZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, May 21, 1985, the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs was open to amendment at any point.

Are there any further amendments to the committee amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. RICHARDSON

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

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 34, after line 4, insert the following new section:

SEC. 15. BAN ON IMPORTING URANIUM AND COAL FROM SOUTH AFRICA AND NAMIBIA

(a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the following products of South Africa and Namibia may not be imported into the United States: coal, uranium ore, and uranium oxide.

(b) WAIVER.—The prohibition contained in subsection (a) may be waived by the President in accordance with section 6.

(c) NEGOTIATIONS.—The President shall, during the course of any bilateral or multilateral negotiation held pursuant to section 10, include attempts to persuade the governments of other countries to ban imports of coal, uranium ore, and uranium oxide from South Africa and Namibia. The President shall include the status of those attempts in any report submitted to the Congress under section 10.

□ 1510

Mr. RICHARDSON. Mr. Chairman, this amendment sends two messages: First of all, the message of rendering objectionable the policies of the South African Government of apartheid. The second message that this amendment sends is that we are here to protect American jobs.

Despite the fact that our country has some of the largest coal deposits in the world, the United States continues to increase our coal imports from South Africa, the leading exporter of coal to the United States. Our uranium imports from South Africa-Namibia have increased 350 percent since 1981, and this is at a time when the number of domestic uranium mines has dropped from 362 to 15 and 85 percent of our miners have lost their jobs.

While the importation of these minerals holds economic implications for this country, it is also a significant moral issue. Labor conditions for black miners in South Africa-Namibia are deplorable. Black miners have virtually no job security. They must contract for a limited number of months and then reapply for their jobs. They are not allowed to live with their families; white miners are. They are prohibited by law from holding skilled labor positions; these slots are reserved for white miners only. They must pay for their health insurance; white miners receive free insurance. And their low wages have artificially depressed the world price of uranium and coal, making U.S. coal and uranium less competitive.

Sixty thousand American coal miners are out of work. Our uranium industry is in danger of extinction. This affects many States in the West that have uranium capacity and many States throughout the country that have significant coal reserves.

If these two minerals are terminated in their imports from South Africa, it would not affect national security. No

tariffs are involved. No quotas are involved. The financial implications are minimal.

In addition to that, we feel that this amendment would send a very strong signal that the United States is saying that we will give a chance to our own energy industry. We have a sufficient capacity in this country to make up for this very limited shortfall from South Africa.

This amendment does not affect existing contracts. We would not be abrogating any existing contracts. To accommodate members of the Committee on Ways and Means, we did not include uranium oxide, so that no tariffs whatsoever would be involved.

The main message that is sent is a twofold message: First of all, that this country finds the policies of apartheid objectionable, that the reason that the competitive nature of our coal and uranium industries is so adversely affected is because of the conditions of the black miners in South Africa, and we are also sending a message to our depressed mining industry in this country that the United States is prepared to stand behind our coal miners and that the United States is prepared to stand behind the uranium industry that has virtually gone under. In another 2 years, unless certain steps are taken such as limited import restrictions, our uranium industry for all practical purposes will be terminated.

So I ask for the support of this House to send that dual message. The first is that we find the policies of apartheid objectionable, that we will not tolerate the continued exploitation of workers, but also that we will stand behind those coal miners throughout the Western, Eastern, and Midwestern States, and that we will stand behind uranium miners in this country and say no to this practice that continues.

Mr. Chairman, I ask for the unanimous support of the Members of the House for this amendment.

Mr. WOLPE. Mr. Chairman, I rise in very reluctant opposition to the amendment offered by my distinguished colleague, the gentleman from New Mexico [Mr. RICHARDSON].

My opposition is reluctant because I regard this amendment as clearly a friendly amendment. I certainly support the thrust and the intent of the amendment that is before the House at this point.

In fact, the uranium import sanction would strike at what is the fourth largest South African import into the United States. It has produced $197 million in foreign exchange for South Africa in 1983 and $145 million in 1984, and as my distinguished colleague has noted, while U.S. jobs in the uranium industry are disappearing, uranium produced by cheap labor in South Africa and South African-occupied Namibia is being exported into the United States in increasing amounts. These exports now account for about 20 percent of South African-Namibian uranium production. South African-Namibian uranium accounts for nearly 8 percent of the uranium enriched for U.S. utilities and even more that is enriched for reexport to other countries.

So on the substance there is much that is meritorious in what the gentleman from New Mexico has said in his observations.

Having said that, it needs to be noted that the authors of the legislation before us spent considerable time trying to craft legislation that would offer up those sanctions that would be most effective vis-a-vis South Africa, that would send the kind of message that needs to be sent with both economic and political meaning in South Africa, and that would also be politically doable within this institution.

My opposition to the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] is based upon a concern that this amendment would actually have the effect of weakening the position of the House as we enter into conference with the other body. I will be in a position a little later in this proceeding of opposing other friendly amendments that are intended to strengthen the sanctions and to add new sanctions to those already embodied in this legislation before us, and I do so again, not because of a disagreement with the thrust or with the intent, but because I want to make certain that the strongest possible package emerges from this House and becomes the vehicle for discussion with the other body. There has already been legislation offered by way of various bills in this body to prohibit tax credits for U.S. firms in South Africa, to prohibit landing rights for South African Airways, various kinds of trade embargo restrictions, the closing of primary consulates, and a whole range of initiatives.

In short, there has been a whole range of initiatives that have been suggested. We could have added this particular sanction to those that are already part of our legislation. We could have added other sanctions, but we decided that we had to draw the line somewhere, and I would submit the legislation that is before this body right now represents a very balanced approach to addressing the issue of apartheid in South Africa, to distancing the United States from the apartheid regime, and to make clear to South Africa that unless there is progress made toward the elimination of apartheid, there will be growing costs in terms of the American-South African relationship and a growing isolation vis-a-vis South Africa and the international community.

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

Mr. WOLPE. I am pleased to yield to my distinguished colleague, the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for yielding.

I thank the gentleman from New Mexico [Mr. RICHARDSON] may be on the right track. This is just a personal opinion. I do not like my country and important leaders in my country to speak loudly and carry a small stick, a little twig. That reverses the traditional posture we like to find ourselves in.

I have a copy of the speech, the Democratic radio response last Saturday to the President that was delivered by our Speaker, TIP O'NEILL, and in that speech he said some very important things. He said, and I quote:

> We will pass the kind of tough economic sanctions against South Africa that tell the world that we Americans place a higher value on the treasure of human rights and democracy than we place on the treasure of South African gold and South African diamonds.

Those are important words, and I think we ought to take them to heart. Why do we just want to ban uranium and coal? We have all kinds of coal in Illinois and in Pennsylvania. If there is no pain, there is no gain. Why do we not really hit them where it hurts and say, "No more gold, no more diamonds"? Not just the diamonds that are displayed in full-page ads in Dossier magazine, but industrial diamonds as well. Let us hit them where it hurts, and if it hurts us, why we will risk this in defense of principle.

□ 1520

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

(At the request of Mr. HYDE, and by unanimous consent, Mr. WOLPE was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, I have just four more minerals I would like to mention; bauxite, titanium, cobalt, and manganese.

Mr. WOLPE. Well, let me just say, if I can reclaim my time, to the gentleman from Illinois, that there are many, many other sanctions that are available to the United States to impose against South Africa. My own personal judgment is that unless movement is made by that regime to dismantle apartheid, that many of those measures to which the gentleman referred will become in order in due course.

I believe that this legislation, however, represents a moderate, reasonable, first-step effort in formulating our approach to South Africa.

I would note that while the amendment of the gentleman from New Mexico [Mr. RICHARDSON] contains

some important sanctions, as I indicated in my opening remarks, they are simply not as powerful as the no-new-investment portion of H.R. 1460, which would prevent new companies from entering South Africa, which would eliminate tens of millions of dollars of newly U.S.-funded expansion occurring within South Africa and would stop the $1 billion rise in bank loans to the private sector since 1982.

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

Mr. WOLPE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I respect my colleague, the gentleman from Illinois, for the point he has made. I agree with my colleague about the other minerals.

The point I want to make is the ones that I am directly affected with and many others throughout the country—coal and uranium I think can easily be made up by domestic production. A case can be made that there are other minerals that have unlimited national security. I am not going to get into that. I am not a member of the Foreign Affairs Committee, but the point I do want to make is that I do not think this amendment would adversely affect the economic situation in South Africa that much.

We are not talking about a significant amount. We are talking about industries in the United States that are dying. The uranium industry is dying. The coal industry can easily make up this difference.

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

Mr. WOLPE. Yes, of course.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has again expired.

(At the request of Mr. HYDE, and by unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

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

Mr. WOLPE. Yes.

Mr. HYDE. It just seems to me the purpose of this legislation is not to economically improve our country, but it is to stand before the world and tell the world, as our Speaker did on Saturday, that human rights mean more to us than South African gold and South African diamonds.

I would like to implement his language by banning from our country any diamonds, industrial or decorative; gold, and while we are at it, chrome, titanium, and manganese.

Let us really back our brave words with brave actions.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has again expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WOLPE. Mr. Chairman, I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I just wanted to add to my colleagues that the main reason that I am offering this amendment, obviously, the moral apartheid reason is paramount, but I also want to make it very clear that I want to protect American mining jobs; uranium and coal jobs that are significant, as my colleague knows.

We are talking on uranium, about an industry that is dying simply because there are nations that subsidize their uranium industry and we do not offer the same kind of thing. I am not asking for protection. I am saying reciprocity, with the coal industry in the same way. Our coal industry can easily make this up. This would not be interpreted as a massive sanction against South Africa; although if my colleague offered such an amendment on the other minerals, here is one colleague who would support him.

I am being very specific about the ones I have because I am concerned about the national security argument. You cannot make a national security argument that we would be adversely affected if we stopped these two areas. This is why I am concerned that the Foreign Affairs Committee did not take them up. They took krugerrands. They dealt with many other issues. Why did they omit this?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

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

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

A recorded vote was refused.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. ZSCHAU

Mr. ZSCHAU. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ZSCHAU:

Page 29, line 2, insert "(a) IN GENERAL.—" immediately before "The".

Page 29, line 8, insert immediately before the period the following: ", and other restrictions in effect under United States law with respect to South Africa".

Page 29, insert the following after line 9:

(b) FUTURE ANTI-APARTHEID MEASURES.—The Congress urges the President to consult with other countries, particularly the major allies of the United States, with respect to the implementation in the future of any anti-apartheid measures being considered by the United States or any such country, in order to encourage multilateral, rather than unilateral, implementation of such measures.

Page 29, insert the following after line 9 and redesignate succeeding sections and references thereto accordingly:

SEC. 11. REPORT ON STATUS OF APARTHEID AND HUMAN RIGHTS IN SOUTH AFRICA.

(a) MONITORING AND REPORT.—The President shall monitor the status of apartheid and human rights in South Africa and shall report annually to the Congress on the progress or lack of progress of the Government of South Africa in eliminating apartheid and promoting human rights in that country.

(b) ADDITIONAL ANTI-APARTHEID MEASURES.—It is the sense of the Congress that the United States should take measures in addition to the sanctions imposed by this Act unless the Government of South Africa makes substantial progress toward the goals set forth in subsection (a).

Mr. ZSCHAU [during the reading]. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ZSCHAU. Mr. Chairman, these two amendments are designed to strengthen the sanctions in this bill and the process for bringing pressure on the Government of South Africa.

The first amendment provides that the United States when considering, any future sanctions toward South Africa consult with other countries, particularly our major allies, and urge our allies to implement any such sanctions toward the Government of South Africa in unison with us. This is based on the principle that multilateral action is more effective than unilateral action.

Let me give an example. In this bill, H.R. 1460, there is a provision which would ban the future sales of computers to the Government of South Africa. This is a ban designed to disassociate ourselves with the activities of the Government that administers and enforces apartheid.

The United States has about one-half of the sales of computers in South Africa. Other countries have the other half. The largest growth in the sales of computers to South Africa comes from the Japanese.

Let us make no mistake about it: If we ban the sales of our computers to the Government of South Africa, it will not mean that the government will no longer get computers. It will merely get them from the Japanese or the British or the French or the other vendors. However, if such sanctions were to be implemented in concert with our allies, it could mean that South Africa could not get the latest and best computer equipment. That would bring much greater pressure to bear on the South African Government than the unilateral action proposed in this bill.

The second amendment provides that we should monitor the situation in South Africa and we should take future actions based on the results of

the sanctions that we are implementing under this bill and the actions that the Government of South Africa takes to end apartheid.

The second amendment would require that regular reports be made to Congress and that it is the sense of Congress, if progress is not made toward dismantling apartheid in South Africa, that the Congress should consider taking stronger actions in the future.

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

Mr. ZSCHAU. I would be happy to yield to the gentleman from Louisiana.

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

What would happen if multilateral action was not forthcoming and the United States still felt the need to act unilaterally?

If the gentleman's amendment were adopted, do we have that option?

Mr. ZSCHAU. Yes. My amendment suggests that we encourage our allies through whatever means that we might have to enter into multilateral approaches with us rather than following a unilateral approach by ourselves.

It also says that we should consult with other countries so the likelihood of multilateral action is increased.

Mr. ROEMER. But if the gentleman would yield further, assume the worst. I agree with the premise of the gentleman that if we act together, we act more strongly. There is no doubt about that; but there are some of us who think we need action, whether alone or together.

I just want to make clear that the gentleman is telling this body that the gentleman's amendment does not preclude our standing alone if we think that is what it takes.

Mr. ZSCHAU. That is correct.

Mr. ROEMER. I thank the gentleman.

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

Mr. ZSCHAU. Yes, I would be happy to yield to the gentleman from Michigan.

Mr. WOLPE. I would just like to say to the gentleman in the well that I believe the two amendments that he is discussing at this point are very constructive.

□ 1530

I certainly intend to support them. We have a provision in our own bill that talked about the importance of international consultation with respect to the sanctions in the legislation. The gentleman carries that a step further to talk about any further antiapartheid measures. I think it is a very constructive addition.

Mr. ZSCHAU. I thank the Chairman for his support and his comments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. ZSCHAU].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ZSCHAU

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

The Clerk read as follows:

Amendment offered by Mr. ZSCHAU:

Page 20, line 20, add the following after the period: "The prohibition contained in the preceding sentence shall apply only to the extent it is not inconsistent with the obligations of the United States under the General Agreement on Tariffs and Trade."

Mr. ZSCHAU. Mr. Chairman, this amendment deals with the provision which would ban the importation of the gold coin, the krugerrand, from South Africa. That ban is designed to be a symbolic gesture to express our outrage toward the policy of apartheid.

Everyone knows, and is under no illusions to the contrary, that banning the importation of krugerrands will not bring the Government of South Africa to its knees or stop the mining of gold in that country. But it does give us a warm feeling that at least we are not assisting the South African Government directly by importing their gold coins.

I support this kind of symbolic gesture. However, I only support them if they do not do immense damage to this country. I am concerned that this ban may be damaging to the United States because there is an indication at least that the importation ban on krugerrands would be a violation of about obligations under the General Agreement on Tariffs and Trade and would make it more difficult for us to enforce the GATT when other countries appear to be violating the GATT.

When we are facing a situation of $130 billion a year in trade deficits—which is not only hurting the economic situation currently for people across this country in the heavy industries, the light industries, and in the farming communities but is also undermining the industrial structure of this country which could have a long-lasting effect—we should be doing everything we can to maintain our capability to make sure that our trading partners do not violate the GATT.

Where do we have such violations in the actions of our trading partners? We allege that the Japanese have restrictions on beef and citrus imports which are in violation of GATT and hurt our farmers. We allege that the European Community has subsidies on various farm exports that also make it difficult for our farmers to survive.

If we are going to be able to argue persuasively that they should cease violating the legal procedures for conducting international trade, we are going to have to have our hands clean. If we should implement a ban like this or any other action which violates our obligations under GATT, our ability to enforce those obligations among our trading partners will be undermined.

What is the situation with the General Agreement on Tariffs and Trade? Under that agreement, South Africa, which is a signatory, is entitled to most favored nation status. It therefore enjoys the same privileges, immunities, and advantages in its gold coin exports to the United States as do other gold coin exporting countries such as Canada.

Article XI of the GATT says:

No prohibitions or restrictions other than duties, taxes, or other charges shall be instituted or maintained by any contracting party on the importation of any product of the territory of another contracting party.

There is an exception to that in article XX for gold and silver. However, it says in article XX that any gold or silver import restrictions are subject to the qualification that they may not constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail.

Some people say that the Government of South Africa, with its apartheid policy, constitutes such a situation where different conditions prevail. Other people disagree. They say it is not the political situation but the economic situation that should be considered to determine if different conditions prevail.

I do not know what the answer is. I do not know whether the ban on krugerrands is GATT legal or not. However, I strongly believe that if this ban is a violation of GATT we should not be instituting it. If it is GATT illegal, such a ban can harm the very economic fabric of this country. It can undermine our capability to enforce international trade rules with our trading partners. At a time when our basic industries, our high tech industries and American agriculture is under intense pressure in world markets as well as domestic markets, it is no time, in a cavalier fashion, to institute a ban that can come back to haunt us.

I ask for support of this amendment which would provide that the ban on the importation of krugerrands could only be implemented if it were not in violation of our obligations under the GATT.

The CHAIRMAN. The time of the gentleman from California [Mr. ZSCHAU] has expired.

(On request of Mr. ROEMER and by unanimous consent Mr. ZSCHAU was allowed to proceed for 1 additional minute.)

Mr. ROEMER. Will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Louisiana.

Mr. ROEMER. Are you not assuming in your amendment something that you have admitted is impossible to assume, and that is the question of GATT legal? Do you not assume by removing the krugerrand from one pack-

age that this prohibition would be termed GATT illegal? Are you not making that assumption?

Mr. ZSCHAU. No; that is not correct. What I suggested is that I do not consider myself to be an expert on whether the ban is legal or not under the GATT. I do not know all the facts.

As a matter of fact, there is a case pending where a Canadian province has put a tax on importation of krugerrands and that is being argued right now.

I am trying to establish here a principle: When we take a symbolic move that is really not going to have much of an effect other than to express outselves symbolically, it should not be done if it has serious repercussions on our own international trade.

Mr. ROEMER. I thank the gentleman.

Mr. WOLPE. Mr. Chairman, I rise in very strong opposition to this amendment offered by the gentleman from California [Mr. ZSCHAU].

I rise in opposition because the effect of this amendment would be very simply to gut the krugerrand prohibition that is embodied within the legislation; that is, the ban on the importation of krugerrands. I say that very simply because the administration is already on record. In recent testimony before our committee the administration indicated they felt that such a ban might in fact be inconsistent with GATT.

I might point out that that testimony by the administration witness was in direct conflict with earlier testimony by another administration witness to the effect that there was no inherent conflict between GATT and the contemplated prohibition on importation of krugerrands.

It was also in conflict with the Congressional Research Service study which indicated there is no conflict between the proposed sanction and the GATT agreement. But we know in advance that the administration has not come to the view that it is not consistent with GATT and therefore this provision will be used to essentially gut that provision.

I would also point out that we have imposed a whole range of additional sanctions against other countries that were not necessarily in conformity with GATT. That has simply never been the all-abiding criterion as to how we respond to nations of this world that are very serious human rights violators, and which the United States believes it important to make a very clear expression of our own views and to distance ourselves from those regimes.

□ 1540

With that, I yield to the distinguished gentleman from New York, my collegue [Mr. SOLARZ].

Mr. SOLARZ. I thank the very distinguished chairman of the Subcommittee on Africa for yielding to me.

Mr. Chairman, I would like to make some brief observations on the Zschau amendment. I do not know whether the prohibition contained in the legislation before us with respect to the importation of krugerrands into the United States is or is not a violation of GATT. I have heard some learned arguments to the effect that it is not a violation of GATT inasmuch as GATT primarily deals with items that are traded, and the krugerrands involves a monetary item, and coins have generally not been considered within the purview of GATT.

So a case can be made that this legislation does not constitute a violation of GATT. But I do know that whether or not a prohibition on the importation of krugerrands is a violation of GATT, the administration will inevitably conclude that it is a violation of GATT and, therefore, if this amendment is adopted, we can be absolutely certain that the prohibition on the importation of krugerrands will be scuttled by the administration.

But I also know something else, and that is that even if it does constitute a violation of GATT, it would not be the first time when, in pursuit of an important human rights objective, we have violated GATT. We have a total trade embargo on Cuba; we have a trade embargo on Vietnam; we have a trade embargo on Cambodia; we have a trade embargo on North Korea; we have a trade embargo against Iran; and we have a trade embargo against other countries all of which constitute a presumptive violation of GATT. Yet in spite of that, the Congress and the administration have supported these embargoes.

Mr. ZSCHAU. Mr. Chairman, will the gentleman from Michigan yield?

Mr. WOLPE. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I would just point out that the distinction between the countries that the gentleman mentioned and the instance of South Africa is that South Africa has most-favored-nations' status. So that the way in which those signatories that have most-favored-nations' status is different than those that the gentleman mentioned.

Mr. SOLARZ. If I may conclude my argument, I would say to my friend from California that there is no question but that we have violated the GATT in the past when we have imposed embargoes for human rights purposes. We violated it when we imposed an embargo against Uganda when Idi Amin was murdering his own people in wholesale lots. And I recall some of the Members on the gentleman's side of the aisle who supported us at that time in imposing an embargo against Uganda because of the human rights violations which were taking place in that country who dismissed out of hand the argument that the embargo against Uganda constituted a violation of GATT because they thought there was a more important principle at stake.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. SOLARZ and by unanimous consent, Mr. WOLPE was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. Mr. Chairman, will the gentleman continue to yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. SOLARZ. Similarly, the administration just imposed a total embargo against Nicaragua. That clearly violates GATT. Yet the administration believed, rightly or wrongly, that a larger objective justified it.

So I would urge the defeat of this well-intentioned amendment by my very good friend from California [Mr. ZSCHAU] because it would have the effect of scuttling one of the most important provisions in the bill.

The gentleman says this is purely symbolic. If it is symbolic, there is 600 million dollars' worth of symbolism here, because that is the amount of krugerrands South Africa exports to the United States, and that is the amount of foreign exchange we are sending to South Africa for the purchase of krugerrands which is helping to strengthen the apartheid system there.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. WOLPE. I yield to the chairman of the Committee on the Budget, the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I would like to ask the distinguished gentleman from New York [Mr. SOLARZ], particularly in light of the comments made earlier by the gentleman from California [Mr. ZSCHAU], in offering the amendment, that this is purely emotional symbolism that has no significant effect.

The gentleman from New York [Mr. SOLARZ] has made an observation, made a statement that it is not symbolism, it is not emotionalism, that the prohibition of Krugerrands sales is about $600 million. Is that what the gentleman said, Mr. Chairman?

Mr. SOLARZ. Yes.

Mr. GRAY of Pennsylvania. Also would the gentleman perhaps further explain what does that impact upon the apartheid system in terms of its ability to finance that insidious political system?

Mr. SOLARZ. If the gentleman from Michigan will continue to yield, as always, the gentleman is absolutely accurate. We are spending $600 million a year for the purchase of krugerrands. That money goes to South Africa. It helps to strengthen the apartheid system in that country. What is involved here is much more than just symbolism. There is a lot of substance—600 million dollars' worth—involved here. And for the same reason we were prepared to violate GATT when we opposed an embargo against Uganda, we should be prepared to violate it now in the case of South Africa, if such a prohibition actually violates GATT, which it very well may not.

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

Mr. Chairman, without reference to the major bill or whatever its motivations are, I do not see why we would object to the amendment of the gentleman from California [Mr. ZSCHAU].

We are laboring in a trade environment in which we have accrued a deficit of $120 billion in the year of 1984. And in that same environment we are likely to show a deficit of $150 billion in 1985.

We are a country that alleges that we honor our international obligations. Everybody in this room knows that we do not always honor them. Occasionally, they are honored in the breach.

Then at least we ought to think about it, if we are in danger of dishonoring an international agreement that is worth keeping. And that is a question I think the gentlemen from California has brought to this body at this time. If you want to violate that agreement and you think it is important, then you should go ahead. If, on the other hand, you think those international agreements are worthwhile and that they ought to be a matter of negotiation, then I think many Members will want to support the amendment of the gentleman from California, as I believe I am going to do.

I must confess, however, that I am perhaps a prejudiced witness. I do not see this bill as living up to the expectations of its promoters. So I am not enthusiastic about it in the first place.

The chief reason for my lack of enthusiasm is that I doubt the passage of the bill will cause benefit to the black citizens of South Africa.

Again and again, I have seen our country, with the highest of motivations, adopt splendid statements affirming the highest principles of human rights and establishing policies which not only do no good to the oppressed, but also exacerbate the oppression.

Our outrage and high moral position did not improve conditions in Russia, or areas where the U.S.S.R. was at war, when we instituted embargoes or denied trade privileges. I supported most or all of these actions, as did most Members of this body, in the hope that our actions would help. Perhaps not every case was a failure, but the overall effect of our human rights policies against the U.S.S.R., Nicaragua, Chile, Rhodesia, Poland, and others has not been successful.

At the same time, the presence of U.S. companies in South Africa is probably the greatest hope for the training and promotion of black South Africans. Disinvestment would remove this hope.

For instance, three very large Minnesota companies, known for their good citizenship, and a number of other fine, but less-well known companies, are active in South Africa. According to a recent article in the Minneapolis Tribune, all three of the majors say, "they do more to promote racial equality by remaining." Together they employ over 2,000 South Africans of which over 900 are nonwhite. All have signed the Sullivan principles. Two were rated as "making good progress," and the other as "making progress."

The CEO of one of these firms, who was, as I recall, the only private industrial leader to testify in favor of the Humphrey-Hawkins bill, was quoted as saying disinvestment would "deny black people help from one of their most important allies." All three companies indicate that disinvestment would likely force U.S. firms out of South Africa.

The Minnesota experience in South Africa, and the U.S. experience in trying to force unwilling governments to improve their policies, lead me to the conclusion that this bill will not improve the conditions, or prospects, of black South Africans. In the absence of other compelling evidence, my indention is to vote against it on final passage.

I do say, however, that this country has lived within the regimen, or tried to live within the regimen, of the only trading system the free world has, and if we break it we ought to at least know that we are breaking it and be doing so for a good reason.

I think the amendment of the gentleman from California [Mr. ZSCHAU] is eminently sensible and I intend to support it.

□ 1550

Mr. ZSCHAU. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding and I thank him for his remarks. It has been stated here by the gentleman from Michigan [Mr. WOLPE] that this would gut the krugerrand ban. It would only do so if the Krugerrand ban were in violation of the GATT. If it were not in violation of the GATT, then it would not.

Mr. WOLPE. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Michigan.

Mr. WOLPE. If I could just clarify to the gentleman from California, I said it would gut the Krugerrand provision because the administration has most recently testified that it does in fact view this provision as inconsistent with GATT, even though as I said earlier that the administration had previously testified that it could in fact be consistent. In this case, it has changed his position.

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ZSCHAU. I appreciate the gentleman yielding to me.

Mr. Chairman, I believe we should establish a principle here, and the principle is this: If we are going to implement a ban, then it should not be in violation of our trade agreements.

If it does not violate the GATT, the ban would go ahead. If it does violate the GATT, I submit that it has enormous cost to the farmers, to the steel industry, to the automobile industry, to the high technology industry across this country, and we had better consider that when we are proposing such a ban.

It has been suggested that we have violated GATT in the past. We had an embargo on sales of wheat to the Soviet Union. Well, you know what that did to the farmers in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZSCHAU. I ask unanimous consent the gentleman have 2 additional minutes.

Mr. FRENZEL. Reserving the right to object.

The CHAIRMAN. Does the gentleman desire additional time?

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. FRENZEL was allowed to proceed for 2 additional minutes.)

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

We had an embargo on pipelaying equipment that would have been used to build the gas pipeline with the Soviet Union. Who did that hurt? That hurt the industrial firms in the Midwest.

We have taken these unilateral actions in the past but the people that it has hurt each time have been American citizens rather than the people that we are trying to persuade.

We should not be undermining our ability to persuade our trading partners to respect the international

agreements. However, if we implement a ban on importation of krugerrands that does violate the GATT, we will be undermining our ability to make other countries adhere to those provisions.

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

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

I thank the Chair for recognition. The gentleman from California, the author of this amendment [Mr. ZSCHAU] has advanced the argument that what is at stake here is in effect the integrity of the GATT agreement and the overriding interest of the United States in preserving a free and fair international trading system.

He has suggested that if we were to reject his amendment and adopt a prohibition on the importation of krugerrands, and if it should turn out that it constitutes a violation of the GATT, the potential damage this might do to the United States, and to those sectors of our economy which depend on the capacity of our country to export, could be so great as to really outweigh whatever advantages might be obtained by imposing such a prohibition on krugerrand exports to the United States.

In pursuance of that argument, he has suggested that there have been a whole series of occasions in the past where we have imposed embargoes that have turned out to be more harmful than helpful to our own interests.

Now I would be the first to agree that there have been many occasions in the past when we have imposed embargoes that turned out to be either ineffective or counterproductive, but virtually all of the examples the gentleman cited had absolutely nothing whatsoever to do with violations of GATT in the sense that even if the examples he cited were violations of GATT, the counterproductive consequences for the United States had nothing to do with the extent to which the embargoes in question were a violation of the GATT.

If the American farmers were hurt by the grain embargo against the Soviet Union, it was not because that constituted a violation of GATT; it was because the farmers of our country lost the opportunity to make substantial sales to the Soviet Union and because that impaired our reputation as a reliable trader in grains.

The same arguments are true with respect to the gentleman's contention concerning the sanctions we imposed on the sale of components for the pipeline to the Soviet Union. That created severe political problems for us with our allies, but it was not because of the violation of GATT.

In fact, I would challenge my friend from California or anybody else on the other side of the aisle to give us a single example, let alone a series of examples, of situations in which by virtue of violations of the GATT, due to sanctions imposed for human rights purposes, we hurt our capacity to benefit from the international trading system.

It did not happen when we imposed the embargo against Cuba; it did not happen when we imposed the embargo against a whole variety of other countries; I think we may have isolated ourselves politically and diplomatically when we imposed the embargo against Nicaragua, but I have not heard the argument advanced that we hurt ourselves by virtue of the embargo against Nicaragua because we violated GATT.

Now in terms of this particular instance, it literally boggles the imagination to think that because we might impose a prohibition on the importation of krugerrands, that we are going to upset the entire GATT treaty and international trading system. I have no doubt South Africa will complain, but South Africa does not have too many friends in the world today, and I think that we will do much more to benefit the reputation of our country by imposing such an embargo than we will to damage it.

So I say to my friend, I do not know whether this does constitute a violation of GATT. I am not prepared to concede that it does. I think an argument can be made that it does not, but I do know that the administration will contend that it violates GATT and, therefore, if the gentleman's amendment is adopted, the ban on the importation of krugerrands will be null and void.

His amendment, therefore, guts one of the major provisions in the bill, and it does so on the grounds that if his amendment is rejected, we will disrupt the entire GATT arrangement, and that is simply not the case.

Mr. ZSCHAU. Will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. I yield to the gentleman.

Mr. ZSCHAU. As usual, the gentleman has described my amendment better than I was able to describe it, and has also made an excellent point, that the examples I was using did not speak directly to this but rather to the fact that when we take action, it can sometimes backfire, which was the point that I was trying to make.

In terms of the specifics of this situation, we are faced now with persuading our trading partners such as Japan and members of the European Community to cease and desist from practices that we consider to be in violation of the GATT. The ban on importation of, or the restrictions on importation of citrus and beef in the case of Japan; some subsidies in the case of the European Community.

It undermines our position; it does not destroy the trading system, but it undermines our position if we are similarly violating through this kind of a measure.

So what I am suggesting is, that when we implement a measure like this, we should take into account the fact that that situation of undermining our position could occur.

Mr. SOLARZ. Well, I take the gentleman's point and I can only say that I would find it far more persuasive if we had not done this on human rights grounds on innumerable occasions in the past, and if in spite of that, GATT has not survived, we have not survived, and the international trading system has not survived. But we have, and so has GATT, and we both will continue to survive, even if the gentleman's amendment is rejected and we retain the prohibition on the importation of the Krugerrand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ZSCHAU].

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 292, not voting 14, as follows:

[Roll No. 134]

AYES—127

Archer	Gunderson	Packard
Armey	Hall, Ralph	Parris
Badham	Hammerschmidt	Petri
Bartlett	Hansen	Pursell
Barton	Hartnett	Quillen
Bateman	Henry	Ritter
Bentley	Hiler	Roberts
Bereuter	Holt	Roth
Bilirakis	Hyde	Rudd
Bonker	Ireland	Saxton
Boulter	Johnson	Schaefer
Brown (CO)	Kemp	Schneider
Broyhill	Kindness	Schuette
Burton (IN)	Kolbe	Sensenbrenner
Callahan	Kramer	Shaw
Campbell	LaFalce	Shumway
Chandler	Lagomarsino	Shuster
Cheney	Latta	Siljander
Coble	Leath (TX)	Skeen
Combest	Lent	Slaughter
Courter	Lightfoot	Smith (IA)
Craig	Livingston	Smith (NE)
Crane	Loeffler	Smith, Denny
Dannemeyer	Lott	Smith, Robert
Daub	Lowery (CA)	Snyder
Davis	Lujan	Solomon
DeLay	Lungren	Spence
DeWine	Martin (NY)	Strang
Dickinson	Mazzoli	Stump
Dornan (CA)	McCain	Sundquist
Dreier	McCollum	Sweeney
Duncan	McEwen	Swindall
Eckert (NY)	McMillan	Tauke
Emerson	Michel	Taylor
Evans (IA)	Miller (OH)	Thomas (CA)
Fiedler	Monson	Vander Jagt
Fields	Montgomery	Whitehurst
Franklin	Moorhead	Whittaker
Frenzel	Morrison (WA)	Wolf
Gallo	Myers	Wortley
Gekas	Nielson	Zschau
Gradison	O'Brien	
Grotberg	Olin	

NOES—292

Ackerman	Gaydos	Murtha
Addabbo	Gejdenson	Natcher
Akaka	Gephardt	Neal
Alexander	Gibbons	Nelson
Anderson	Gilman	Nichols
Andrews	Gingrich	Nowak
Annunzio	Glickman	Oakar
Anthony	Gonzalez	Oberstar
Applegate	Goodling	Obey
Aspin	Gordon	Ortiz
Atkins	Gray (PA)	Owens
AuCoin	Green	Oxley
Barnes	Gregg	Panetta
Bates	Guarini	Pashayan
Bedell	Hall (OH)	Pease
Beilenson	Hamilton	Penny
Bennett	Hatcher	Pepper
Berman	Hawkins	Perkins
Bevill	Hayes	Pickle
Biaggi	Hefner	Porter
Bliley	Heftel	Price
Boehlert	Hendon	Rahall
Boggs	Hertel	Rangel
Boland	Hillis	Ray
Boner (TN)	Hopkins	Regula
Bonior (MI)	Horton	Reid
Borski	Howard	Richardson
Bosco	Hoyer	Rinaldo
Boucher	Huckaby	Robinson
Boxer	Hughes	Rodino
Breaux	Hunter	Roe
Brooks	Hutto	Roemer
Broomfield	Jacobs	Rose
Brown (CA)	Jeffords	Rostenkowski
Bruce	Jenkins	Roukema
Bryant	Jones (NC)	Rowland (CT)
Burton (CA)	Jones (OK)	Rowland (GA)
Bustamante	Jones (TN)	Roybal
Carney	Kanjorski	Russo
Carper	Kaptur	Sabo
Carr	Kasich	Savage
Chappell	Kastenmeier	Scheuer
Chappie	Kennelly	Schroeder
Clay	Kildee	Schulze
Coats	Kleczka	Schumer
Cobey	Kolter	Seiberling
Coelho	Kostmayer	Sharp
Coleman (MO)	Lantos	Shelby
Coleman (TX)	Leach (IA)	Sikorski
Conte	Lehman (CA)	Sisisky
Conyers	Lehman (FL)	Skelton
Cooper	Leland	Slattery
Coughlin	Levin (MI)	Smith (FL)
Coyne	Levine (CA)	Smith (NH)
Crockett	Lewis (CA)	Smith (NJ)
Daniel	Lewis (FL)	Snowe
Darden	Lipinski	Solarz
Daschle	Lloyd	Spratt
de la Garza	Long	St Germain
Dellums	Lowry (WA)	Staggers
Derrick	Luken	Stallings
Dicks	Lundine	Stangeland
DioGuardi	Mack	Stark
Dixon	MacKay	Stenholm
Donnelly	Madigan	Stokes
Dorgan (ND)	Manton	Stratton
Dowdy	Markey	Studds
Downey	Marlenee	Swift
Durbin	Martin (IL)	Synar
Dwyer	Martinez	Tallon
Dymally	Matsui	Tauzin
Dyson	Mavroules	Thomas (GA)
Early	McCandless	Torres
Eckart (OH)	McCloskey	Towns
Edgar	McCurdy	Traficant
Edwards (CA)	McDade	Traxler
Edwards (OK)	McHugh	Udall
English	McKernan	Valentine
Erdreich	McKinney	Vento
Evans (IL)	Meyers	Visclosky
Fascell	Mica	Volkmer
Fawell	Mikulski	Vucanovich
Fazio	Miller (CA)	Walgren
Feighan	Miller (WA)	Walker
Fish	Mineta	Watkins
Flippo	Mitchell	Waxman
Foglietta	Moakley	Weaver
Foley	Molinari	Weber
Ford (MI)	Mollohan	Weiss
Ford (TN)	Moody	Wheat
Frank	Moore	Whitley
Frost	Morrison (CT)	Whitten
Fuqua	Mrazek	Williams
Garcia	Murphy	Wirth
Wise	Wylie	Young (FL)
Wolpe	Yates	Young (MO)
Wright	Yatron	
Wyden	Young (AK)	

NOT VOTING—14

Barnard	Florio	Ridge
Byron	Fowler	Rogers
Clinger	Gray (IL)	Torricelli
Collins	Hubbard	Wilson
Dingell	McGrath	

□ 1610

Mrs. VUCANOVICH, Mr. ROE, and Mr. STRATTON changed their votes from "aye" to "no."

Messrs. MORRISON of Washington, CAMPBELL, and BADHAM changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS. Mr. Speaker, I was unavoidably absent on rollcall No. 134, the vote on the Zschau amendment to H.R. 1460, the Anti-Apartheid Act of 1985. I oppose the amendment, and would have voted "no."

□ 1620

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 34, add the following after line 4:

SEC. 15. WAIVER OF PROVISIONS OF SECTION 4.

The provisions of section 4 of this Act shall cease to be effective if—

(1) the Secretary of State determines, after conducting a poll of substantial numbers of non-white South Africans, that a majority of non-white South Africans oppose the prohibition on new investment contained in section 4 or oppose the divestiture by United States persons of their investments in South Africa; and

(2) the Secretary submits that determination, and the basis for the determination, to the Congress.

The CHAIRMAN pro tempore (Mr. LIPINSKI). The gentleman from Indiana is recognized for 5 minutes in support of his amendment.

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

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from California.

Mr. McCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this bill.

The issue before us is not apartheid.

We all agree that apartheid is morally wrong and a gross violation of human rights. Apartheid is like a cancer and must be eradicated. However, just as competent doctors can differ over an effective treatment of cancer, so, too, can we differ on the best way to eliminate apartheid. Our course of action must be predicated on what is best for the people—of all races—of South Africa, the region, and the United States.

I do not believe that H.R. 1460 would eradicate apartheid. In fact, it would have the opposite result. There is evidence that punishing business firms which operate in South Africa would undercut even those moderate reforms which have already taken place, would result in increased unemployment for blacks, and would undo the good work already accomplished by American companies, both through the example of the Sullivan principles for equal employment conditions, and the voluntary contributions toward black education and development which American firms have made.

Mr. Chairman, several polls taken in South Africa show that the black population there is opposed to an American economic boycott of their country. In August 1984 the Centre for Applied Social Sciences of the University of Natal issued a report on the attitudes of black construction workers. That report stated that those interviewed indicated that "disinvestment by U.S. companies and trade sanctions are a threat to their material and work interests."

A Human Sciences Research Council report, based on polling of 1,500 blacks, noted that 66 percent believed an economic boycott would hurt nonwhite South Africans most.

Market Research Africa surveyed 1,000 blacks about U.S. disinvestment as a means of pressuring the South African Government to remove apartheid. Researchers found that 79 percent rejected disinvestment while only 20 percent supported it.

I would like to quote a brief statement by Chief Minister Gatsha Buthelezi, who was elected in 1975 as leader of the 5.6 million Zulus, the largest single black group in South Africa, and was also elected in 1976 as President of Inkatha, the largest black South African political organization:

Economic sanctions, such as the divestment by public pension funds of stocks in U.S. companies operating in South Africa, will only hurt the people intended to be helped. * * * You talk here about divestment as a stick with which to rap the knuckles of the South African regime. But divestment will end up crushing black people, the victims of apartheid. There is no point in doing something symbolic which just causes more misery to those who are actually suffering.

H.R. 1460 would place a ban on new investment—including loans—by U.S. persons or firms in South Africa, except for the earnings of a business enterprise established in South Africa prior to the date of enactment. Nearly 300 U.S. companies do business in South Africa. These American companies, which employ approximately 120,000 people, are actively engaged in all sectors of the South African economy. According to the Commerce Department, U.S. direct investment in

South Africa, at the end of 1983, amounted to $2.3 billion.

Prohibiting new investment would not be a moderate or symbolic measure as its proponents allege. It would be the first step toward disinvestment. In the 6 years since Sweden took this same action, the number of Swedish companies and employees in South Africa has diminished by 50 percent. Defining bank loans as investment would hinder normal U.S. commercial transactions, including $200 million in agricultural commodities sales to South Africa. Companies already established in South Africa would be enable to move capital there for normal retooling operations or stockpiling.

Over 70 percent of South Africans who work for American companies in South Africa are employed by firms that adhere to a code of employment conduct established by the Reverend Leon H. Sullivan in 1977, known as the Sullivan Principles. These companies have established the practice of nondiscrimination in the workplace and have set up programs to upgrade the working conditions, skills and earning levels of their nonwhite employees.

American companies in South Africa have spent $100 million in the last 7 years on social programs to benefit nonwhites. These include assistance to black education, support for black business development, and assistance to housing, health and welfare and community recreation programs. These programs are sponsored by American firms on a voluntary basis.

A ban of American investment in South Africa would reduce and could even eliminate the funds used by American companies to finance social programs. Existing programs would be cut back, and new ones would not be started, due to lack of funds.

H.R. 1460 calls for a ban on new loans by American persons or firms to the Government of South Africa, or any entity owned by it. At a time when the banking community has been having so much trouble with foreign loans, it does not seem wise to deny American banks access to a low-risk market. The business would be immediately snapped up by banks in the United Kingdom, France, and Switzerland. This would hurt our banking business and assist foreign banks. Under this prohibition, agencies owned by the South African Government which are not involved in apartheid enforcement, such as the Electricity Supply Commission or South African Airways, would be unable to get U.S. financing for the purchase of American products. This would penalize U.S. banks and other firms without any real impact on South Africa. It would involve extraterritorial application of U.S. laws, which might raise objections from our largest trading partners.

The bill would also prohibit importation of Krugerrand gold coins, and I believe this would not have any significant effect on eliminating apartheid. Instead, it would cost American jobs and harm American interests. Over 3,200 American firms sell Krugerrands. Prohibiting the importation of these coins would reduce these firms' sales significantly. Of course, importation of gold coins from other foreign countries would increase, but the gold that is used in manufacturing them would still come from South Africa. Such a ban would give the South African Government the right, under international law, to take similar action against imports to that country from the United States. South Africa is an important market for a wide range of American goods, including agricultural commodities, consumer and capital goods. At a time of huge trade deficits, when the U.S. Government is seeking to promote American exports, it would be foolish to impede U.S. export business in this way.

H.R. 1460 would also place a ban on the export from the United States of computer goods and technology for use by the Government of South Africa or any entity owned by it. U.S. regulations already prohibit the sale of computers to military, police, and other Government bodies involved in the enforcement of apartheid. This measure would cut off sales to other Government agencies such as the Reserve Bank, the Electricity Supply Commission, and other potential computer purchasers as harmless as the Banana Control Board. Our 50-percent share of a half-billion-dollar annual market would be quickly taken up by other countries, especially Japan.

Mr. Chairman, the white South African Government has taken a few tentative steps toward social change. We may perceive these as far too slow, but they do indicate some progress. In November 1983, black voters nationwide elected mayors and town councils to govern their communities. On November 2, 1983, a national referendum was conducted in which the then all-white electorate overwhelmingly approved a new South African Constitution that extended the national franchise to nonwhites for the first time in the country's history.

In August 1984 voters of the colored and Indian communities went to the polls for the first time to elect direct representatives to Parliament. On January 25, 1985, the multiracial, tricameral South African Parliament convened. Whites, coloreds, and Indians, enjoying equal franchise, participated jointly in the executive and legislative functions of the national government for the first time.

On January 25, 1985, in a speech opening Parliament, President Botha announced that the Government accepted the permanence in South Africa of the urban black population, and agreed that they should have the right of political participation in both their own affairs and in matters of common interest in the country as a whole. President Botha indicated that the question of citizenship would be negotiated with black leaders and announced that a forum for negotiations with black leaders to develop constitutional mechanisms for political participation for blacks would be established.

On February 1, 1985, the South African Government announced discontinuation of resettlement to black communities, thereby abandoning so-called black-spot policy.

On February 8, 1985, downtown commercial districts, nationwide, were opened to all businessmen irrespective of race.

In February 1985, amnesty, conditioned only on a renunciation of the use of violence for political ends, was offered to and refused by Nelson Mandela and others serving prison sentences following conviction of sabotage.

Between the years 1979 and 1984 South Africa saw desegregation of trade unions and the workplace. Black and multiracial trade unions were legalized. Of 200 trade unions in South Africa today 79 are multiracial, 21 are black, 43 are colored, and 57 are white. Job reservation for whites was eliminated in 1983. The right to strike and to bargain collectively is now protected by statute, the apprentice system is opened to blacks, and equal opportunity hiring is becoming widely accepted. All reference to race, color, or sex has been removed from all labor legislation. Factories and offices have been desegregated.

From 1970 to 1980 there was a rise in black income in South Africa and a black middle class began to emerge. In the same years, the black share of total personal income in South Africa rose from 25 to 40 percent, and in 1985 it is nearly 50 percent.

Between 1970 and 1980 black high school students increased from 105,000 to over one-half million. Spending on black education increased 230 percent from 1975 to 1980, and another 51 percent in 1980 and 1981, and is still rising. The literacy rate for blacks ages 12–22 is reported to be 80 percent.

South Africa trains more black doctors than any other African country. It offers the most comprehensive health services on the continent. Complete treatment to all patients is provided at a nominal fee of about $2. Infant mortality is the lowest in Africa. South Africa has the highest doctor-patient ratio in Africa.

Since 1975, $2 billion has been spent to build new homes for urban blacks, at a rate of 100 houses per day. Home ownership was opened to blacks in 1982.

Despite its problems, South Africa has the highest living standards, per capita income, literacy and life expectancy in Africa. It accounts for about 20 percent of the entire continent's economic output, 40 percent of its industrial output, 85 percent of its steel production, and 50 percent of the continent's electrical power. South Africa is also host to some 1 million "guest workers" from other African states.

Mr. Chairman, I believe that we have a responsibility to listen to those most affected by our actions and consider carefully the consequences of this bill. Economic growth is the major agent for change in South Africa, and American companies doing business in that country are the best means we have of influencing social change. Let's not hurt the very people who need help in South Africa. I urge a "no" vote on H.R. 1460.

Mr. BURTON of Indiana. Mr. Chairman, when I was in South Africa about a year ago I took the opportunity to talk to a number of black leaders over there about the question of disinvestment, and section 4 of this bill deals with no future investments by the United States of America, or loans to the South African Government.

Every single black leader with whom I talked, including the chief of the largest tribe, Mr. Buthelezi of the Zulus, said that disinvestment, or a lack of future capital by the United States of America would work a hardship on the blacks of that country. In the gold mines, for instance, they have about 600,000 blacks who work on a daily basis. Each one of those blacks feed about 5 to 6 individuals, so if you multiply by 6 the number of blacks who are working in the gold mines alone, you come up 3.6 million people.

I believe those people should be heard. I believe that if we are going to pass legislation that is going to affect millions of black citizens in South Africa, we ought to know how they feel about it. All this amendment does is say that we should have the Secretary of State conduct a very extensive poll among the majority blacks in South Africa to find out how they feel about the lack of future investment by the United States of America and American companies in that country.

I do not think that is too much to ask. I believe this amendment goes right to the heart of the matter. It finds out from the people who will be affected most by disinvestment or future investment in South Africa what they think about it. I am confident that if this poll is taken at the direction of the Secretary of State of the United States of America, we will find that the blacks in South Africa do not want disinvestment and they want a continuation of capital from the United States of America.

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

Mr. BURTON of Indian. I would be happy to yield to my colleague, the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I would like the gentleman to know that not only do the majority of the blacks in South Africa support no new investment, but the majority of them, if their leaders are any criteria, support disinvestment in its entirety.

The leaders of the two largest black trade unions, the Federation of South African Trade Unions, and the Council of Unions of South Africa have issued calls for disinvestment over the years, as did the late Steve Biko, Mandela went to jail for this same enunciation, so there is little doubt in my mind.

I think the principle that the gentleman adheres to is perfectly fine, that we are not inventing the policy and the political direction for 22 million people across the continent. The fact of the matter, though, is that we have sought that advice, we have sought that counsel, and it seems to me it is clear that they are for it.

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, I talked to some of those black leaders myself when I was there and in an article from Barron's, Mr. Bremlow quoted black leaders like Zulu Chief Buthelezi and they said that in a number of surveys they opposed disinvestment.

So all I am saying with this amendment, and I hope you support it, and I get the indication that you might, is that the Secretary of State conduct a public opinion poll among blacks and majority people in South Africa to find out exactly what they feel and to report back to the Congress. That will give us future guidance.

Mr. CONYERS. If the gentleman would continue to yield, let me assure him I cannot support the amendment. I like the principle, but we have already consulted. When the gentleman talks about Mandela, Biko, Luthuli, Sobukwe, and many of the other leaders of the unions——

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, I do not understand what the gentleman fears. What this amendment says is that if the blacks support disinvestment in South Africa, then the bill will go on as previously written; if they oppose disinvestment or future investment in South Africa, then the provisions of section 4 of this bill will no longer be in force.

Mr. CONYERS. Is the gentleman talking about no new investment or is he talking about disinvestment?

Mr. BURTON of Indiana. I am talking about future investment.

Mr. CONYERS. All right. They have spoken to that already.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. SILJANDER and by unanimous consent. Mr. BURTON of Indiana was allowed to proceed for 3 additional minutes.)

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

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Chairman, obviously there seems to be significant disagreement as to what the black labor unions in South Africa believe. From my information, there is not one that supports disinvestment in South Africa.

In terms of polls, there was a poll done in 1984, the Schlemmer poll, which indicated 74 percent of the blacks in South Africa opposed disinvestment. There was another poll, a second poll done, by the Human Sciences Research Council that reported, with 1,478 blacks, that 66 percent believe that economic boycott would hurt nonwhite South Africans most. The survey found also that only 10.2 percent favored any type of economic boycott. There was another poll taken by a commercial research organization, Market Research of Africa. They surveyed 1,000 blacks and they found that 79 percent rejected disinvestment and 20 percent supported it.

□ 1630

So while I hear interesting counterstatements, it seems consistent that many polls, four of these that I have numbered, do not support South African disinvestment. Still there seem to be some advocations to the contrary.

What the gentleman is proposing is that once and for all we do a completely unbiased survey by those that would be untouched by one bias or another. This approach is a good approach. It brings to light issues, how the black Africans feel.

I see one thing that has not been touched on throughout this entire debate, and that is, just how do black Africans feel about disinvestment? How do they feel about no new investment? How do they feel about banning Krugerrands, new bank loans, and computers? That is one thing in this debate that has been clearly understated.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his contribution. Those statistics and polls that he quoted, I think, are accurate, and all we want to do is verify the accuracy of those polls by having a further poll done or a further poll taken by the Secretary of State, a very comprehensive poll that will show us in very clear terms exactly what the blacks in South Africa want.

If they do not want us to cut off our investments in South Africa or the bank loans in the future, then the provisions of section 4 of the bill will no longer be in force.

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

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's yielding, and I simply want to bring this point to the attention of our colleagues who may suggest or try to infer that everyone in South Africa of the black race happens to support immediate sanctions or disinvestment or anything of that sort. And I would state that even Bishop Tutu on February 3, when he was enthroned—and I read this a couple of weeks ago when we began our debate.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. GUNDERSON, and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

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

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Wisconsin.

Mr. GUNDERSON. Again, Mr. Chairman, I appreciate the gentleman's yielding.

Let me just read again the ending line or part of the speech Biship Tutu gave when he was enthroned. He said,

> I will give notice that if in 18 or 24 months from today apartheid has not been dismantled or is not being actively dismantled, then for the first time I will myself call for punitive economic sanctions.

So I think not only the elected bishops or chairmen of tribes but also people such as Bishop Tutu, who clearly is perceived as the moral leader of the black population in South Africa, if not the elected leader, are not even asking for immediate sanctions.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, is the distinguished gentleman from Indiana aware that under the laws of South Africa, if anyone who is a South African, regardless of what group they may belong to, advocates economic restrictions, it is a violation of South African national law, sedition, and treason? Is the gentleman aware of that fact as he talks about making Secretary Shultz into Gallup?

Mr. BURTON of Indiana. Mr. Chairman, all I can say in response to my colleague is that polls have been taken in the past and nobody has accused anyone who answered the polls of sedition or treason, and I do not think a poll taken under the auspices of the Secretary of State of the United States would be considered treasonous in the future.

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

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. Mr. Chairman, there are two points dealing with what the gentleman from Pennsylvania [Mr. GRAY] mentioned, dealing with this Terrorist Act. Under the 18 years since this Terrorist Act has been passed, not one person has been incarcerated. One person was arrested and has not yet been convicted, and that was 9 years ago.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(On request of Mr. SILJANDER, and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

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

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. Mr. Chairman, I thank the gentleman for yielding.

The second point is that the poll taken by Larry Schlemmer, who conducted a survey of black workers, showed that 27 percent of blacks in urban areas said that they supported the African National Congress, which is also illegal to state.

So on one hand we have those who argue that they cannot answer honestly in the polls and that is why the numbers are so high because it is illegal under the Terrorist Act, but on the other hand 27 percent answered and responded that they support in fact the African National Congress.

Mr. ROEMER. Mr. Chairman, will the gentleman yield on that point?

Mr. SILJANDER. These polls were taken by an unbiased survey. They were taken by a well-known antiapartheid pollster, by the liberal South African Institute of Race Relations. They were taken to clearly show that the black South Africans overwhelmingly opposed disinvestment, and 75 percent of those in the survey indicated as such. Another additional 10 percent said they would oppose disinvestment if Sullivan Principles were mandatory. That makes 85 percent. Another 5.5 percent did not care one way or the other. That brings it up to a grand total of 95.5 percent who either do not care, oppose disinvestment, or oppose it under the conditions of mandatory Sullivan, which this gentleman intends to substantially quote in effect later on in the debate.

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

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I want to make just one point.

The gentleman quoted a figure in a so-called scientific poll of 27 percent, and because 1 person out of 1,000 said they supported a certain group, he says that is proof positive that the poll was both accurate and fair. That is not proof that the poll was accurate and fair.

How does the gentleman know the real figure was not 97 percent and because of fear and repression and lack of social intercourse and discussion on the matter, 27 percent came out? This idea is not a good one.

Mr. BURTON of Indiana. Mr. Chairman, if I may, I would like to reclaim my time.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, I have had an opportunity to talk to black leaders, not just one, but about 15 or 20 of them, black leaders in South Africa, tribal leaders, and they told me firsthand face-to-face that disinvestment would incur an undue hardship on the black population of South Africa.

What I am asking for in this amendment is to find out through a very broad-based poll exactly what the black South Africans think. I talked to people in all stratas of society over there. I talked to a young black man who was a caddy on a golf course, and I talked to a fellow who was a busboy. They were very open with me.

I believe that if a poll was taken nationwide over there, we would get a pretty good picture of what black South Africans feel about disinvestment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield one more time?

Mr. BURTON of Indiana. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, the gentleman's sincerity is not in question by me, but he has a false assumption at the core of his premise, and that is that when people speak to you they always tell you the truth. In a society that has been split and splintered, where man is against man and color against color, I submit that the chance of a scientific poll yielding the truth is minimal, not maximal.

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, I just want to say that Bishop Tutu was just quoted, and he and Buthelezi, the chief of the Zulu tribe,were not afraid. They said exactly what they thought. Tutu was quoted earlier as saying he would not oppose new investment in

South Africa unless apartheid was not started to be dismantled within a 2-year period.

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

Mr. WOLPE. Mr. Chairman, I rise in opposition to the amendment, and I will be very brief.

This amendment is an effort again to counter the entire thrust of the legislation. The suggestion that the Secretary of State is going to be out there polling black workers in South Africa I think is a reflection of how distant we Americans are from the South African political system and society. We are talking about a society in which 85 percent of the population has no involvement whatsoever in the key political decisions that impact on their lives on a daily basis and in which advocacy of economic pressure, of measured economic sanctions and the like, is widely considered to be treasonous, subject to action by South African law.

The notion that somehow scientific polling can have any validity is, I think, a tragic commentary on the failure to comprehend what apartheid is in the everyday existence of millions upon millions of people who happen not to be white but happen to be the vast majority of the population.

Mr. Chairman, I urge opposition to this amendment.

□ 1640

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 40, noes 379, not voting 14, as follows:

[Roll No. 135]

AYES—40

Archer	Eckert (NY)	Shuster
Armey	Emerson	Siljander
Badham	Fawell	Smith, Denny
Bartlett	Fields	Smith, Robert
Barton	Grotberg	Solomon
Bilirakis	Hansen	Spence
Burton (IN)	Hendon	Stangeland
Callahan	Hunter	Strang
Cheney	Lott	Stump
Cobey	Lowery (CA)	Taylor
Crane	Michel	Vander Jagt
Dannemeyer	Monson	Vucanovich
DeLay	Petri	
Dornan (CA)	Ritter	

NOES—379

Ackerman	Atkins	Bereuter
Addabbo	AuCoin	Berman
Akaka	Barnard	Bevill
Alexander	Barnes	Biaggi
Anderson	Bateman	Bliley
Andrews	Bates	Boehlert
Annunzio	Bedell	Boggs
Anthony	Beilenson	Boland
Applegate	Bennett	Boner (TN)
Aspin	Bentley	Bonior (MI)
Bonker	Gordon	McKernan
Borski	Gradison	McKinney
Bosco	Gray (PA)	McMillan
Boucher	Green	Meyers
Boulter	Gregg	Mica
Boxer	Guarini	Mikulski
Breaux	Gunderson	Miller (CA)
Brooks	Hall (OH)	Miller (OH)
Broomfield	Hall, Ralph	Miller (WA)
Brown (CA)	Hamilton	Mineta
Brown (CO)	Hammerschmidt	Mitchell
Broyhill	Hartnett	Moakley
Bruce	Hatcher	Molinari
Bryant	Hawkins	Mollohan
Burton (CA)	Hayes	Montgomery
Bustamante	Hefner	Moody
Campbell	Heftel	Moore
Carper	Henry	Moorhead
Carr	Hertel	Morrison (CT)
Chandler	Hiler	Morrison (WA)
Chappell	Hillis	Mrazek
Chappie	Holt	Murphy
Clay	Hopkins	Murtha
Coats	Horton	Myers
Coble	Howard	Natcher
Coelho	Hoyer	Neal
Coleman (MO)	Huckaby	Nelson
Coleman (TX)	Hughes	Nichols
Combest	Hutto	Nielson
Conte	Hyde	Nowak
Conyers	Ireland	O'Brien
Cooper	Jacobs	Oakar
Coughlin	Jeffords	Oberstar
Courter	Jenkins	Obey
Coyne	Johnson	Olin
Craig	Jones (NC)	Ortiz
Crockett	Jones (OK)	Owens
Daniel	Jones (TN)	Oxley
Darden	Kanjorski	Packard
Daschle	Kaptur	Panetta
Daub	Kasich	Parris
Davis	Kastenmeier	Pashayan
de la Garza	Kemp	Pease
Dellums	Kennelly	Penny
Derrick	Kildee	Pepper
DeWine	Kindness	Perkins
Dickinson	Kleczka	Pickle
Dicks	Kolbe	Porter
DioGuardi	Kolter	Price
Dixon	Kostmayer	Pursell
Donnelly	Kramer	Quillen
Dorgan (ND)	LaFalce	Rahall
Dowdy	Lagomarsino	Rangel
Downey	Lantos	Ray
Dreier	Latta	Regula
Duncan	Leach (IA)	Reid
Durbin	Leath (TX)	Richardson
Dwyer	Lehman (CA)	Rinaldo
Dymally	Lehman (FL)	Roberts
Dyson	Leland	Robinson
Early	Lent	Rodino
Eckart (OH)	Levin (MI)	Roe
Edgar	Levine (CA)	Roemer
Edwards (CA)	Lewis (CA)	Rogers
Edwards (OK)	Lewis (FL)	Rose
English	Lightfoot	Rostenkowski
Erdreich	Lipinski	Roth
Evans (IA)	Livingston	Roukema
Evans (IL)	Lloyd	Rowland (CT)
Fascell	Loeffler	Rowland (GA)
Fazio	Long	Roybal
Feighan	Lowry (WA)	Rudd
Fiedler	Lujan	Russo
Fish	Luken	Sabo
Flippo	Lundine	Savage
Foglietta	Lungren	Saxton
Foley	Mack	Schaefer
Ford (MI)	MacKay	Scheuer
Ford (TN)	Madigan	Schneider
Frank	Manton	Schroeder
Franklin	Markey	Schuette
Frenzel	Marlenee	Schulze
Frost	Martin (IL)	Schumer
Fuqua	Martin (NY)	Seiberling
Gallo	Martinez	Sensenbrenner
Garcia	Matsui	Sharp
Gaydos	Mavroules	Shaw
Gejdenson	Mazzoli	Shelby
Gekas	McCain	Shumway
Gephardt	McCandless	Sikorski
Gibbons	McCloskey	Sisisky
Gilman	McCollum	Skeen
Gingrich	McCurdy	Skelton
Glickman	McDade	Slattery
Gonzalez	McEwen	Slaughter
Goodling	McHugh	Smith (IA)
Smith (NE)	Tauke	Whitehurst
Smith (NH)	Tauzin	Whitley
Smith (NJ)	Thomas (CA)	Whittaker
Snowe	Thomas (GA)	Whitten
Snyder	Torres	Williams
Solarz	Towns	Wirth
Spratt	Traficant	Wise
St Germain	Traxler	Wolf
Staggers	Udall	Wolpe
Stallings	Valentine	Wortley
Stark	Vento	Wright
Stenholm	Visclosky	Wyden
Stokes	Volkmer	Wylie
Stratton	Walgren	Yates
Studds	Walker	Yatron
Sundquist	Watkins	Young (AK)
Sweeney	Waxman	Young (FL)
Swift	Weaver	Young (MO)
Swindall	Weber	Zschau
Synar	Weiss	
Tallon	Wheat	

NOT VOTING—14

Byron	Florio	Ridge
Carney	Fowler	Smith (FL)
Clinger	Gray (IL)	Torricelli
Collins	Hubbard	Wilson
Dingell	McGrath	

□ 1650

Mr. HARTNETT and Mr. WALKER changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS. Mr. Speaker, I was unavoidably absent on rollcall No. 135, the vote on the Burton of Indiana amendment to H.R. 1460, the Antiapartheid Act of 1985. I oppose the amendment and would have voted "no."

□ 1700

Mr. MILLER of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I gave serious consideration to offering an amendment to H.R. 1460. The amendment that I considered offering would have added to this sanctions bill provisions to positively promote, with U.S. help, black efforts to being democracy and an end to apartheid in South Africa. I envisioned the United States, through an agency such as the Endowment for Democracy, funding black political groups seeking peaceful change. I think this would be both in the long-term interest of black South Africans and the United States.

Mr. Chairman, I am not offering this amendment because, first, of concern by sponsors of this bill that such an amendment would take from the sanctions effort which I support and, also, because many sponsors have either offered private assurances that they would support such an amendment or seriously consider such an amendment, if such an amendment were offered as an amendment to the foreign aid authorizations bill.

I am, therefore, not offering the amendment at this time and serving notice that I will offer such an amend-

ment when the foreign aid authorization bill comes up.

Mr. WOLPE. Mr. Chairman, would the gentleman yield?

Mr. MILLER of Washington. I yield to the gentleman.

Mr. WOLPE. I thank the gentleman. I would like to express my appreciation both for the Member's interest in the subject and for his cooperation in expediting the passage of the sanctions legislation before us.

I certainly would be prepared to consider the provisions that the gentleman is suggesting when we get to subsequent legislation that will be before this body.

Mr. MILLER of Washington. I thank the gentleman.

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

AMENDMENT OFFERED BY MR. CONYERS

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

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 26, insert the following after line 18 and redesignate succeeding sentences and references thereto accordingly:

SEC. 8. NUCLEAR EXPORTS.

(a) COOPERATION.—Cooperation of any kind provided for in the Atomic Energy Act of 1954 is hereby prohibited with respect to the Republic of South Africa.

(b) NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS.—The Nuclear Regulatory Commission may not issue any license or other authorization under the Atomic Energy Act of 1954 for the export to the Republic of South Africa of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item, or substance determined to have significance for nuclear explosive purposes pursuant to section 109 b. of the Atomic Energy Act of 1954, or any other material or technology requiring such a license or authorization.

(c) DISTRIBUTION OF NUCLEAR MATERIAL.—The authority of the Atomic Energy Act of 1954 may not be used to distribute any special nuclear material, source material, or byproduct material to the Republic of South Africa.

(d) SUBSEQUENT ARRANGEMENT.—No department, agency, or official of the United States Government may enter into any subsequent arrangement under the Atomic Energy Act of 1954 which would permit the transfer to or use by the Republic of South Africa of any nuclear materials and equipment or any nuclear technology.

(e) AUTHORIZATIONS OF SECRETARY OF ENERGY.—The Secretary of Energy may not provide any authorization (either in the form of a specific or a general authorization) under section 57 b. (2) of the Atomic Energy Act of 1954 for any activity which would constitute directly or indirectly engaging in the Republic of South Africa in activities which require an authorization under that section.

(f) EXPORT LICENSES.—

(1) NUCLEAR RELATED USES.—The Secretary of Commerce may not issue any license under the Export Administration Act of 1979 or other provision of law for the export directly or indirectly to the Republic of South Africa of any goods or technology—

(A) which are intended for a nuclear related end use or end user;

(B) which have been identified pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 as items which could, it used for purposes other than those for which the export is intended, be of significance for nuclear explosive purposes; or

(C) which are otherwise subject to the procedures established pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

(2) PROHIBITION OF ADDITIONAL EXPORTS.—In addition, the Secretary of Commerce shall use the authorities set forth in the Export Administration Act of 1979 (notwithstanding section 20 of that Act) to prohibit any export directly or indirectly to the Republic of South Africa of any goods and technology contained on any of the lists prepared pursuant to paragraph (3) of this subsection. Export controls shall be imposed pursuant to this paragraph without regard to the requirements otherwise applicable to the imposition of export controls under the Export Administration Act of 1979.

(3) LIST OF PROHIBITED GOODS AND TECHNOLOGY.—Not later than 6 months after the date of the enactment of this Act, the Nuclear Regulatory Commission, the Secretary of Commerce, the Secretary of Energy, and the Secretary of State shall each prepare a list of all goods or technology, whose transfer to the Republic of South Africa is not otherwise prohibited by this Act, which in their judgment could, if made available to the Republic of South Africa, increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. Such lists shall include goods or technology which, although not intended for any of the specified nuclear related end uses, could be diverted to such a use.

(g) INFORMATION.—No officer or employee in any department or agency of the executive branch (including the Nuclear Regulatory Commission) may make available to the Republic of South Africa, directly or indirectly, any technology or other information which could increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. This subsection does not require that an officer or employee withhold information in published form which is available to the public from such officer or employee.

(h) PRIOR LICENSES AND AUTHORIZATIONS.—Any license or authorization described in this section which was issued before the enactment of this Act is hereby terminated.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, this amendment is intended to prohibit all nuclear assistance to South Africa, including equipment, technology, dual-use items, and nuclear information. It is a very simple, straight-ahead amendment.

This amendment banning nuclear collaboration between our country and South Africa is based on a simple premise; that is, that South Africa is a regime that seeks the capability of nuclear weapons, has repeatedly refused to sign the Nuclear Non-Proliferation Treaty, has refused to submit to international inspections of any kind, and a regime which has made unabashed statements of its nuclear intentions. So that in some respects this is not just an antiapartheid amendment to go on some important legislation. This is a propeace amendment for the African Continent.

The question that this amendment puts into debate here is whether or not we should continue to aid South Africa with nuclear assistance, given its militarism at home and its intransigence and violence, even, in their region; its utter refusal to enter into agreements and the numerous statements that it has made regarding its nuclear intentions, such as: "No rules apply to us with regard to nuclear development." So that question is a very important one.

Now some of you may be wondering what we are doing in the first place dealing with nuclear materials, dual-use equipment, with South Africa in the very first place. And the reason is that, notwithstanding our embargo and our agreements not to do it, there were small loopholes in the legislation of 1978 which allowed the Department of Commerce, the Department of Energy, the State Department to grant licenses that precluded that ban.

So this is a very modest attempt to carry on discussions and understandings and an importance which was reached by many Members many times before.

Mr. WOLPE. Would the gentleman yield?

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

Mr. WOLPE. I thank my distinguished colleague from Michigan for yielding.

I want to commend the gentleman from Michigan on the introduction of this amendment. I have no objections to it and intend to support it. My original concern had to do with whether or not it might weaken our ability to secure support in conference for the other sanctions in this legislation. But it appears that the other body will be likely accepting language very similar to that which is being offered by the gentleman from Michigan. This similar amendment passed this House last year as it did pass the other body as well. So I think both the House and the Senate have spoken very clearly that we do not think it serves American national interests to be perceived as assisting in the development of South Africa's nuclear program, particularly when South Africa has expressly refused to renounce further efforts to acquire nuclear weapons. It

has not signed the Nuclear Non-Proliferation Treaty, it has given no indication of cooperation in that area whatsoever.

Mr. CONYERS. I thank the manager of this bill. It can now be revealed that he himself advanced this notion about nuclear abolition of any relationship and I appreciate his support for it.

Mr. SILJANDER. Will the gentleman yield?

Mr. CONYERS. Yes; I yield to the gentleman from Michigan.

Mr. SILJANDER. Just a point of inquiry. I thank the gentleman for yielding.

I did not quite catch, what do we now as a U.S. Government, as a nation, provide in nuclear techology, advice, assistance, et cetera, to the South African Government? I understand we do have some elements of nuclear technology that are in fact banned now.

Mr. CONYERS. There are a number of things. First of all, and this is a sorry episode in foreign relations, we are responsible for whatever nuclear development South Africa has. We are the ones that gave them the go-ahead sign. We are now currently under Commerce licenses, under Energy licenses, furnishing them with uranium-enriched materials; we are supplying them with computers that are for specific nuclear development application; we are even supplying them with personnel managers, engineers to facilitate and operate their equipment.

□ 1710

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WORTLEY

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

The Clerk read as follows:

Amendment offered by Mr. WORTLEY: Page 20, strike out lines 16 through 25 and insert in lieu thereof the following:

SEC. 5. GOLD COINS

(a) REGISTRATION AND FEE.—No South African Krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa may be entered into the customs territory of the United States unless and until, at the point at which the Krugerrand or gold coin is entered—

(1) the Krugerrand or gold coin is registered with the Secretary of the Treasury, in such form as the Secretary may prescribe, and

(2) a fee of 5 percent of the value of the Krugerrand or gold coin is paid.

(b) USE OF FEES AND FINES.—It is the sense of the Congress that the amounts of the fees collected under subsection (a)(2) and the amounts of fines collected under section 9(b)(2)(B) should be used—

(1) to pay for the costs of the registration required by subsection (a)(1), and

(2) for financing scholarships, awarded on the basis of merit and financial need, to black and other nonwhite South Africans for undergraduate or professional education in the United States or South Africa, particularly in those fields of study in which the percentage of qualified persons in South Africa who are nonwhite is substantially less than the percentage of nonwhite persons in the general population in South Africa.

Mr. WORTLEY [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. FRENZEL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order on the amendment.

The gentleman from New York is recognized for 5 minutes on behalf of his amendment pending the reservation of the gentleman from Minnesota.

Mr. WORTLEY. Mr. Chairman, my amendment offers my colleagues the opportunity to adopt an affirmative policy in dealing with South Africa. Our distinguished former colleague, Paul Tsongas, offered similar language to a bill considered by the other body in a previous Congress. He believed as I do that a positive force makes more sense than sanctions.

Instead of banning the importation of krugerrands, this amendment would require that they be registered upon entry. A nominal fee of 5 percent would be payable at that time. My amendment goes on to express the sense of the Congress that amounts equal to those collected in registration fees should be used to cover the costs of registration with any remaining amounts to be used for scholarships for nonwhite South African students.

Rules of the House preclude being more specific at this time about the use of the registration fees. Detailed language providing for covering the cost of registration and administering the scholarship program will have to be included in this year's foreign assistance appropriations legislation.

There are several reasons why my amendment is an improvement over a complete ban on the importation of krugerrands. First, it would be effective. It would help—not hurt—black and other nonwhite South Africans. And it would be a positive force for change.

Last year, $485 million worth of krugerrands was imported into the United States. This represents roughly 25 percent of total South African krugerrand exports. When H.R. 1460 was being developed, it was assumed that 1984 imports amounted to $600 million or 50 percent of total South African krugerrand exports. This figure was an estimate and has been adjusted downward, which in turn reduces the anticipated effect of banning krugerrands. It is interesting to note that the U.S. share of the krugerrand export market has generally declined since the late 1970's.

In addition, the ban on krugerrands as currently contained in H.R. 1460 would not be enforced if this bill were implemented in good faith. The President would be able to determine immediately that one of the eight conditions enumerated in H.R. 1460 has been met because on February 1, 1985, the South African Government announced the discontinuation of resettlement of black communities. Once Congress has enacted a joint resolution approving the President's determination, the ban on krugerrands would be lifted for 12 months. Even without extensions of the waiver, this would give the South African Government and U.S. importers plenty of time to work out ways to get around the ban, either by minting in third countries or exporting the gold in forms other than coins.

Even if it were effective, a ban on krugerrands would do nothing to help the situation in South Africa. The more likely result would be entrenchment of opposition to progress. Of equal importance, reducing South Africa's main source of foreign exchange would result in a constriction of the South African economy. This would hurt all South Africans, but it would be especially hard on the poorer segment of South African society—mostly blacks and other nonwhites. While this may well foster violence, revolution, and an eventual end to apartheid, the cost in lives and destruction would be very high.

I believe there is a better alternative.

My amendment offers an affirmative policy for change and progress in South Africa. Instead of promoting a policy of noninvolvement in South Africa, it promotes active efforts to improve the educational opportunities of nonwhite South Africans. Improving and expanding education provides the impetus for evolutionary change by increasing the economic and political activity and influence of those disenfranchised under the current system of apartheid.

If we had had registration of krugerrands in 1984, registration fees would have amounted to $24.25 million. If the cost of administering the registration program amounted to half of this amount, which is unlikely, that would still have left more than $12 million available for scholarships for nonwhite South African students to pursue undergraduate or professional studies in the United States or South Africa.

It seems to me that using fees from the importation of krugerrands to privately finance $12 million in scholarships is a much more constructive ap-

proach to ending apartheid peacefully than banning krugerrands altogether.

In short, a vote for my amendment is a vote for black education. A vote against my amendment is a vote for a policy of attrition against black South Africans.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. FRENZEL] wish to proceed with his point of order?

Mr. FRENZEL. Mr. Chairman, if the gentleman wishes to extend his time to yield, I would reserve my point of order until he is through with his extended time.

The CHAIRMAN. Has the gentleman from New York concluded?

Mr. WORTLEY. I have concluded, Mr. Chairman.

The CHAIRMAN. The gentleman has concluded.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I make a point of order that the amendment offered by the gentleman from New York is in violation of clause 5 of rule XXI which prohibits amendments carrying a tax or tariff measure from being offered during consideration of a bill not reported by the committee having jurisdiction over such tax and tariff matters.

Clause 5(b) of rule XXI states:

> No bill or joint resolution carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures, nor shall an amendment in the House or proposed by the Senate carrying a tax or tariff measure be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.

Section (a)(2) of the amendment imposes a fee of 5 percent as a condition of the importation of Krugerrands or gold coins into the United States. This has the equivalency of a tariff which must be collected by Customs officials at the point of entry as a condition of entry.

Mr. Chairman, I think it is quite clear that there is first of all a restriction of imports, and second of all, the imposition of a tariff, and for that reason, I believe that the amendment of the gentleman from New York is in violation of clause 5 of rule XXI.

Mr. WORTLEY. Mr. Chairman, will the gentleman yield so I can respond?

Mr. FRENZEL. I think the Chair will recognize the gentleman.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. WORTLEY. Mr. Chairman, I have attempted to choose my words very carefully in this amendment, and my purpose was merely to establish a surcharge, not a tax.

The Banking Committee has jurisdiction on surcharges, and we have had surcharges on gold coins. As a matter of fact, the Olympic gold coin, the proceeds of which went to the Olympic Committee. We have approved or we have rejected surcharges on credit cards. The fee involved here is a registration. It is not an imposition of a tax.

The fee is to cover the registration costs and the balance of the proceeds go to educate nonwhite South Africans. I submit that the cause is an admirable one and contributes to the betterment of the South African society.

This is an affirmative amendment for evolutionary change; it is not a tax.

Mr. FRENZEL. Mr. Chairman, I would like to be heard in addition.

I do not question that the cause is an admirable one, and I have no objection to the gentleman's amendment. It is simply in the protection of the jurisdiction of a committee of this House that I make the point of order.

The amendment calls the charge a fee. It seems to me that it is overwhelmingly clear that what is called here for is a tariff and a condition of entry into the United States; that it is likely to have to be collected by the Customs Service, and I therefore renew my point of order.

□ 1720

The CHAIRMAN (Mr. DE LA GARZA). The Chair is prepared to rule.

The Chair finds that the amendment provides for a uniform charge at the port of entry for South African coins, the proceeds to be deposited into the Treasury of the United States.

It appears, therefore, to the Chair that the amendment is in fact a tariff, an amendment only in order to bills reported from the Committee on Ways and Means under clause 5(b) of rule XXI.

The Chair, therefore, sustains the point of order.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana:

SEC. 15. WAIVER OF PROVISIONS OF SECTION 4.

The provisions of section 4 of this Act shall cease to be effective if—

(1) An internationally supervised referendum has been conducted which demonstrates that a majority of nonwhite South Africans oppose the prohibition on new investment contained in section 4;

(2) The Secretary certifies to the Congress that such referendum was conducted in a fair manner, gave nonwhite South Africans a full opportunity to express their position and the results are believed to be definitive.

Mr. BURTON of Indiana. Mr. Chairman, the previous amendment which went down to a resounding defeat dealt with a poll being taken in South Africa under the auspices of the Secretary of State of the United States of America.

I do not see how anybody who is thinking logically can oppose this amendment. What this amendment says is that the blacks in South Africa will participate in a referendum on whether or not they want no further investment by the United States of America in their country. The blacks in that country for the first time in history would have an opportunity to go to the polls and express their will. Why anybody would oppose that, I know not.

Now, the argument, I am sure, is going to be raised: Will the South African Government participate or allow this to take place?

If they do not allow this to take place, then section 4 would go into effect.

I think it is very important, before we pass a bill as far-reaching as this, that we have some indication as to how the blacks in South Africa feel about it.

Now, all the polls that we have seen indicate the blacks want apartheid ended immediately. But they do not want disinvestment, they do not want elimination of further investment.

Now, the previous amendment that I suggested was taking a poll of the blacks in South Africa to find out how they felt about disinvestment or lack of future capital from the United States being invested in their country. This amendment allows them to participate in an internationally supervised referendum on the subject. For the first time they are going to be able to vote, for the first time their will is going to be expressed at the ballot box, and we will know for sure how they feel about the United States pulling their investments out of that country.

I see nothing wrong with this, and I do not understand why my colleagues on the other side of the aisle would oppose it. If the provisions of this amendment were not complied with by the South African Government, then section 4 would go into effect. So you would get what you want, anyhow. This would force the South African Government to allow this referendum to take place. Why would you oppose that? We have heard time and again from the people on this side of the aisle and members of my party, as well, that we want the blacks to be involved in the elective process, to have the right to express themselves at the ballot box. Here is an opportunity for that to take place. Why you would oppose it is beyond me.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I am glad that the gentleman has brought this issue to our attention. And he asks why would anybody be opposed to this. Well, I am certainly opposed to

the gentleman's amendment because the issue is not whether people want to vote at the ballot box on a poll. It is not about Lou Harris or Gallup. It is about people having the right to vote for their elected officials. And it seems to me that if the gentleman wants to have a referendum in South Africa, he would have an amendment which would say that the South African Government ought to move immediately to a public referendum where all of the people of the apartheid regime, including the 20 million people who are denied their very basic human rights, would have a right not to vote on a Gallup poll or a Lou Harris poll or a Peter Hart poll, but whether they could vote for the head of state, whether they could vote for elected officials, whether they would have the right to own property, whether they would have the right to hold jobs. And those are the kinds of things. That is why I am opposed to the gentleman's amendment.

Mr. BURTON of Indiana. The point is that we are not going to change the South African Government's attitude toward the blacks participating in the elective process so far as electing their leaders is concerned right now, and we all know that. But what we can do is through this amendment force them to allow those people to vote to find out how they feel about these economic sanctions we are talking about.

The blacks in South Africa are going to suffer if we pull all future investment out of that country. We talked about that before. There are 600,000 blacks in the gold mines alone. And we know that will affect 3 million blacks' ability to survive if we do not allow Krugerrands to be sold throughout the world. I think that we ought to let the blacks in South Africa have a voice in whether or not the United States cuts investment to that country.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. GRAY of Pennsylvania and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield further?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I would simply say to the gentleman from Indiana that I do not think the issue is about employment. I think a mistake in the debate we have heard so far is that we have somehow got to be supportive of apartheid and we cannot take any actions, as we do in many other countries around the world, simply because somehow we are going to lose jobs, we are going to lose employment opportunities. I find that very interesting for us to follow that argument, when the argument is not about a loss of employment or loss of jobs, it is about a loss of justice and a loss of life. That is what this debate is about. It is not about employment opportunities at all. And none of these restrictions in any way in the Anti-Apartheid Act will cause the loss of one job in South Africa, including the ones held by 125,000 people, 78,000 of whom are a majority South Africans, in Amercian subsidiaries. So it is not an argument that somehow this is going to cause a loss of jobs. This is an issue of the loss of justice.

Mr. BURTON of Indiana. If I may reclaim my time, if that is the case, then why would you not want to support this amendment? Because you are going to find out, if the referendum is held, whether or not the blacks are concerned about the lack of future investment and future capital coming from this country into theirs.

I do not understand why you would be opposed to this. The blacks over there are the people who are going to be affected adversely by disinvestment or lack of future capital from this country going to South Africa.

Mr. GRAY of Pennsylvania. I would say the answer, very simply—I thought I made it clear earlier—is that the plebiscite referendum that the gentleman is suggesting is totally irrelevant to the debate that we are talking about. It is like making Secretary of State Shultz Lou Harris and Peter Hart. I think the House demonstrated that. That is why I would disagree with the gentleman.

Mr. BURTON of Indiana. If I may reclaim my time, I do not think it is irrelevant when we are talking about a person's livelihood or the ability of them to feed their families in South Africa.

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

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(On request of Mr. WEBER and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. WEBER. My colleagues on the other side of the aisle keep referring to Gallup and Harris and Hart, and things like that. As I understand the gentleman's amendment, it is to ask the South African Government to establish an internationally supervised referendum.

Mr. BURTON of Indiana. That is correct.

Mr. WEBER. So all this talk about Hart and Gallup, you are not talking about a poll anymore; that was your previous amendment.

Mr. BURTON of Indiana. We are talking about an actual referendum where the blacks have an opportunity to go to the polls and express themselves on this issue.

Mr. WEBER. Conducted by the Government and internationally supervised?

Mr. BURTON of Indiana. Internationally supervised.

Mr. WEBER. What kind of international supervision? It could be similar to the kind of referendum we have had in El Salvador, the kind of supervision that is bipartisan?

Mr. BURTON of Indiana. Yes. That formula can be worked out.

Mr. WEBER. I thank the gentleman for yielding.

(On request of Mr. DELLUMS and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, would my colleague yield?

Mr. BURTON of Indiana. I yield to may colleague, the gentleman form California.

Mr. DELLUMS. Let me now try to address the proposition the gentleman offered.

First of all, your previous amendment did in fact deal with a poll supervised by the Secretary of State.

Mr. BURTON of Indiana. Yes; it did.

Mr. DELLUMS. You have now revised that proposition. It is now not a poll taken, supervised by the Secretary of State; it is now a referendum inside South Africa, supervised internationally; is that correct?

Mr. BURTON of Indiana. That is correct.

Mr. DELLUMS. So, in effect, it really is a poll. It is just a poll taken by the South African people internationally supervised.

Mr. BURTON of Indiana. No. If I may reclaim my time, I do not know how you can consider it a poll if the blacks in South Africa go to the ballot box and express their will by voting.

Mr. DELLUMS. All right. The major point of it is that you want to get a sense of what you think ought to be appropriate action that is taken, and you want to have a referendum in order to see that that is done; is that not correct?

Mr. BURTON of Indiana. I want to find out——

Mr. DELLUMS. I do not want to trick the gentleman. I want to engage him in colloquy.

Mr. BURTON of Indiana. I understand. I think every Member of this body ought to know how the blacks in South Africa feel about the lack of future capital and future investment from the United States of America.

Mr. DELLUMS. Will the gentleman yield so I can answer his question about why I would oppose it?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. DELLUMS. We have not asked the Nicaraguan people for an interna-

tionally supervised referendum on the embargo that has been imposed upon them. We have not asked the Soviet people for an international referendum on whether we ought to deploy the MX missile aimed at them.

Just let me finish, and I will ask for as much time as the gentleman wants. Again, I am not here to fancyfoot the gentleman. I want to engage him in a serious debate.

Now, we are asking other nations to give us their thoughts about what we ought to do because the one important referendum that we all must deal with is the one that brought us here, the election that brought my distinguished colleague and this gentleman to the Congress to exercise our major responsibility.

□ 1730

Where I think the gentleman and I both do in fact agree is that based upon the world's history of looking at Nazi Germany, we have now fully internalized that we have a responsibility whenever we see injustice to stand up and speak out against that injustice. You can either do it violently or you can do it peacefully.

Mr. BURTON of Indiana. If I may reclaim my time, I, like my colleague, opposed apartheid. I think it is reprehensible; I think it is something that should be done away with. But in the process, I do not believe we ought to hurt the people we are tryng to help. It is my contention that the blacks in South Africa do not want us to disinvest or cut off future investment in that country because it is going to hurt them more than anybody else economically.

I think we ought to find out how they feel. Now, polls have been taken, time and again, which show that the blacks do not want us to cut off our investments. Time and again it has happened. We were cited four or five earlier in this debate. All I am saying is that let us find out once and for all how they feel about it before we cut all that investment over there which is going to work a hardship first on the people we are trying to help, the blacks of South Africa.

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

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. DELLUMS. I appreciate that. I am simply saying to the gentleman that we have a major burden of responsibility. You have expressed a judgment. I may agree or disagree with that judgment, but every time we make a decision, we are exercising judgment.

For example, on abortion and on gun control and on other issues, we could cite polls and you would then tell me to take my poll and shove it somewhere. What I am saying is is that if we put those polls aside, we have a responsibility to exercise our judgment.

Mr. BURTON of Indiana. If I may reclaim my time here, we are not talking about a poll here and we are not talking about abortion, and we are not talking about Nicaragua; we are talking about——

Mr. DELLUMS. You just cited a poll; you said three polls.

Mr. BURTON of Indiana. South Africa and a referendum which will allow the people of that country, the blacks, to express themselves on a very important issue economically to them.

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

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. SILJANDER. You know, you did introduce an amendment which did go down; I supported you regarding a poll. the advocation was the former polls taken were not good enough; they were not accurate for one reason or another. You advocated a separate poll; that was voted down and that was not good enough. Now you are advocating for the first time in history blacks, in full, to participate in some form of referendum to determine how blacks feel about what we want to do to them. That also is being criticized.

All right; fair enough. Fair enough. What would the other side suggest as a means to determine the attitude and the opinions of those very individuals that we are, in our self-righteousness, attempting to assist?

I think the point is very clear. If the blacks themselves were truly for disinvestment, and disrupting the economy in the way that disinvestment would rock an economy, then why is there not a general strike and a general walkout by blacks in South Africa? They could simply, in unity, walk off their jobs and create a terrible disruption to the economy, but they choose not to do that.

I think blacks are not interested in our self-righteous attitudes.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. SILJANDER and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. SILJANDER. I am not sure that the blacks are concerned, as we ponder their fates from our easy chairs, in our convenient environments here in Congress, telling them that their empty-bellied children and wives themselves is in their best interests for their future as we try to decide which entre we may order at our next reception.

So I appreciate the gentleman's interest and his genuine sincere interest, attempting to solicit the opinions of the people who count. I think we should consider their opinions.

We should consider a forum of some kind to determine how the blacks feel about what Americans want to do. It may not be an issue of jobs, as Mr. GRAY suggested. It is an issue of opportunity, of equal rights, and a racist society. I agree with that point; it is an issue of 350 blacks who have been killed. I agree with that point. However, is it not important to find out and determine the feelings of those we are trying to affect?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

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

Mr. WOLPE. Mr. Chairman, reserving the right to object, and I shall not object, I just want to make the general admonition that we really would like to try to move through the amendment process this evening so we can be in position to move on the substitutes tomorrow. I would hope that we might try to restrict the extensions of time.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] is recognized for 2 additional minutes.

Mr. BURTON of Indiana. I yield to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. So my point is just that while we are listing innumerable lists of black leaders and white leaders who feel one way about disinvestment or the other; Mr. CONYERS from Michigan listed a long list of those who favor disinvestment. Others have listed those such as Chief Buthelezi who are against it. We have mentioned Tutu's name dozens of times during this debate. Why is it so wrong to ask the average black in that country what their opinions are? Instead, we seem to be focusing on just the leadership, which is fine, but we ought to broaden our base, broaden our vision and the gentleman on that side of the aisle. I know they do not agree with the poll, the previous polls, with your first amendment which is a new poll, or a complete referendum unless you supervise. What do they agree on? What do they suggest as an alternative to identify the opinion of the clientele, the average worker, black worker in South Africa?

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

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. FAUNTROY. Let me suggest that the only thing that would make this amendment or the one you previously offered reasonable for consideration, would be a rider that the South African Government end its law which

makes it a crime for persons to advocate disinvestment. Otherwise, you would be subjecting the 22.3 million people to the threat of being arrested, and thus an effort on the part of the South African Government to build enough jails to contain those who had the courage enough to say what was on their minds.

Mr. BURTON of Indiana. Let me interrupt and just say, I want to understand; what is the amendment to my amendment you are suggesting?

Mr. FAUNTROY. I am talking about the previous amendment which was voted down because it lacked——

Mr. BURTON of Indiana. We talking about this amendment.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. You are saying that if an amendment to this amendment were added which said that there was no prohibition on the blacks speaking their minds regarding disinvestment, that you could support this amendment?

Mr. FAUNTROY. No; I said it would be worthy of consideration then.

Mr. BURTON of Indiana. What do you mean, "worthy of consideration"?

Mr. FAUNTROY. It is not worthy of consideration so long as there is a law which, if the persons polled—you asked a question; may I answer your question?

Mr. BURTON of Indiana. If I may reclaim my time, I just want to say, and I am not cutting the gentleman off——

Mr. FAUNTROY. Oh, you are not?

Mr. BURTON of Indiana. If he is making this kind of a suggestion, would he be willing to support this amendment if your language was put into it?

Mr. FAUNTROY. I felt it was very clear. The only thing that would make it worthy of consideration.

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

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. SILJANDER. This is the third time we have discussed the Terrorism Act. It has been instituted for 18 years in South Africa. It is a terrible act; it should be abolished. But there is the one point of reality that needs to be considered. Not one person has been convicted of that act in 18 years. One person has been arrested and is not yet convicted of the act in 18 years.

Again, I repeat that there were other polls taken which indicated that 27 percent of blacks in South Africa supported the ANC which is also illegal under the same act. So what about the 27 percent that fear this act upon them?

The CHAIRMAN. The gentleman will suspend.

The order is that the gentleman from Indiana has the time.

Mr. BURTON of Indiana. I will just conclude by saying this: This will give the blacks for the first time in the history of South Africa the ability to express themselves at the ballot box. If the South African Government interferes with that process and does not allow the referendum to take place, then section IV goes into effect. Why would you oppose that? There is no prohibition against section IV unless there is a referendum held and the blacks say that they do not want future investment cut off in that country.

I think this is a very reasonable amendment; one that you should not oppose, because if it is not implemented, the provisions of this amendment, then your section IV would go into effect.

If the referendum is held and the blacks express themselves saying that they want continued investment, then section IV is eliminated. I think it is time for you to put up or shut up. Here is a time, here is a chance for the blacks to express themselves in South Africa.

□ 1740

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the amendment.

I am sure the amendment was well intentioned and the author of the amendment is undoubtedly sincere, but I think it is unfortunate that we have taken up well over 30 minutes of the time of the House with a debate on what is fundamentally a ludicrous proposition.

This amendment is utterly unacceptable for three reasons: It is intrinsically unworkable, it would set a very dangerous precedent, and it is politically offensive. It is intrinsically unworkable because in South Africa, in the unlikely event they ever agreed to such an internationally supervised referendum, which even the sponsors of the amendment know they would never do, you could not have a truly honest referendum because it would be a totally one-sided debate.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I would like to finish my remarks first. I listened to a long debate before I had a chance to get up.

Even those who are opposed to sanctions would be precluded from speaking out. They have no access to the media. The Government controls the television and the radios, and you could not have a genuinely honest referendum in which the people could freely express their opinions.

Second, it would set a very dangerous precedent. I see some people sitting on the other side of the aisle who believe it is appropriate for us, from time to time, to impose sanctions against the Soviet Union. Should we insist that before those sanctions become effective that a referendum be conducted in the Union of Soviet Socialist Republics in order to determine whether the people we are trying to help there are for it? Should we make sanctions against Poland or sanctions against Cuba or sanctions against Vietnam or sanctions against Libya or sanctions against Iran contingent on internationally supervised referendums in those countries?

When this amendment was first suggested, there was some question here as to whether or not we should accept it, because obviously, even if it was in the bill, the South African Government would never agree to such a referendum and it would be null and void, and we decided not to accept it because we do not want to make a mockery of the legislative process.

This amendment is ludicrous on the face of it. And finally, it is politically offensive, and the reason it is politically offensive is that here we have in South Africa a country in which the overwhelming majority of the people are denied the right to vote in any election which would give them the opportunity to play a role in the determination of their own destiny. Here we would be, the world's greatest deliberative body, the Congress of the United States, the embodiment and repository of democracy and the ideals of self-determination, saying in effect to the Government of South Africa, permit your black majority to vote for one reason and one reason only: On whether or not the United States should impose sanctions against South Africa which might hurt them, but do not proceed to give them the right to vote in elections in which they can pick their own leaders and their own Government.

Let me just say that if they want to have elections in South Africa in which the blacks can participate, there will not be any need for these sanctions. In fact, we have in this legislation a provision that when the day comes that the blacks can vote there, then the sanctions become null and void because the President can waive them.

So I really think the House already addressed itself to this issue. We rejected by an overwhelming margin the notion that there should be a survey conducted by the Secretary of State of the United States. A referendum conducted by the Government of South Africa is no better, and it should be rejected for the same reason.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

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Mr. Chairman, we have been involved with internationally supervised elections in the past, have we not?

Mr. SOLARZ. Certainly.

Mr. BURTON of Indiana. All right. Why would an internationally supervised referendum over there be any different?

That is No. 1. I have one more question, and I will let the gentleman answer both of them.

The second question is, would this not be a first step toward the elective process that we all want for South Africa? Would this not open the door?

Mr. SOLARZ. The answer to the gentleman's question is that we have never, to my knowledge, made the imposition of sanctions against a government engaged in the gross violation of human rights contingent upon a referendum in that country.

Mr. BURTON of Indiana. How about El Salvador?

Mr. SOLARZ. First of all, we did not apply sanctions against El Salvador.

Mr. BURTON of Indiana. There were human rights violations down there.

Mr. SOLARZ. Second, there was no American policy made contingent on an internationally supervised referendum. There was an election in that country. We thought it was important.

Mr. WEBER. Mr. Chairman, will the gentleman yield on that point?

Mr. SOLARZ. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding, and I will not take a lot of time.

Mr. Chairman, the gentleman is right in the de jure interpretation of law, but as the gentleman well knows, aid from this country to El Salvador de facto was determined based on the success of those elections. We would not be sending aid to El Salvador today if they had not had successful and internationally applauded elections.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLARZ] has expired.

(On request of Mr. BURTON of Indiana and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. I say to my friend that to the extent that our aid to El Salvador was contingent upon their having an internationally supervised free and fair election, the imposition of sanctions against South Africa by the very terms of this legislation is contingent on the Government of South Africa not having free and fair elections in which the black majority in their country can participate.

Forget about referendums on sanctions. If what you are interested in is free and fair elections, then all the Government of South Africa has to do is agree to have an election in which all the people of that country can participate and these sanctions become null and void the day after.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield on that point?

Mr. SOLARZ. I yield to my friend on the other side, the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Fair enough. The gentleman's criticism of a poll, criticisms of a public forum, fair enough.

What would you suggest we ought to do, if anything, to solicit the opinion of the average black in South Africa? Is that not a fair question?

Mr. SOLARZ. Yes, it is a very fair question.

Mr. SILJANDER. What would the gentleman suggest?

Mr. SOLARZ. I will tell the gentleman exactly what we ought to do, what some of us have done, and that is to go to South Africa, speak to the people of South Africa.

Mr. SILJANDER. I have done that, too.

Mr. SOLARZ. I did not interrupt the gentleman from Michigan.

So have I, and I suppose that is what makes a ball game. You came to one conclusion; I came to another conclusion. The conclusion I came to, based on a broad range of black leaders ranging from homeland leaders on the right to ANC activists on the left, people in the rural areas, people in the urban areas, the conclusion I came to is that there is very strong support of sanctions by the United States against South Africa, just as there was on the part of the black people of Rhodesia for international sanctions against them.

Mr. SILJANDER. If the gentleman will yield further, I understand his point. He went to South Africa.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLARZ] has again expired.

(On request of Mr. SILJANDER and by unanimous consent, Mr. SOLARZ was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. I yield to the gentleman from Michigan.

Mr. SILJANDER. I appreciate the fact that the gentleman visited South Africa and talked to the leaders from the right to the left, to the homelands and the cities and the urban areas and the rural areas. But again, that is not necessarily an empirical analysis of public opinion. Obviously, there are other polls that have interviewed 3,000 blacks, by blacks, on off-work hours, 110 hours of interviews.

Mr. SOLARZ. Mr. Chairman, if I may reclaim my time, I have heard the gentleman make that argument before and I can only tell him that public opinion polls on issues like this in South Africa are about as relevant as public opinion polls in the Soviet Union or any of their satellite countries in Eastern Europe or elsewhere around the world. In an authoritarian regime where people can go to jail for expressing a point of view that differs from that of the Government, polls are worthless.

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

Mr. SILJANDER. Mr. Chairman, will the gentleman yield for 30 seconds?

Mr. WALKER. I would be glad to yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Chairman, in response to the gentleman from New York, he has criticized the polls. I certainly criticize his individual poll, and his visit to South Africa certainly is no more legitimate than scientifically sophisticated polls. All right. So all the polls are bad. Still, what is the alternative? How do I identify the concerns of the blacks. Your visiting South Africa and my visiting South Africa does not identify the concerns of the average black person in South Africa.

□ 1750

Mr. WALKER. Mr. Chairman, I am sorry that I just heard democracy called ludicrous, because that is what we just heard. We heard the process of democracy called ludicrous.

What this says is that we are going to allow people to vote. Now, I do not see anything wrong with that. As a matter of fact, one of the arguments that has been made on the floor here consistently has been that we ought not look at this as merely an economic tool, that we ought to look at it as a political tool, and that we ought to be doing what we can to empower black Africans in South Africa in a political sense. For the first time in history this would do that under internationally supervised conditions if the South African Government decided they wanted to go that direction.

Now, I am not here to say that they will decide that, but they will be given a choice. It may be a Hobson's choice, but nevertheless it is a choice. It is a choice between either going this direction and having the economic problems connected with that, or not going this direction and having the economic problems that are connected with section 4.

But let us think about the things that the gentleman from New York just told us about this approach. First of all, it is internationally supervised, and so we would have the same conditions as other internationally supervised elections that we have endorsed in the past have had. We would also, it seems to me, have a situation where I would not have any problem with that as a precedent.

Good heavens, if something we were going to do in the Soviet Union would cause them to have an internationally supervised election within the Soviet Union where the people of the Soviet Union could get a chance to vote on some issue in an internationally supervised election, I think that would be wonderful. I think that would be great if we as a House could in some way effect that kind of a change in a totalitarian state like the Soviet Union, and I think it would be great if we could effect that kind of a change in a totalitarian country such as South Africa.

If we are concerned about whether or not everybody has a chance to voice their opinions in such a referendum, that is covered in this resolution or in the amendment, because we say that the Secretary has to certify to the Congress that the referendum gave nonwhite South Africans a full opportunity to express their position, otherwise the Secretary could not certify it; that the elections were conducted in a fair manner, otherwise the Secretary could not certify it; and that the results are believed to be definitive, otherwise the Secretary could not certify it.

In other words, it is not just a referendum conducted by the Government, because then it has to be certified by our Secretary of State before section 4 would not apply. So we have a two-way protection under the bill, and it seems to me that if what we can do is bring about something that gives the first smidgeon of registering people to vote and having them go out and make their position felt in some way, using the ballot, that is a positive, and that is the direction we ought to be going. And here is something where the interests of the South African Government are so great—otherwise I do not think we would be going through this exercise if we did not believe we were doing something here that was meaningful—OK, if it is meaningful enough that we should go through this exercise, it ought to be meaningful enough to the South African Government that they would consider having such a referendum at the appropriate time. And if in fact they would go through with it, if a referendum would be taken, it would be a major step toward giving the blacks the kind of power that so many have said all the way along is what they want to achieve.

I think it is worth a try. If it is totally ludicrous, if the South African Government is not going to consider it, fine, then it is a provision of the bill that never came to be. But if there is some chance that democracy might have a little bit of an opportunity, I would say to the gentleman from New York and the rest of my colleagues that that is not ludicrous, that is a positive step in the right direction that we ought to follow.

I think we ought to congratulate the gentleman from Indiana [Mr. BURTON] for bringing forth an amendment that offers us a chance to get away from polling data and all that kind of thing and gives the people a chance to make a choice. We make choices in referendums throughout this country, and when the people speak in those referendums, we listen. It is not just us and our opinions; we listen to the people when they speak in referendums across the country.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would like for every one of my colleagues on the other side of the aisle, as well as my colleague in the well, to answer this question in their own minds: Who would this amendment put the pressure on?

I think the answer is self-evident. It would be on the South African Government. They would have to provide a mechanism for a referendum for the first time in history, and the dike would be broken.

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

Mr. Chairman, I have not participated widely in the debate. I might say that I have voted more often than not with my colleagues on the other side of the aisle on this issue, the gentleman from New York, the gentleman from California, and others, and I understand that as emotional and as important as this issue is, we are probably at a point where anything suggested by that side of the aisle is not acceptable on this side, and vice versa. Nonetheless, I truly think that the majority has made a mistake in not giving a little more serious thought to this particular amendment.

I think that we share objectives in terms of what we seek in South Africa. Our objectives are human rights, a pluralistic society, a democratic political system, and economic progress for all South Africans.

I agree with the speakers on the other side of the aisle who have made the point repeatedly that jobs are not the primary issue. They are an issue, but they are not the primary issue. I also agree that the issue of polls and public opinion should not be the primary consideration when we are dealing with a truly fundamental and moral issue.

However, in my discussions with Members on both sides of the aisle around this very important question, it has been my understanding, or at least what I have learned is that the major obstacle we face in achieving those objectives we agree on is political participation. How do we force the South African Government to open up its doors politically and allow all its citizens to participate? And that, of course, is also the area where we have minimal leverage. Even the Gray amendment and the bill that we have before us today, I think the authors and supporters would concede, carries no guarantee that it will change the political makeup of the South African Government. It is the best attempt to put certain pressure on the South African Government, and I have certainly not been critical of that approach at all.

But what I am suggesting is that the amendment that is on the floor today offered by the gentleman from Indiana does in my view offer a legitimate means of perhaps opening the door just a crack to genuine political participation. I am not under my illusions that the amendment or this law would be accepted by the South African Government or that it would be easy to conduct a referendum, but I do think that the majority has misjudged the situation by rejecting it out of hand.

What happens if something like this is passed into law and the South African Government then simply rejects it, as you and I suspect they would reject it? Does that not substantially strengthen the case of everybody who has criticized the white racist Government of South Africa? Does that not expose them even more for what they fundamentally are? Does that not strengthen the case that the ultimate issue is political participation in the Government, and that even on this very narrow issue of public policy and economic policy the South African Government was unwilling to open its doors ever so slightly?

I think that it is worth a try. I do not know what caused the gentleman from Indiana to offer the amendment. I do not know that his reasons for supporting it are necessarily the same as mine, but I do think the majority judged it a little too quickly and judged it a little too harshly. I think it is an amendment that deals with the fundamental question that we face and will continue to face, which is political participation, and I think it is deserving of our support.

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

Mr. WEBER. I am glad to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding.

I remind the gentleman that he has premised his argument by asking, what is the objection to this amendment? It would put the pressure on the Government of South Africa.

What pressure would this amendment put on the Government that has in the law now the prohibition of blacks to vote? It is the law in South Africa that they cannot vote. What kind of pressure does this put on them?

Mr. WEBER. Mr. Chairman, if I may reclaim my time, the Government of South Africa has repeatedly stated that should be no disinvestment because the black population of South Africa is not in favor of disinvestment. I think from our standpoint, given the ideals that we represent, I might ask, what stronger case can we make than to say to those people, "Well, we want you to prove that through a genuine and honest election, not a poll or referendum but an election. We want at least on this one issue to bring all of your citizens into the political decisionmaking process"? Then if they refuse to do that, it seems to me that we have simply enhanced the pressure that we can put on them through the court of public opinion.

Mr. ROEMER. Mr. Chairman, will the gentleman yield for a final point?

Mr. WEBER. I yield to the gentleman from Louisiana.

Mr. ROEMER. Without getting into the esoteric question of what an election is—is it just the vote itself, or is it a period of social intercourse prior to the vote?—without getting into that, let me as the gentleman——

Mr. WEBER. Let me reclaim the question, because the gentleman has gotten into something.

Mr. ROEMER. Fine.

Mr. WEBER. We are talking about an internationally supervised election. If the international supervision is not to our liking, of course, that does not meet the specifications of the amendment as put forth by the gentleman from Indiana. And as I pointed out, I am under no illusions that this is likely to happen, but certainly we can dictate the terms under which we would consider such an election or referendum to be acceptable. We do not have to accept the Botha government's definition of an acceptable election.

Mr. ROEMER. Mr. Chairman, will the gentleman yield further?

Mr. WEBER. I yield to the gentleman from Louisiana.

□ 1800

Mr. ROEMER. Fair enough. Just to reassure me on the gentleman's stance on this issue, let me ask the gentleman two quick questions.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. WEBER] has expired.

(At the request of Mr. ROEMER, and by unanimous consent, Mr. WEBER was allowed to proceed for 1 additional minute.

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

Mr. WEBER. I yield to the gentleman from Louisiana.

Mr. ROEMER. Two questions, if the gentleman could, in his opinion. One, would the Government of South Africa accept this amendment? Would they have a referendum, in the gentleman's opinion?

Mr. WEBER. Reclaiming my time, no.

I yield to the gentleman from Louisiana.

Mr. ROEMER. Question No. 2. If they were to allow such a referendum and the 22 million blacks in South Africa were given the right to vote on this question, in the gentleman's opinion, how would they vote, in the gentleman's opinion?

Mr. WEBER. In my opinion? I have no opinion how they would vote, but that is really not as important. If we could have a genuine, honest referendum, in which all the people of South Africa could participate, that it would seem to me would break open that system in a way that none of us can even dream of breaking it open, even given the full application of the sanctions in the bill that is before us today. So for me to judge the outcome of that election, that is not appropriate. I do not know how it would come out; but I think to have a genuine election that would satisfy the gentleman from Louisiana and the gentleman from Minnesota would do more to change that political system and that social system than anything this legislation could do.

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

Mr. Chairman, I dislike alienating myself from my dear friends on this side of the aisle, but I do not intend to support this amendment, for some of the reasons the gentleman from New York [Mr. SOLARZ] pointed out, perhaps not in as much depth as he did, but I do not think it is workable. I think it is untenable and I think the effect of it, not the intent of it, the effect of it is to trivialize a very important issue, not the intent of it. The intent of it was to underscore a very important point, that is, that public opinion among those most to be affected by disinvestment, the black working man and woman inside South Africa, may have a very different concern and view about disinvestment than do the moral leaders of the crusade against apartheid in this country.

I think that their sensibilities are entitled to be considered in this debate. I think we do not need to have an election or a referendum or a poll. We have listened to their leaders, their labor leaders, their tribal leaders, and responsible people who understand that this takes away leverage that we might have.

Now, it is an argument that can be argued the other way, too. How long are you going to tolerate apartheid without doing something effective to get rid of it? I understand and respect that argument, but the other argument also is deserving of respect; namely, to impoverish people who are already impoverished, to take away their economic sustenance, is to cause a great deal of suffering and to solidify a hardcore apartheid regime over there that will exacerbate and not solve the problem; so this is a terrible conundrum. It is a terrible riddle that many of us are trying to move toward a proper solution for the most people involved.

Now, that said, I should like to point out, and I regret that my friend, the gentleman from New York, has left the floor, because he is chairman of the Asiatic and Pacific Subcommittee. When I think about apartheid, I think of the two types of sins, the sin of omission and the sin of commission. I would characterize apartheid of a sin of commission. It is an affirmative act that disenfrancises people and makes them less than full citizens of their homeland and their country. That is an affirmative committed sin; but there are sins of commission, too. I think of the great country of India whose Prime Minister is visiting this country and I think of the caste system and I think of the tolerance that we seem to bestow on the caste system and I wonder if we are not guilty of the sin of omission by not dedicating some of the fervor, just a fraction of the fervor toward the great country of India to try to help break down their caste system.

Religious apartheid exists in the Soviet Union. Now, Bishop Tutu is able to come and go and I bless him for that. The world is richer for that; but Shcharansky cannot leave the Soviet Union and come out and accept Noble Prizes, he dare not. So these are all sins of omission and commission and in the total context of fighting racism, of fighting the denial of human rights, whether it is in one continent or over the globe, it deserves attention and it deserves the considered attention of those people who share with all of us the concern that human rights be shared by every human being.

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

Mr. HYDE. I yield to my friend from Baltimore.

Mr. MITCHELL. I am grateful the gentleman did, because good vibrations flow between us on this floor for the first time in a long, long time, and I am grateful for those good vibrations.

I just wanted to respond to the gentleman's question of why we did not take on India and other places. There is a Gospel hymn that goes, "One day at a time, sweet Jesus, one day at a time." This one solved and we will deal with the next one.

Mr. HYDE. Well, I appreciate that, but we have a lot of time and a lot of talent, but we never get around to much else. We do not consider Liberia, which has a great problem.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield again? I just do

not want the gentleman to destroy the good vibrations. We have gone so well up to this point.

Mr. HYDE. No. I want resonations as well as vibrations.

Mr. MITCHELL. One day at a time.

Mr. HYDE. I thank the gentleman and I will wait for tomorrow, and tomorrow and tomorrow.

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

Mr. HYDE. I yield to my friend, the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would join my friend, the gentleman from Illinois, in opposing this particular amendment to this bill.

I am somewhat disturbed by some of the debate that has gone into the Chamber today. The reason I am opposed to this is not because of the fact that we are setting up any form of election as a trigger for some type of action as far as our foreign relations are concerned, but that we would make the result of that election a determining factor as to what the foreign policy of the United States would be.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, I yield to my friend, the gentleman from Florida.

Mr. SHAW. And because of that, I believe it would be precedent-setting to the foreign policy of the United States. I know of no other situation where you would make the outcome of an election contingent upon this.

Mr. HYDE. What the gentleman is saying is that our foreign policy ought not to depend on a referendum in another country by people who are going to be the object of our foreign policy. We ought to have the resources to make our own judgment here.

Mr. SHAW. Mr. Chairman, if the gentleman will yield further, I think that is exactly the case, but I did say, if the gentleman would yield further to me, that I am somewhat concerned about the way the debate has been gathered, because I do have the feeling that there are many here who are pressing forward on this bill that really are not considering the true feelings and concerns of those who are going to be economically affected by what we may or may not do here in this Chamber.

A man's livelihood, his job, his self-respect, these are things we talk about in our own country when we are talking about jobs for people. We talk about that because we think that is a very precious and dear thing to the people of the United States.

I can tell you, having been to Mozambique, having been to Zimbabwe and having been to South Africa and talked to the working people, I know they are men and women just like we are and they are very concerned about such things.

Mr. CONYERS. Mr. Chairman, will the gentleman yield to me?

Mr. SHAW. It is not my time. It belongs to the gentleman from Illinois.

Mr. CONYERS. Mr. Chairman, would the gentleman from Illinois yield?

Mr. HYDE. I yield to my friend, the gentleman from Michigan.

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

When we start talking about the jobless and jobs, it strikes a responsive chord. In my district, the unemployment rate for black males is 26 percent. For youths, it is 53 percent, for black youth; so we have got a big job to do there.

I hope that we will bring that consideration and concern for those in South Africa to the United States when our turn comes on that.

I thank the gentleman for raising the point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 30, noes 384, not voting 19, as follows:

[Roll No. 136]

AYES—30

Armey	Dannemeyer	Ritter
Badham	DeLay	Roth
Bartlett	Dornan (CA)	Siljander
Barton	Eckert (NY)	Smith, Denny
Bilirakis	Fields	Solomon
Burton (IN)	Gingrich	Stump
Cobey	Hansen	Vucanovich
Coble	Hendon	Walker
Craig	Hunter	Weber
Crane	Petri	Young (AK)

NOES—384

Ackerman	Boland	Coats
Addabbo	Boner (TN)	Coelho
Akaka	Bonior (MI)	Coleman (MO)
Alexander	Borski	Coleman (TX)
Anderson	Boucher	Collins
Andrews	Boulter	Combest
Annunzio	Boxer	Conte
Anthony	Breaux	Conyers
Applegate	Brooks	Cooper
Archer	Broomfield	Coughlin
Aspin	Brown (CA)	Courter
Atkins	Brown (CO)	Coyne
AuCoin	Broyhill	Crockett
Barnard	Bruce	Daniel
Barnes	Bryant	Darden
Bateman	Burton (CA)	Daschle
Bates	Bustamante	Daub
Bedell	Callahan	Davis
Beilenson	Campbell	de la Garza
Bennett	Carper	Dellums
Bentley	Carr	Derrick
Bereuter	Chandler	DeWine
Berman	Chappell	Dickinson
Bevill	Chappie	Dicks
Bliley	Cheney	DioGuardi
Boehlert	Clay	Dixon
Boggs	Clinger	Donnelly
Dorgan (ND)	Kramer	Porter
Dowdy	LaFalce	Price
Downey	Lagomarsino	Pursell
Dreier	Lantos	Quillen
Duncan	Latta	Rahall
Durbin	Leach (IA)	Rangel
Dwyer	Leath (TX)	Ray
Dymally	Lehman (CA)	Regula
Dyson	Lehman (FL)	Reid
Early	Leland	Richardson
Eckart (OH)	Lent	Rinaldo
Edgar	Levin (MI)	Roberts
Edwards (CA)	Lewis (CA)	Robinson
Edwards (OK)	Lewis (FL)	Rodino
Emerson	Lightfoot	Roe
English	Lipinski	Roemer
Erdreich	Livingston	Rogers
Evans (IA)	Lloyd	Rose
Evans (IL)	Loeffler	Rostenkowski
Fascell	Long	Rowland (CT)
Fawell	Lott	Rowland (GA)
Fazio	Lowery (CA)	Roybal
Feighan	Lowry (WA)	Rudd
Fiedler	Lujan	Russo
Fish	Luken	Sabo
Flippo	Lundine	Savage
Foglietta	Lungren	Saxton
Foley	Mack	Schaefer
Ford (MI)	MacKay	Scheuer
Ford (TN)	Madigan	Schneider
Frank	Manton	Schroeder
Franklin	Markey	Schuette
Frenzel	Marlenee	Schulze
Frost	Martin (IL)	Schumer
Fuqua	Martin (NY)	Seiberling
Gallo	Martinez	Sensenbrenner
Garcia	Matsui	Sharp
Gaydos	Mavroules	Shaw
Gejdenson	Mazzoli	Shelby
Gekas	McCain	Shumway
Gephardt	McCandless	Shuster
Gibbons	McCloskey	Sikorski
Gilman	McCollum	Sisisky
Glickman	McCurdy	Skeen
Gonzalez	McDade	Skelton
Goodling	McEwen	Slattery
Gordon	McHugh	Slaughter
Gradison	McKernan	Smith (FL)
Gray (IL)	McKinney	Smith (IA)
Gray (PA)	McMillan	Smith (NE)
Green	Meyers	Smith (NH)
Gregg	Mica	Smith (NJ)
Grotberg	Michel	Smith, Robert
Guarini	Mikulski	Snowe
Gunderson	Miller (CA)	Snyder
Hall (OH)	Miller (OH)	Solarz
Hall, Ralph	Miller (WA)	Spence
Hamilton	Mineta	Spratt
Hammerschmidt	Mitchell	St Germain
Hartnett	Moakley	Staggers
Hatcher	Molinari	Stallings
Hawkins	Mollohan	Stangeland
Hayes	Monson	Stark
Hefner	Montgomery	Stenholm
Heftel	Moody	Stokes
Henry	Moore	Strang
Hertel	Moorhead	Stratton
Hiler	Morrison (CT)	Studds
Hillis	Morrison (WA)	Sundquist
Hopkins	Mrazek	Sweeney
Horton	Murphy	Swift
Howard	Murtha	Swindall
Hoyer	Myers	Synar
Huckaby	Natcher	Tallon
Hughes	Neal	Tauke
Hutto	Nelson	Tauzin
Hyde	Nichols	Taylor
Ireland	Nielson	Thomas (CA)
Jacobs	Nowak	Thomas (GA)
Jeffords	O'Brien	Torres
Jenkins	Oakar	Towns
Johnson	Oberstar	Traficant
Jones (OK)	Obey	Traxler
Jones (TN)	Olin	Udall
Kanjorski	Ortiz	Valentine
Kaptur	Owens	Vander Jagt
Kasich	Oxley	Visclosky
Kastenmeier	Packard	Volkmer
Kemp	Panetta	Walgren
Kennelly	Parris	Watkins
Kildee	Pashayan	Waxman
Kindness	Pease	Weaver
Kleczka	Penny	Weiss
Kolbe	Pepper	Wheat
Kolter	Perkins	Whitley
Kostmayer	Pickle	Whittaker

Whitten	Wolpe	Yates
Williams	Wortley	Yatron
Wirth	Wright	Young (FL)
Wise	Wyden	Young (MO)
Wolf	Wylie	Zschau

NOT VOTING—19

Biaggi	Fowler	Roukema
Bonker	Holt	Torricelli
Bosco	Hubbard	Vento
Byron	Jones (NC)	Whitehurst
Carney	Levine (CA)	Wilson
Dingell	McGrath	
Florio	Ridge	

□ 1820

Mrs. LONG changed her vote from "aye" to "no."

Mr. COBLE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. LEVINE. Mr. Chairman, I rise in strong support of H.R. 1460, the Anti-Apartheid Act.

As you know, the administration opposes this bill. After all this is the administration that thinks constructive engagement is the way to encourage peaceful change in South Africa—change that would move the Government of that country away from apartheid and toward a system that treats all its citizens equally. But treating the odious practice of apartheid in this benign manner has not worked.

The South African Government operates under an entrenched system of institutional racism, in open defiance of any standard of civilized society. Yet, the Reagan administration still prefers to adhere to its misguided policy and to reward this inhuman government by making it the United States largest trading partner and by becoming the second-largest foreign investor in South Africa.

Through apartheid, the South African Government allows a minority of 4.5 million whites to deny 22 million black South Africans their basic human rights. Black South Africans cannot vote. They cannot run for political office to have a voice in their own destiny. The South African Government's homelands policy has resulted in over 9 million black South Africans being stripped of their citizenship in the land of their own birth. The South African Government has increased its oppression of trade unions. Its policies have resulted in the deaths of blacks fighting for their rights and for their ever-elusive freedom. A virtual police state exists in South Africa.

Mr. Chairman, as Members of this body, as citizens of this country, where freedom and equality are held precious and inviolable, we must raise our voices in opposition to the unconscionable practice of apartheid and take action designed to end it. Tolerance of apartheid is not the answer. Our national values and interests mandate that we take up the cause of those longing to be free of the shackels of their oppressors. It is our moral responsibility.

The bill before us would help achieve that worthwhile goal by imposing four economic sanctions on South Africa. The first sanction prohibits all loans and extensions of credit to that Government, including corporations or organizations controlled by the South African Government, unless the funds are used for educational, housing, or health facilities that would be available on a nondiscriminatory basis to all South Africans. The second sanction prohibits all investment, direct or indirect, in new business enterprises in South Africa, or any new investments in existing South African businesses. The third sanction prohibits the importation into the United States of South African krugerrands or any other gold coins minted or sold by the South African Government. Fourth, the bill prohibits the direct and indirect export of U.S. computers, computer software, or other computer parts to the South African Government and corporations or organizations controlled by that Government.

This bill contains eight conditions that permit a Presidential waiver of sanctions for 12 months if the South African Government meets one of the eight conditions stipulated in the bill. For each additional condition met by that Government, the waiver can be extended for 6 months. These conditions include: eliminating policies that prohibit black employees and their families from living in family accomodations near their place of employment; eliminating "influx control" policies that restrict blacks from seeking employment where they choose, and that prevent them from living near where they find employment; eliminating policies that make distinctions between the South African nationality of blacks and whites; stopping the removal of black populations from certain locations for reasons involving race or ethnic origin; entering into negotiations with representative leaders of the black population for a new, nondiscriminatory political system; and freeing all political prisoners.

Mr. Chairman, let us remember the human beings for whom and with whom we fight. We must oppose Reagan administration policy and pass this antiapartheid legislation.

South African Bishop Desmond Tutu, recipient of the 1984 Nobel Prize for Peace, has said that no amount of repression can contain the millions of black South Africans who are determined to be free. Let us join with them and help them achieve their aspirations. One day all the people of South Africa will be free, and I, for one, want to help hasten that day.

I urge my colleagues to support H.R. 1460.

Thank you.●

● Mr. BARNES. Mr. Chairman, I am very pleased to be an original cosponsor of the antiapartheid bill, H.R. 1460, and to have the opportunity to voice my strong support for this legislation.

Something very fundamental is happening here in this Chamber. On the one hand, as I listen to the debate, there is no mistaking this Congress' clear repudiation of the administration's failed policy of constructive engagement. On the other hand, this House is, as a result of the administration's failure, going about the business of reshaping our country's policy toward South Africa.

For over 4 years we have been told that things have gotten better in South Africa, that people of color have been permitted to participate in the political process, that we are seeing the beginnings of racial equality, that the apartheid system is being dismantled, that freedom for the 20 million victims of apartheid is coming—if only we will be patient. It just is not happening. A promise of freedom is not the measure of freedom. It is time, long past time, for us to define our role for positive change. The strength of our own principles of democracy and freedom compel us to do so. This Congress is past the rhetoric, the promises, and the petty distractions that some say represent real progress. We are about to do something meaningful.

H.R. 1460 is not just another piece of legislation. It is, as my colleague from Pennsylvania, Representative BILL GRAY, has said, a U.S. commitment not to continue to finance apartheid. It enacts four sanctions against South Africa: A ban on loans to the South African Government and on the sale of computer goods and technology to the Government; a ban on new investments—including loans to enterprises; and a ban on the importation of Krugerrands into the United States. Implementation of these sanctions will not topple the South African Government, nor bring about economic devastation. This legislation lends authority to our official position against apartheid, and brings our moral weight to bear on the situation.

This House took a stand last year when we took up the Export Administration Act legislation. I remember well our battle during the last Congress to gain the other body's acceptance of the South Africa provisions. As a member of the conference committee on that bill, I strongly supported the Gray amendment to prohibit new investment; the package of trade sanctions, mandatory work standards, and ban on Krugerrand imports; the provision to prohibit all exports to the

South African military and police; and the amendment to cut nuclear assistance to South Africa. This House twice voted for those measures last year.

As I listen to my colleagues debate this bill, I am reminded of the words of Robert F. Kennedy as he spoke in 1966 to the students at the University of Capetown in South Africa. He began:

"There is," said an Italian philospher, "nothing more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things." * * *

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

When we vote on this bill, we should ask ourselves if what we do sends a ripple of hope, if we cherish liberty enough to take measured, practical steps for its universal application.

Taking up this legislation is exactly the kind of thing that makes our work meaningful. We are facing up to the fact that our trade with South Africa helps to finance a system of institutionalized, Government-sponsored racism. We are facing the reality that, although it is not within our power—nor should it be—to establish a more just system there, when we linger too long and too close to the forces of apartheid, we unwittingly lay down our arms against it and draw ourselves further away from what this Nation stands for. We are taking up our responsibility, as legislators, to have the political will to do the right thing, to exercise prudent and, if required, bold leadership to correct a misdirected approach, one which has compromised our commitment to individual rights, and equivocated on our moral stand against apartheid.

In South Africa, an independent homeland is a land of internal exile, freedom of access means obeying the pass laws, political expression results in Government repression, love between races is a deadly sin, individual worth is color coded, and democracy is a euphemism for apartheid. Our relationship with South Africa cannot be one of comfort and convenience, or hinge on expediency and practicality. It is not a relationship that comes without special burdens and responsibilities for us. At the core is the pressing question of principle and conviction, of our commitment to individual rights and democratic institutions. Reinhold Niebuhr wrote, "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary." I believe that this Congress is finally prepared to put this country back on track, to redirect U.S. policy toward South Africa, and to demonstrate that we can fashion a genuinely constructive policy that does not forsake, but rather promotes, our ideals. Passage of this legislation is our opportunity to make this happen. I strongly urge my colleagues to support this important endeavor.●

● Mr. DURBIN. Mr. Chairman, I would like to express my strong support for H.R. 1460, the Anti-Apartheid Act, introduced by my colleague from Pennsylvania, Mr. GRAY.

Recent events in South Africa have demonstrated convincingly that the Reagan administration's policy of constructive engagement is woefully inadequate to dismantle the South African Government's well-entrenched system of apartheid. Nightly newscasts in this country have vividly portrayed how protests against apartheid are brutally suppressed. They evoke images of Selma and Birmingham that are engrained in our memory, with one fundamental distinction—the segregation and discrimination in South Africa are sanctioned by the state.

I am unwilling to acquiesce to a policy of constructive engagement with a country in which, according to the State Department's 1984 human rights report:

The Government spends seven times more to educate each white child than each black child;

Poor sanitary conditions and the lack of doctors and hospitals in black areas have contributed to an infant mortality rate of 200 per 1,000 live births, compared to a white infant mortality rate of 15 per 1,000 live births;

The average monthly wage for blacks in 1980 was $145 versus $500 for whites.

Because the South African Government has proved to be relatively intransigent in allowing change to take place, stronger measures are clearly needed. Some suggest that we institute a policy of abrupt divestiture of all U.S. investments in South Africa. However, I am concerned that this approach will be counterproductive because it will eliminate our strongest leverage to work for change in South Africa—our economic relations with that country.

If all American corporations pulled out of South Africa, many blacks would be thrown out of work. Many contend that other corporations would simply move in to take their place, based on the free enterprise concept that businesses will spring up where there is money to be made.

More important than the employment issue, however, is that civil rights policies instituted by U.S. firms would no longer be in effect. Following the guidelines of the Sullivan principles, U.S. firms must integrate their workplaces and pay equal wages. These are teaching skills, which helps to develop a black middle class. Bringing an end to American involvement in South Africa would represent a slap in the face of the limited progress that has been made.

I believe that H.R. 1460 represents an important step. It not only repudiates our policy of constructive engagement, but also acknowledges the importance of the leverage we can exercise through our trade relations. It prohibits any future loans or investments in South Africa, any additional imports of the South African Krugerrand, or any exports of U.S. computers to South Africa. However, it also provides conditions under which two of the conditions can be waived if progress is made in South Africa.

I believe that enactment of H.R. 1460 would demonstrate clearly and convincingly that this country is fundamentally opposed to the South African Government's policy of apartheid, and that it is also willing to exercise its leverage to achieve progress in South Africa. I urge my colleagues to support this bill.●

● Mr. TRAFICANT. Mr. Chairman, today I rise in strong support of H.R. 1460, the Anti-Apartheid Act. I believe this measure takes the necessary action against the apartheid policies of the South African Government and demonstrates to the people of that country that the United States wants equality and fairness for all people in South Africa.

In the view of many, including myself, the United States has a moral obligation to take whatever action is necessary to end the apartheid action in South Africa. If America values political and social equality and the opportunity to advance as set forth in our Declaration of Independence and bill of rights are to be reflected in our foreign policy, then our policy must reflect our desire to see these changes made. This legislation sets forth economic sanctions against the Government of South Africa and at the same time establishes goals, if achieved, can result in the lifting of these sanctions. I believe H.R. 1460 represents a comprehensive approach to eliminating its system of racist rule.

The administration's policy of constructive engagement has not worked. It has not helped those who have been oppressed, those whose rights as an individual have been violated over and over again. Instead, I believe the administration's policy of constructive engagement has aligned the United States more closely with South Africa's white rule while further alienating us from the South African black majority. We as a nation must take action to resolve this conflict and disassociate ourselves from the policies of the South African Government.

The sanctions contained in this legislation will not decrease American in-

fluence, but rather provide incentives for real reforms, real change, clearly connecting the United States with the kind of positive change needed in South Africa.

I urge my colleagues to support this legislation and provide all people in South Africa, black and white, the opportunity to live in peace, fairness, and equality.●

● Mr. STOKES. Mr. Chairman, I rise in support of H.R. 1460, the Anti-Apartheid Act of 1985, introduced by my distinguished colleague, the gentleman from the State of Pennsylvania, Mr. GRAY. I urge my colleagues, on both sides of the aisle, to vote for this important legislation.

Today, Mr. Chairman, the House of Representatives must do what President Reagan has failed to do. We must pass H.R. 1460 and thereby put the South African Government on notice that apartheid cannot exist.

The American Government can no longer sit back and watch 22.7 million black South Africans be subjected to racism and oppression by the ruling minority white government. The harsh reality and urgency of this situation will not allow us that luxury any longer. If we do nothing to correct this problem, we will become part of the problem.

The news media depicts, almost daily, the mounting injustices, senseless killings and horrors that are a part of everyday life for the black South Africans. Ronald Reagan would have us believe that America is doing all that it should and can do through the constructive engagement approach. This is simply untrue.

Constructive engagement means that we simply talk tough with the South African Government. However, this approach does nothing to demonstrate to the ruling minority run government that America is committed to the idea of justice and equality for the majority of the South African people.

The Antiapartheid Act of 1985 makes the U.S. Government position quite clear. By prohibiting new investments by U.S. corporations and banks in South Africa; by banning the sale of the South African Krugerrand coin in America; and by prohibiting U.S. computer sales to the South African Government, Congress will send the unmistakable message to Pretoria that apartheid will not be tolerated.

Time is running out. While the United States simply watches, the grand scheme of apartheid, to establish satellite black townships where blacks are relegated and robbed of their homeland, is in full swing. Institutional discrimination and overt racism are the law of the land. Violence and unjustified killings by Government police against unarmed black South Africans are on the increase. And, as black South Africans become more frustrated with apartheid, South Africa moves loser to the brink of an all-out bloodbath.

Mr. Chairman, this is not an easy issue to face, but it is an essential one.

American businesses and our Government have an interest in South Africa. Over 300 United States-based corporations conduct business in South Africa. The United States is a major importer of South African minerals. South Africa is a major United States ally in that part of the globe.

Some Members may try to make the case that for these reasons we should not pass this bill today. When you stop to look at the total picture, the major point comes into focus. We have to choose. Either America can continue to play the constructive engagement game and turn our backs on the majority of the people in South Africa or we can stand up on the side of justice.

If we elect to stand on the side of justice, then we should and we must vote today for the Anti-Apartheid Act of 1985. Thank you, Mr. Chairman.●

The CHAIRMAN. Are there further amendments to the bill?

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

Mr. Chairman, may I engage in a colloquy for a moment with my distinguished friend from Michigan [Mr. SILJANDER]?

□ 1830

Mr. Chairman, in order to try to assist the Members of this body, my understanding of where we are at this point is that there may be one more amendment pending, that of the distinguished gentleman from Michigan, and it would be my intention to move to take that amendment—I am not aware of any other amendment that is going to be offered—and then that would move us to the substitute of the gentleman from Michigan [Mr. SILJANDER], and at that point the Committee would rise and we would return to the bill tomorrow, having reached the Siljander substitute.

I would be pleased to yield to my distinguished ranking member, to see if that is consistent with his understanding of where we are.

Mr. SILJANDER. I thank the gentleman for yielding. I do not intend to offer my amendment. I will, however, be offering the substitute amendment tomorrow.

Mr. WOLPE. Well, which you can in fact offer this evening, and then we will rise.

Mr. SILJANDER. I do not anticipate any other amendments on this side.

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

Mr. SILJANDER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SILJANDER:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "South Africa Act of 1985".

SEC. 2. DECLARATION OF POLICY AND STATEMENT OF FINDINGS.

(a) IN GENERAL.—The Congress declares that it is the policy of the United States to be a positive influence in bringing an end to the apartheid system of racial discrimination in South Africa.

(b) FINDINGS.—The Congress finds that the policy and practice of apartheid—

(1) separates millions of workers from their families;

(2) is based on a form of rule in South Africa by a minority only, which denies political rights to the majority;

(3) consigns the masses of people living under it to lives of poverty;

(4) denies nonwhite nationals of South Africa the right to travel freely within their own country;

(5) provides economic privileges for some by denying basic freedoms from others;

(6) results in forceable removals of peoples from their homes against their wills;

(7) denies the majority of the people of South Africa their basic human rights;

(8) has damaged the status and reputation of the Republic of South Africa as a civilized nation; and

(9) has contributed significantly to a general climate of instability throughout southern Africa.

(c) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The policy and practice of apartheid runs counter to the principles of civilized nations and bebases human dignity, and is repugnant to the values of the United States of America. The Congress consequently reaffirms that it is the continuing policy of the United States Government to oppose the practice of apartheid by the Government of South Africa, especially through diplomatic means, and, when necessary and appropriate, through the enactment and implementation of laws intended to reinforced United States policy with respect to apartheid.

(2) It is the policy of the United States to promote change in South Africa through peaceful means. The Congress directs the Secretary of State to consider urgently the best possible means to use United States influence to bring an end to this morally repugnant practice in a nonviolent manner, recognizing that this objective will best be achieved through cooperative action on the part of all nations and through the exercise of political rights by all of the people of South Africa.

(3) The Congress recognizes that the objectives of peaceful change in South Africa and the exercise of political rights by all people in that country can be served if United States influence is directed toward building institutions that will enable the South African people to challenge the inequities of the apartheid system. To this end, the Congress declares it is the policy of the United States to support an independent and impartial judicial system in South Africa. The Congress declares further that it is the policy of the United States to support free trade unions for South African workers and to encourage the full participation of all the people of South Africa in the social, political, and economic life in that country.

(4) The Congress recognizes that the objectives of peaceful change in South Africa cannot be achieved unless representatives of all segments of the population in South Africa are convened for the purpose of making the necessary changes to establish a fully representative democratic system.

TITLE I—UNITED STATES COMMISSION ON SOUTH AFRICA

SEC. 101. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "United States Commission on South Africa" (hereinafter in this title referred to as the "Commission").

SEC. 102. DUTIES OF COMMISSION.

(a) STUDY AND REPORT ON PROGRESS AGAINST APARTHEID.—The Commission shall conduct an ongoing study of, and shall report to the Congress on, the progress that the Government of South Africa has made—

(1) in eliminating the system of apatheid; and

(2) toward the full participation of blacks and other nonwhites in the social, political, and economic life in South Africa.

The Commission shall also study the economic and political relations between the United States and South Africa.

(b) FOCUS OF STUDY.—In carrying out subsection (a), the Commission shall—

(1) with respect to the progress toward eliminating apartheid, pay particular attention to the termination of—

(A) the Group Areas Act;

(B) the Pass Laws;

(C) the Influx Control Act;

(D) the Mixed Marriages Act;

(E) the Immorality Act;

(F) the homelands policy; and

(G) the detention of persons without due process of law; and

(2) with respect to the goals referred to in subsection (a)(2), pay particular attention to the involvement of recognized representatives of the black and nonwhite population in South Africa in achieving these goals, including the convening, as soon as possible, by the Government of South Africa of a national congress, composed of all pro-democratic groups in South Africa, to establish a timetable for granting full citizenship to blacks and other nonwhites in South Africa.

(c) SCHEUDLE OF STUDY AND REPORTS.—

(1) STUDY.—The Commission shall conduct the study under subsection (a) during the 3-year period beginning on the date of the enactment of this Act.

(2) REPORTS.—The Commission shall submit interim reports to the Congress at the end of each 6-month period beginning on the date of the enactment of this Act. Not later than the end of the 3-year period beginning on the date of the enactment of this Act, the Commission shall submit a final report to the Congress. The final report shall contain—

(A) a determination by the Commission of whether the Government of South Africa has made substantial progress toward the goals set forth in paragraphs (1) and (2) of subsection (a), and

(B) if the Commission determines under subparagraph (A) that substantial progress has not been made, a recommendation as to which of the following should be imposed:

(i) A ban on new commercial investment in South Africa.

(ii) A ban on new bank loans to the Government of South Africa.

(iii) A ban of the sale of computers to the Government of South Africa.

(iv) Changes in diplomatic relations with South Africa.

SEC. 103. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, as follows:

(A) The chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(B) The chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(C) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Affairs of the House of Representatives.

(D) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Relations of the Senate.

(E) Seven members appointed by the President from among persons knowledgeable in South African affairs, as follows:

(i) One member shall be an officer of the Department of State.

(ii) One member shall be an officer of the Department of Commerce.

(iii) One member shall be an officer of the Department of the Treasury.

(iv) Four members shall be appointed from among persons who are not officers or employees of any government who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(2) DESIGNATION OF SUBSTITUTES.—If any member referred to in paragraph (1)(A) or (1)(B) is the same individual as a member referred to in paragraph (1)(C) or (1)(D), then the individual shall designate another member of the Committee on Foreign Affairs or Foreign Relations, as the case may be, to serve as a member of the Commission.

(3) FILLING OF VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he or she may continue as a member of the Commission for not longer than the 60-day period beginning on the date he or she leaves that office or becomes such an officer or employee, as the case may be.

(c) TERMS.—Members shall be appointed for the life of the Commission.

(d) BASIC PAY.—

(1) FOR NON-GOVERNMENT EMPLOYEES.—Except as provided in paragraph (2), members of the Commission shall serve without pay, but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, to the same extent as employees serving intermittently in the Government Service are allowed such expenses under section 5703 of title 5, United States Code.

(2) FOR GOVERNMENT EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e) QUORUM.—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN.—The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

SEC. 104. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Commission may appoint and fix the pay of such additional personnel as it considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 105. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairman or Vice Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administative support services as the Commission may request.

(g) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) REFUSAL TO OBEY A SUBPOENA.—If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the

United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) SERVING OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) VENUE OF PROCESS.—All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(h) IMMUNITY.—No person shall be excuse for attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which such individual is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 106. TERMINATION.

The Commission shall cease to exist 90 days after submitting its final report pursuant to section 412(c).

TITLE II—FAIR EMPLOYMENT PRINCIPLES

SEC. 201. IMPLEMENTATION OF FAIR EMPLOYMENT PRINCIPLES.

(a) STATEMENT OF POLICY.—It is the sense of the Congress that any person who—

(1) has a branch of office in South Africa, or

(2) controls a business enterprise in South Africa, should implement, in the operation of such branch, office, or business enterprise, those principles relating to employment practices set forth in section 202.

(b) SANCTIONS.—

(1) APPLICABILITY.—The sanctions set forth in paragraph (2) shall apply to any person who—

(A) has a branch or office in South Africa, or

(B) controls a business enterprise in South Africa,

in which more than 20 people are employed, and who does not implement the principles set forth in section 202 in the operation of that business enterprise.

(2) SANCTIONS.—With respect to any person described in paragraph (1)—

(A) no department or agency of the United States may—

(i) enter into any contract with,

(ii) make any loan, issue any guaranty of a loan, or issue any insurance to,

(iii) provide any counseling on economic or political risks to, or

(iv) intercede with any foreign government or any national regarding the foreign investment or export marketing activities in any country of, that person; and

(B) that person may not receive any credit or deduction under the Internal Revenue Code of 1954 for any income, war profits, or excess profits paid or accrued to South Africa.

SEC. 202. STATEMENT OF PRINCIPLES.

The principles referred to in section 201 are as follows:

(1) DESEGREGATING THE RACES.—Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) EQUAL EMPLOYMENT.—Providing equal employment for all employees without regard to race or ethnic origin, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees without regard to race or ethnic origin; and

(B)(I) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and (ii) abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) EQUITABLE PAY SYSTEM.—Assuring that the pay system is equitably applied to all employees without regard to race or ethnic origin, including—

(A) assuring that any wage and salary structure that is implemented is applied equally to all employees without regard to race or ethnic origin;

(B) eliminating any distinctions between hourly and salaried job classifications on the basis of race or ethnic origin; and

(C) eliminating any inequities in seniority and ingrade benefits which are based upon race or ethnic origin.

(4) MINIMUM WAGE AND SALARY STRUCTURE.—Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families.

(5) INCREASING BLACKS AND OTHER NONWHITES IN CERTAIN JOBS.—Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) IMPROVING LIFE OUTSIDE THE WORKPLACE.—Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transporation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through providing facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) FAIR LABOR PRACTICES.—Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees to represent them;

(C)(i) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, (ii) allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and (iii) allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve dispute concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(8) INCREASED ACTIVITIES OUTSIDE THE WORKPLACE.—Increasing the dimension of activities outside the workplace, including—

(A) supporting the unrestricted rights of businesses owned by blacks or other nonwhites to locate in the urban areas of South Africa;

(B) attempting to influence other companies in South Africa to implement equal rights principles;

(C) supporting the freedom of mobility of black and other nonwhite employees to seek employment opportunities wherever they exist, and making possible provisions for adequate housing for families of employees near the place of employment; and

(D) supporting the termination of all apartheid laws.

SEC. 203. GUIDELINES.

The Secretary may issue guidelines and criteria to assist persons who are or may be subject to this title in complying with the principles set forth in section 202. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this title as to whether that person is subject to this title or would be considered to be in compliance with the principles set forth in section 202.

SEC. 204. ENFORCEMENT PROVISIONS.

(a) AUTHORITY OF THE SECRETARY.—The Secretary shall take the necessary steps to ensure compliance with the provisions of this title and any regulations, licenses, and orders issued to carry out this title. In ensuring such compliance, the Secretary shall establish mechanisms to monitor compliance with this title and such regulations, licenses, and orders, including onsite monitoring, at least once in every 2-year period, of each person subject to section 201(b) who files a report under subsection (b) of this section. In ensuring such compliance, the Secretary may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) REPORTS BY PERSONS SUBJECT TO SECTION 201.—Each person subject to section 201(b) shall submit to the Secretary—

(1) a detailed and fully documented annual report on the compliance of that person with the principles set forth in section 202, and

(2) such other information as the Secretary considers necessary.

(c) DETERMINATIONS OF COMPLIANCE.—The Secretary shall, within 90 days after giving notice and an opportunity for a hearing to each person subject to section 201(b) who files a report under subsection (b) of this section, make a determination with respect to the compliance of that person with the employment principles set forth in section 202 and any regulations issued to carry out that section.

(d) APPLICABILITY OF SECTION 201(b).—The sanctions set forth in section 201(b)(2) shall apply to any person—

(1) who fails to file the reports required by subsection (b) of this section, or

(2) with respect to whom the Secretary makes a determination under subsection (c) or (f) of this section either that the person is not in compliance with the employment principles set forth in section 202 (or any regulation issued to carry out that section), or that such compliance cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary.

(e) LIST OF PERSONS IN COMPLIANCE AND NON-COMPLIANCE.—The Secretary shall issue a list of all persons with respect to whom determinations are made under subsection (c) and redeterminations are made under subsection (f), and what the determinations and redeterminations are. The Secretary shall distribute the list to all departments and agencies of the Federal Government.

(f) REDETERMINATIONS.—

(1) IN GENERAL.—With respect to each person concerning whom a determination is made under subsection (c), the Secretary shall, at least once in every 2-year period, review and, in accordance with subsection (c), make a redetermination with respect to the compliance of that person with the employment principles set forth in section 202 and any regulations issued to carry out that section.

(2) UPON REQUEST.—In the case of any person with respect to whom the Secretary makes a determination under subsection (c) or paragraph (1) either that—

(A) the person is not in compliance with the employment principles set forth in section 202 (or any regulations issued to carry out that section), or

(B) such compliance cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false inforamtion to the Secretary,

the Secretary shall, upon the request of that person and after giving that person an opportunity for a hearing, review and redetermine that person's compliance within 60 days after that person files the first annual report under subsection (b) after the negative determination is made.

(g) JUDICIAL REVIEW OF DETERMINATIONS.—Any person aggrieved by a determination or redetermination of the Secretary under subsection (c) or (f) may seek judicial review of that determination or determination in accordance with the provisions of chapter 7 of title 5, United States Code.

(h) REPORT OF CONGRESS.—The Secretary shall submit an annual report to the Congress on the compliance of those persons subject to section 201(b) with the employment principles set forth in section 202.

SEC. 205. REGULATIONS.

The Secretary shall, not later than 60 days after the date of the enactment of this Act, issue such regulations as are necessary to carry out this title. The regulations shall include dates by which persons subject to section 201(b) must comply with the provisions of this title, except that the date for compliance with all the provisions of this title shall be not later than 1 year after the date of the enactment of this Act.

SEC. 206. WAIVERS.

The President may waive the requirements of this title with respect to any person if the waiver is necessary to protect the national security of the United States. The President shall publish each waiver in the Federal Register and shall submit each waiver and the justification for the waiver to the Congress.

SEC. 207. DEFINITIONS.

For purposes of this title—

(1) PERSON.—The term "person" means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization, and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality of any such government, including a government-sponsored agency).

(2) CONTROL.—A person shall be presumed to control a business enterprise if—

(A) the person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) the person beneficially owns or controls (whether directly or indirectly) 25 percent of more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise is operated by the person pursuant to the provisions of an exclusive managment contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the person;

(e) the person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) the person has authority to appoint the chief operating officer of the business enterprise.

(3) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage.

(4) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

SEC. 208. APPLICABILITY TO EVASIONS OF TITLE.

This title and the regulations issued to carry out this title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this title or such regulations.

TITLE III—ADDITIONAL MEASURES REGARDING SOUTH AFRICA

SEC. 301. HUMAN RIGHTS FUND.

Section 116(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended—

(1) in subparagraph (A)—

(A) by striking out "1984 and" and inserting in lieu thereof "1984,";

(B) by inserting after "1985" the following: ", and $2,000,000 for the fiscal year 1986 and for each fiscal year thereafter"; and

(C) by adding at the end thereof the following: "Grants under this paragraph shall be made by the Assistant Secretary for Human Rights and Humanitarian Affairs."; and

(2) by striking out subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 302. NATIONAL ENDOWNMENT FOR DEMOCRACY.

In addition to any other amounts made available to the National endowment for Democracy for the fiscal years 1986 and 1987, there is authorized to be appropriated for each of those fiscal years $1,500,000 for private enterprise and free labor union development in the nonwhite communities in South Africa. Of the amounts authorized by the preceding sentence—

(1) $500,000 for each such fiscal year shall be for the Free Trade Union Institute; and

(2) $500,000 for each such fiscal year shall be for the Center for International Private Enterprise.

SEC. 303. SCHOLARSHIPS FOR BLACK SOUTH AFRICANS.

Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Beginning with the fiscal year 1986, and for each fiscal year thereafter, $15,000,000 of assistance provided under this section shall be used to finance scholarships for black South Africans who are attending universities, colleges, and secondary schools

in South Africa. Of the funds available under the preceding sentence to carry out this paragraph, not less than $5,000,000 shall be available only for assistance to full-time teachers or other educational professionals pursuing studies towards the improvement of their professional credentials.".

SEC. 304. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ELIGIBILITY OF CERTAIN PROJECTS IN SOUTH AFRICA.—Section 237(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(a)) is amended—

(1) by striking out "(a) Insurance" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2), insurance"; and

(2) by adding at the end thereof the following:

"(2) Insurance, reinsurance, and guaranties of loans may be issued to cover an investment made in connection with a project in South Africa, notwithstanding the absence of an agreement with the Government of South Africa, except that—

"(A) the issuance of any such insurance, reinsurance, or guaranty shall only be made to promote joint ventures between business enterprises controlled or owned by South African blacks or other nonwhite South Africans and business enterprises controlled or owned by United States nationals; and

"(B) with respect to such a joint venture, the national or nationals of the United States hold a minority interest or agree to relinquish its majority interest during the course of the joint venture.".

(b) NATIONAL OF THE UNITED STATES DEFINED.—Section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198) is amended—

(1) in subsection (c) by striking out "and" at the end thereof;

(2) in subsection (d) by striking out the period at the end thereof and inserting in lieu thereof; "and"; and

(3) by adding at the end thereof the following:

"(e) the term "national of the United States" means—

"(1) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; or

"(2) a corporation, partnership, or other enterprise if—

"(A) natural persons who are nationals of the United States own or control, directly or indirectly, more than 50 percent of the outstanding voting securities;

"(B) natural persons who are nationals of the United States own or control, directly or indirectly, 25 percent or more of the voting securities, and natural persons of another nationality do not own or control an equal or larger percentage;

"(C) any natural person who is a national of the United States operates the corporation, partnership, or enterprise pursuant to the provisions of an exclusive management contract;

"(D) a majority of the members of the board of directors are also members of the comparable governing body of a corporation or legal entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia; or

"(E) natural persons who are nationals of the United States have authority to appoint the chief operating officer.".

SEC. 305. POLICY ON COOPERATION WITH ALLIED GOVERNMENTS.

It is the sense of the Congress that the President should consult with the heads of governments of countries allied to the United States regarding the important issues raised by the existence of apartheid in South Africa, particularly the prospect for joint, effective action among the allied countries in the field of economic relations to bring about an end to apartheid.

SEC. 306. STUDY; REPORTS

(a) STUDY ON STARVATION AND MALNUTRITION IN HOMELANDS.—The Secretary of State shall conduct a study to ascertain the amount of starvation and malnutrition taking place in the "homelands" areas of South Africa.

(b) REPORT ON STUDY.—The Secretary of State shall, not later than 3 months after the date of the enactment of this Act, prepare and trasmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of the study conducted under subsection (a).

TITLE IV—GENERAL PROVISIONS

SEC. 401. SOUTH AFRICA DEFINED.

For purposes of this Act, the term "South Africa" includes—

(1) the Republic of South Africa,

(2) any territory under the administration, legal or illegal, of South Africa, and

(3) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

SEC. 402. CONSTRUCTION OF ACT.

Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in section 401(3).

SEC. 403. TERMINATION OF PROVISIONS OF ACT.

(a) DETERMINATION OF ABOLITION OF APARTHEID.—If the President determines that the system of apartheid in South Africa has been abolished, the President may submit that determination, and the basis for the determination, to the Congress.

(b) JOINT RESOLUTION APPROVING DETERMINATION.—Upon the enactment of a joint resolution approving a determination of the President submitted to the Congress under subsection (a), the provisions of this Act, and all regulations, licenses, and orders issued to carry out this Act, shall terminate.

(c) DEFINITION.—For purposes of subsection (a), the "abolition of apartheid" shall include—

(1) the repeal of all laws and regulations that discriminate on the basis of race; and

(2) the establishment of a body of laws that assures the full national participation of all the people of South Africa in the social, political, and economic life in that country.

SEC. 404. COMPLIANCE WITH BUDGET ACT.

Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as provided in appropriation Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1985.

Mr. SILJANDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 174, the gentleman from Michigan [Mr. SILJANDER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Is the gentleman from Michigan [Mr. WOLPE] opposed to the amendment?

Mr. WOLPE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] will be recognized for 30 mintues.

The Chair recognizes the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I yield to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. DE LA GARZA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, had come to no resolution thereon.

NATIONAL THEATRE WEEK

Mr. GARCIA. 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. 25) to designate the week beginning June 2, 1985, as "National Theatre Week," 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 New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I would like to yield to the gentleman from New York [Mr. GREEN], who is the chief sponsor of House Joint Resolution 25.

Mr. GREEN. Mr. Speaker, I would like to invite my colleagues to join with me in celebrating National Theatre Week which began on June 2, 1985. This week celebrates 301 years of theatrical entertainment in America.

I am bringing this to the attention of my colleagues in order to address the important role the legitimate theatre has played in everyday life of our country. Many of our larger cities al-

ready know the impact of and important role the theatre plays.

It is a fact that, during his lifetime, George Washington was an avid supporter of the theater, so much so that his support brought about the repeal of earlier Continental Congress resolutions of October 1778 banning theater altogether. The purpose of the ban was to prepare Americans for a period of hardship and austerity, but the resolutions failed miserably. In fact, more theatrical activity was engaged in than ever before. The performances may have been illegal; however, they boosted the morale of the troops and of the citizenry.

It has been my pleasure to introduce this commemorative legislation for the last 3 years. With passage of House Joint Resolution 25, we can continue to commemorate this great American tradition.

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

● Mrs. BOXER. Mr. Speaker, I rise to express my support for House Joint Resolution 25 introduced by Congressman BILL GREEN which designates June 2 through 8, 1985 as "National Theatre Week."

Theater has played a large part in the heritage of American and the San Francisco Bay area; 1985 marks the 135th anniversary of this first theater in the bay area, Washington Hall. This anniversary is being commemorated by the Committee for National Theatre Week which researched its history, the San Francisco Board of Supervisors which has jointly acknowledged the site and the California Historical Resources Commission which has unanimously consented to the request of the aforementioned. These have memorialized Washington Hall by making it a point of historical interest.

It was on January 16, 1850, that Messrs Atwater and Madison's theatrical company performed "The Wife." Shortly after Washington Hall's opening theater in the bay area flourished and has become a leader in the dramatic arts. Many greats such as Edwin Booth, Maude Adams, and David Belasco, amonth others, have graced its stages. It has also helped many aspiring thespians "break" into show business.

Through the years nearly every theatrical personality has performed on a bay area stage and bay area theaters rightfully claim that they have given the American theater some great talent. This is one reason that I am making these remarks for the record. Those theatrical personalities or greats may not be stars in the usual sense. They are students in a college drama production; they are your neighbors in the community playhouse comedy; and they are our own children. It is to them that we, the Congress of the United States dedicate this commemorative week and to those who have devoted themselves to the theater arts—one of our national treasures.

It is with this in mind that I ask my colleagues to support live theater.●

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 25

Whereas many Americans have devoted much time and energy to advancing the cause of theater;

Whereas the theaters of America have pioneered the way for many performers and have given them their start in vaudeville and stage;

Whereas theater is brought to Americans through high schools, colleges, and community theater groups as well as through professional acting companies;

Whereas the people of America have been called upon to support the theatre arts in the Nation's interest; and

Whereas many individuals and organizations are hailing the strength and vitality of the theatres of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 2, 1985, is designated as "National Theatre Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week by providing assistance to theaters throughout the Nation.

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1229

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1229.

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

There were no objection.

BETTER HEARING AND SPEECH MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 93) to designate the month of May 1985 as "Better Hearing and Speech Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object. I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Does the gentleman from New York have an amendment?

Mr. GARCIA. Mr. Speaker, the answer to that is no.

The SPEAKER pro tempore. The resolution that the Chair has before it designates the month of May 1985.

Mr. GARCIA. Mr. Speaker, if I may address myself to that, this is a Senate joint resolution that we just received.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 93

Whereas more than fifteen million Americans of all ages experience some form of hearing impairment, ranging from mild hearing loss to profound deafness;

Whereas more than ten million Americans of all ages experience some form of speech or language impairment;

Whereas the deaf, hard of hearing, and speech or language impaired have made significant contributions to society in virtually every occupational category and profession;

Whereas those with communication disorders continue to encounter impediments and obstacles which limit their education and employment opportunities; and

Whereas the remaining barriers which prevent the communicatively handicapped from fulfilling their potential must be recognized and eliminated: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1985 is designated "Better Hearing and Speech Month" and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

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

COMMEMORATING THE 75TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

Mr. GARCIA. 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. 159) commemorating the 75th anniversary of the Boy Scouts of America, 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 New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the

House the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I would like to yield to the gentleman from Idaho [Mr. STALLINGS], who is the chief sponsor of House Joint Resolution 159.

Mr. STALLINGS. Mr. Speaker, I would like to thank the gentleman from New York [Mr. GARCIA], chairman of the Subcommittee on Census and Population, and the ranking minority member of the subcommittee, Mr. HANSEN, for bringing this legislation to the floor. I am pleased to note that a majority of our colleagues have joined with me in sponsoring House Joint Resolution 159, officially recognizing 1985 as the 75th anniversary of the Boy Scouts of America.

The worldwide Scouting movement was founded by Lord Baden-Powell in England in the early 1900's. A parallel movement began in the United States, and on February 8, 1910, the Boy Scouts of America was incorporated by William D. Boyce here in Washington, DC.

The essential principles of Scouting have remained the same since its inception—the mission of the organization is to prepare young people to make ethical choices throughout their lifetime as they strive to achieve their full potential. Among other qualities, the Scout law emphasizes family values, and directs a Scout to be trustworthy, loyal, helpful, friendly, courteous, brave, and reverent. It is these values that the Boy Scouts of America has sought to instill in the hearts and minds of young people for over 75 years. Having spent a number of years as both a Scout and a Scout leader, I have seen the impact of this goal-oriented program, and I have watched young people learn that they can succeed.

More than 70 million people have benefited from membership in this organization, and millions more have benefited from the service, inspiration, and leadership provided by the Boy Scouts. I am proud to recognize that in my home State of Idaho, there are more than 35,000 Boy Scouts.

This 75th anniversary offers an opportunity to recognize the contributions of this organization to the enrichment of our Nation's young people, and to congratulate and commend the volunteer adult leaders who make the Scouting program possible.

I thank my colleagues for their consideration of this bill, and I urge unanimous consent of House Joint Resolution 159.

□ 1840

Mr. HANSEN. Mr. Speaker, I would like to associate myself with the excellent remarks of the gentleman from Idaho. I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 159

Whereas the Boy Scouts of America is our Nation's largest organization for young people and has served our Nation's youth since the founding of the organization in 1910;

Whereas more than 70 million people have benefited from membership in this highly regarded youth organization, and millions more have benefited from the service, inspiration, and leadership provided by the Boy Scouts;

Whereas Scouting builds character and fitness, teaches good citizenship skills, and provides leadership development opportunities for all young people regardless of their race, religion, or socioeconomic background;

Whereas the Boy Scouts encourages conservation of natural resources through environmental awareness;

Whereas the Boy Scouts has remained true to its original values and purposes as outlined in its Federal charter, while also demonstrating its ability to be innovative;

Whereas the Scout Oath, Scout Law, Scout Slogan, and Scout Motto, which express the essential principles of Scouting, are the same now as they were in 1910;

Whereas Scouting is supported by religious, civic, educational, fraternal, and community organizations, and is encouraged by the continued commitment of such organizations to its values, ideals, and traditions;

Whereas the Boy Scouts of America is moving into the future with even greater emphasis on personal ethics, values, and the importance of the family;

Whereas many Members of Congress have participated in the Boy Scouts, including some who have become Eagle Scouts; and

Whereas the 75th anniversary of the founding of the Boy Scouts of America provides an opportunity to recognize the contribution of the organization to the improvement of our Nation's youth and to congratulate and commend the volunteer adult leaders who make the Boy Scouts possible: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the year 1985 is designated as the "75th Anniversary of the Boy Scouts of America", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate 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. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just passed.

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

There was no objection.

PERSONAL EXPLANATION

Mr. SEIBERLING. Mr. Speaker, as a result of the airline strike, I was unable to be present for the vote on final passage of the budget resolution on May 23. Had I been present, I would have voted "aye" on final passage.

THE IMPORTANCE OF INCREASED MILITARY AIRLIFT CAPABILITY

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

Mr. DARDEN. Mr. Speaker, When the House debates the defense authorization bill, we spend most of our time discussing MX missiles, the strategic defense initiative, Trident submarines and B-1 bombers. Little if any of our attention is concentrated on airlift. Yet, military airlift is one of the most important components of our national defense. Airlift is not glamorous like star wars and missiles, but it is as important to our peace and security as any other program. If we cannot deploy our troops and equipment to the scene of a conflict, our own security is threatened and the possibility of a nuclear war is increased.

In a recent column in the Baltimore Sun, defense analyst Jeffery Record addresses this important issue. He correctly points out that we need increased airlift capability and that the best, least expensive way to provide it is through the C-5 transport, not the C-17. I commend this article to the attention of all Members and include it for insertion in the RECORD as follows:

[From the Baltimore Sun]

U.S. FORCES MUST BE ABLE TO GET TO SCENE OF ACTION

(By Jeffrey Record)

The United States has a unique military problem. As the only major military power having an extensive network of binding defense commitments overseas, it must be able to move its forces rapidly over vast expanses of water. Forces in the United States that cannot be moved overseas when and where they are needed are difficult to justify except as preparation against direct threats to the security of North America itself.

Yet such threats, other than a Soviet nuclear attack, are notable for their absence: not since the War of 1812 has the United States been compelled to defend its own territory against a foreign invader. For today's U.S. military, getting on the scene of action is in most cases a prerequisite to fighting at all.

There are two ways by which the United States has sought to make sure that its military forces will be at the right place at the right time.

The first, known as prepositioning, involves simply stationing them ahead of time in areas of anticipated danger. This method has been employed extensively in Europe and Korea, where sizable U.S. ground and tactical air forces are deployed; powerful

U.S. naval forces also are routinely maintained in European and Northeast Asian waters.

Prepositioning has certain disadvantages, however. Unlike forces kept in the United States, forces prepositioned overseas are relatively inflexible in their availability for combat outside places where they are deployed. They cannot be easily withdrawn without offending the political sensibilities of allied governments hosting their presence and without sending the wrong signal to potential aggressors.

Additionally, in many places, including the Middle East, prepositioning is politically infeasible, militarily undesirable or both. Some U.S. allies and friends will not permit the stationing of U.S. troops on their soil; and, as our disastrous Lebanese military misadventure of 1982-1983 demonstrated, in certain political environments the presence of U.S. military forces ashore actually invites rather than deters attacks.

This brings us to the second means of strategic mobility; providing non-prepositioned U.S. forces—i.e., those kept in the United States—with the sealift and airlift necessary to get them overseas.

For this purpose the Pentagon long ago established two organizations—the Military Sealift Command and the Military Airlift Command—and has brought hundreds of special ships and long-range transport aircraft capable of sailing or flying U.S. ground forces anywhere in the world.

The advantages of sealift are obvious. It is far cheaper to move anything by sea than air, and ships can carry much more cargo than can airplanes. Airlift, however, has two major advantages over sealift: It can deliver forces quickly, at speeds far exceeding that of ships; and it can deliver them deep inland, beyond coastlines where ships must necessarily end their voyages.

There is thus no substitute for airlift, especially in circumstances requiring the swift deployment of U.S. forces to areas where the United States does not enjoy the advantages of prepositioning in peacetime.

Unfortunately, the Pentagon has never seen fit to buy enough airlift even for those U.S. ground forces slated for rapid deployment. Current airlift programs, which include the purchase of 50 more giant C-5 "Galaxy" transports, will substantially reduce the longstanding gap between capabilities and those minimum requirements postulated by the Joint Chiefs of Staff.

However, unless additional measures are undertaken, significant shortfalls will persist, jeopardizing the ability of the United States to project its military power overseas in a timely fashion.

There are, to be sure, significant obstacles to buying more airlift, obstacles that account in large measure for the fact that the United States has always had more military forces than it could move overseas in a timely fashion.

Airlift has always been a bureaucratic stepchild within the Pentagon. No service, including the Air Force, which operates the Military Airlift Command, likes to spend money on things designed primarily to help another service accomplish its mission. Most senior Air Force officers would much rather buy warplanes than unglamorous transports designed to haul Army forces around the world.

A second obstacle has been strategic airlift's association in the minds of many with undesirable military intervention in distant areas of the Third World where the United States is perceived to lack security interests worth fighting for. Some believe that the best way to avoid another Vietnam is to deny the Pentagon the means, including airlift, of getting to such places.

But perhaps the most formidable obstacle of all is budgetary. Airlift is very expensive. For example, the cost of each of the C-5s the Air Force intends to buy by 1989 is $149 million. Even more expensive is the C-17, a smaller but allegedly more versatile plane. Although still in the design phase, the C-17 has a hefty price tag. The C-17 is $178 million a copy, a figure that is sure to rise as the plane moves toward acutal production in the early 1990s.

Given present federal budgetary crisis and mounting congressional pressures on defense spending, hard choices in airlift would seem inescapable. Indeed, a Senate Armed Forces subcommittee recently recommended canceling the C-17 program, which entails an expenditure of $37.5 billion for 211 aircraft.

The alternative to the C-17 would be to continue production of the C-5 beyond the 50 now slated for purchase. This alternative may well be the most politically feasible and budgetly cost-effective means.

Although the C-17 is designed to operate on smaller, more rugged runways than the C-5, and therefore presumably will be able to perform tactical as well as strategic airlift missions, it remains cloaked in technological and cost uncertainties.

The C-5 in contrast is a proven design already in production on the basis of a fixed-price contract. Moreover, additional C-5s could be had at a substantially reduced price because of economies of scale; Lockheed, the plane's manufacturer, recently offered to build an additional 24 C-5s at a fixed price not to exceed $2.98 billion, or a measly (by current Pentagon standards) $124 million a piece.

To be sure, were money no object, a strong case could be made for buying both the C-5 and C-17. But money is an object, and certainly in a fiscal climate characterized by $200 billion federal deficits and an economic recovery of still uncertain size and durability. Difficult choices have to be made, and the choice between the C-17 and more C-5s may be one of them.

CENTRAL AMERICA: A DOSE OF REALITY

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

Mr. GONZALEZ. Mr. Speaker, those of us trained in the law have often heard of the "clean hands" doctrine. In civil law, when a victim wants to recover against a wrongdoer, the court looks not only to the actions of the wrongdoer but also to the actions of the purported victim in order to balance the equities. I raise the issue of this doctrine today for the purpose of reminding our President that his hands are not clean in Central America, and he must begin cleaning up his own act before he yells "foul" on others.

In one of last month's New York Times, I read that the President is now using the Rio Treaty to justify aiding Honduras against the insurgence of Sandinistas into Honduran territory. The President stated that the United States is obligated under this treaty to aid a fellow OAS country, such as Honduras, in the fight against aggression by another country, in this case Nicaragua. Unfortunately, the Reagan administration has violated the Rio Treaty so many times and so many ways in Central America that it is laughable for him to call upon this very treaty to support its cause.

As we have seen, the current administration has used its own aggression in Central America. The administration is even trying to overthrow the Government of Nicaragua—as clear a violation of the Rio Treaty as there could be. And now, our President is coming forth with his dirty hands, claiming to uphold the very treaty that he has violated repeatedly and egregiously. Our President now talking about the Rio Treaty, rendered meaningless by his distorted interpretation of its intent and purpose, and is attempting to lay upon it the groundwork for future United States intervention and aggression against Nicaragua.

The very reason for the Sandinista push of the Contras back into the territory of Honduras is because the United States has supported and funded and housed and armed the Contra army in camps just over the Honduran/Nicaraguan border. If the Sandinistas are to be blamed for the present threat to Honduras, the United States is also to blame for setting up the armed camps all along the border. The Reagan administration has set up the conflict, and the Sandinistas are reacting.

Mr. Speaker, the world is balancing the equities in judging U.S. foreign policy in Central America, and the judgment is clear. The rest of the world is not responding to our policy in Central America—it is clear that they have balanced the equities and found that both the United States and the Sandinistas have unclean hands. If the administration wants the support of the free world, which we desperately need if we are going to pursue our activities in Central America, President Reagan is going to have to play fair and obey the laws that he wants the others to obey.

WHAT'S THE BOTTOM LINE?

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

Mr. PEASE. Mr. Speaker, "OK, what's the bottom line?"

That question, so often used by Americans to cut through rhetoric and get to the heart of something, is the best way to approach the tax reform

debate launched in earnest last week by President Reagan.

For me, the bottom line is that President Reagan's plan, though not perfect, is a major tax reform measure which deserves support. I intend to use my position on the House Ways and Means Committee to boost it and, hopefully, to improve it.

For American citizens, there are two bottom-line considerations to keep in mind.

One is the net tax decrease or increase for each taxpayer. Special interest groups will be trying to get Americans to focus on what, with tax reform, they will lose—the right to deduct State and local taxes from gross income, the right to deduct charitable contributions if you don't itemize, and so on.

Such a focus spells trouble for tax reform.

But for four out of five Americans, any such losses will be offset by lower tax rates combined with larger personal exemptions and standard deductions. The bottom line in most cases will be a net tax reduction.

The other bottom-line consideration to keep in mind involves the issue of fairness.

President Reagan is often accused of favoring the rich over the poor and middle class. At least partially, his new tax reform proposal can surely be criticized on that score.

From a tax burden viewpoint, President Reagan's tax reform plan treats low-income familes very well. Families with incomes below $20,000 would get, overall, an 18.3-percent reduction in their taxes.

Middle-income families—$20,000 to $50,000—would get an overall tax reduction of 7.2 percent, and well-off Americans—$50,000 to $200,000—would get a 4.1-percent reduction.

But the very rich—those with family incomes above $200,000—would receive a 10.7-percent reduction.

Since public clamor for tax reform is based largely on the perception of tax evasion by corporations and the very rich, it seems anomalous that President Reagan's tax reform plan rewards the very rich more than the middle class.

Tax reform doesn't have to work that way. It shouldn't work that way.

Indeed, the tax reform plan devised last December by the U.S. Treasury Department didn't work that way. President Reagan tinkered with what's now known as Treasury I so that it now disproportionately favors the very rich.

He did so for both philosophical and political reasons.

Normally, the benefits touted for tax reform are fairness and simplicity. President Reagan adds a third goal—economic growth.

The President's plan lowers the top marginal tax rate from 50 to 35 percent, a tremendous tax break for the rich. The President is still a "supply-sider" who believes that stronger economic growth will be the result.

Similary, capital gains taxation is seen by the President in terms of how it influences economic growth. Treasury I recommended taxing capital gains at 35 percent, up from the current maximum of 20 percent. President Reagan's new tax reform plan would actually reduce the capital gains tax to 17.5 percent, a major break for the rich.

Political considerations were chiefly responsible for two other concessions—preferential treatment for oil well drillers and full deductibility for itemized charitable contributions—used largely by the rich.

These and other retreats from pure "fair and simple" tax reform could easily be used as a reason to oppose the President's tax reform package.

But, again, what's the bottom line?

The bottom line is that the President's tilt toward the very rich, while regrettable and irksome philosophically, is not a major distortion. The Nation ought not reject what is very good simply because it's not perfect.

The bottom line is that Treasury I—a fairer, simpler, better proposal—probably could not have passed the Congress. The President's new plan probably can.

The bottom line is that it's an historic opportunity for tax reform when a communications wizard like President Reagan is willing to champion the cause. We ought to jump at the chance.

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VIOLATIONS OF HOUSE RULES ADD TO THE BUDGET DEFICIT

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

Mr. WALKER. Thank you, Mr. Speaker.

Mr. Speaker, the American people are rightly concerned about deficits; they are rightly concerned about the amount of national debt that we have accumulated over recent years, and they think that Congress ought to begin doing something about bringing down deficits and stopping the increase in our national debt.

They have to be concerned about the fact that in the last 5 years Congress has overspent its own budgets by $157 billion. Let me repeat that. The budgets that we adopt here in the House, that we always sweat such blood over and all of these things that we go out to the American people and tell them how sacrosanct this budget process is, we have violated those budgets over the last 5 years to the tune of $157 billion. We are spending, spending, and spending, even more so than the spending that is included in our budget resolutions.

How do we do that? Well, we do that in many ways around here, but one of the chief devices for spending that kind of money is a process known as a supplemental appropriation. Tomorrow we are going to have a dandy out here on the floor. We have got out latest in the series of supplemental appropriation bills being brought to the floor, a $13.5 billion monster.

This monster contains 101 pages of spending. Now, supplemental appropriation, that simply means add-on spending. We have got 101 pages here of add-on spending. Forty-five of those 101 pages contain things which violate the House rules. Nearly half of this bill has something on its pages that violates House rules.

As a matter of fact, I did a little bit of a compendium and I found on several pages there are more than one violation of House rules. On page 2 there is one violation; on page 3 there are two violations; on page 4 there are two violations; on page 5 there are two violations; on page 8 there is a violation; on 9 there is a violation; on 10 there are two violations; on page 11 there is a violation; on 14 there is a violation, on 16 there are two; on page 17 there are two violations; on page 18 there are two violations, and so it goes.

We have one dandy from page 30 to page 38, everything on those eight pages is a violation of House rules. Now, why is that important? Because the rules around here are supposed to protect the integrity of the process. That is how we assure the American people that we do not go off and do silly things. What we are supposed to do is authorize bills, and then we are supposed to appropriate the money that goes along with those authorizations. What are we doing in this bill? We are just ignoring the authorization process in many instances and going ahead and appropriating the money despite the fact there is no authorization.

In other cases, what we are doing is just prohibiting reappropriation from taking place in violations of the House rules, and then we are going to violate the Budget Act in a number of other instances. Well, this is nuts. When you have got billions of dollars worth of deficits for us to be running around here with these kinds of rules violations and so on is just totally crazy.

How are we going to do it? We are going to get a rule down here tomorrow from the Rules Committee that is going to waive all of those things. We are going to be able to do that because what we are going to have is a rule on the floor which says that regardless of what the rules of the House say, we can go ahead and spend the money anyway.

The American people ought to take a look at that vote on that rule tomorrow. You ought to find out who the people are who really want to do something about spending, because the people who really want to do something to stop spending ought to be voting against the rule tomorrow. We ought not be waiving the provisions of rules that are then resulting in big spending measures.

We ought to vote down that rule. We ought to send the message back to the Appropriations Committee, "No, we are going to follow the rules around here, and by following the rules, maybe save the taxpayers a little bit of money."

Now, let us understand what some of the things are in this bill, because supplemental appropriations are usually brought out here because of emergencies; that there are big emergencies that exist of some sort that we have just got to do and we have got to violate the rules in order to do them.

We have got $4.8 billion worth of pork barrel projects in this bill; that is among the emergencies that we have. Then we have got some real dandies when we go to feathering our own nests. Get this now, the American people who think we are concerned about spending around here when we go through the budget process. In tomorrow's bill we are going to appropriate $91,000 more for House leadership offices; for the House of Representatives we are going to appropriate over $1 million more for salaries, officers, and employees. We are going to give committee employees around here over $1 million more. We are going to give the Members for their clerk hire over $2.5 million more, as a matter of fact. For our allowances and expenses around here, we are going to come up with another $669,000. For the Joint Economic Committee we are going to come up with $75,000 more. For the Joint Committee on Printing, another $8,000. For the Capitol Guide Service another $10,000. We are just loaded up with things. We are even going to give the Botannical Gardens another $36,000 in salaries and expenses.

Then you get over to the Executive Office of the President. The President wants to save money, we think we ought to have it. Well, we ought to get salaries and expenses to the White House of $204,000 more. Just the executive residence of the President, we are going to give him $57,000 more. Special assistance to the President is another $13,000.

For the Office of Management and Budget we are going to come up with another $352,000. This bill is just rife with this kind of thing. Then, as I say, $4.8 billion goes to pork barrel projects that are scattered all across the country.

I have got to tell you, that if we are really serious in this body about doing something about spending, what we ought to be doing is saying "no" to this kind of legislation. We ought to be saying "no" to the kinds of rules that bring this legislation to the floor, and then we ought to say "no" to the legislation itself.

If Congress is not willing to say "no" to these kinds of bills we are going to continue to pile up these spending amounts over and above our own budgets. I think the American people have to be disgusted by a Congress that would overspend its own, already too-big budgets by $157 billion in just 5 years. I will tell you how it is done. It is done with bills like we have tomorrow, and if the Congress votes for that kind of legislation, they will be voting to add more to that $157 billion of overspending.

IMPLEMENTATION OF THE COMPETITION IN CONTRACTING ACT BY THE EXECUTIVE BRANCH

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

● Mr. BROOKS. Mr. Speaker, on Monday the Attorney General announced that he would advise the executive agencies to comply with all provisions of the Competition in Contracting Act. Strange as it sounds, the Justice Department had previously advised agencies to disobey the law. The Attorney General's action follows the unanimous recommendation of the Committee on Government Operations in a report adopted several weeks ago. In its report entitled "The President's Suspension of the Competition in Contracting Act Is Unconstitutional" (H. Rept. 99-138), the committee concluded that the administration's decision to ignore portions of a duly enacted law was an unconstitutional assertion of Executive power. The committee said the administration was violating the Executive's constitutional obligation to "faithfully" execute the laws under article II and exceeded Executive lawmaking authority under articles I and II, amounting to an unconstitutional absolute veto power.

In addition to the committee's action, a Federal district judge in New Jersey has now ordered full compliance with the law. In *Ameron, Inc.* against *United States Army Corps of Engineers* Civ. No. 85-1064, Judge Harold Ackerman enjoined administration defendants from applying executive directives that were inconsistent with the Competition in Contracting Act and ordered them to issue regulations to implement the law. Judge Ackerman's decision is a powerful reaffirmation of America's constitutional system. In his opinion, the judge quoted frequently from the brief filed on behalf of the House leadership by the counsels for the House Clerk, Steve Ross and Charles Tiefer. I believe it is important to include Judge Ackerman's order in the RECORD and I commend it to my colleagues.

This controversy is not finished, however. While the Justice Department's announcement is an important step in the right direction, it is not clear if the administration has reversed its assertion of Executive power to suspend law pending a court ruling. The Justice Department has advised the agencies to comply with the court's ruling, but does not indicate that it has changed its view that the Executive may suspend laws prior to court rulings.

By issuing its directive to the executive branch agencies to ignore the law, the administration directly challenged a basic principle of America's constitutional form of government—the supremacy of legislatively created law. That principle has had a long development in Western civilization. With the ascent of Lockean political theory over the medieval notion of the divine right of kings, the English adopted their bill of rights in 1688. Its first article states "that the pretended power of suspending of laws, or the execution of laws by regall authority without consent of Parliament is illegal."

Our Founding Fathers, well versed in political philosophy, established a nation based, in large measure, on Lockean principles. In doing so, they rejected attempts at the Constitutional Convention in 1787 to give the Executive the power to suspend law; instead, they adopted a requirement that he "faithfully" execute them.

This administration, wittingly or unwittingly, has attacked our constitutional system. I am pleased that they have now reconsidered and are going to comply with the court order, but it remains to be seen whether they intend to comply with all duly exacted statutes in the future. Congress must remain vigilant in its efforts to protect America's constitutional form of government.

[In the U.S. District Court for the District of New Jersey, Civil No. 85-1064]

Transcript of Proceedings

AMERON, INC., PLAINTIFF, *v.* U.S. ARMY CORPS OF ENGINEERS, ET AL, DEFENDANTS

OPINION

Newark, N.J., May 28, 1985.

Before: The Honorable Harold A. Ackerman, U.S.D.J.

Appearances:

Meyner & Landis, Esqs., By: Theodore I. Botter, Esq. for the Plaintiff.

D'Alessandro, Sussman, Jacovino & Mahoney, Esqs., by: Brian E. Mahoney, Esq. for Spiniello Construction Co.

Charles Tiefer, Esq., for Speaker of the House of Representatives and Bipartisan Leadership Group.

Morgan Frankel, Esq., for the U.S. Senate.

W. Hunt Dumont, U.S. Attorney, by: Edward Spell, Assistant U.S. Attorney, for U.S. Army Corps of Engineers.

The COURT. Let me proceed here.

On March 27, 1985 I ruled on the plaintiff's motion for a preliminary injunction in this matter holding that although the Army Corp's decision to reject Ameron's bid was unreviewable, the Army Corps must hold up all work on the contract until the Comptroller General had reviewed Ameron's protest in accordance with the Competition and Contracting Act (CICA) Public Law No. 98-369, 98 Stat. 494 (1984), which I found to be constitutional.

Since my ruling the Comptroller General has reviewed plaintiff's protest pursuant to CICA provision 31 U.S.C. 3553(d)(1) and has issued a decision denying plaintiff's protest. As there seemed to be no disputes of fact in this case, but only strongly contested disputes of law, plaintiff-intervenors have now moved for summary judgment. In addition, the defendants have moved to dissolve the preliminary injunction in light of the GAO's issuance of a decision on plaintiff's protest.

Rule 56 of the Federal Rules of Civil Procedure provides that summary judgment is not to be granted unless, after all reasonable inferences are drawn in favor of the non-moving party, there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. *See Delong Corporation* v. *Raymond International*, 622 F. 2d 1132 (3d Cir. 1980).

Thus I must give each party in turn the benefit of any reasonable inferences in their favor should there be any factual disputes.

The plaintiff-intervenors have also requested that the Secretary of Defense, the Honorable Casper W. Weinberger, and Office of Management and Budget Director, the Honorable David A. Stockman, be joined in order to effectuate complete relief in any order issued by this Court. I find it necessary and proper to join these two individuals as defendants and the relief sought in that respect will be granted.

I will first address plaintiff's motion for summary judgment concerning the legality of the denial of its bid in the first place. Plaintiff contends that the Comptroller General's decision is irrational and unreasonable and conflicts with established law concerning alteration of documents. Plaintiff's counsel has enlarged on that theme very eloquently today and, of course, his brief speaks also to the points. I may say that I have already substantially addressed these arguments in my opinion on March 27 of 1985. After careful consideration of Ameron's brief and its oral argument today, I must say that the presentation of these arguments does not change my analysis of the law from what it was on the motion for preliminary injunction. I find, as a matter of law, that the Army Corps' decision was not illegal or irrational and I, therefore, cannot interfere with that decision. My reasoning relies principally on *Princeton Combustion Laboratories* v. *McCarthy*, 574 F. 2d 1016 (3d Cir. 1980) and is discussed in more detail on pages 8 to 11 of my previous opinion.

Plaintiff's motion for summary judgment is accordingly denied in part. For the same reasons I grant defendants' cross-motion for summary judgment as to the issue of the legality of the Army Corps' denial of Ameron's bid. The denial of Ameron's bid had a legal and rational basis and will not be disturbed by this Court.

I turn then to the plaintiff-intervenor's motion for summary judgment concerning the constitutionality of the stay provisions in CICA. Defendant's have cross-moved for summary judgment on this same issue. All parties agree that there are no disputed issues of material fact, and each party maintains its original position that it is entitled to judgment as a matter of law.

Before I can consider any futher motions in this matter, I must determine whether this Court still has jurisdiction over this matter following the Comptroller General's dismissal of Ameron's bid protest. It is axiomatic that federal courts may constitutionally decide only actual controversies. See, e.g. *Southern Pacific Terminal Co.* v. *Interstate Commerce Commission*, 219 U.S. 498 at 514, (1911). This Court preliminarily enjoined defendant from proceeding any further with the contract award until the Comptroller General decided Ameron's bid protest in compliance with the provisions of the Competition in Contracting Act. As I stated earlier, the Comptroller General has now decided the bid protest and issued a decision all in accordance with CICA.

While the legal merits of the Army Corps denial of Ameron's bid did remain for final adjudication following the preliminary injunction, the question of the constitutionality of CICA may possibly be moot.

All parties urge that this issue is still justiciable under the "capable of repetition, yet evading review" doctrine. This doctrine was discussed at length in Southern Pacific Terminal cited supra, at page 515 where the plaintiff sought to have declared illegal an order of the Interstate Commerce Commission. There the Court quoted from the rule announced in *United States* v. *Trans-Missouri Freight Association*, 166 U.S. 290 at 308. The Court said:

"Private parties may settle their controversies at any time, and rights which a plaintiff may have had at the time of the commencement of the action may terminate before judgment is obtained or while the case is on appeal, and in any such case the Court being informed of the facts would proceed no further in the action. Here, however, there's been no extinguishment of the rights . . . of the public, the enforcement of which the government has endeavored to procure by the judgment of a court under the provisions of the act of Congress . . . The defendants cannot foreclose these rights nor prevent the assertion thereof by the government as a substantial trustee for the public under the act of Congress by any such action as has been taken in this case."

The Court again discussed the "capable of repetition yet evading review" doctrine. In *Super Tire Engineering Co.* v. *McCorkle*, 416 U.S. 115 (1974) where the Court stated at pages 125 and 126;

"It is sufficient, therefore, that the litigants show the existence of an immediate and definite governmental action or policy that was adversely affected and continues to affect a present interest. Otherwise (the policy at issue) could be adjudicated only rarely and the purposes of the . . . Act, would be frustrated."

After citing numerous cases where the Court rejected claims of mootness, the Court emphasized:

"The important ingredient in this case was governmental action directly affecting, and continuing to affect the behavior of citizens in our society." See Super Tire at page 126.

This case I find falls squarely within the "capable of repetition yet evading review" doctrine as explained in these cases. Were a final judgment on the constitutionality of CICA to be evaded by the Comptroller General's dismissal of the protest, the constitutionality of CICA would most likely never be finally adjudicated. Under the provisions of CICA the Comptroller General must render a decision on the protest in 90 days. This makes it nearly impossible for a Court to render a final decision on the constitutionality of the stay provision before the protest is dismissed.

While the nature of the CICA procedures make it difficult, if not impossible, to finally adjudicate their constitutionality before the review provision is completed, the policy of the Executive Branch not to follow some of the CICA provisions is clearly capable of repetition. As I discussed in my earlier opinion and I will discuss, supra, it is the policy of the Executive Branch to instruct all administrative agencies not to comply with the CICA provision that I explicitly held to be constitutional. As I noted in my prior opinion, the procedures mandated under CICA could potentially effect the process of bid protest for something in the range of $168 billion, the amount of government contracts awarded in 1983 which Congress attempted to bring under a more competitive bidding structure. The Executive Branch's action in directing noncompliance with CICA is "governmental action directly affecting and continuing to affect the behavior of citizens in our society" and if the issue is not adjudicated, the purposes of the Act are frustrated. See Super Tire Engineering, supra.

Before turning to the parties' cross-motions for summary judgment as to the constitutionality of the Act, I would like to address a few preliminary matters.

The House intervenors have asked that this Court affirm its jurisdiction in this case to decide the legal issue before it. While this Court always notes whether or not it has jurisdiction before proceeding further on any issue, this is an unusual request in a case such as this where the basis for this Court's jurisdiction is clear and straightforward.

I find the House's request to be warranted, however, in light of the novel approach that the Executive Branch has taken in this case to deliberately determine to disobey portions of the law passed by Congress and signed by the President of the United States.

In reviewing the position of the Executive Branch in events both before and after my March 27th decision, I am forced to conclude that the fundamental role of this Court in stating what the law is has now been challenged by the Executive Branch. Almost as disconcerting as the facts of such a confrontation, which I find to be grievious, is the fact that the Executive Branch has mounted this assault elsewhere rather than in filings submitted to this Court.

In order to fully relate the extent of this attack, I repeat some of the background contained in my earlier opinion. When President Reagan signed CICA into law he "objected to certain provisions that would unconstitutionally attempt to delegate to the Comptroller General . . . duties and responsibilities . . . which may be performed only by officials of the Executive Branch." 20 Weekly Compilations Presidential Documents, Page 1027, July 18, 1984. The President "instructed the Attorney General to inform all Executive Branch agencies as soon as possible with respect to how they may comply with the provisions of this bill in a matter consistent with the Constitution."

On December 17, 1984, the Honorable David Stockman, Director of the Office of Management & Budget (OMB) issued Bulletin No. 85-8 entitled Procedures Governing Implementation of Certain Unconstitutional Provisions of the Competition in Contracting Act of 1984, hereinafter designated as "The Unconstitutionality Bulletin," which explained that the Executive Branch had decided that CICA was unconstitutional. Although both houses of Congress had duly passed the law and CICA had become law upon the signature of the President, the Unconstitutionality Bulletin commanded not merely that the Executive Branch present *views* opposing the statute, but that all agencies carry out the Executive Branch's decision that the Act was unconstitutional. Over strenuous congressional protest, the Executive Branch continually reaffirmed its view that the Executive possessed the power to decide statutes unconstitutional.

The Executive's position is that there is no difference between merely offering a *view* that a statute is unconstitutional (such as by declining to defend the statute in a court challenge) and deciding that a law is unconstitutional. See, for example, the letter of February 22, 1985 from Attorney General William French Smith to the Honorable Peter Rodino, Jr. when the then Attorney General stated that "the Executive Branch's decision not to execute or not to defend a statute are inextricably intertwined."

The Acting Deputy Attorney General then testified before the House Committee on Governmental Operations on March 7, 1985, that "the President's duty faithfully to execute the laws requires him not to observe a statute that is in conflict with the Constitution, the fundamental law of the land."

See "Testimony of D. Lowel Jensen, reprinted in a volume entitled Constitutionality of GAO's Bid Protest Function, Hearings Before a Subcommittee of the House Committee on Government Operations, 99th Congress, 1st Session (1985) at pages 302 and 318.

In April of this year, the Attorney General of the United States, the Honorable Edwin Meese, III, again so testified before the House Committee on the Judiciary, and again in April, again so stated in a public letter to the New York Times, (see the letter of May 21st, 1985, entitled "President's Right to Challenge a Law"), which the House intervenors have attached to their brief.

The present Attorney General has specifically assailed the jurisdiction of this Court in this case. In testimony on April 18, 1985, before the House Committee on the Judiciary, Attorney General Meese stated that this Court's decision of March 27 was not being followed because the Executive Branch was waiting until a court competent to decide the constitutionality of the law had decided the issue.

Such a position by the Executive Branch, I find, flatly violates the express instruction of the Constitution that the President shall "take care that the Laws be faithfully executed." United States Constitution Article II, Section 3. It has been one of the bedrocks of our system of government that *only* the Judiciary has the power to say what the law is. See *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

The Executive Branch's position that they can say when a law is unconstitutional equates the powers of mere executive officials with those of the Judiciary. It flies in the face of the basic tenet laid out so long ago by the United States Supreme Court in *United States* v. *Lee*, 100 U.S. 196 at Page 220, (1882). The Court said, "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance, with impunity. All the officers of the Government, from the highest to the lowest, are creatures of the law and are bound to obey it."

The rule that no executive official can decide for himself what laws he is bound to obey, but must await decisions of the Judiciary and until then must obey the laws, has deep roots in our constitutional history. As explained in Mr. Tiefer's presentation to the House, which is in the House Hearings Bulletin previously cited at page 257. During the reign of absolute British monarchs, the notion that the Executive, at the time the King, could decide for himself, without a decision of the courts, which laws should be obeyed was put to the test.

As Mr. Tiefer correctly noted, "After the Restoration, King James II attempted to claim such authority, but the English people would no longer tolerate such a claim, and their judicial system rejected it in the historic Seven Bishops Case of 1688.

"Shortly, thereafter, James II was forced into exile in the Glorious Revolution of 1689, and the English Bill of Rights was enacted. The first article of that historic charter of freedom declared, 'That the pretended power of Suspending of Laws, or the Execution of Laws by Regal Authority, without Consent of Parliament is Illegal.' Scholars have concluded that the 'faithful execution' clause of our Constitution is a mirror of the English Bill of Rights 'abolition of the suspending power,' that is, the abolition of what the English Bill of Rights had called 'the pretended (Royal) power of Suspending'. . .

"In fact, the Constitutional Convention in 1787 expressly rejected the attempt to re-introduce some power for the President to decide to suspend the execution of laws. In that summer of 1787 Mr. Elbridge Gerry, a Delegate, observed, after a proposal was made at the Philadelphia Convention, "that the national executive have a power to suspend any legislative act . . ." He noted, "that the power of suspending might do all the mischief dreaded from the nevative of useful laws (i.e., the President's vetol, without answering the salutary purpose of checking unjust or unwise ones."

The Constitutional Convention, I note, rejected the proposal. Mr. Tiefer noted, "If the Framers had intended to give the President any such awesome power of deciding the constitutionality of laws as they gave to the Judiciary, there clearly would have been a clear record of it. Yet Alexander Hamilton, who discussed in detail the authority of the Judiciary to decide the constitutionality of laws, provided no such discussion of the supposedly equilvalent Presidential power.

"Any possible doubt about the matter was resolved in the historic case of *Kendall* v. *United States*, 37 U.S. 912 Pet) 524 (1838). There, a Cabinet Member claimed that because he was subject to the President, who, in turn, supposedly derived a vast power from the 'faithful execution' clause, he was not bound by the laws.

"The Supreme Court utterly rejected any such argument of Executive supremacy. The Supreme Court said that 'to contend, that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the constitution, and entirely inadmissible.'

"That Court," Mr. Tiefer noted, "harkened directly back to the classic language of the English Bill of Rights, and the Framers in a Constitutional Convention, in rejecting Executive power to 'forbid [the] execution' of the laws.

"In rejecting the Executive's argument, the Court explained that the effect of such power would be the 'vesting in the President [of] a dispensing power, which has no countenance for its support, in any part of the constitution; [such an argument is] asserting a principle, which, if carried out in its results, to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress, and paralyze the administration of justice."

More recently the Supreme Court reaffirmed the distinction between the Executive Branch's right to express views on the constitutionality of a law and the Judiciary's right to decide the constitutionality in *Immigration & Naturalization Service* v. *Chadha*, 103 S. Ct. 2764 (1983).

I thus reject any attempt to characterize this Court as imcompetent to make binding decisions of constitutional law and I order all parties, specifically the Executive Branch, to follow any ruling I make in this case in this district in which I am sitting. And that refers also to the Honorable Casper A. Weinberger and the Honorable David Stockman.

I, and the members of the Executive Branch of the Government have taken an oath to execute and fulfill the duties of my office according to the Constitution and laws of the United States. I believe I adhered to that oath and I would expect no less from members of the Executive Branch of the Government, regardless of what their station is within that Branch.

I order them to uphold that oath with respect to following this Court's order, which remains legally viable in this district until overruled by an appellate court.

I now turn to the parties' cross-motions for summary judgment as to the constitutionality of the act.

Defendants rely on the arguments submitted in opposition to the motion for preliminary injunction and supplement those arguments with additional case law discussing the position of the Comptroller General. Defendants continue to assert that the Comptroller General is part of the Legislative Branch.

I have carefully reviewed defendants' additional theories as to why the Comptroller General cannot constitutionally carry out the duties assigned to that office under the Competition in Contracting Act and find them to be as unpersuasive now as I found them on the motion for preliminary injunction. United States Supreme Court case law clearly distinguishes the unconstitutionality of giving legislative officers executive duties from the constitutionality of giving executive officers legislative powers. See, for example, *Springer* v. *Philippine Islands*, 277 U.S. 189 at 202 (1928), *Buckley* v. *Valeo*, 424 U.S. 1.

I found that the appointment of the Comptroller General by the Executive allows the Comptroller General to exercise those duties which are statutorily assigned to him, whether they be executive and/or legislative in nature.

I do not find it necessary to repeat my entire analysis of the law for purposes of this motion. For the reasons I stated in my opinion of March 27, 1985, I find Title 31,

U.S.C. Section 3553(d)(1) to be constitutional. The plaintiff intervenor's motion for summary judgment on this issue is accordingly granted, and that of the defendants is denied.

Lastly, I turn of the defendants' motion to dissolve the preliminary injunction. Motions to dissolve an injunction are addressed to the sound discretion of the district court. See *Securities and Exchange Commission* v. *Warren*, 583 F. 2d 115 (3d Cir. 1978). Where, however, a final judgment has been entered on the merits, the preliminary injunction comes to an end and is superseded by the final order.

A preliminary injunction is by its very nature interlocutory, tentative and impermanent. See, *Hamilton Watch Co.* v. *Benrus Watch Co.*, 738 at 742 (2d Circuit 1953). The preliminary injunction is, therefore, superseded by my final judgment on the merits that the stay provisions in CICA are constitutional.

Thus, my interlocutory order that the CICA stay provisions are constitutional and that they must be followed is now a final order that they are constitutional and must be followed.

I specifically note that the preliminary injunction has only been dissolved because it has been superseded by a final order.

As there are two separate issues for appeal here, my ruling on the constitutionality of the CICA provisions and my ruling of the denial of Ameron's bid, I am entering two separate orders here today with respect to this matter.●

THE CONSUMER BANKING ACT OF 1985—H.R. 2661

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

● Mr. SCHUMER. Mr. Speaker, today I am introducing the Consumer Banking Act of 1985. It is my hope that this legislation will help bring about needed reforms in a rapidly changing banking industry that has left the average consumer often confused and sometimes abused.

The U.S. banking system touches the lives of virtually every citizen of this country on a daily basis, yet few segments of our society are as far removed from meaningful consumer control and accountability as our financial institutions. The banking industry has undergone radical changes in style and structure over the past few decades, yet its centuries-old image as an aloof and mysterious business is as valid as ever for the majority of American citizens.

While many of the changes that have ripped through the banking world in recent years have been publicly justified on the basis of their benefits to consumers, for the most part these changes have been suggested by, lobbied for, and enacted, either legislatively or by regulation, in order to benefit one or more segments of the banking industry. So, in this new world of banking, just what do consumers see?

They see fees and charges rising rapidly, sometimes being notified of changes when they show up as a deduction on their monthly or quarterly statement.

They see banks placing holds on their checks far in excess of the time it takes to collect the funds, earning interest on the float while the consumer is denied access to his or her funds.

They see banks leaving their neighborhoods preferring to pursue risky new high flyer opportunities than to lend to the local small businessman or homeowners.

More and more of them, and particularly those with low incomes, see the doors closing to them, as restrictive requirements have made bank accounts too costly or inaccessible.

They see a multitude of mortgages—and, increasingly, other loans—offered with a variable interest rate, with no standardized way to compare them, each advertised in a different way, and few of them understandable in plain language.

They hear about the banks that offer the good deals on basic services, but can't seem to find them, and even have difficulty getting information out of the banks to facilitate their own comparison shopping.

They know that many of the most important decisions affecting their relationship with banks and thrifts are made by regulatory agencies or courts, but frequently they are powerless to affect the outcomes in these forums, as they lack a voice that can speak for them with the expertise and depth of knowledge necessary for effective representation.

There is a dramatic need to reexamine the entire financial service system from the consumer's perspective rather than the industry's for once—the ordinary consumers, the ones who pay the bulk of the bank fees, the ones whose bedrock confidence in the system is its most valuable asset, but whose confidence is being worn down by the feeling that they are not being treated fairly by their bank.

They know, as events in Ohio and Maryland have poignantly shown them, that sometimes the bank they are doing business with is not as solid as it seems, and that they should get more information about it, but they don't know the first place to begin and have no one to turn to for help.

That is why I am introducing the Consumer Banking Act of 1984, which is the result of such a consumer-oriented reexamination of the banking system. This has been a major undertaking, and I need to thank a number of individuals and groups whose efforts have been essential to the research and development of this bill. They are: Ralph Nader, the Consumer Federation of America, Public Citizen's Congress Watch, Consumers Union, U.S. PIRG, the Center for Community Change, the Bankcard Holders of America, and the National Committee Against Discrimination in Housing.

A summary of the bill follows:

TITLE I EXPEDITED FUNDS AVAILABILITY

Current bank practices involve holding periods ranging from 1 to 15 days, even though the Federal Reserve testified that 99 percent of all checks are paid in two days, and most of the rest of them are paid shortly thereafter. This provision shortens the maximum time that a financial institution may "hold" a check to 1-3 days, depending upon the category of check, with exceptions for checks which present a high risk of loss to the institution of deposit.

TITLE II CONSUMER ACCESS TO DEPOSITORY INSTITUTIONS

This provision requires all financial institutions to offer a basic "lifeline" checking account to all consumers with a small initial balance requirement, and no fees or changes for a limited package of services. Account holders would be allowed 8 free checks per month, with a $1.00 per check charge thereafter, and could not be assessed any charge for maintenance of the account or for making deposits.

In addition, depository institutions would be required to offer (for a charge equal to the reasonable costs of processing) consumers a check cashing card which would allow the holder to cash any government check without charge.

TITLE III TRUTH IN DEPOSITING

This provision requires all depository institutions to maintain a schedule of fees, charges, terms and conditions applicable to each account it offers. The information on the schedule must include, among other things, information on minimum balances required to open or maintain an account, maintenance charges, per transaction charges, early withdrawal charges, balance inquiry charges, and interest rates.

The interest rate disclosure must include a statement of the interest rate, deposit period, method of compounding, and the "annual percentage yield", a standard measure of interest rates that allows comparison between different interest rate options. Advertisements for deposits would also be required to disclose this information.

TITLE IV CONSUMER-BIASED PREEMPTION

This provision will provide that, unless Congress explicitly provides otherwise, federally-chartered banks, thrifts, and credit unions must comply with all state laws which provide better consumer protection, better promote community reinvestment, or better protect against credit discrimination than federal law. In New York, for example, the state issued regulations governing check hold periods, only to have the Federal Home Loan Bank Board preempt the law for federally-chartered thrifts. Actions like this will be prevented by this provision.

TITLE V ADJUSTABLE RATE MORTGAGE PROVISIONS

This title has three parts. First, it amends the Truth in Lending Act to require a detailed disclosure of ARM terms to prospective borrowers, including a "worst case" scenario, in which the lender must disclose the maximum interest rate and payment that could be required under the mortgage, and the earliest dates on which such rate or payment might take effect.

Second, this title applies certain safeguards to all ARMs, including a two percent annual interest rate cap, five percent life-of-

loan cap (based in the initial rate), and a cap on negative amortization at the purchase price of the home.

Third, it helps promote a consumer-oriented adjustable rate mortgage by requiring institutions which receive federal net worth guarantees must offer a mortgage in which annual payment increases are determined by the average growth in wages rather than by the cost of funds, and negative amortization is limited to one fifth of the average appreciation rate of homes in the U.S. The Federal National Mortgage Association will be directed to purchase these mortgages from the origination institutions.

TITLE VI FINANCIAL INSTITUTIONS CONSUMER INFORMATION AND REPRESENTATION ASSOCIATIONS

In order to help consumers cope with the modern financial world, this title will provide non-financial federal support for the formation of statewide membership associations of financial institutions consumers. The purpose of these associations is to promote the interests of consumers in financial service matters, by conducting research, surveys, and investigations, and by representing, informing, and educating consumers in financial service matters.

The federal support offered to these institutions will be the right to place inserts into a limited number of deposit statement mailings of federally-insured financial institutions, in order to inform consumers about the association, and to survey them about financial services. Any additional cost of mailing caused by the insert will be borne by the association. Such associations offer a low-cost, non-regulatory, self-help approach to consumer protection in financial services.

TITLE VII COMMUNITY REINVESTMENT ACT AMENDMENTS

This title rewrites and expands the current CRA to insure that financial institutions meet the credit needs of the communities they service, including low- and moderate-income neighborhoods, consistent with safety and soundness.

Principal changes to the Act include:

Requiring public disclosure of CRA ratings (from No. 1 to No. 5, with No. 1 being the highest), and allowing public comment on preliminary ratings of No. 1 or No. 2 before a final rating is given, both of which are necessary to improve the quality of CRA examinations;

Limiting interstate expansion only to those institutions with the top two ratings;

Limiting the use of real estate equity investment powers on a sliding scale linked to the CRA rating, similar to proposed regulations in New York state; and

Enacting a system of assessments and rebates supervised by the FDIC and FSLIC in which institutions with poor CRA ratings would face a monetary sanction, and institutions with the best CRA ratings would receive a benefit. Such a provision would give teeth to the enforcement of the Act.

TITLE VIII EQUAL ACCESS TO FINANCIAL SERVICES

Prohibits depository institutions from adopting or maintaining any policy practice or standard which results in denying or discriminating in the availability or terms of financial services because of race, religion, sex, or national origin, unless such policies, practices, or standards are justified by proof that they are required by reason of safety and soundness or other business necessity.

THE 10TH ANNIVERSARY OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

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

GENERAL LEAVE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

Mr. GREEN. Mr. Speaker, 10 years ago, in 1975, 11 Members of the House headed by our former colleague from New York, Richard Ottinger, organized the Environmental and Energy Study Conference.

Tomorrow, on June 5, which is World Environment Day, symbolic of the necessity of governments around the world to work together to protect our ecological balance on this planet, the Environmental and Energy Study Conference will be celebrating its 10th anniversary. The Conference is the largest legislative service organization in the Congress, comprising over 250 Members of the House of Representatives and 70 Members of the other body.

It is a nonpartisan, information-oriented organization designed to provide accurate, unbiased information on energy and environmental legislation and topics for the benefit of Members. It publishes a weekly bulletin; a comprehensive analysis of the coming weeks' events relating to the environment every Monday, as well as special reports which provide detailed and analytical pieces on developments in specific energy and environmental issues.

The Conference organized briefings for Members and their staffs. It provides research materials to assist in drafting legislation, speeches, and floor statements. It assists Members with constituent services on environmental issues and in organizing public meetings on those issues.

□ 1900

In honor of this 10th anniversary, there will be a reception tomorrow hosted by the Speaker and the minority leader, and I think the fact that they are both hosting this event, to which all Members have been invited, shows the bipartisan support that exists in this House to provide the information to solve environmental and energy problems.

Mr. Speaker, at this point I would like to yield to the distinguished outgoing House cochair of the Environmental and Energy Study Conference, the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding and for taking this evening's special order.

Mr. Speaker, I want to join in extending congratulations to the Environmental and Energy Study Conference on the occasion of its 10th anniversary. The anniversary is a milestone not just for the Study Conference and its members but also for the entire Congress, because of the important role the Conference has played in the many debates on environmental and energy issues.

I am particularly proud of this anniversary because I have just finished my term as House chairman of the Study Conference. During that term we were able to provide the services and offer the forums for members that have made the Study Conference the largest legislative service organization in Congress. In fact, in the 98th Congress, more than 280 Members of the House and 86 Senators were members of the bipartisan Study Conference.

The Study Conference has elected a new Executive Committee and new officers for the 99th Congress. It is a strong, well-balanced group that is committed to the goals of the Study Conference. I am delighted that the gentleman in the well, Mr. GREEN of New York, has assumed the House chairmanship, while BOB WISE of West Virginia has been elected House vice chairman. The new Senate chairman is SLADE GORTON of Washington, and the new Senate vice chairman is ALBERT GORE, JR., of Tennessee.

The new House Executive Committee includes: Representatives CHESTER G. ATKINS of Massachusetts, ANTHONY C. BEILENSON of California, GEORGE E. BROWN, Jr., of California, WILLIAM F. CLINGER, Jr. of Pennsylvania, BOB EDGAR of Pennsylvania, HAMILTON FISH, Jr. of New York, JOHN PAUL HAMMERSCHMIDT of Arkansas, CECIL HEFTEL of Hawaii, PAUL B. HENRY of Michigan, JAMES M. JEFFORDS of Vermont, DALE E. KILDEE of Michigan, BOB LIVINGSTON of Louisiana, EDWARD R. MADIGAN of Illinois, JAN MEYERS of Kansas, JOHN R. MILLER of Washington, JOHN F. SEIBERLING of Ohio, MIKE SYNAR of Oklahoma, and RON WYDEN of Oregon. As a former officer, I will continue to serve on the Executive Committee.

The new Senate Executive Committee includes: Senators RUDY BOSCHWITZ of Minnesota, JOHN H. CHAFEE of Rhode Island, CHRISTOPHER J. DODD of Connecticut, GARY HART of Colorado, JOHN HEINZ of Pennsylvania, PATRICK LEAHY of Vermont, CLAIBORNE PELL of Rhode Island, and WARREN RUDMAN of New Hampshire.

My tenure as chairman was a rewarding one, since it gave me an opportunity to play a role in the many forums and activities organized by the

Conference. I am grateful, particularly for the opportunity to work with my cochairman in the 98th Congress, Senator LEAHY. I am also grateful to the staff, who are responsible for the fine publications and services of the Study Conference: Staff Director John Dineen, Editor Robert Livernash, Executive Assistant Linda Cartwright, Special Projects Coordinator Jane Beal, Office Manager Paula Ptacek, and staff writers Joseph Raeder, Mark Holt, Carol Covey, Jim Ketcham-Colwill, and Mary Houghton.

While the Study Conference has played an important role in the congressional debate on environmental and energy issues during the past 10 years, the next 10 years may be even more important.

During the early 1970's the Nation reached a consensus on the need to protect and improve the quality of our environment. We passed laws to clean up our water, our air, our drinking water.

To a certain degree, these laws have worked. We have made tremendous progress in controlling the conventional sources of pollution that we understood back then to be our biggest problem. But as the decade wore on our technology improved and our knowledge of the field increased. Now, we are beginning to understand how pervasive are the chemicals we have introduced into the environment. The problems we confronted back then are simple compared with the task confronting us today.

For example, we must try to evaluate the potential hazard of the 60,000 chemicals that are now in use and pervade our environment. At the same time more chemicals come into use every day.

Another example concerns the protection of our ground water, on which the Nation depends for its drinking water. We have 15 Federal agencies and 16 Federal statutes that have some say about protecting ground water. Yet ground water is still being polluted, and it is very difficult to clean, once contaminated.

So Congress must contend with the expensive and contentious problem of reducing, as much as reasonable possible, the risk we all face from the chemicals we have created. The recognition of the importance of that work is there. That is why, in a year when deficit politics are taking a piece out of virtually everyone's financial hide in this town, the EPA budget will grow—a little, but it will grown. Critics argue that EPA spending only now has reached again its 1975 spending level with far greater responsibilities, but relative to other programs, it is nonetheless charmed.

But while the recognition of the urgency of our problems is there, the solutions are neither easy, nor easily arrived at.

Those are only a few of the environmental challenges we face. And we face another, related, set of challenges in the energy field. Over the past 10 years we have seen fundamental changes in the energy industry, and we will no doubt see many more in the coming 10 years. Energy, we all now realize, is a basic national security issue. We must ensure that our national security is protected and the Nation's energy needs met. We also must ensure that as we meet those energy needs we do not squander our natural resources.

The complexity of the problems we face only serves to emphasize the importance of the Study Conference to the coming search of solutions. That importance is the very reason the Conference is the largest legislative organization in Congress. It is why I congratulate my colleagues who are members and urge those who are not yet members to join. The environmental and energy policy decisions we will make in the coming years will affect the quality of life in this country the way few other issues can. It is vital that we all take part in the discussion and debate. The Study Conference has served as our primary vehicle for discussion and dissemination of information.

My colleague in the well has observed that the Study Conference was founded in 1975 by my friend and former colleague Richard L. Ottinger and 10 other Members of the House: Representative JOHN DINGELL, TIM WIRTH, JOHN HEINZ, LARRY PRESSLER, Gil Gude, Alan Steelman, GUY VANDER JAGT, Ken Hechler, Henry Reuss, and CHARLES VANIK. We all remember Dick Ottinger as a passionate environmentalist. But he believed that, regardless of one's point of view, Congress and the Nation would benefit if there were a resource that provided objective analysis of environmenal and energy issues, that provided a forum for Members of both parties and all political persuasions to exchange views and consider policy alternatives.

The Study Conference is the realization of that belief. Its commitment to bipartisan, objective analysis provides Congress with the information it needs to consider every facet of the environmental debate. That kind of constructive dialog is the only path toward solving the problems of the future. And those problems, complex as they may be, must be solved here in Congress. As Dick Ottinger stated recently in a speech at Pace University Law School:

> Man alone, of all the species on earth, has the capacity to exercise control over his environment. * * * Whether we pull the environmenal trigger * * * whether we follow the well-traveled road to extinction or blaze a new trail to a better world through enhancement and preservation of our great environmental heritage is, in the last analysis, entirely up to us.

Again, Mr. Speaker, I want to thank the gentleman in the well not only for taking this evening's special order, but for assuming the leadership of the Environmental and Energy Study Conference. I know it will be in very good hands in the coming term.

Mr. GREEN. I thank the gentleman from Michigan for his excellent remarks, and I want to congratulate him and thank him for the distinguished service he rendered to us in his role as House chair of the Environmental and Energy Study Conference.

Let me say that I concur with the gentleman in his view that these problems have become a good deal more complex than when we started on them a couple of decades ago. About that time, two decades ago, I was in the State legislature and I authored what I believe is one of the country's first laws requiring that pollution control devices be included in the annual inspection of motor vehicles, an issue that is still controversial on the floor of this House to this day, but certainly, as ranking minority member on the Appropriations Subcommittee for EPA, I know how much more difficult the issues are that we are facing today, how much more complex they have become and, therefore, it seems to me that the work of the Environmental and Energy Study Conference is more important today than it has ever been.

I want to thank all of our other colleagues who have participated in this special order for doing so, and look forward to seeing all of our colleagues in the House at the reception tomorrow night commemorating the 10th anniversary.

● Mr. FASCELL. Mr. Speaker, I rise today to join many of our distinguished colleagues in paying tribute to the work done by the Environmental and Energy Study Conference. It is appropriate that we honor the EESC today on its 10th anniversary. This date marks 10 years of valuable and highly respected work done by the Members and the staff of the Conference, and it is an honor to join in this celebration.

The Environmental and Energy Study Conference has, throughout the years, been an invaluable source of information and throughtful analyses about issues and concerns which are important to us all. Environmental problems, both domestic and international, have plagued this Earth for generations. Issues such as clean air and water, ocean dumping, endangered species, and nuclear energy, to cite only a few, have been a continual source of frustration and complexity for legislators.

The same briefs, publications, and forums which the EESC develops and organizes have helped us to unravel these complex issues and to formulate

constructive and comprehensive environmental and energy policies. The information provided by the EESC has made all of us, I am sure, more aware and appreciative of the harsh realities of the domestic environmental issues which confront this Nation, as well as the potential solutions to these problems.

Internationally, the EESC has helped to draw attention and concern to the tremendously important issues facing the global environment. Resource deterioration, levels of pollution, and environmental and resource management are several of the topics of concern to the world today. The EESC is presently studying the various ways in which the United States might help developing nations better manage their changing environmental situations and challenges. Situations such as those in Bhopol, India, and Ethiopia have forced many to take a closer and more detailed look at some of the challenges facing these nations and the ways in which we might help them.

Again, allow me to pay tribute to the Environmental and Energy Study Conference for the assistance and expertise which it has provided over the past 10 years. The work done has been invaluable and, as a member of the EESC, I am grateful for the opportunity to pay tribute to this outstanding organization.●

● Mr. WEAVER. Mr. Speaker, today is the 10th anniversary of the Environmental and Energy Study Conference. I am proud to join with my colleagues today in recognizing this milestone in the history of our Nation.

The Environmental and Energy Study Conference was founded 10 years ago in the House of Representatives by Representative Richard L. Ottinger of New York. Today, the Conference is the largest service organization in the Congress. Over 250 Members of the House and 70 Senators now belong to the Conference.

Thanks to the forward looking concerns of Representative Ottinger and the hundreds of members that have served in the Conference since its inception, our Nation is better prepared and determined to address the serious environmental and energy problems confronting us today.

Oregon is home of some of our Nation's most beautiful natural treasures. From the Blue Mountains of eastern Oregon to the western coastal dunes, from Crater Lake to Mount Hood, our State and our people have fought to preserve these treasures for future generations.

The people of Oregon demand that their elected officials act to preserve and protect our natural resources. Throughout my 11 years in Congress I have authored and passed legislation to insure the preservation of our natural resources. The information provided by the Environmental and Energy Study Conference has been invaluable in these efforts.

The Conference publishes special reports to members that detail and analyze developments in environmental and energy issues. The Conference organizes briefings and meetings for Members and staff to facilitate discussion and debate.

As we move toward the 21st century, our Nation is faced with enormous environmental challenges. We must learn more about the causes and impact of acid rain on our forests, rivers, and streams. We must address the abusive use of dangerous chemicals in agriculture. We must continue to fight to insure that our wilderness areas are protected. We must continue to adequately fund Superfund and other programs that seek to correct the damage already done to our environment by the introduction of massive amounts of toxic waste. We must stand together to ensure that our people will be protected from nuclear accidents and that our children will not become the victims of pollution caused by the disposal of hazardous, radioactive nuclear waste products.

The Environmental and Energy Study Conference will continue to play an important role as Congress moves to address these problems.

Mr. Speaker, I commend the efforts of the Conference and wholeheartedly support its continuation. On this, its 10th anniversary, I join with my colleagues in thanking the members and staff of the conference for providing me with information and assistance on environmental and energy issues throughout my years in Congress. I look forward to working with the Conference on environmental and energy issues critical to the future or our Nation.●

● Mr. FRENZEL. Mr. Speaker, today we mark the 10th anniversary of the Environmental and Energy Study Conference [EESC]. I would like to take this opportunity to commend the Study Conference for its work providing accurate and up-to-date information on important environmental and energy issues facing Congress.

I offer my congratulations to the founders and subsequent officers, as well as the very able staff, of the Environmental and Energy Study Conference as it marks its 10th anniversary.●

● Mr. DOWNEY of New York. Mr. Speaker, I want to join my colleagues today in paying tribute to the Environmental and Energy Study Conference in honor of its 10th anniversary.

Since coming to the House over 10 years ago, I have had the pleasure and privilege of helping the Congress take on the energy and environmental challenges facing our country. We have enacted laws to keep our air and drinking water clean, to ensure that the waste we produce is disposed safely and to clean up problems caused by the improper disposal of hazardous waste. The Environmental and Energy Study Conference has been with us, providing invaluable information on these various challenges, and raising important questions as we struggled to determine the shape we wanted our environmental and energy laws to take. Its value and success can be measured by its broad, bipartisan membership in both Chambers of Congress.

Today, new challenges need attention. As we attempt to reauthorize the Clean Water Act, Superfund, the Clean Air Act, and the Safe Drinking Water Act, we need to evaluate their impact and effectiveness. I believe that these statutes must be expanded and strengthened to meet new challenges such as acid rain or the problems associated with disasters such as Bophal. I believe that Congress must undertake a comprehensive effort to protect this Nation's supply of ground water. As the debate develops on all of these issues, I am sure that the EESC will be in the thick of it, providing information to Members and staffers, and I look forward to another 10 years of its success.●

● Mrs. BURTON of California. Mr. Speaker, during the last decade, we have witnessed some dramatic shifts in national environmental policy—some in the form of tangible progress and others in the shape of protracted neglect. The progress we have realized is due in no small measure to the efforts of the Energy and Environmental Study Conference [EESC] to raise our collective consciousness here in Congress.

The EESC has developed into the largest informal member organization in Congress with a majority of both the House and Senate subscribing to its public policy services. The contributions of this group, from its inception 10 years ago to its current-day position as an unmatched auxiliary information source for Members, are truly unique.

The EESC provides an invaluable service to many offices in the weekly bulletin it prepares and the objective analysis this research publication offers. In addition to the detailed legislative and status reports, workshops and special briefings on specific, timely topics are offered. The type of in-depth environmental analysis EESC provides is essential for Congress in the discharge of its duties as a steward of our natural resources.

We are learning that shortsighted, stopgap approaches to solving our environmental problems will no longer work. We are recognizing the need for education, examination, and caution in seeking solutions. And, we are realizing that these problems and their solutions require knowledge, cooperation,

and commitment. Environmental quality is an issue for everyone and it is our shared interest and common purpose that will allow us to meet this challenge and enhance the quality of our lives.

The EESC has been a very effective research arm of Congress in highlighting important environmental concerns and assisting the Congress in responding to the environmental challenges of this past decade. We all owe a special debt of gratitude to Dick Ottinger who had the farsighted vision to create an environmental clearinghouse for Congress. I am most pleased to be a member of the EESC and a recipient of the fine work it produces. Many thanks to all of the excellent staffers who make this possible and my best wishes to everyone at EESC in the observance of your 10th anniversary serving Congress.

There could not be a more appropriate celebration to preface World Environment Day and to encourage our appreciation of the world's resources.●

● Mr. STUDDS. Mr. Speaker, I would today like to join my colleagues in honoring the Environmental and Energy Study Conference on its 10th anniversary. With over 360 Members of the House and Senate, the Study Conference is the largest legislative service organization in Congress. The EESC offers its membership each week timely, accurate, and usable information on energy and environmental legislation.

From providing up-to-date information on the status of pending legislation to offering meetings and seminars on current topics, the Conference is invaluable to Members and staff in dealing with increasingly complex energy and environmental issues. In the 10 years of its existence, the EESC has helped educate Members on the broad range of problems which Congress has been required to address. Few of these legislative issues, ranging from hazardous waste disposal to acid rain to ground water protection, have simple solutions. The legislative process is made far easier, however, when one has ready access to the facts necessary to make informed decisions on these critical issues.

I would like to commend the Environmental and Energy Study Conference for a job well done. As it moves into its second decade, I have full confidence that the EESC will continue to provide a service of inestimable value to Members and those whom we have the privilege to represent in the U.S. Congress.●

● Mr. MOODY. Mr. Speaker, I am pleased to join my colleagues in congratulating the Environmental and Energy Study Conference on the occasion of its 10th anniversary. I, along with a majority of the Members of this body, recognize the critical nature of the environmental problems facing us. As Members of the EESC, we not only recognize these problems, but are organized to deal with them in a more effective manner as legislators.

The EESC's anniversary coincides with recognition of World Environment Day, June 5. The plethora of issues that arise under the broad description of "environment" can often be misleading and confusing. We are only now beginning to realize that energy and environmental questions reach into every corner of our day-to-day lives and occupations. No longer can we separate out each concern and treat it as if it were the latest disease. Instead, we must try to achieve a deeper, broader understanding of how these concerns are interwoven together to complete our surroundings.

One such issue that is usually set aside is that of world population. Few appreciate the distinct pressure that the geometrically increasing populations levy on world environment and the utilization of natural resources. Despite the monumental efforts made by ours and other nations to answer the world's food and energy demands, there will not always be enough. If we are to keep stripping the Earth of its gifts, people may no longer have a choice of how to size and space their families. That choice may be dictated by the availability of agricultural lands for food, drinkable water, and breathable air. Steps must be taken to curb this excessive growth for the good of the entire world, as well as the health of each individual. The promotion of voluntary family planning programs is one such step.

I applaud the EESC for its farsightedness in addressing the population issue. We should encourage and assist this fine organization in its efforts.●

● Mr. KILDEE. Mr. Speaker, I would like to extend my wholehearted congratulations to the Environmental and Energy Study Conference [EESC] on the 10th anniversary of its establishment. I first joined the Study Conference as a freshman in the 95th Congress some 8 years ago. Since 1979 I have been honored to sit on the EESC's Executive Committee.

Many of the issues and problems which we address in Congress are of a temporary and transient nature. However, the preservation of the global environment in which we live is of enduring importance to present and future generations. We owe it to the children of the world to leave to them a planet on which they can thrive as well as survive.

I have always found the Study Conference to be an invaluable source of research materials, information with which to answer my constituents' concerns, and up-to-date tracking of important legislation. As the largest bipartisan and bicameral legislative service organization in Congress, the Study Conference provides the necessary forum for Members of Congress to express their concern about the pressing energy and environmental issues of the day as well as to gain further insight into the intricacies of these often complex problem areas.

I strongly urge my colleagues who have not joined the Study Conference to consider becoming a member in this session of Congress. With more than 360 current Members in the House and Senate, the Study Conference encompasses the full range of viewpoints on energy and environmental questions. However, we are all bound together by our shared concern with providing our country with the energy resources sufficient to meet our future needs while protecting and preserving our Nation's environment. In the 10 years of its existence, the Energy and Environmental Study Conference has provided the meeting place for Members and ideas needed to address this shared concern.●

● Mrs. SCHNEIDER. Mr. Speaker, in the decade since the first world environmental conference held in Stockholm, we have learned that economic security and prosperity need not be achieved at the expense of environmental destruction. I would like to take this opportunity to inform the Members of the House of an important effort I am participating in with a number of my colleagues and with the assistance of the Environmental and Energy Study Institute. The Institute's project is entitled, "Helping Developing Countries Help Themselves: Toward a Congressional Agenda for Improved Resource Management in the Third World."

The project is operating on two tracks. A task force made up of U.S. corporate, environmental, academic and congressional leaders. We are in the process of identifying actions the U.S. Congress can take to help developing countries better manage their resources for sustainable development. Paralleling this effort, EESI has launched a series of initiatives to increase awareness among Members of Congress and congressional staff of the environmental and natural resource problems in the developing world.

I believe this project is especially timely in the wake of events in Africa, India, and elsewhere which are raising consciousness in this country about environmental problems in the developing world and the U.S. stake in them.

In many developing countries, the seriousness of environmental and natural resource problems makes U.S. problems pale by comparison. Some of the most prominent concerns are: The loss of agricultural lands and productive potential due to erosion and desertification; widespread deforestation; degradation of watersheds and conse-

quent flooding and loss of vital water supplies; loss of genetic resources and biological diversity; urban congestion; pollution and related sanitation problems; environmental health and major accident problems; the misuse and overuse of pesticides; shortages of domestic supplies of energy; and population pressure. Moreover, because their struggling economies generally are tied closely to the use of natural resources, the deterioration of the resource base in many developing countries has serious implications for the future.

The developing country task force chaired by World Resources Institute president, Gus Speth, met for the first time on March 27 and identified 15 draft priority options for congressional action. The task force used as a starting point for discussion a paper prepared for this project by the World Resources Institute entitled, "Helping Developing Countries Help Themselves: Toward a Congressional Agenda for Improved Environmental and Resource Management in the Third World." Individual task force members are taking the lead in refining and elaborating on each specific option.

The task force will continue its work throughout the summer of 1985. During this time, the Institute will bring interim results and recommendations to the attention of Members and staff. There will be extensive followup during the fall of 1985 and in 1986.

In order to insure that the task force recommendations meet real needs in the developing world, EESI has convened a foreign advisory group to review the task force recommendations. The group contains environmental leaders from throughout the developing world.

Unless their environmental and natural resource problems are effectively addressed, much of the developing world is destined to be ill-fed, ill-housed and dependent upon other nations for the basic necessities of life. In addition, much of the billions of dollars of past and future U.S. aid will be wasted, the ability of the developing countries to pay back their huge outstanding debts to U.S. banks will be jeopardized, and their capability to become effective trading partners will be undermined.

The Environmental and Energy Study Institute's project is an attempt to educate Members and staff and identify solutions for some of the most pressing environmental and natural resource problems in the Third World. I urge my colleagues to take advantage of the opportunity to learn about and act on these issues.

Finally, these enormous problems of environmental degradation will only be solved if there is increased involvement by the citizens of developing countries. One organization in this country which is working to stimulate that involvement is the Global Tomorrow Coalition. The Coalition recently sponsored a conference on international environmental issues, the Globescope National Assembly, April 17-21, 1985. The assembly passed a series of resolutions which add up to an exciting action plan for establishing a sustainable world environment. The Developing Country Task Force is working on a number of the agenda items in this plan. I commend the action plan to my colleagues as an example of the kind of commitment and involvement needed by both elected officials and all citizens to stem the tide of world environmental degradation.

ACTION PLAN—GLOBESCOPE NATIONAL ASSEMBLY, PORTLAND, OR, APRIL 17-21, 1985

We, the participants of the Globescope National Assembly, held in the city of Portlnd, Oregon, April 17-21, 1985, recognize that world peace is the ultimate environmental issue. We also recognize that the security of the United States and all other nations depends on environmentally sustainable economic and cultural structures as well as on rational military policies. After a comprehensive review of global problems involving nuclear war, population growth, resource use, environmental stress, and unsustainable development, we hereby declare our determination to pursue the initiatives, objectives, and solutions set forth below:

I. CHANGES IN PUBLIC POLICY

Take all appropriate steps to initiate and support Congressional actions to:

A. Address global environmental issues of critical importance, including:

1. Threat of nuclear war; 2. rapid population growth and overconsumption of resources; 3. deforestation (tropical and temperate); 4. elimination of species; 5. desertification and soil loss; 6. degradation of freshwater and marine resources; 7. acid deposition and air pollution; and 8. toxic substances and radioactive wastes.

B. Provide significantly increased funding for international family planning programs and the United Nations Environment Program.

C. Increase financial assistance to international and local citizen groups in developing countries engaged in sustainable development programs.

D. Shift U.S. development assistance away from environmentally damaging, culturally destructive, non-sustainable projects and into sustainable, appropriately scaled activities such as soft energy projects, reforestation, restoration of damaged watersheds, regenerative agriculture, and population stabilization. Such reform should promote greater equity and wider participation of affected people.

E. Reform the lending policies of the multilateral development banks (e.g., World Bank, Inter-American Development Bank) to involve local citizens, both women and men, in project planning and implementation; to make project information internationally available; and to shift their lending into the sustainable activities described above.

F. Ensure environmentally responsible behavior of multinational corporations, by:

1. Encouraging corporate investment in the sustainable activities described above;

2. Strengthening and enforcing laws governing the use, export, and import of pesticides and other toxic substances;

3. Requiring compliance with U.S. health and environmental standards when operating abroad (or local standards existing abroad if they are more stringent); and

4. Assuring completion of environmental impact statements on major overseas projects and operations.

G. Restore equilibrium to the national and international economy by cutting military expenditures to reduce the national debt and to release resources for promoting sustainable development projects on a global scale.

H. Ratify and support the Law of the Sea Treaty.

II. COMMUNICATION

Take all appropriate actions to:

A. Work with community-level organizations, stressing a thorough understanding of the need for solutions to long-term problems, by:

1. Carrying home the message and spirit of the Globescope National Assembly;

2. Holding follow-up discussions jointly with groups representing a wide spectrum of related concerns;

3. Initiating projects to demonstrate the many ways in which the everyday lives and concerns of U.S. citizens are both similar to and closely linked with those of the rest of the world's citizens;

4. Participating in town meetings; and

5. Organizing training workshops on effective political action techniques.

B. Find common ground for dialogue, interaction, and long-term cooperation—based on respect for the self-interest and legitimate needs of all parties—with corporations, labor unions, non-union labor, unemployed people, religious groups, minority groups, senior citizen organizations, representatives of foreign governments, political organizations, and communications media, by:

1. Co-hosting conferences with corporate strategic planners;

2. Addressing meetings of clergy and lay religious leaders;

3. Organizing programs for youth and the elderly;

4. Briefing representatives of press, radio, and television;

5. Promoting better access for grassroots organizations to the print and electronic mass media; and

6. Recognizing and rewarding excellence on the part of volunteers, business people, legislators, politicians, and others.

C. Expand the quantity and improve the quality of information on long-term global problems and potential international solutions, and the opportunity for U.S. leadership in achieving such solutions, through:

1. Adopting and widely publicizing the Globescope logo or other symbol that effectively communicates the goal of sustainable global development;

2. Encouraging and/or participating in a series of Globescope meetings and conferences throughout the country;

3. Distributing publications, documents, and other materials, including the Global Tomorrow Coalition newsletter, Citizen's Guide to global Issues, Contact Directory, Globescope audio and visual recordings, and Carl Sagan's Marshall Lecture on nuclear winter;

4. Creating new networks and hotline information services based on the most modern electronic technology; and

5. Establishing speaker bureaus and public outreach programs.

D. Establish closer liaison with similarly oriented citizen groups in other countries, by means of:

1. Information sharing; 2. individual visits; 3. transfer of administrative and technical skills; and 4. financial support.

E. Foster better international understanding and cultural awareness, by encouraging and/or promoting:

1. An international citizens' network to communicate about and cooperate on actions to create a sustainable global future;

2. Cultural events (including educational programs in the print and electronic mass media) and artistic performances;

3. Exchange programs, including people-to-people projects;

4. Use of foreign students as speakers and information sources for Globescope and community-level organizations;

5. Tours and travel;

6. Sister city programs; and

7. Study of foreign languages and cultures.

III. EDUCATION

Take all appropriate actions to:

A. Develop the understanding of education as a life-long learning process.

B. Influence state and local educational systems and institutions at all levels to include programs on global issues of population, resources, environment, economics, and development, with an emphasis on long-term sustainability.

C. Expand international student and teacher exchange programs.

D. Organize and carry out programs of community education through the communications media and environmental, church, and other community organizations, to:

1. Inform us as to the impacts of our consumptive lifestyles on the sustainability of resource use and the carrying capacity of the earth;

2. Motivate individuals to become aware of and take action on global problems of population, resources, and environment and ways of solving them, including recycling and reusing materials and energy; and

3. Assist people to understand the urgency of these issues and their significance to the national security of the United States.

E. Identify existing resources and promote the preparation and distribution of additional materials and speakers for community education programs.

F. Encourage wide cooperation among all elements of our society in learning about and helping to solve global problems of population, resources, environment, and development, stressing the non-violent resolution of conflict.

G. Promote and expand youth conservation programs.

IV. PERSONAL ACTIONS

As individual participations of Globescope, we acknowledge that our personal choices have a cumulative impact on the sustainability of the earth's resources, and recognize that living in an interdependent global society requires change in attitudes, values, and behavior. We therefore strongly commit ourselves to take all appropriate actions to:

A. Reduce or eliminate our personal habits of wasteful resources and energy consumption, and install respect for a conservation ethic in our children.

B. Work toward peaceful resolution of conflicts in our personal and community relationships.

C. Exercise responsible family planning.

D. Manage our personal finances and consumer decisions so as to support farms, businesses, and other enterprises with positive social and environmental records and aims.

E. Actively lead, participate in, or support organizations working toward a sustainable future.

F. Participate directly in the political process.

G. Have fun and keep a sense of humor.

RESOLUTIONS

Be it resolved that the participants at the Globescope National Assembly:

A. Urge President Reagan to initiate a summit meeting with Chairman Gorbachev and other world leaders on the subjects of nuclear war, rapid population growth, and environmental degradation.

B. Urge President Reagan to propose immediately to the Soviet Union a mutual, verifiable, drastic, and prompt reduction in nuclear weapons to levels sufficient to preclude the possibility of nuclear winter.

C. Commit themselves to building a continuing and expanding cooperative partnership with the business community, including the use of ecologically sound cost-benefit analysis and balance, in recognition of the role of profitable productivity in achieving a sustainable future. We further urge the employment of linking processes such as dialogue and negotiation on environmental policy, stressing the interconnections between long-term and short-term concerns and between international and domestic issues, so as to meet the legitimate needs of all involved stakeholders.●

● Mr. STENHOLM. Mr. Speaker, I take pride in joining my colleagues in the House of Representatives in commemorating the 10th anniversary of the Environmental and Energy Study Conference. I want to thank Mr. WOLPE, Mr. GREEN, Mr. WISE, and the other officers of the Environmental and Energy Study Conference for putting together this special order.

For 10 years now, the EESC has provided Members of both Houses of Congress with vital information on activities in the broad and complex area of environmental and energy issues, both inside and outside of Congress. But the Environmental and Energy Study Conference has ventured well beyond providing merely news of hearings and committee actions. The briefings, informal discussion sessions, and forums the EESC has conducted on a regular basis have offered Members and their staffs the indepth information and insight that are extremely necessary toward making sensible public policy in an area of growing importance and complexity.

As chairman of the Subcommittee on Energy, Environment, and Safety Issues Affecting Small Business, I find the weekly EESC update vital to my staff and myself. It keeps us informed on the variety of issues in the energy and environment area within Congress, and is instrumental in carrying out the week-to-week business of the subcommittee which I chair. For that reason alone, I commend the Environmental and Energy Study Conference for its work and purpose in Congress. Moreover, the EESC is truly a unique provider of information: it is bipartisan and bicameral in membership, and nonpartisan in its reporting. Put simply, it is an important tool to all of us in this institution, and one which we should continue to support for many years to come.●

● Mr. LIVINGSTON. I want to thank the gentleman from New York, our new Environmental and Energy Study Conference chairman, BILL GREEN, for taking this special order out to celebrate the 10th anniversary of the EESC. I also want to commend and thank the gentleman from West Virginia, Mr. WISE—our new vice chairman—and our past chairman, Mr. WOLPE for joining Mr. GREEN in taking out this time to pay tribute to the excellent work of the EESC.

Mr. Speaker, I have been a proud member of the study conference for approximately 7 of the 8 years I have been in Congress. For the last three Congresses, I have been privileged to be a member of the conference's executive committee. Under the able leadership of past chairman and founder Richard Ottinger of New York, Past Chairmen GARY HART, JIM JEFFORDS, JOHN CHAFEE, JOE FISHER of Virginia, PAUL MCCLOSKEY of California, and HOWARD WOLPE, the conference has established a standard of excellence in reporting to its members and readers on energy and environmental issues that no organization can match.

Most importantly, the conference, throughout its history, has reported energy and environmental issues in an unbiased and bipartisan fashion unmatched on Capitol Hill. In doing so, the conference allows members to vote with a much greater awareness of the facts and politics behind a particular issue. To the benefit of the country, this awareness has resulted in the passage of worthy and beneficial legislation over the last 10 years.

For conservative members like me, the conference has provided a forum for the discussion and dissemination of views which advocate a more balanced approach in environmental and energy development and preservation. In addition, the conference has always accurately and fairly portrayed the environmental and energy issues critical to Louisiana—oil and gas drilling, injection well disposal, hazardous waste disposal, petrochemical production, drinking water, flood control, offshore development, and coastal marsh erosion.

Mr. Speaker, one of the most impressive testaments to the conference is the respect Members of Congress have for its work. The conference now boasts over 360 House and Senate Members from every political spectrum. Even more important and impressive is that the staff personnel of Members rely heavily on the confer-

ence's weekly reports, updates, and yearend reviews to provide themselves, their Members, and constituents with critical information on every energy and environmental issue addressed by Congress. Staff acceptance of the conference's work is a true barometer of the EESC's success.

Mr. Speaker, the work of the conference, its staff, members and officers in the last 10 years has been both monumental and commendable. I know the effective and able leadership of our new chairman, BILL GREEN, as well as our vice chairman, BOB WISE, will sustain and invigorate the excellent work the conference already performs.

Happy anniversary, EESC!

Finally, Mr. Speaker, in recognition of World Environment Day Tomorrow and in concert with the conference's 10th anniversary, I believe Members of this body would benefit from two articles on research being conducted by native New Orleanian Mark Plotkin. Mr. Plotkin, currently a Harvard ethnobotanist, to be be commended for his efforts to make all of us aware of the critical importance of our Earth's rain forests. I ask that these articles be inserted in the RECORD immediately following my remarks.

[From the Times-Picayune, New Orleans, LA, Apr. 1, 1984]

JUNGLE RESEARCHER SEEKS OLD ANSWERS TO NEW PROBLEMS

(By Renee Peck)

When Mark Plotkin travels between his two worlds it's like crossing a time wrap—one not always traversed with ease.

In a steamy tropical rain forest, surrounded by curious Indians, Plotkin once attempted to initiate friendly conversions with the nearest breechcloth-clad native: "Hi, what do you do?"

Six months later, at a Cambridge cocktail party attended largely by spectacled Boston academics, all he could think of to say was, "Hi, what do you hunt?"

Today Plotkin laughs at that early discomfiture. In the past decade or so, he has learned to easily doff the hat of Harvard ethnobotanist for that of jungle reseachers. He is equally at home in the rarefied atmospheres of both academia and rain forest.

Supported by the World Wildlife Fund, a Washington D.C.-based organization that has spent more than $60 million on conservation projects in 131 countries, Plotkin, 28, spends every moment he can studying ethno-botany—the study of the utilization of plants by aboriginal people—in South American jungles. In between, he teaches, gives lectures and pursues a doctorate degree.

And he bounces happily back and forth between civilized world and primitive one.

He casually uses a computer to catalog plants used medicinally by South American Indians since Columbus' day. He is as proud of the fact that he was the first to catch a rare blue lizard in Venezuela as he is of the master's degree he obtained from Yale. He teaches a course to Harvard students on rain forest preservation, and is writing a textbook on Indian plants for children in South American mission schools.

But there is a single purpose to all these diverse endeavors: Mark Plotkin is out to save the rain forests.

This is no starry-eyed conservationist, no idealist who preaches the necessity of preserving the jungle to save a single monkey, a certain bird. His aim is more practical, and more realistic.

He hopes to show the economic advantages of preserving the rain forest. His aim is to make it pay by giving the world medicines and foods and materials such as latex or rubber, contraceptives or pesticides.

Plotkin traces his fascination with exotic flora and fauna to his childhood in New Orleans.

"My mother keeps saying that if it hadn't been for all those outings in Audubon Park, I'd have grown up to be something useful, like a lawyer," said the bearded young man during a recent visit home.

"I spent all my weekends running around the swamps," recalls Plotkin. "We'd head down oil roads off Highway 69 and then walk into the swamps. I was mostly looking for snakes, though I had a fascination with all reptiles."

For years, the Newman School student filled his mother's wash house—much to her despair, he says—with reptilian specimens. He fed and charted and studied a multitude of turtles and snakes and lizards. He developed a quick, sure skill with a slingshot.

That background came in handy when Plotkin went to work at the Harvard Zoology Museum in the reptile department. He also began taking night classes at Harvard. His career took its present turn during a course in economic botany taught by Richard Evans Shultes, who had spent 15 years living with Indians along the Amazon.

"I remember the slide that did it," Plotkin recalls, with a missionary gleam in his eye. "A black-and-white picture that could have been 300 years old. It was of three Indians of the Yukuna tribe, wearing barkcloth masks and dressed for the sacred Kai-ya-ree dance—it keeps away the forces of darkness. Professor Shultes said, 'See these three Indians—the one on the left has a Harvard degree.' It was him. After that, I got very interested in the Amazon, Indians and plants."

Soon after, Plotkin signed up for a summer stint in Haiti with a zoology department lizard project.

"I got down there, and they had this graduate student catching lizards," says Plotkin. "He was using a noose, and had caught nine lizards in a week. I caught 11 by hand before lunch."

Thus began Plotkin's brief career as a master lizard catcher. His days in the Louisiana swamp, he says, proved invaluable.

The next year he joined Amazon authority Russ Mittermeier on an expedition seeking a 2-foot-long rare blue lizard in a small area of Venezuela. Three expeditions had failed to snare it; the two men were successful.

"The secret went back to those old wrist rockets—wrist slingshots—I had perfected in Louisiana," says Plotkin. "You use clods of dirt to knock 'em out."

Plotkin's next stint was in Surinam, where he studied tribes of bush Negros—descendants of African slaves who had escaped in the 17th and 18th centuries into the interior where they established tribal lifestyles.

"I kept finding them using medicinal plants, and I got very interested," says Plotkin. "The bush Negros told me the best way to learn about plants would be with the Indians."

So, during a revolution in Surinam, Plotkin hopped a cargo plane and asked the pilot to fly him to the farthest point possible.

"He dropped me off on a dirt strip near the border of French Guiana," says Plotkin. "He said, 'My friend, don't go after their women, because the men will shoot you. And their arrows are poisoned.' Then he climbed in his plane and took off."

Plotkin wandered into the jungle's edge and soon was surrounded by curious Indians.

"They started pulling my hair and poking me," he recalls. "Though there were a couple of missionaries there, so they had seen a white man before. They took me in and gave me a house. I lived with them for several months."

Plotkin soon learned that it takes diplomacy, cajolery, even trickery to get Indians to share their knowledge about plants. But he persevered.

Less of a trial to him was the tropical climate.

"If you can get through an August in New Orleans," he says, "you can stand anything that the Amazon throws at you."

Since his sojourn in Surinam, Plotkin has spent every possible moment in one area of the jungle or another. And what he has seen saddens him.

"The Indians are giving up their ways. As modern medicines are brought to them, they're giving up traditional medicinal uses. Tribal taboos, for example, once prevented over-fishing. But that's breaking down. And what disappears is lost forever."

While foreign influence inevitably has brought change to the jungle, the biggest threat comes from the natives themselves, Plotkin says.

"They're shifting to agriculture on a scale the rain forest can't handle. Population growth has caused them to clearcut trees to plant crops. An area of forest the size of Louisiana is clearcut every year."

The loss, for Plotkin, is not just a cultural one. He thinks that many plant species approaching extinction could be of great benefit to mankind—and are disappearing before their potential uses can be explored.

"Who knows how many cures for cancer are going up in smoke? Or new contraceptives? As the ecologist Aldo Leopold said, the first rule of intelligent thinking is to save all the parts.

"We already use an extract of curare in abdominal surgery in hospitals everywhere. And curare cannot be synthesized in the lab."

Other rain forest plants used widely today include those that produce quinine; rotenone, a biodegradable pesticide; and, of course, such common products as rubber and fiber. Not to mention those foods with tropical origins, such as oranges, black pepper, cinnamon, chocolate, vanilla, rice, corn and sugar cane.

Plotkin says that 90 percent of the plants used medicinally by the Indians are unknown to scientific researchers.

"In Surinam alone, more than a hundred plants are used by the Indians as medicine. Some of those might even be unknown species. And I think the percentage of plants that could be useful to us is high."

Some of these exotic plants, believes Plotkin, may one day be as common as corn is today. The rosy periwinkle, he says has six antitumor alkaloids and already is being used in cancer research. NASA is interested in a Caribbean drug that slows the metabolic rate and could have applications for extended space travel. The copaifera, known as "the gasoline tree, can produce up to 20 gallons a year of diesel-like heavy oil.

So far, very little money is being poured into research on the economic potential of the jungle. Plotkin hopes to change that.

With a grant from the World Wildlife Fund, he will conduct a pilot study next January of the rain forest as a renewable resource. He hopes that his research will prove that the jungle can pay its own way.

He will take a sample section of jungle and inventory it for economic value—so many dollars if it is clearcut, so many if planted with crops, so many if medicines and products are removed from it.

"Most of the people who live in the rain forest are trying to feed a family," says the scientist. "They're hungry. If you tell them we should save the forest for conservation reasons, they couldn't care less. But if you say, look, the forest will be worth more to you this way, it means something to them."

While bringing big business to the jungle—in the form of rubber plants or fiber mills or medicinal laboratories—has its own problems, Plotkin finds it the lesser of two evils.

"Take the rubber trees. Do you want the people to cut the rubber—or cut the trees? It's inevitable that civilization will come to the jungle. The only question is, how?"

[From the New Age Journal, February 1985]

ENVIRONMENT: HEALING TREES

Mark Plotkin walked through the Surinam jungle one day beside a Tirió shaman, asking about the medicinal uses of the plants they passed. The shaman, however, remained silent, so Plotkin tried another tack. Pointing to a plant at random, he said, "Grandfather, in our country we use this to treat dandruff." Exasperated, the shaman blurted out, "No! Everyone knows that plant is for earaches."

Plotkin, an ethnobotanist at Harvard University's botanical museum, has been trying to learn plant lore from reluctant herbalists and medicine men in Surinam since 1977. Because our prescribed drugs come in brightly colored capsules, we don't realize how many medicines originate in places like the jungle. Indians use curare, for instance—which we use as a muscle relaxant and anesthetic—as arrow-tip poison; and during Plotkin's latest trip, he found golobé, a fungus which the Tirió Indians use to treat earaches. Plotkin suspects it is an antibiotic. "If we had paid attention," he says, "we could have discovered antibiotics hundreds of years ago."

Only a few pharmaceutical companies have approached Plotkin about his work. Although many of them tried researching plants back in the '40s and '50s, the approach was unprofitable, according to Dr. David Berman, professor of pharmacology at the University of Southern California Medical School. "The problem with plants is that there are so many things in there," he says. "You can't tell what constituents are useful or working." Isolating these constituents is a long and expensive process, and according to Dr. Bruce Medd, director of professional and marketing services at Roche Laboratories, testing drug formulas through such techniques as computerized molecular modeling is easier and more efficient than chemically testing leaves and powders through trial and error.

Plotkin is not concerned about the lack of interest from pharmaceutical companies, though. He is motivated by the hope that his work will help not only the medical community but conservationists, botanists, resource planners, and Third World developers. With funding from the U.S. division of the World Wildlife Fund, he is compiling a catalog of useful Amazonian plants. It will have some 4,000 entries, cross-referenced by geographical distribution, local usage, chemical composition, and economic value. "You can't go to the leaders of a debt-ridden nation like Brazil," he explains, "and say 'Don't cut down the rain forest because there are cute animals which will suffer if you do.' But you can go and say, 'You shouldn't cut down the rain forest because you have an edible oil there, and you are spending millions of dollars each year on olive oil imports.' In this way, conservation speaks."—Leonora Wiener ●

● Mr. WALGREN. Mr. Speaker, I want to add my voice to the many others who are here today to congratulate the Environmental and Energy Study Conference on its 10th anniversary. As a member of the Energy and Commerce Committee's Subcommittee on Health and the Environment and Subcommittee on Fossil and Synthetic Fuels, I have deep interest in the work performed by EESC which has made a real contribution to the debates over environmental and energy policies over the past decade.

The conference has done an excellent job in steering Members of Congress toward the proper balances between our energy needs and concerns over protecting the environment. Congressional deliberation over issues ranging from natural gas policy to the Clean Air Act has been all the more meaningful and effective because of the bipartisan leadership and support services provided by the EESC. The substantive and timely newsletters and briefings on a wide range of issues have helped me tremendously over the years, and I look forward to continuing to work with the EESC.

I want to especially congratulate those who have served as officers of the EESC over the years for their leadership and initiative. The current cochairmen, HOWARD WOLPE and PATRICK LEAHY, have continued to lead the EESC in the proper direction, and they each deserve our appreciation.●

● Mr. BONKER. Mr. Speaker, I am pleased to join my distinguished colleagues in this special order in recognition of two important events: the 10th anniversary of the founding of the Environmental and Energy Study Conference and the 13th World Environment Day.

Over the years, the EESC has consistently provided the Congress with the highest quality information about energy and environmental issues and pending legislation in these areas. I commend the present and past chairmen, officers, and staff of EESC for their outstanding work and the contribution they have made to improving and expanding our knowledge of these vital matters.

The other event we are commemorating—World Environment Day—offers the opportunity to review the state of the global environment and the progress we have made in concert with other nations in addressing problems that defy national boundaries. As a member of the Foreign Affairs Committee and as one who has been intimately involved in international environmental matters, I am proud of the leadership the United States has exercised in this area for more than a decade. Our committee has played an active role in strengthening the environment and natural resource component of our bilateral and multilateral foreign assistance programs, particularly in the critical areas of tropical deforestation and the conservation of biological diversity. The Foreign Affairs Committee has helped assure that U.S. financial support for the U.N. Environment Program remains commensurate with our commitment to the important work of this U.N. agency. We have also taken the lead in pressing for an end to the commercial killing of the world's threatened whale species through the International Whaling Commission.

As we consider the accomplishments of the last 13 years in the international environmental field, we must not lose sight of the many difficult problems which remain on the global environmental agenda. We should use the occasion of World Environment Day to renew our commitment to working with other countries to resolve these complex problems.●

● Mr. SEIBERLING. Mr. Speaker, World Environment Day provides us with an excellent opportunity to examine the environmental issues that confront our world. While the United States has come a long way in recent years in protecting our environment, many problems remain, both at home and abroad.

At home we still face such environmental problems as acid rain, groundwater contamination, desertification, and the cleanup of toxic wastes. These problems do not stop at our borders, however. For example, our native songbirds are in danger of extinction because their winter habitats in Central and Latin America are rapidly being destroyed. The Canadians are concerned about the acid rain originating in our country and we, in turn, are alarmed by the pollutants that will soon be coming across our border from smelters in Mexico. It is, therefore, increasingly important that we in Congress look at environmental issues in a global context.

Last November, I was asked to represent the United States at an Inter-Parliamentary Conference on the Environment sponsored by the Inter-Parliamentary Union [IPU] in cooperation with the United Nations Environment Programme [UNEP]. Forty-two nations were represented at the conference, including all the leading in-

dustrial nations and many less developed countries. This was IPU's first conference on this subject, and it represents the type of coordinated action that is needed to deal with environmental problems on an international scale.

The conference examined the changes in the world environment that have occurred during the 10 years since the first United Nations Conference on the Human Environment in Stockholm in 1972. We looked at both the successes and failures over the past decade in coming to grips with many of the pressing environmental issues that confront us. The focus was not to pat ourselves on the back but to examine what remains to be done.

The conference came up with a number of excellent recommendations for addressing international environmental concerns. One of the resolutions called for the IPU, in cooperation with UNEP, to convene a meeting in 1986 to survey progress made in implementing the conference's recommendations. I understand that this was followed up by an additional resolution adopted by the full IPU Council at its meeting in Togo this past spring, a copy of which I would like to insert at the end of my remarks. Among other things, the resolution requests IPU's Secretary General to study the possibility of giving effect to the proposal to hold a meeting to survey the progress made in implementing the recommendations of the November 1984 conference.

I hope that all of us who deal with environmental issues in our committees and other congressional activities would develop the practice of looking at the international ramifications, as well as the national aspects, of the decisions we make and the problems we confront. The prospective 1986 IPU-UNEP conference should provide an excellent focus for such an effort and a way to share our information and learn from other countries as well.

Among other things, we in the Congress can review, through our relevant committees, the various international aspects of the environmental activities of relevant Federal agencies. For example, the Department of the Interior is quite active, through the National Park Service and other agencies, in providing foreign countries with technical assistance on park and conservation matters. In looking at these programs, the mandates of the Federal agencies need to be examined to determine whether additional language is needed to enable them to work more effectively.

Additionally, it would be helpful to convene an intercommittee meeting or workshop of Members of the relevant House and Senate Committees to discuss our roles and responsibilities in addressing environmental issues in Congress. I would hope this could be done well in advance of the next IPU-UNEP conference, perhaps in collaboration with an organization such as the Environmental and Energy Study Institute, which is currently conducting a study of the environmental problems facing developing countries.

Last, I would simply note that we in the Congress have a great opportunity to build upon the excellent environmental record we have already achieved. By working together with other countries, we can truly keep the world a livable place for us and for future generations. I urge all Members to help in this effort.

At this point I would like to place in the RECORD a copy of the IUP resolution on implementing the recommendations of the IPU-UNEP Conference.

IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE INTER-PARLIAMENTARY CONFERENCE ON ENVIRONMENT

Resolution unanimously adopted by the Inter-Parliamentary Council at its 136th session (25 March 1985)

The Inter-Parliamentary Council,

Having considered the results of the Inter-Parliamentary Conference on Environment, held in Nairobi from 26 November to 1 December 1984,

1. Expresses its gratitude to the National Group of Kenya for hosting the Conference and for the cordial welcome and hospitality extended to the participants;

2. Thanks the United Nations Environment Programme [UNEP] for its active and generous support at all stages of the project;

3. Notes with satisfaction the Conclusions and Recommendations unanimously adopted by the Conference;

4. Endorses in particular the recommendations of the Conference that the National Groups should:

(a) Bring the Conclusions and Recommendations of the Conference to the attention of their respective Parliaments and Governments and promote their implementation;

(b) Give wide publicity to the findings of the Conference through the information media and national environmental groups;

(c) Encourage the establishment of parliamentary committees on environment (where this has not already been done) and promote contacts between their Parliaments and the representatives of UNEP and other international organizations concerned with the environment, so as to facilitate the progressive implementation of the recommendations of the Conference;

(d) Inform the Secretariat of the Inter-Parliamentary Union of the steps taken and the results achieved so that it may transmit this information to the other National Groups, UNEP and the other relevant international organizations;

5. Requests the Secretary General to study with the Executive Director of UNEP the possibility of giving effect to the proposal concerning the holding of a meeting to survey progress made in implementing the recommendations of the Conference.●

● Mr. FISH. Mr. Speaker, it gives me great pleasure to stand here today to commemorate the 10th anniversary of the founding of the Environmental and Energy Study Conference.

This organization has consistently been the most useful resource for environmental and energy legislation. Since its founding, the Environmental and Energy Study Conference has provided nonpartisan material on every environmental issue that has come before this body. Their concise analyses of proposed legislation and up-to-date information on possible floor amendments help us make informed decisions. Their timely briefings on issues and legislation provide us and our staffs with the wherewithal to keep current on upcoming environmental concerns. These briefings have served as informal forums for the sharing of views and the consideration of policy alternatives. One measure of the conference's efficacy at keeping abreast of the issues of major Federal environmental concern was the recognition of the importance of maintaining a Federal energy policy in keeping with our environmental concerns.

Perhaps the most important service the conference has rendered is in helping guide us through the tremendous energy and environmental challenges we face. I would like to congratulate my friend, former Congressman Richard Ottinger, for his foresight in recognizing the importance of an organization of this caliber, both to serve our informational needs, and to focus our attention, and the attention of our constituents, on the importance Congress places on environmental and energy issues. I am proud to have been elected to the executive committee of the conference. The EESC has become a vital institution, helping us keep pace with the increasing environmental and energy challenges that we face.●

● Mr. BROWN of California. Mr. Speaker, I am pleased to rise to congratulate the Environmental and Energy Study Conference [EESC] today on the occasion of its 10-year anniversary. As a long-standing member of EESC, and as a member of its executive committee, I can say from experience that this organization is not only the largest of the legislative service organizations serving Congress, but it is also one of the most effective organizations. The work of the staff is always professional, accurate, and nonpartisan.

The study conference provides its members with valuable publications tailored to meet the various needs of Members and their staff regarding energy and environmental legislation before the House and Senate. ESSC provides research materials to assist Members in their work here in Washington as well as in their districts. The study conference occasionally polls its members to ensure that the services provided match the needs of the members. The staff is very professional, and always willing to help Members in their work, even when under deadline to get the Weekly Bulletin, or another

of the EESC publications, to the printers.

Mr. Speaker, I urge my colleagues who are not members of the Environmental and Energy Study Conference to seriously consider becoming members. I again congratulate the study conference on its 10-year anniversary, and look forward to continuing my work with this fine organization.●

● Mr. ECKART of Ohio. Mr. Speaker, the contributions of the Environmental Study Conference over the past decade have been innumerable. We have often been the catalyst in surmounting obstacles to environmental legislation in the Congress. The conference has played a significant role in protecting our environment and in assisting in the fashioning of commonsense laws in an era of constant demands for trade offs between economic considerations and the interests of effectively protecting our environment.

My interest in the conference has been one of being concerned with ensuring that the right of the people to a safe and decent environment is given consideration equal to the demands of those special interests who would weaken our environmental laws. The choices between the environment and economic interests are often difficult. The environmental movement is to a large degree the very heart of our political system. Our system holds that no person or no company should place their profit ahead of the rights of people to live in a safe and healthy enviroment. The first half of this century was too often marked by unprecedented spoiling of our environment. The supreme necessity to guarantee a safe environment was relegated to second place. It did not share equally with other economic demands in our society. In the latter part of this century we have learned painfully and harshly that a safe environment is a human right and essential to those who are advocates of human welfare and protection, not destruction of our environment and precious resources.

We cannot forget that we are the heirs of an ancient heritage and we serve as the stewards for the preservation of that heritage. We dare not risk passing on to future generations an environment more battered and more abused. The environmental study conference during the past 10 years has contributed to this kind of understanding and commitment. The conference has performed a valuable service. It deserves our commendation and our support, so that the next 10 years can be even more productive. Thank you very much.●

● Mr. O'NEILL. Mr. Speaker, today I join my colleagues in extending congratulations and many thanks to the Environmental and Energy Study Conference for their 10 years of service to the Congress.

Since its founding in 1975 by our former colleague Richard Ottinger, the conference has provided Members and staff with accurate, precise, and unbiased information that allows the individual to understand the many complex and pressing areas of our country's environmental and energy issues.

This bipartisan and bicameral organization has enabled the House and Senate to tackle the task of implementing comprehensive legislation that ensures the protection of our Nation's natural resources and environment. The Environmental and Energy Study Conference's Weekly Bulletin, provides valuable analysis that allows Members to track the issues, monitor committee action and upcoming floor debate and qualifies all disputes that emerge.

The task before the 99th Congress in regards to environmental laws and policies is by no means an easy one. I am certain the services furnished by the conference will aid Members and staff in considering policy alternatives and to explore the global environmental issues confronting our world today.

I commend the chairmen, the executive committee and the staff, both past and present, for their invaluable contributions to our legislative process. I wish the conference continued success in fostering a conscientious and informative arena for debate and action on environmental and energy issues.●

● Mr. REGULA. Mr. Speaker, it is a pleasure to join with my colleagues in congratulating the Energy and Environmental Study Conference on its 10-year anniversary. The work of the conference has been instrumental in providing current, nonpartisan information to Congress in the important energy and environmental issues of the day.

The commemoration of this anniversary also falls on the eve of World Environment Day, providing us an opportunity to reflect on the status of our environment and our energy resources. Further, it enables us to pause for a moment to assess our accomplishments and to set new goals for protecting our environment in the future.

For centuries man has been contaminating his environment, especially in urban areas where air and water pollution have been almost constant concerns. Not until the 1970's, however, did Congress view such pollution as a national problem, requiring national policy decisions. As a responsible society, we have realized that, in the words of Lester Brown in "Building a Sustainable Society," "We have not inherited the Earth from our fathers, we are borrowing it from our children."

With this philosophy Congress enacted major pollution control legislation. As we reflect on these acts and their amendments over the last decade, we witness major accomplishments in the decrease of industrial pollutants and municipal discharges and a reduction in the amount and types of air pollution. From 1976 until 1982, for example, we have decreased sulfur dioxide emissions by 33 percent.

As Congress again prepares to amend these crucial acts during the 99th Congress, we look toward a more effective control of nonpoint source pollution in the protection of water resources and a decreasing number of air pollutants being emitted into the atmosphere.

More frightening to our society than air or water pollution, however, are the implications of contamination of our environment by hazardous wastes. While Congress has asserted a two-pronged approach to the effective management of hazardous wastes, in the forms of the Resource Conservation and Recovery Act [RCRA] and the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] or Superfund, the hazardous waste crisis continues to mount.

According to a report from the Conservation Foundation in "State of the Environment," approximately 2,500 pounds of hazardous waste per capita is generated annually. While our technologies for rendering hazardous wastes harmless continue to fall short of our needs, we are pressed with the continuing dilemma of proper treatment, storage, and disposal of the culprit. The 1984 amendments to RCRA seek to protect more stringently our environment, and especially our groundwater resources.

Clearly, the most discouraging environmental program Congress has enacted in terms of accomplishment is Superfund. With 538 sites already on the national priority list, more than 200 sites recommended for inclusion on the list, and the estimated number of total sites on the list reaching between 1,400 and 2,200, our Nation's contamination problems seem insurmountable.

I share the firsthand knowledge of the tragedy which the discovery of a hazardous waste site can bring to a community. Like many of my colleagues who also possess current or potential Superfund sites in their districts, I daily confront the problems of a family's concern for the quality of its drinking water and the inability to sell its home.

While both the House and Senate are currently developing the extension of Superfund for an additional 5 years, with a more than fivefold increase in funding, the question of our ability to effectively solve this problem remains.

Critical concerns in the Superfund reauthorization include the "how clean is clean" debate and the issue of victims' compensation. While all of us

in Congress share the common goal of resolving the crisis of soil and water contamination due to hazardous waste sites, we must recognize the overwhelming challenge of this task.

With this urgent need to both protect that environment which has been contaminated and to prevent further contamination, comes the necessity of properly treating the environment as we remove the world's natural resources to sustain our standard of living and our industrial strength.

From the early days of our Nation's development, our society has viewed its energy resources as infinite, taking advantage of their low prices and seeming abundance. During the 1970's, however, the Nation was devastated with the oil shocks of 1973 and 1979, forcing a reevaluation of our treatment of these resources.

This trauma brought about a new resolve in our Nation to formulate a national energy policy, with President Carter dubbing our energy situation the "moral equivalent of war."

Out of this crisis atmosphere in 1980 emerged the Energy Security Act which, among other things, created the Synthetic Fuels Corporation and mandated a resumption of filling of the strategic petroleum reserve.

The act declared: "the achievement of energy security for the United States is essential to the health of the national economy, the well-being of our citizens and the maintenance of national security."

Five years later the goal of achieving energy security remains no less admirable, but I fear, just as elusive. Unfortunately what has changed today with respect to our energy policy is the sense of urgency felt in the 1970's.

Former Energy Secretary James Schlesinger summed up our country's response to energy policy well when he said, "this country vacillates between panic and complacency. We're in a complacency period right now and that is going to induce another panic."

An article entitled "Synfuels" written in 1979 cited several issues influencing congressional decisionmakers on the synfuels issue. These included:

Political and military vulnerability caused by the U.S. dependence on imported fuels; gasoline lines; high inflation rates and large balance of trade deficits caused by the outflow of $60 to $70 billion to the Organization of Petroleum Exporting Countries [OPEC]; U.S. inability to influence OPEC price and production levels; and Middle East instability.

Since that article appeared in December 1979 gasoline lines have disappeared and inflation has been controlled. On the other hand trade deficits have reached record high levels, the situation in the Middle East is no more stable, and oil imports are once again on the upswing.

In fact, after years of progress in cutting energy dependence, the United States is once again losing ground on several fronts:

Oil imports rose last year for the first time since 1979; U.S. oil companies are cutting back sharply on exploration needed to assure future domestic supplies—partially an involuntary response to congressional actions which keep limiting their options, that is, moratoria on Outer Continental Shelf explorations in certain areas, bans on leasing in wilderness study areas; the strategic petroleum reserve, the U.S. Government stockpile of crude oil stored for an emergency, stands far short of its planned goal and Congress continues to slow the rate of fill; and Government support for fossil fuel research and development, as well as for synthetic fuel demonstration projects continues to decline.

Charles DiBona, president of the American Petroleum Institute, earlier this year warned that "We are at the high point of our energy security and consumer comfort * * * in terms of the availability of supplies and the percentage of consumption we import. A number of factors suggest that the improvement that has occurred since the last oil crisis in 1979 may be peaking."

This forecast is supported by estimates that the huge Prudhoe Bay field is expected to fall from the current 1.5 million barrels of oil per day to between 250,000 and 750,000 barrels. This loss equals three to six times as much oil as America lost in 1979, following the Iranian revolution. To compensate we would have to increase imports 22 to 35 percent above present levels.

I serve as the ranking Republican on the Interior Appropriations Subcommittee. Many of this subcommittee's decisions impact on our future energy policy and posture.

In 1978, in the midst of the energy crisis, Congress by an overwhelming majority mandated expedited exploration and development of the Outer Continental Shelf. Just 3 years later the Interior Subcommittee imposed a ban on oil and gas leasing activities on portions of the Outer Continental Shelf. The acreage under prohibition has grown from 736,000 acres in 1981 to nearly 45 million acres in 1985.

The 4-year ban on leasing off California has rendered unavailable an estimated 850 million barrels of oil, more than twice as much as we have stockpiled in the strategic petroleum reserve. With oil prices down and seemingly plentiful supplies, we run the risk of being lulled into a false sense of security. There is no immediate crisis today, making it the opportune time to pursue a responsible leasing program.

The Interior Subcommittee also has jurisdiction over funding for fossil energy research and development programs, strategic petroleum reserve construction and filling, leasing on Federal onshore lands, and the Synthetic Fuels Corporation.

The subcommittee has always been a strong supporter of the Synthetic Fuels Program. A number of managerial problems, however, have eroded confidence in the Corporation and by implication, its mission. A number of these problems are, in part, a result of the crisis atmosphere in which it was created in 1980.

Now, with the energy crisis seemingly at bay, we are just as precipitously considering dismantling the Synthetic Fuels Corporation. This may or may not be wise policy, but I am struck by how many of the conditions precipitating creation of the Corporation remain unchanged between 1980 and today.

The same article I quoted earlier, "Synfuels," pointed out that major economic and regulatory uncertainties are associated with synfuels commercialization and investment in many synfuels projects will be risky and expensive. This is as true today as it was in 1980.

When the Synthetic Fuels Corporation was created, synfuel production was seen as the key to reducing our dependence on imported oil, as well as the main source for our long-term energy needs. In 1980, oil prices were projected to continue to increase to extremely high levels, making synfuels economically competitive.

A severe economic recession, increased conservation in response to higher oil prices, and increased production from non-OPEC sources, have combined to lower prices.

Whether prices rise or continue to drop, most experts believe our dependence on imports is once again on the upswing, making us no closer to the original goal of energy security then we were 7 years ago. The Energy Information Administration predicts imports will climb to 40 percent of U.S. oil consumption in 1990. That percentage could approach 44 percent—or the highest since the 1977 peak—if world oil prices continue to fall.

The Synthetic Fuels Corporation, if it serves no other purpose, should stand as a monument to the flaws of crisis management. While the goal was and is admirable, the Corporation has disappointed even its most ardent supporters.

Today we have no energy crisis, so as former Secretary Schlesinger notes, we appear complacent. I see this complacency manifested in a number of actions which individually may seem insignificant, but collectively signal a complete abandonment of our 1978 goal of energy security.

In 1978 Congress mandated accelerated exploration of the Outer Conti-

nental Shelf. In fiscal year 1980 Congress appropriated $20 billion for the Synthetic Fuels Corporation and $746.6 million for fossil energy research and development.

In fiscal year 1985 Congress rescinded $7.4 billion from the Synthetic Fuels Corporation and funding for fossil energy research and development dropped to $280.6 million. That same year nearly 45 million acres of the Outer Continental Shelf were withdrawn from potential exploration and approximately 50 million acres of onshore Federal lands were excluded from oil and gas exploration. That same year Congress also agreed to slow the fill rate of the strategic petroleum reserve to 159,000 barrels per day from a 1981 peak of 292,000 barrels per day, and earlier this year the committee agreed to further reduce that rate to a minimum of 50,000 barrels per day.

Minus an energy crisis we are retreating on all fronts from our objective of energy security. This is a very unwise policy.

Elihu Bergman, executive director of Americans for Energy Independence wrote in a recent article entitled "The Glut Will End" that:

> * * * before we become too comfortable with the gratifying spectacle, we had better take stock, because there may be more thunderbolts over the horizon. The seductively attractive vision of today conceals ambushes that are building up to afflict us in the 1990's.

From a national security perspective, a balance-of-payments perspective and from the perspective of insuring that our domestic energy industries can continue to compete in a world market, we must pursue a balanced energy program. We cannot afford to put all of our eggs in one basket as we did in 1980 with the creation of the Synthetic Fuels Corporation. Neither, however, can we afford to tie the industries hands by continuing to shut-off more and more areas from exploration.

Even now our domestic industry is showing an inability to produce enough to keep pace with demand. While demand was down the problem was masked. Weak prices and some major drilling disappointments are crimping domestic oil production. A strong dollar favors development of foreign, rather than domestic energy sources and recently the Department of the Interior lowered its estimates of the resource potential of the Outer Continental Shelf by 55 percent.

Bergman believes world oil demand will increase significantly in the 1990's with the major pressures on world oil supplies coming from the less developed and Communist countries. According to Bergman:

> We have about 5 years in which to do something about this gloomy but inevitable prospect. To get anything done we had better start now, in a noncrisis atmosphere when we are less likely to do wrong things. But doing so requires a reversal of our traditional national behavior.

We must begin that reversal now if Bergman's words are not to come back to haunt us.

Reflecting on these crucial energy and environmental issues, I compliment my colleagues in the responsible policies which they have pursued over the past decade. Through the legislation enacted by this body, we have witnessed the revitalization of our Nation's water resources and the cleaning of our air. We have taken the responsibility of tightly regulating the disposal of hazardous wastes in an attempt to prevent environmental contamination, and we have begun the long process of cleaning up that environment which we have contaminated.

We have enjoyed the return of a low price for our natural resources including fuel oil, gasoline and coal, and we even face the prospect of lower natural gas prices in the near future. We have created a reserve of oil in the strategic petroleum reserve to protect our Nation from a cutoff in oil imports for 108 days by the end of this fiscal year.

Let us take this moment to assess these accomplishments and challenge ourselves to improve upon their effectiveness. Only with these goals may we, as a responsible society, turn over a safer and more plentiful environment to our children.●

● Mr. DERRICK. Mr. Speaker, I rise today to recognize the 10th anniversary of the Environmental and Energy Study Conference. Since 1975 this conference has provided Members with complete and timely reporting and briefings on the full range of energy and environmental issues. Under the capable new leadership of Chairman BILL GREEN, I am sure the conference will continue in the tradition of excellence set by the founder of the organization, Richard Ottinger.

I have been a member of the conference for 9 of its 10 years and have found the quality of information to be consistently topnotch. On countless occasions I have depended on the EESC for an unbiased analysis of current legislation. In addition to the Weekly Report which provides information on recent activities and upcoming hearings, the conference schedules briefings from the experts and policy makers on the important issues of the day. The Briefing Book which encapsulates each issue in a short cogent summary is well used by my staff as well as myself.

This anniversary celebration is particularly timely as tomorrow is also to be commemorated as World Environment Day. It is appropriate that we take this opportunity to recognize and remain mindful of the far-reaching implications resulting from tampering or misuse of our environment. For example, we have seen how the release of noxious chemicals from powerplants in North America causes acid rain which in turn has contributed to damage to European forests, especially in Germany. It is time that we begin to recognize the world as a great ecosystem with complicated interdependencies among all the subsystems.

We must acknowledge our responsibility to maintain the faithful stewardship of our natural resources in the manner that was set by our forefathers. With care and patience, we can restore some of the harm done to our natural lands in the past. However, there is no replacement of our clean water and air. The EESC is rich in its own resources and has demonstrated its appreciation of the work we have ahead of us. I am proud to be a member of such a group and to offer my tribute to this 10th anniversary.●

● Mr. YATRON. Mr. Speaker, I rise to join my colleagues in commemorating the 10th anniversary of the Environment and Energy Study Conference, and to discuss pressing global environmental issues. I want to commend the gentleman from Michigan, Congressman WOLPE and the gentleman from New York, Congressman GREEN for their leadership in holding this important special order.

The study conference is the biggest service organization in Congress, consisting of over 360 Members of the House and Senate. The large membership reflects the importance of energy and environmental issues and the study conference has made a valuable contribution toward congressional deliberations of these matters. Throughout its 10 years, the study conference has conducted briefings, issued publications, offered informal forums, and hosted special activities which have kept members informed and sharpened the discussion of energy and environmental legislation.

The study conference has been a great help to me. As chairman of the Subcommittee on Human Rights and International Organizations—which has jurisdiction over the international environment—I have actively worked to address some of the world's most pressing environmental issues, and will continue to do so. I would like to take this opportunity to introduce a resolution in support of the United Nations Environment Program.

In 1972, the United Nations declared that June 5 is to be observed worldwide as World Environment Day. The date commemorates the anniversary of the United Nations Conference on the Human Environment, held in 1972 in Stockholm, Sweden. The Conference was attended by representatives of over 113 countries and was the first time that environmental problems were formally recognized as a matter of global concern. It is often described

as a watershed event in the effort to address global environmental issues.

It is particularly appropriate that we use this day to recognize the United Nations Environment Programme. UNEP was created as an implementing secretariat after the Stockholm Conference. It is an independent agency of the United Natons family and is funded by voluntary contributions from member governments. It is governed by a governing council of 58 nations representing the major regions of North America, Latin America and the Caribbean, Europe, West Asia, Africa, Asia and the Pacific. UNEP's headquarters is in Nairobi, Kenya—the first U.N. agency to be headquartered in a developing country.

Among U.N. agencies, UNEP serves an advocate for the protection of the environment and natural resources, and encourages the integration of environmental criteria in development projects to avoid unnecessary economic and social costs. It is due largely to UNEP's catalytic role that over 110 nations now have national environmental agencies.

UNEP has made an immeasurable contribution to the protection of our global environment. Some of its most notable achievements include:

The first World Industry Conference on Environmental Management, hosted by the French Government in November 1984. The meeting was a first by a U.N. agency in cooperation with the International Chamber of Commerce, and provided business and industry worldwide with a forum to promote sustainable development in the Third World.

The establishment of a worldwide International Registry for Potentially Toxic Chemicals. This was done in cooperation with industry and governments as an information bridge between developed and developing countries in response to a need by the latter to ascertain the health implications of importing, exporting or using chemicals.

In 1980, UNEP instigated the formation of the Committee on International Development Institutions on the Environment [CIDIE]. This mechanism has proven to be a crucial first step in fostering the integration of environmental criteria in international financing.

UNEP has established a Global Environment Monitoring System [GEMS] to develop methods to store, retrieve, and analyze natural resource data.

UNEP embraces over 120 countries through 11 regional seas programs whereby nations sharing common coastal waters have begun the difficult process of creating common calibrations in monitoring coastal water pollution.

I also want to take this opportunity to announce that the subcommittee will be conducting a hearing on U.S. Policy on Biological Diversity on June 6, 10 a.m. in 2200 Rayburn. Biological diversity refers to the myriad life forms that exist on Earth. The preservation of these life forms is, perhaps the most fundamental environmental problem facing humankind, as it is critical to the maintenance of our ecosystem and to our way of life. Scientists have documented how the loss of biological diversity affects atmospheric quality, climatic stability, water supply, soil fertility, disease and pest control, the improvement of crop and livestock yields, the development of new medicines and pharmaceuticals and many other important scientific and industrial undertakings.

One of the most informed discussions of biological diversity was presented in an address by Mr. Thomas E. Lovejoy of the World Wildlife Fund, to the Annual Conference of the New York State Association of Independent Schools on November 1. The speech is entitled, "Making the World Safe for Diversity" and I want to make it available to my colleagues through the CONGRESSIONAL RECORD.

MAKING THE WORLD SAFE FOR DIVERSITY

(By Thomas E. Lovejoy)

Whenever I see a copy of the International Herald Tribune I feel a twinge of nostalgia for the New York Heralds Tribune—now extinct for many years. I am also reminded of that frosty morning in 1957, when as a schoolboy I picked up my copy of that newspaper with its so comfortable typeface, and read of a new voice in the heavens: that of Sputnik. Soon the United States government began channeling funds at a major rate into American science and science education at an unprecedented rate, with an emphasis on physical sciences and technology.

Five years later the environmental destruction engendered by the arms race in the form of the Aswan Dam, led me to Egypt on behalf of Yale's Peabody Museum of Natural History. Early that autumn I participated in a collecting expedition for mammals of the Eastern Desert. Like most desert animals they are nocturnal so we took jeeps into the desert by night. To be both safe and effective we needed an experienced guide so our first destination was a Bedouin camp.

There we participated in an age old ceremony. A rug was laid out upon the sand, transforming the entire Sahara into an enormous livingroom. We removed our shoes, sat upon it, and drank tea, bathed in the brilliant but pallid blue light the moon casts in the desert. At that moment, I by chance looked up to see one of the early satellites pass overhead. That was the moment when I first noted the traditional and modern worlds rushing apart like galaxies propelled by the Big Bang. Today I would also think of it in terms of the furtility of pinning hopes on a star when our feet remain fettered by degraded and impoverished environments like those of most of the Middle East and parts of the Mediterranean.

One has only to look around to see the signs of environmental deterioration. Yesterday's New York Times reports that 50% of West Germany's forests are affected by acid rain or other pollution. In Nepal the mountains are being stripped of forests; the erosion is fierce and destroys the land. It chokes hydroelectric projects with silt which, its benefits lost to agriculture, otherwise plunges to the Gangetic Plain. The World Bank considers this deforestation such a problem as to make it the top priority for its work in Napal.

In the tropics the forests are in full retreat. An area the size of Great Britain is deforested every year. The topics approach the ideal conditions for life as we know it: of continual warmth and wetness. Here life reaches its fullest expression, and the diversity of life reaches astounding levels. Perhaps half or more of all species of plants and animals occur on this 6% of the earth's surface, and the arrangements between them are novel and complex. There is a potential, about to be realized in the tropics, for mass extinctions of a sort never experienced in human history—of several hundreds of thousands of species out of a world total of somewhere between three and ten million.

The imprecision of the estimated total number of species on earth indicates part of the problem—despite the much vaunted achievements of the modern scientific enterprise, we remain largely ignorant about that branch of science most important to us as living creatures—namely biology. Only a million and a half species have actually been described, and the number reasonably studied and understood in terms of present knowledge can only be in the hundreds. And even for those few there is much to learn as knowledge expands. Why should anyone be surprised when biologists sound weak when asked about the merits of a particular species?

The world is made up of physical gradients of temperature, moisture, pressure, pH, and concentrations of various elements and molecules. The animals and plants that live near the ends of these gradients are of great interest to biologists. How do the archaeobacteria survive temperatures greater than the boiling point of water? Some years ago Ruth Patrick's laboratory discovered a yeast generally very rare because it is found only in waters of high mercury content. It is capable of removing mercury compounds from water and depositing quicksilver in a vacuole. The potential usefulness of this species in cleaning up waste and polluted waters is obvious.

These species at the ends of gradients are even more useful in what they can tell us about the limits under which life can exist, and the solutions these species have evolved for such extreme conditions. These are the real environmental extremists and they are to be treasured. The point is really valid for all species: namely the full potential for the growth of biological knowledge depends on the ability to study the full variety of life on earth.

I occasionally encounter the attitude of why bother about these extinctions when extinction is the almost universal experience of all species of life to have existed on this planet? I usually see a glimmer of understanding when I ask if the questioner would like to visit the herd of small dinosaurs that I have managed to sequester in the South Bronx. We in North America consider Limulus, the horseshoe crab as rather ordinary, but for scientists visiting for the first time it is a special treat to glimpse a species apparently little changed in the course of 150 million years. My apocryphal dinosaurs and the humble horseshoe crab

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both relate to the importance of biological knowledge and all its attendant benefits for human society. The massive extinctions which loom would be a devastating anti-intellectual act.

Another version of this approach is to remain passive about it all. Mass extinctions have occurred before so shouldn't we just let things take their course? Only recently has it appeared that mass extinction may be a somewhat regular event. Why this has only just come to light I don't know. One is tempted to say the paleontologists had their heads in the sand but, then again, that is their job. But today's situation and that of the dinosaurs are not analogous, and besides it probably wasn't much fun to be a dinosaur in those last saurian moments. The dinosaurs did not do it to themselves; their world fell apart beneath them. We have the ability to prevent this if we wish, and unless nuclear winter is invoked, I doubt our actions will lead to our own extinction, although plenty of misery will be engendered.

The problem is more than an intellectual one, for there is a web, rather like the handiwork of spiders in an abandoned cellar, of unseen connections between the biological world and human society. There are obvious links such as the millions of people alive and healthy because of medicines derived from the wild. Fully a quarter of the United States Gross National Product derives from wild species and wildlands. Obvious too are some of what Paul Ehrlich calls public services, such as the economic benefits of watershed forests, but most of these remain unrecognized, and are neither evaluated nor included in the economic calculus of most governments.

Less obvious is what dwindling natural resources mean to rising costs of living, and when mistakenly counted, to inflation. It is difficult to separate cost increases from decreasing supply and those from increasing demand—generally both have been occurring simultaneously. But the point has to be valid. In colonial Connecticut it was illegal to serve shad to servants more than twice a week, and today's salmon and lobster prices undoubtedly partly reflect diminishing supply. Substitution—today's trash fish becoming tomorrow's delicacy—is possible for a while, but it doesn't work indefinitely and each overexploited resource wreaks an economic toll.

There are echoes of this on the national level in the correlation between living standards and biological impoverishment. Those nations which have lost a significant portion of their biological diversity are also ones that suffer declining standards of living. Columbus' log records he "never beheld so fair" an isle as Hispaniola. Haiti on the western end became France's most valuable colony, and led Napoleon, because he failed to retake it after its revolution, to abandon his ambitions to conquer the New World. Today it is the poorest and most densely populated nation in the western hemisphere. Only 9% of the forests remain, only on the steepest slopes and in the most inaccessible places. El Salvador, the most densely populated non-island nation presents a similar picture. The relationship between national ecologies and national economies is complex, but it is clear when landscapes are used to the point that large numbers of species have vanished, that they have been misused and that the carrying capacity of the land is overshot. One scarcely need point out that this generates social and political problems that reach beyond the borders of such countries to the most powerful nations on earth.

Recently Julian Simon has questioned concerns about population growth, natural resources and the human condition. The matter certainly is not simple. It is not a question of the survival of certain species or human welfare. The fate of people and of the Creation are very bound together. Some development is necessary before the people of tropical lands can be more concerned about the environment. The tropical forest slash and burn agriculturalists, whose incursions are bemoaned by many, have no choice but to destroy forest to feed themselves and their families. Development of some sort is necessary to provide them a suitable alternative. This is why the World Conservation Strategy developed by the International Union for the Conservation of Nature can be summarized as: development depends on conservation and conservation depends on development—of the right sort of course.

What is disturbing about Simon's book, "The Resourceful Earth," is its blind faith that everything will work out and that the more people the merrier. It is pinned in part on the recurring hope that technology will solve any problems. The latest version of this is that biological engineering will, like some technological methadone, free us from our dependence on the biota. In reality it only illuminates the dependence further: to realize the full potential of biological engineering it is necessary to protect the full array of genetic material, i.e., the diversity of life.

The people and biological resource issue is far from simple. It revolves around the ecological paradox: to exist, any plant or animal, ourselves included, must affect our environment. Seen on a global scale that is why our atmosphere is different from that of any known planet, and it is profoundly disturbing that we are beginning to notice changes on such a vast scale as the atmosphere meaning we are beginning to tinker with the basic physics and chemistry of the planet. The dilemma, of course, revolves around what are the acceptable and reasonable ways, what is the reasonable scale, for people to be affecting their environment?

Sometimes I wonder if the environmental problem is not one of the familiar? We are clearly approaching our use of the planet differently than were we to have just arrived with a colonization plan. Such a plan would surely include a global system of protected wild areas, a representative series of ecosystems which could serve as an international bureau of ecological standards. Such protected ecosystems provide a basis for measuring success and failure with which similar ecosystems are being manipulated for production of various sorts. Such a system of protected ecosystems in fact constitutes the only rational basis for managing the biology of our planet. It is sobering how far from completion such a system is.

This is not an easy time to grow up in, not like the golden glow Eisenhower years so rudely interrupted by Sputnik. Students today must learn to appreciate diversity of cultures, and in nature, to an extent never before, because each of them will, by their votes and daily decisions, be contributing to the problem or the resolution. Julian Simon is right on two points: First, that people cannot ingest a constant diet of gloom and doom; and second, people will be the solution to the problem—if there is to be a solution.

I have not said much about the ethical and moral side of this topic, but a lot of the hope lies there. Diversity is, in fact, a much greater source of joy and fun than the homogenized cultures that homogenize their landscapes, and the homogenized landscapes that homogenize cultures. John F. Kennedy probably was thinking only of cultures when he used the phrase "making the world safe for diversity" but I am sure he would have recognized the interdependence of cultural and biological diversity.

A week ago as I sat in a meeting of the Smithsonian Council listening to the need for a new larger facility to store and exhibit larger aircraft and spacecraft—Concordes, 747's, the space shuttle—my mind wandered to undesigned generations of air and spacecraft, and needs for yet larger facilities. Would we, I wondered, someday hear the Smithsonian seek an appropriation to house and old and worn out planet? I think not, for I believe we are up to the challenge to manage the earth properly—this magnificent planet of life.

H. Con. Res. 158

Concurrent resolution in support of the United Nations Environment Program

Whereas nations around the world are confronting increasing demands on soil and water systems;

Whereas populations are fleeing drought conditions and starvation, complicating foreign relations;

Whereas the number of chemcial and industrial related accidents is increasing in number and severity, as evidenced by the Bhopal and Mexico City disasters;

Whereas the world's renewable resource bases are shrinking and potentially renewable resources are not being wisely managed;

Whereas pollution continues to alter the climate and seas in ways that have profound implications for global productivity;

Whereas environmental problems such as soil erosion, tropical deforestation, desertification, pollution, and wildlife loss (both plant and animal), are a source of human misery and instability in developing nations and affect the economic well-being and national security of the United States;

Whereas the United Nations Environment Program was established in 1972 as an independent, voluntarily-funded agency of the United Nations system to coordinate and catalyze global actions to address the major environmental problems;

Whereas this agency, through its Global Environmental Monitoring System, its International Register of Potentially Toxic Chemicals, its Regional Seas Program, its convening of the Conference on Environmental Management, its joint collaboration with members of national parliaments and legislatures worldwide, its extensive consultation with academic and scientifc communities and non-governmental organizations, and its several environmental action programs, has made a significant contribution in arresting environmental degradation, promoting sustainable development, and improving the quality of life for all people, especially those in the developing world;

Whereas the capacity of these different programs and activities to respond to increasing national and international demands is deteriorating due to uncertain funding sources;

Whereas the annual budget of the United Nations Environment Program has not increased since 1974;

Whereas past and present Administrations have testified on many occasions how important the United Nations Environment Program is to United States interests and

have provided critical leadership and support to this institution; and

Whereas this support is now in question: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Government, in its endeavor to enhance the capacity of developing societies to become self-sufficient, to mitigate the effects of drought and starvation and lessen human misery, to encourage the wise use of natural resources, to preserve the health of environmental systems, to promote global peace and security, and to gain more benefit from United States foreign assistance programs, should maintain the level of its contribution to the United Nations Environment Program at no less than the amount of its 1973 contribution.●

● Mr. LEVINE of California. Mr. Speaker, I am pleased to have this opportunity to participate in today's special order celebrating the 10th anniversary of the Environmental and Energy Study Conference. While serving in the Congress, I have found the Study Conference to be a valuable resource. Its publications, briefings, meetings, research papers, and special services have been informative, thoughtful, and reliable.

Since its inception in 1975 as an environmental caucus, the organization has grown both in numbers and in expertise. Its services have been expanded to include energy and it currently boasts a membership of more than 360 participants from the House and Senate. Presently, it is the largest legislative service organization in Congress.

Although this country has accomplished a great deal, we continue to face enormous environmental and energy challenges. Air pollution, clean water, hazardous waste, and energy security are only a few of the issues that demand our attention today, and will for many years to come. If we are to solve these problems, it will take a determined effort from all sides. I am sure that, through its multifaceted activities, the Environmental and Energy Study Conference will continue to play a leadership role in these efforts.

Mr. Speaker, it is a privilege to join with my colleagues in saluting the Study Conference and its founders on its 10th anniversary. May I also extend my sincere wishes for many more successful years.●

● Mr. WIRTH. Mr. Speaker, I am delighted to join with the gentleman from New York [Mr. GREEN] and my many other colleagues in saluting the Environmental and Energy Study Conference on its 10th anniversary. Many of our friends rising tonight from both sides of the aisle to commemorate this anniversary are among those of us who were founding members of the EESC. I am confident that they, and all who have since become members of the Conference, join with me in commending the Conference's officers and staff for a job well done—indeed, a job which has far exceeded our original expectations of 10 years ago.

Over the years, the breadth of the issues addressed by EESC has grown in direct proportion to the increasing complexities this body confronts in its ongoing resolve to ensure that this Nation reaches toward a secure energy future and a safe and healthy environment for all American citizens. The policy analyses provided members of the Conference have proven an immeasurable aid in helping to guide us through some of the most difficult and contentious issues we have faced in the Congress over the past decade—from reauthorization of the Clean Air Act, RCRA, the Clean Water Act, and the creation of Superfund to the highly emotional debate surrounding deregulation of natural gas and oil. In each case, the EESC had produced timely, well-thought out analyses of all positions, in the process assisting the policymaking process in a manner few others can provide.

It is appropriate that we rise to salute EESC on the eve of World Environment Day. In recent years, the EESC and its sister organization, the Environmental and Energy Study Institute, have helped focus attention on the growing importance of examining natural resources challenges in their global context. As our economic interdependence within the global community has grown, so too has the recognition that environmental considerations throughout the world, in developed and developing countries alike, must be examined. Both the Conference and the Institute have been in the forefront of the Congress in bringing Members' attention to the imperative of global considerations—be it the ongoing drought and famine in Africa or the threats to water quality throughout the developing nations or the experiences of the Western European nations in their ongoing fight against the devastation wrought by acid rain.

Mr. Speaker, considerable environmental challenges remain before this body, challenges which go the heart of meeting our responsibilities to both current and future generations of American citizens. I am confident that the Congress will stand up to those challenges, aided by the strong support for such action we enjoy from the American public. Likewise, I am confident that EESC will play a major role in helping us reach those goals and welcome their continued support, input and expertise.●

● Mr. WAXMAN. Mr. Speaker, I wish to extend my congratulations to the Environmental and Energy Study Conference, its founder, Richard Ottinger, our former colleague, and all of its officers, as EESC celebrates its 10th anniversary.

The Environmental and Energy Study Conference, with its unique bicameral and bipartisan composition, has performed an outstanding service over the past 10 years in providing the Members and staff of the House and the Senate with invaluable, objective information about the substance of and prospects for energy and environmental legislation in the Congress.

Its briefings about energy and environmental issues for Members and staff have often provided the critical forum for exchanges of views that have led to more balanced legislation. Such briefings have provided rare opportunities for House and Senate Members and staff to share and test ideas before their peers in a setting where others can objectively evaluate the merits of positions taken.

The Environmental and Energy Study Conference's weekly bulletin has become an indispensable source of information about the legislative process. Its comprehensive approach to energy and environmental issues, with perspectives about the prospects for passage of legislation, offers the only complete picture of the week's energy and environmental calendar.

Mr. Speaker, it is appropriate that we are celebrating the 10th anniversary of EESC on the event of World Environmental Day. Although we have made considerable progress in the United States in protecting public health and the environment in the past 10 years, there is growing recognition that many of these problems are global problems as well.

Acid rain is clearly a worldwide problem. Anyone who has followed this issue even casually over the past several years knows that we face serious and widespread acid damages unless we move quickly to reduce the sulfur dioxide and nitrogen oxides pollution that causes acid rain.

Evidence continues to mount that in ignoring the acid rain problem we risk an environmental and economic tragedy of historic proportions—not just in New England but over large parts of our country—and not just in this country but in Canada and Western Europe as well.

In a national survey in 1982 the U.S. Environmental Protection Agency [EPA] found that lakes in large parts of New England, the Upper Midwest, the Mountain West, and the Southeast are vulnerable to acid rain, because their soils are low in natural minerals, such as lime, that can neutralize acids. The region with the largest sensitive area was not New England but the Southeast where, by unhappy coincidence, acid-forming sulfur dioxide emissions have increased more than fivefold since 1950.

The World Resources Institute recently published a new study warning that large areas of the West face the

threat of serious acidification damages.

Lakes are but a small part of the problem. Forests are showing signs of a precipitous unexplained decline over large areas of the Eastern United States, and acid rain, along with other air pollutants, leads the list of suspected causes.

Once lush spruce and fir forests on Eastern mountains, such as Camel's Hump in Vermont and Mount Mitchell in North Carolina, are now littered with dead or dying trees—resembling battlefields more than forests. Trees are also suffering in the Midwest, especially in the heavily polluted Ohio River Basin, where much of the acid rain in the Eastern United States originates. The growth of economically important pine species, vital to the economy of many States in the Southeast, has declined dramatically in the past decade.

The warning signs could hardly be more clear. Those who label such concern alarmist have only to consider the acid devastation that has already befallen Central Europe and Scandinavia. In Sweden and Norway more than 30,000 lakes have been acidified. In West Germany the government reported in 1984 that fully one-half of the nation's trees have been damaged by air pollution. Official skepticism over acid rain in these countries, as in most of Western Europe, has given way to public alarm and government action. It is time that the United States followed suit.

The tragic Union Carbide gas leak in Bhopal, India, that resulted in over 2,000 dead and 150,000 injured has made all the world gasp.

We owe a great debt to chemical companies—their products are essential to our society and benefit millions of people around the world. But along with the benefits, there are dangers. We can no longer ignore the public health risks posed by poison gases leaked from chemical plants.

I think Bhopal has changed our way of looking at the chemical industry. We now know that poisonous chemicals can injure in large or small amounts, instantly or over many years. Because they kill indiscriminately and casually, they must be handled with extraordinary care.

By sensitizing the public to this risk, Bhopal forces us to scrutinize the chemical industry. What we are learning is not reassuring.

The chemical industry cannot continue to operate on a worldwide honor system. It is a system which cannot work. Competitive pressures discourage any investment in pollution control. Companies are reluctant to make investments for public health protection which may not be matched by others in the industry. As a result the whole industry tends to move toward the level of pollution control of the dirtiest company.

We face this situation because all levels of government have abdicated their responsibility to prevent leaks of poison gases into the public's air supply.

We clearly have a crisis of inaction at EPA today across the many programs that were adopted by Congress to protect public health.

The challenge for the Environmental and Energy Study Conference and for all of us who care about health and environmental issues is to bring the facts before the Members of Congress and the American public and seek equitable and fair policy solutions to these difficult problems.●

● Mr. LUNDINE. Mr. Speaker, I rise to join my colleagues in commemorating the 10th anniversary of the founding of the Environmental and Energy Study Conference. I think it is especially fitting that we reflect on the job the EESC does at this time because, as Members know, tomorrow is World Environment Day.

Although the job of protecting our environment at home is far from done, I think that we are all increasingly aware of the environmental crisis in the developing world. As chairman of the House Banking Committee's Subcommittee on International Development Institutions and Finance, I am particularly aware of the ways in which inappropriate environmental planning and management can quickly create serious economic problems in poor countries desparate to develop rapidly. The subcommittee held extensive hearings on environmental practices of the multilateral development banks during the 98th Congress and made recommendations to relevant agencies on how environmental information could be collected and used to help plan sustainable development strategies. I am pleased to say that a number of the subcommittee's suggestions have been adopted, both by the U.S. administration and by several of the multilateral development banks themselves.

I am also happy to note that the Environmental and Energy Study Conference has recently begun a new project called Helping Developing Countries Help Themselves: Toward a Congressional Agenda for Improved Resource Management in the Third World. I expect the recommendations that will result from this study to be of great use to the members of my subcommittee as we continue to review the impact of U.S.-funded development projects on the natural resource base of the Third World.

Again, Mr. Speaker, let us all congratulate the EESC on having its 10th year with such a wealth of accomplishment and such exciting plans for the future.●

● Mr. MORRISON of Washington. Mr. Speaker, I am pleased to be able to take this opportunity to extend my congratulations to the Environmental and Energy Study Conference [EESC] as it celebrates its 10th anniversary. When I first came to Congress 5 years ago, I quickly learned that the EESC provided a balanced and comprehensive review of the many energy and environmental issues before Congress and the efforts to deal with these issues. Since that time, the EESC has continued to live up to its reputation and its publications have become a valued resource in my office.

It is appropriate that the EESC is celebrating its anniversary at a time when the consideration of energy and environmental legislation requires an ever increasing amount of Congress' time and effort. A review of the weekly bulletin published every Monday by the EESC provides a graphic illustration of the wide range of issues affecting the health, safety and well-being of this and future generations that must be addressed. It also illustrates the interrelationship between many issues and the need for greater understanding of this relationship if we are to reach a comprehensive solution to the problems we are facing.

I think that the subject of food irradiation, which I have become increasingly involved with in the past 3 years, provide a good example of the need to examine one issue in the context of other environmental issues facing Congress.

Food irradiation is a process whereby ionizing energy is used to treat harvested food commodities to protect them from pests and to inhibit spoilage. While this process offers obvious benefits to the commercial sector, it also has the potential to be part of the solution to two environmental problems now facing Congress. The first has to do with the use of postharvest fumigants, such as ethylene dibromide [EDB], that are now used to protect food from pest infestation. There is a genuine concern regarding the toxic residue left by these fumigants, and irradiation offers an alternative that has been proven safe and effective. The second, and more pressing, problem involves the efforts worldwide to provide food to the hungry in many underdeveloped countries. One of the major obstacles to these efforts is that spoilage significantly reduces the amount of food that reaches the world's hungry. Food irradiation extends the life of fresh fruits, vegetables and grains and has the potential to minimize the amount of food lost due to spoilage while in transit and during distribution.

While the issue of food irradiation is relatively uncomplicated, it does illustrate the need for accurate informa-

tion in order to properly evaluate the potential impacts of our decisions here in Congress. The EESC has admirably served as a source of information for the past 10 years, and I am certain that it will continue to do so for many years to come.●

● Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the Environmental Energy Study Conference on its 10th anniversary and to discuss some of the changes that have come about in the attitude of Americans to the environment. The Study Conference, which was founded in 1975 by then Representative Richard Ottinger and 10 fellow Members, has grown to include over 250 Members of the House. In addition, the Study Conference admitted Members of the Senate beginning in 1976, and today there are 70 Senators who are members of that conference. In the period of time since the formation of the Environmental and Energy Study Conference was formed, the Congress has succeeded in passing landmark legislation that will go a long way toward improving the American environment.

For too many years Americans had squandered the rich resources of the American lands. Respect for the land and the rich resources that it provided was sorely lacking. In my years in Congress, and especially in the years since the formation of the Environmental and Energy Study Conference, the Congress has taken many remedial actions which have represented a good first step in correcting our long-standing tradition of disregard for the environment.

In fact, in the last 10 or so years, Congress has taken dramatic action to improve both the looks and the quality of the American landscape. Measures like the Superfund and the Resource Conservation and Recovery Act have gone a long way toward improving the regulation of the disposal of hazardous wastes, and measures like the Clean Air and Clean Water Act have made our environment a healthier one in which to live. There is still more work to be done. We have, however, developed both an awareness and concern for the Environment that will ensure that we keep working toward the goal of creating a healthier and more beautiful America.

The Environmental and Energy Study Conference has encouraged this by providing information on actions that affect the environment, by providing lectures and seminars that focus on specific areas of concern, and by generally making all Members of Congress more aware of the need to protect and preserve our environment.

In its 10 years the Environmental and Energy Study Conference has encouraged and facilitated the passage of legislation that safeguards the environment and the public health. In those 10 years we have made great strides in protecting our environment, however, there is still more work to be done. I am sure that in the capable hands of Chairman BILL GREEN and Vice Chairman BOB WISE in th House, and Chairman SLADE GORTON and Vice Chairman ALBERT GORE in the Senate, we can continue to advance American concern for the environment and provide a better world for present and future generations of Americans.●

● Mr. HEFTEL of Hawaii. Mr. Speaker, it gives me great pleasure to participate in this special order honoring the Environmental and Energy Study Conference on this its 10th anniversary of serving the Congress.

The Environmental and Energy Study Conference was born out of the creative genius of our distinguished former colleague, Dick Ottinger, who in 1975 saw a critical need for an information gathering service that would assist Members with the critical environmental and energy decisions that were then confronting the Congress. The hallmark of the original Environmental Study Conference was its position of issue nonadvocacy, and this continues to govern the Conference. It is fair to say, however, that the assistance rendered by the Conference and its creative and talented staff during these crucial days was instrumental in guiding the Members of the House and the Senate.

I am proud to have served on the executive committee over the past 4 years and I look forward to serving with our new House and Senate leaders, Congressmen BILL GREEN and BOB WISE and Senators SLADE GORTON and AL GORE. The Environmental and Energy Study Conference is in good hands as it begins its second decade of service to the Congress. I am confident that it will continue to serve the Congress in an exemplary fashion in the years ahead.●

● Mr. ANDREWS. Mr. Speaker, in commemoration of this special order on the tenth anniversary of the Environmental and Energy Study Conference, I am submitting the remarks of the Honorable Russell Train before the World Affairs Council of Northern California for your consideration:

CONSERVATION AND DEVELOPMENT: THE GLOBAL CHALLENGE

(Remarks of Hon. Russell E. Train, President, World Wildlife Fund-U.S., The World Affairs Council of Northern California, June 18, 1984)

At the start of this decade, the eminent American biologist, E.O. Wilson, was asked to describe the one event likely to happen in the 1980s that our descendants will most regret, even those living a thousand years from now.

He answered that: "The worst thing that can happen—will happen—is not energy depletion, economic collapse, limited nuclear war, or conquest by a totalitarian government. As terrible as these catastrophes would be for us, they can be repaired within a few generations. The one process ongoing in the 1980s that will take millions of years to correct is the loss of genetic and species diversity by the destruction of natural habitats. This is the folly our descendants are least likely to forgive us."

For most of us, that must come as startling news indeed. We had no idea that we were suffering such losses in biological diversity. And we find it very hard to understand why such losses should rank as an even worse catastrophe than limited nuclear war or economic collapse.

Beyond and behind the human suffering and deprivation—and the political and economic instability—that afflict so many countries of the Third World, and that frequently dominate the news from those countries, is another kind of devastation that we rarely see or hear about but that is intimately linked to the political, social and economic unrest in those areas. I speak of the environmental devastation that is occurring in many of those countries—a devastation that is often both a root cause and a result of the human problems.

I want to talk, briefly, today about that devastation, about some of its causes and consequences and, above all, about how vital it is that we take immediate, tangible steps toward trying to help them achieve political, social and economic stability.

The environmental movement that emerged in this country and spread across the world in the past 15 years rests to a large extent upon a single, surpassing insight: that continued human progress and well-being depend upon the sustainable use of the basic biological and natural resources of the earth we inhabit. The point is not that these resources cannot or should not be used for human purposes. Rather, the point is that these resources can only continue to serve human purposes—and to support human life—if they are used in ways that do not strike at their basic integrity.

That is why I have always believed and argued that, over the long run, there is no inherent conflict among our major goals and concerns—environmental, economic, energy, agricultural, social. What we need to develop are convergent strategies which enable us to move, over the long term, toward the simultaneous achievement of these goals—strategies that allow us to achieve a long-term sustainable relationship between people and resources.

In this connection, let me briefly outline what is happening to tropical forests, why it is happening and why our own future—as well as that of the developing world—will be deeply affected by it.

During this century, humankind has wiped out about half the world's tropical forests. The remaining forest covers about 6% of the earth's surface—an area that adds up to about the size of the United States west of the Mississippi River. At current rates, every year we are destroying an area of tropical forest the size of the states of Pennsylvania or Ohio. One authority (Dr. Peter Raven) has estimated that, at current rates, we face the prospect of "total destruction of tropical moist forest, the richest and biologically most poorly known ecosystem in the world, by the early decades of the next century."

The tropical forests are by far the world's largest treasure trove of genetic materials and diverse biological species. Estimates are that between five and ten million species of plants and animals now live on earth, and I suspect that these estimates are very much on the low side. About half of these species live in the tropical forests. As the forests go, so do these species. One thousand species a

year is a conservative estimate of the current extinction rate. By the end of the decade, that could well rise to 10,000 species a year—or one species every hour. During the lifetimes of many of us, we could—if extinction rates continue to accelerate—annihilate as much as one-fourth of the species that now inhabit the earth.

So why does it matter? For at least three reasons: (1) when a species is gone, it is gone forever—we cannot bring it back or create it anew; (2) we don't really know what we're losing; and (3) on the basis of what we do know, we can be certain that we are throwing away an enormous untapped potential for improving the human lot.

Scientists have named only one-sixth of all the species in the world, and only a fraction of these have been studied for possible uses to mankind. What we know of that fraction suggests that they represent potential benefits to humankind that are as great as they are incalculable.

To mention briefly just a few of the benefits we already receive from the world's diverse wild species:

In the field of pharmaceuticals and medicine, they generate products whose worldwide across-the-counter sales amount to an estimated $40 billion a year.

In agriculture, regular infusions of superior genetic materials into crop plants account for at least 1 percent of increased productivity a year—an estimated $1 billion worth in the U.S. alone.

Virtually all of our agricultural crops come from wild species. Moreover, we rely on only eight varieties of food crops for about 75 percent of our food, and more than 98 percent of the crop production in the United States is based on plant species from outside. Because modern agriculture depends on the intensive cultivation of a few crops, it is increasingly vulnerable to pests, diseases and climatic changes unless wild relatives are available for cross-breeding with domestic varieties. Indeed, the ability of modern agriculture to produce enough food for the growing population of the world in the decades ahead will require a rich reservoir of biological diversity upon which we can constantly draw to increase yields and develop new and pest-resistant crops.

Only three years ago, a single species of corn was discovered which could transform global agriculture. Not only is it a perennial but it can grow in extremely damp soils and, thus, has the potential of increasing corn output worldwide by about $1 billion a year. It is also resistant to at least four leading diseases that now cause a 1 percent loss—or about $500 million worth—to the world's corn harvest each year.

Estimates are that, in agriculture alone, breakthroughs in genetic engineering will generate products worth $50 billion to $100 billion a year well before the end of the century. How much of that potential can be realized will depend upon how much genetic diversity the scientists have to work with.

The massive and accelerating loss of the world's wealth of biological and genetic diversity is only one consequence—although a consequence of major proportions—of the destruction and devastation of tropical forests. The long list of adverse environmental and human consequences includes both desertification and flooding, the loss of invaluable watersheds, soil erosion and sedimentation, disruption of irrigation and water supplies, shrinking agricultural productivity as a result of flooding, acute fuelwood shortages (in the developing countries some three-fourths of wood harvested is used for fuel, and in some countries firewood is the main fuel of 90 percent of the people). If forest destruction remains unchecked, the eventual result of these and other environmental consequences will be hunger and disease among large and spreading segments of the population of the developing world.

In this connection, I commend to your attention a searching article on the extent and implications of global deforestation in the Spring issue of Foreign Affairs. "Each time," the author writes, "we read of floods, landslides, starvation and loss of life in India, Brazil, the Philippines, Haiti, East Africa, and elsewhere in the tropics, we are reading about problems caused or exacerbated by environmental destruction, often of rain forest." [1]

One final, potential consequence of rain forest destruction that would directly and drastically affect us all: the warming of the earth's climate as a result of excessive amounts of carbon dioxide in the atmosphere. What that could cause—in the view of some scientists, although they do not all agree—is a melting of the polar ice caps, the flooding of coastal cities and a massive disruption to world agriculture—as, for example, the movement of the corn belt from the midwestern United States several hundred miles north into Canada. A recent article in Science magazine concluded that reducing deforestation could well be the single most effective step we could take to achieve a dramatic slowdown in the rate of carbon dioxide increase: not only does the reduction of deforestation cut the release of carbon dioxide into the atmosphere, but it also cuts the amount of carbon dioxide already in the atmosphere because living forests consume carbon dioxide and release oxygen.

What makes the accelerating loss of tripical forests and species so tragic is that their destruction—like a great deal of the environmental degradation that occurs in the Third World countries—has much the same source as the exploding population rates in those countries: the desperate attempt by the poor to stay alive and to stave off disaster.

The late Barbara Ward once wrote: "One of the saddest of all metaphors is surely that of eating the seed corn. Yet the inexorable pressures of population on a limited environment and its resources are at the moment forcing hundreds of millions of people to do just this, to burn cow dung instead of using it to enrich the soil, to cultivate steep slopes until the precious earth is washed away down the rivers."

Some two-thirds of tropical forest losses are the result of agricultural activities—for the most part undertaken by the poor who simply have no choice but to eke out a meager and precarious existence by clearing a patch of tropical forest, farming it for a few years, and moving on to clear another patch.

Despite their lush growth, most tropical forest grows on soils that are virtually sterile and simply cannot support human agriculture on any sustained basis. Nearly all of the nutrients in these forests lie in the lush life of the forests themselves and in thin layers of rotting matter on the surface of the soil. Once cleared, they can support some agriculture at a low level of productivity for two or three years at the most.

A 1983 report of the Inter-American Development Bank observed that: "All too often, forests have been cleared for agriculture on soils that should never have been disturbed." The report went on to suggest that: "About 50 percent of Latin America's land should probably be under permanent forest cover, including large areas of tropical soils, e.g., in the Amazon Basin, and areas of fragile soils in parts of the Andes, Central America, and other mountainous regions."

Besides having virtually all of the world's tropical forests, the nations of the developing world have most of the world's poor—and millions upon millions of those poor have little alternative, if they want to stay alive, but to mine the tropical forests for food and fuel. The World Bank estimates that, of the 2.5 billion people now living in the tropics, 1 billion exist in a state of absolute poverty. That means that they have no assurance whatsoever that they will be able to meet their basic needs for food, clothing and shelter from one day to the next. These are, for the most part, the rural poor, who are the immediate, if not the ultimate, cause of most forest destruction. They are also, of course, the immediate victims of many of the worst results of that destruction—such as desertification, flooding, loss of agricultural productivity and, ultimately, disease and starvation.

In the past, the leaders of the developing world tended to regard development and the safeguarding of natural resources as mutually exclusive goals. Natural resources, particularly biological resources such as the vast tropical rain forests, were regarded as at best the raw materials for commercial exploitation and industrial development and, at worst, an enormous barrier to development and the very symbol of the primitive backwardness that they sought to overcome. That perception, however, is changing. Increasingly, many of those leaders are recognizing that sustainable growth and economic development can only occur on an ecologically sound basis. They are coming to understand—far more clearly, in fact, than many in the industrialized countries who do business with, or administer aid to, those countries—that development at the expense of their rich and irreplaceable biological resources is development without a future. They are starting to see that the kind of development they need—the only kind they can sustain over the long run—is the kind that allows people to make their living without destroying or impairing their cropland, pasture, forests and water supplies which are essential both to meeting human needs and to supporting the diversity of other life on the planet. Slowly and belatedly, the industrialized world is also beginning to comprehend that it has a huge stake in helping preserve the wealth of biological resources in the developing countries, and that the conservation and wise use of those resources must be a prime objective of its efforts, public and private, to aid and encourage stable and sustainable development.

The fundamental premise that must guide development in the Third World—and development aid to the Third World—was spelled out in the World Conservation Strategy developed by the International Union for Conservation of Nature and Natural Resources (IUCN) with major funding from the World Wildlife Fund. That premise is that conservation and development are, and must be, convergent and not conflicting goals. Conservation programs that ignore the development aspirations of local people, not to speak of their basic needs, will not succeed. Development programs which do not give

[1] Nicholas Guppy, "Tropical Deforestation: A Global View," Foreign Affairs, Spring 1984, pp. 928–965.

proper consideration to protection and maintaining the natural resource base cannot be sustained. Sustainable development requires effective conservation. The two must go hand in hand.

The key concept in trying to make common cause between development and conservation in the Third World is sustainability—by which I mean sustainability over the long term. Development that relies simply or mainly on the consumption of biological—and thus otherwise renewable—resources cannot be sustained.

It seems clear to me that the development of a reasonably harmonious relationship between human populations and their natural resource base will be a critical and perhaps even a decisive factor in bringing about political, economic and social stability throughout the Third World. It goes without saying that the United States has a vital self-interest in the promotion of that kind of stability. Indeed, the growing lack of such stability poses a fundamental threat to our national security. That is why it seemed to me an extraordinary oversight that the National Bipartisan Commission on Central America, chaired by Henry Kissinger, did not include any natural resource expertise. When one looks at El Salvador and its exploding human population, destroyed forests, devastated watersheds, and eroding soils, it is hard not to conclude, as in Haiti, that we have an ecological disaster of major dimensions on our hands and that such a disaster is one of the root problems of the area.

It is more than a mere coincidence that those Central American countries most afflicted by political instability have also suffered the greatest environmental degradation. Nor is it surprising that deforestation and other forms of environmental damage are greatest in those areas of the tropics where population densities and poverty are highest. Nine countries of West Africa, where the population density is three times that of any other African region, account for half the forest losses in tropical Africa. El Salvador has the highest population density of any non-island nation in the Western Hemisphere. It has also suffered the greatest deforestation of any Central American country. In Haiti, only 7 percent of the land is still forested, and the population density on habitable land is the highest of any nation in the hemisphere.

In his book, "Losing Ground: Environmental Stress and World Food Prospects," Erik Eckholm said:

"A common factor linking virtually every region of acute poverty, virtually every rural homeland abandoned by destitute urban squatters, is a deteriorating natural environment. Ecological degradation is to a great extent the result of . . . economic, social, and political inadequacies . . . and with growing force, a principal cause of poverty. If the environmental balance is disturbed, and the ecosystem's capacity to meet human needs is crippled, the plight of those living directly off the land worsens, and recovery and development efforts—whatever their political and financial backing—become all the more difficult."

The fact that population rates continue to explode in most parts of the Third World is surely the most discouraging fact that confronts conservation and development efforts there. For as long as such rates continue, both efforts will fall increasingly short. Unless effective steps are taken to cut the rate of population growth, the population of the tropical countries will appoximately double over the next 36 years from its present level of 2.5 billion to about 5 billion—or from about 45 percent to about 64 percent of the total world's population. Imagine what a staggering task it would be—at such rates of growth—simply to keep living standards at their current low levels!

Over the past 10 years, many developing countries have strengthened their population policies and family planning programs, and birth rates have begun to decline in many of these countries. U.S. assistance, both financial and technical, has been an extremely important factor in this achievement. I must admit, therefore, that I was shocked to learn this past week that the White House has drafted a policy paper for the guidance of the U.S. delegation to the International Population Conference to be held in Mexico City in August that would have the practical effect of substantially reversing the long-standing U.S. support for family planning programs in developing countries. I can think of no more shortsighted policy. I can think of no policy more inconsistent with the need for constructive U.S. leadership in world affairs or one more at variance with our own long-range self-interest.

Both the World Bank and the Agency for International Development (AID) have made significant and welcome progress in recognizing that environmental factors must be made an integral part of development programs. However, we have only begun to scratch the surface in this regard. And, as I have just noted, our own government has suddenly begun to signal a possible shift in the opposite direction.

The need to bring human populations and their natural resource base into long-term productive harmony is, in my view, the overriding imperative of international affairs. The need to integrate conservation and development is truly a global challenge—one that cries out for United States leadership. It is a challenge that requires the combined efforts of governments, the business community, and other private sector institutions, including organizations such as the World Wildlife Fund.

The problems are difficult but they are far from hopeless. They require a positive, creative, and cooperative international effort. Above all, they require a recognition in our own society that we Americans have a vital stake in the ecological health of the rest of the world. We need to understand that environmental degradation in the Third World, especially in the tropics, is a root cause of political, economic, and social instability and that such instability poses a direct threat to our own national self-interest. We need to know that our own fate is inextricably bound up in the fate of these distant places and peoples.

After all, when yet one more stretch of tropical forest goes up in flames, when yet one more species of life is wiped forever from the face of the earth, need we ask for whom the bell tolls?●

REPEAL THE 25TH CONSTITUTIONAL AMENDMENT

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

● Mr. GONZALEZ. Mr. Speaker, in 1967 the 25th amendment to the U.S. Constitution became effective—a move that sanctioned a coup of the Presidency by the Vice President and the members of the President's Cabinet. This provision was proposed and ratified in the wake of President Kennedy's assassination—a time when it would have been wise to proceed ever so cautiously but, because overpowering grief and emotion clouded the judgment of lawmakers, the elected representatives of the Federal and State Governments moved blindly to pass and ratify this dangerous constitutional amendment.

The 25th amendment has two major components designed to clarify article II, section 1, of the U.S. Constitution which sets forth how power will be transferred in the case of Presidential disability. The Constitution states to whom the Presidential powers go, but does not define the disabilities that would cause this shift in power. The 25th amendment was adopted to remedy this gap, but it does not do the job. As with most cases, it is better to act in anticipation of a crisis than in reaction to one. By reacting to President Kennedy's assassination, we in the Government—although I opposed this amendment and voted against it—passed a remedy worse than the problem.

Article 11, section 1, of the Constitution states that when the President is disabled to the point of inability to discharge the powers and duties of the Office of the President, the Presidential powers and duties must be passed on to the Vice President. In 1947, Congress enacted legislation designating the line of succession after the Vice President—that being the Presidential powers are then transferred to the Speaker of the House, then to the President pro tempore of the Senate. Still, even with the 1947 act, we had only a sense of where the power goes, not when it should go there. But the issue of when to transfer power had arisen several times prior to President Kennedy's assassination, and his death so aroused confusion and fears that Congress and 39 State legislature acted hastily and unwisely in passing and ratifying the 25th amendment.

The 25th amendment has never been invoked, but could potentially have been used most recently in 1981 when President Reagan was shot and unconscious for 2 hours while being operated on for his gunshot wound. The first time the problem arose was 100 years earlier when President Garfield was shot and lingered 2½ months before succumbing to his injuries. And in 1919, President Wilson suffered a stroke that disabled him for the last 17 months of his term. In both of these instances, the Presidents discharged virtually none of their Presidential duties. History tells us that the Vice Presidents under Garfield and Wilson wanted to take over, but were afraid they would appear disloyal and,

in effect, conducting a coup on the Presidency.

In 1974, 7 years after the 25th amendment was ratified, there was a coup of sorts of the Presidency in our government, but the 25th amendment was not invoked. Again, the same fears as in the Garfield and Wilson cases prevented anyone from publicly assuming the Presidency in 1974. But there was a coup—a silent coup, however, because the American people were kept in the dark about what was going on in the Nixon White House. There reached a point in the Watergate scandal when President Nixon had lost control—of his job, of his mind, and of the country. Henry Kissinger, who does not even meet the three constitutional requirements to be a U.S. President, and Alexander Haig, who tried to be President a second time in 1981 when he told the country he was in control while President Reagan was undergoing surgery, became our de facto President. Again, the question arose of when the President is disabled to the point of incapacity, but the 25th amendment was not invoked because, despite its intent, it provides no guidance in the very situations it was meant to address.

We Americans may think that we have the strongest and most stable government in the world—and we do, absolutely. But it still is a very fine line that separates our stability from potential instability. We hear of unrest, governmental corruption, and coups from all around the world and we think that these could never happen in America. We envision ourselves as superior to those kinds of horrors, but we are not so superior—remember 1974.

A coup is simply the overthrow of a government from within, bypassing the constitutional procedures for an orderly change in that government. In a democracy such as ours, the power to change the government is vested in the people. But does the 25th amendment mention any involvement by the people—by the voting electorate? Absolutely no mention is made of this—the 25th amendment removes the decisionmaking prerogative of the people and vests it in one elected official and the unelected Cabinet members. This is dangerous—very dangerous—for the very person who has the most to gain by the removal of the President is the person who is vested with that decisionmaking power. In a crisis situation, this could be like asking the fox to watch the henhouse.

This is what the 25th amendment allows—it allows the Vice President and a majority of the Cabinet to send a note to Congress certifying the President's incompetency and, with no further action, the Vice President assumes immediate control of the country. Certainly, the President may protest to the Congress, but in the meantime the Vice President has become Chief Executive and, most importantly, Commander in Chief of the Armed Forces.

It is ironic to realize that the Vice Presidency is one of the most maligned offices in our country—we make fun of the Vice President's lack of authority and lack of importance, and how many times in the past 4 years have we joked at Vice President BUSH's only apparent official duty of attending state funerals? And how much consideration does the American public give to Cabinet members? Many would have a tough time even naming the Cabinet members, let alone stating any biographical details. Yet, it is these people who are empowered now by the 25th amendment to overthrow the Presidency.

From history and the events surrounding the implementation of the 25th amendment, it is obvious that the intent of the 25th amendment was to address situations such as those that had occurred in our Nation's history, where the physical disability of the President impaired his ability to perform the duties of his office. But while the language of the 25th amendment may cover this possibility, it is so broad that it encompasses situations that clearly were not intended. The 25th amendment still does not define a disability, it only provides that the Vice President and a majority of the Cabinet make the decision. If you ask the fox what is best for the hen, the hen is likely to come up short.

Let us suppose that a President meets with unforeseen disasters and handles them poorly. The President than becomes unpopular to the point where he is effectively immobilized by the unwillingness of the rest of the Government to cooperate with his policies. At the point of this standoff, the country begins to believe that they would be better off with a different President. Under the original Constitution, there are provisions for the impeachment of the President for the remainder of his term. As we saw in 1974, however, the impeachment process is an arduous wrenching procedure that can tear the country apart and effectively immobilize the Government. Under the 25th amendment, however, the Vice President could avoid this constitutional process by convincing a majority of the Cabinet that it would be in the best interests of the country to have a quick transition in the Presidency—under the 25th amendment, this is all the Vice President has to do in order to assume power. He would certify that the President was disabled mentally, as evidenced by his poor decisions, and the Vice President could take over immediately. Shouldn't this be the prerogative of the people? The Congress, as representatives of the people, have the impeachment process available under the Constitution. But the 25th amendment circumvents this by allowing the Vice President and the Cabinet, who represent not the people but their own interests, to overthrow the President.

The problem that was meant to be solved with the 25th amendment was the lack of a constitutional definition of the Presidential disability that triggers a change in power. The 25th amendment fails to do this, as it only delegates the power to define Presidential disability. It delegates this power not to the American people, but to a select few, most of whom are unelected Government officials. The 25th amendment is dangerous in its lack of defining Presidential disability; it is dangerous in its delegation of decisionmaking to the Vice President and the Cabinet; and it should be repealed so that the people of this country may be deprived of the right to a President whom they elected, at the hands of ambitious or simply hysterical officials who decide that a palace coup is preferable to any constitutional process, and believe they could get away with it. Such a possibility is not too farfetched, given the hysterical reaction of Alexander Haig to the shooting of President Reagan, and the little noticed by equally grave silent coup during which Mr. Haig and Henry Kissinger decided that Richard Nixon was no longer fit or responsible. The 25th amendment invites such hysteria, and it also invites an open coup against a President who may be perfectly fit, but facing a crisis which his advisers think is being mishandled, or which they believe could open the door to power for themselves.●

REPEAL THE NATIONAL MINIMUM DRINKING AGE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 60 minutes.

Mr. LIVINGSTON. Mr. Speaker, in the blink of an eye last year, Congress enacted a law saying that the States would lose part of their Federal highway funds unless they raised their minimum drinking age to 21 by next year. As a result of this law, 27 States and the District of Columbia stand to lose $285 million in 1986 and $590 million in 1987. Everyone who drives on the highways presumably might also be losers, in as much as Federal highway aid promotes safety in our surface transportation system.

We passed this law with the best of intentions. We thought we were doing something constructive about the problem of drunk driving in this country, a problem that has generated a great deal of emotion and media attention over the last year or so. As one who has lost members of his own family to highway accidents, I am ex-

tremely sensitive to the emotion impacting this issue, and, I am equally committed to saving the 700 lives that the Metropolitan Insurance Co. and the National Safety Council estimated would be saved under the law we passed, Public Law 98-363 (creating section 158 of title 23, United States Code).

I am afraid, however, that this law will not get the job done. It may make us feel better, but if we scrutinize it, we find that it creates more problems than it can ever pretend to solve. It does nothing to bring about stricter penalties, better enforcement, or education and public awareness programs—the areas I think we must concentrate on if we really want to solve the problem.

Since the States are not forced to change their laws until next year and the year after, Congress has time to repeal this national minimum drinking age and to rethink its action in the light of day, apart from emotional outburst. I have today introduced repeal legislation to initiate this reconsideration, and I urge all of my colleagues—not just those from the 27 States immediately effected—to join me as cosponsors.

I have already alluded to some of the flaws in last year's law—the haste in which it was passed as a floor amendment to a child restraint device, bill, its coercive nature, and its peculiar approach of seeking safer highways by withholding safety-related highway aid—but let me now review some of the problems in greater detail.

In the first place I believe we have discriminated against an entire class of American citizens—those ages 18, 19, and 20—in a heavy-handed, overly broad manner that at best only indirectly addresses the problem, specifically, how to get drunk drivers off the road. The law does absolutely nothing about 85 to 97% of DWI fatalities caused by those over the age of 20 (or those younger than 18, for that matter), nor does it even target drinkers who drive. Instead, it targets drinkers who merely drink and it says that those persons 18 to 20 years of age cannot drink anymore.

There are millions of Americans in this age bracket, and the vast majority of them never have been and never will be involved in an alcohol related traffice accident. On the contrary, they are responsible citizens who from the age of 18 can marry, vote, hold public office, enter into contracts, and, most importantly, can be called upon to serve—and possibly die for—their country in the Armed Forces. How can we say to these people, you can die for your country, but you cannot legally drink?

Now there are those who would say—and we apparently accepted this view—that statistics reveal a disproportionate number of 18-, 19-, and 20-year-olds are involved in alcohol-related traffic accidents, and therefore we should raise the drinking age to 21. But again, Mr. Speaker, these statistics cannot conceal the undisputed fact that the vast majority in this age bracket are totally blameless. It is also wrong to take a blanket approach against one age bracket when—and, again, this is undisputed—it is all the other age brackets that account for the vast majority of the problem. One example of the inherent unfairness of the blanket approach is that women ages 18 to 20 pose no greater DWI threat than older drivers.

Now that I have broached the subject of statistics, Mr. Speaker, I have reached the second major area of flaws in the national minimum drinking age law we passed. In reviewing last year's debate in the other body and relevant press reports, I have discovered a number of statistical disparites which severely undermine the notion that raising the drinking age is what reduces drunk driving accidents. The gist of these disparities is, first, that some States have raised their drinking age but did not achieve a corresponding improvement, and, second, that the worst offenders as a group are actually those ages 21 to 24, not 18 to 20. The lesson to be learned from these statistics, I believe, is that drunk driving is reduced primarily by enacting tougher laws against drunk driving, enforcing those laws more diligently, and educating all drivers about the dangers of mixing alcohol and gasoline.

If a higher drinking age correspondingly reduces DWI accidents, it is hard to explain the wide variance in results from eight states which raised theirs: the improvements ranged from 6 to 75 percent, and Montana had a change of zero. In New York, which raised the legal age from 18 to 19, 18-year-olds had 42 percent fewer accidents, but 19-year-olds also had fewer alcohol-related accidents—29 percent fewer—suggesting that both declines may have been caused by some outside factor like tougher enforcement. Similarly, Vermont did not raise its drinking age, yet it experienced better results than some States who did. Neighboring Massachusetts, for example, had no real improvement after raising its legal age, according to the New England Journal of Medicine.

In a few States, the number of alcohol-related accidents actually went up. Michigan and Minnesota experienced increases when they raised the age to 19, and in Florida, which also banned the sale of alcohol to 18-year-olds, fatalities increased by 21 percent in that group and decreased in all other groups. In Florida's case, it is also relevant to point out that there were no surrounding States with lower drinking ages. Thus, the so-called border-crossing argument—that we need uniform 21 age from the Federal level to discourage people from driving across jurisdictional lines to buy liquor and drive back home while intoxicated—is also undermined. And, of course, any border-crossing problem would be solved equally well by a national uniform drinking age of 18.

As I also mentioned, Mr. Speaker, there is good evidence that last year's law targets the wrong age bracket. A study of 15 States by the National Highway Transportation Safety Administration found that drivers 18 to 20 years of age had 2,274 alcohol-related fatalities while those 21 to 24 years old had more—2,590. And according to the Morris study in January 1984, 37-year-olds are most likely the ones to be involved in an alcohol-related accident. Similarly, in figures taken from the DWI arrests column of the Morning Advocate between May 20, 1983, and May 29, 1984, 11 percent of the arrests involved persons 18 to 21; 43.5 percent involved persons 21 to 30, and 35 percent between 31 and 50. Another 8 percent were over 51. Of the 1,830 DWI arrests made in that period, only 11 percent were in the 18- to 21-year-old category. Why don't we ban them from drinking?

My final area of concern, Mr. Speaker, is that the Federal Government has once again overstepped its proper bounds of authority. This affects both the States and individual liberties.

Since late 1983, 19 States carefully considered and rejected raising their legal drinking age. And it is their drinking age. Under the 21st amendment to the Constitution, which repealed prohibition, the regulation of alcoholic beverages was left to the States, not the Federal Government. Yet we have decided that we know better than elected State officials how their own affairs should be handled. Because they cannot afford to lose the millions of dollars in Federal highway aid—which comes from the taxpaying citizens of the States—we are in effect forcing State governments to raise their drinking age to 21. We completely ignore the unique social mores and customs which differentiate States from each other. We should not legislate that way, Mr. Speaker.

With respect to individual freedom, I would like to quote part of a letter that appeared in the Washington Post last July, when the law passed. This letter was also referred to in the Post's editorial the same day, which pointed out that Congress had "* * * cut off an entire age bracket of adults from a freedom enjoyed (and abused) by all other adults * * *." The letter itself said this: "Ideally, a law should achieve the greatest amount of social utility through the least imposition on personal freedom." The letter goes on to point out that Congress did just the opposite by passing a law that "* * *

makes scapegoats of a relatively powerless segment of the population while presenting the illusions of solving a social problem."

Mr. Speaker, I believe in making people responsible for their actions—and punishing them if they act irresponsibly toward their neighbors. This law we have passed seeks to prevent them from irresponsible action, and as such is wholly unenforceable.

Far better to adopt an approach emphasizing not restrictions on drinking, but instead strict and certain sanctions, including a system where if you are apprehended while driving under the influence of drugs or alcohol, you could stand to lose your license for up to 2 years. A mandatory term of imprisonment of 6 months or 1 year for those who injure or kill a fellow human being while driving while intoxicated puts the burden squarely on the offender, rather than an innocent class of citizenry.

Mr. Speaker, I again urge my colleagues to join me in repealing section 158 of title 23.

[From the CONGRESSIONAL RECORD—June 22, 1984]

H.R. 4616, TRANSPORTATION BILL

Mr. LIVINGSTON. Mr. Speaker, the ends do not justify the means. As much as all of us want to end the horrors of drunk driving, it is wrong for the Federal Government to coerce the States into changing their legal drinking age to 21. And that is precisely what this bill does—out of the noblest of intentions—by cutting necessary highway funds to those States that fail to comply with Washington's mandate.

The legal drinking age should be left to State legislatures whose members know the local demographics, customs, and mores, all of which are different in different parts of the country. The problems associated with drunk driving—and they are great—defy uniform classification by the National Government. Some States have voluntarily raised the drinking age only to see an increase in per capita alcohol related deaths, while others have been more successful with the same kind of approach. An approach that succeeds in New Jersey may not succeed in Louisiana because the two States are different in many vital respects. The same is true for all of the States when compared to each other.

Statistics are legion, Mr. Speaker, and we could quote them all night, oblivious to the maxim that they make liars of us all. A number of concerned, responsible student groups and insurance officials, whose voices have come to be heard only recently, can point to reliable figures indicating that the vast majority of under-21 citizens are involved in no alcohol-related accidents whatever. They also point out that if you banned the sale of alcohol to 22-, 23-, and 24-year-olds you could derive the same effect as a ban for those 18 to 21. Proponents of the bill can point to similar statistics for their side, equally reliable.

But as columnist William Raspberry asks in today's Washington Post, "I suppose that if you raised the drinking age to 45—and found some way to enforce it—you would save perhaps 90 percent of the victims of drunk driving. But should you do it?" That is a good question, but an even better one is "Why should we do it?" And if we insist that we know better than the elected State officials on the scene, we should still ask also, "Why must we do it this way?"

This bill would cut off 15 percent of highway funds wherever the drinking age is not raised to 21, though part of the bill takes a much better approach—the incentive approach. Specifically, it would increase by 5 percent the highway funds for those States that enact mandatory sentence laws for drunken driving. That is the general approach this Congress should take—incentives—if we must preempt the local officials.

Mr. Speaker, I urge my colleagues to oppose this bill under these conditions. States deserve better, our 18-year-old adults deserve better, and we deserve better. I have lost members of my own family to highway accidents but this is not the way to attack a serious problem. The ends don't justify the means, and this is no way to legislate.

[From the Washington Post, July 3, 1984]

DRINKING AT 21

Ideally, a law should achieve the greatest amount of social utility through the least imposition on personal freedom. When judged by this criterion, the recent legislations compelling states to raise the drinking age to 21 fails miserably.

It is a perfect example of a bill that makes scapegoats of a relatively powerless segment of the population, while presenting the illusion of solving a social problem.

While it is true that 18- to 20-year-olds' involvement in DWI fatalities is disproportionate to their share of the driving population, fatalities caused by this group are an extremely small part of the total picture. Estimates of the percentage of DWI deaths caused by those over age 20 range from 85 to 97 percent.

Given this fact, the recent fanfare and self-congratulation in Congress—bolstered by the media—seem unjustified. Further, given the less than overwhelming social benefits predicted, as well as the clear availability of alternative solutions, the sacrifice asked of 18-, 19- and 20-year-olds, seems both arbitrary and unwarranted.

The clumsiness and inefficiency of the bill are highlighted when one considers that 18- to 20-year-old females represent no greater threat on the highways than do older people, but are still penalized by this shotgun approach.

The choice of 21 as the drinking age is quite arbitrary using the same rationale, one could raise the drinking age to 25 in order to maximize the effect on public safety. The reason this is not done is that as the age gets higher the political clout of the targeted population gets greater, making such initiatives unthinkable.

The National Safety Council Estimates that mandatory seat belt laws would save 13,000 lives, compared with the 700 predicted for the drinking age hike. However, when proposals to mandate the use of seat belts are put forth, complaints about government impositions on personal freedom begin to ring out.

The recent drinking age legislation reveals one of the ancient truths of public policy—those backed by political lobbies are treated permissively by the law, while those without power are treated restrictively.

JEFFREY ROWAN.

WASHINGTON.

[From the Washington Post, July 3, 1984]

AS 21 BECOMES ONE FOR THE ROADS

In no time flat, the political bandwagon for a minimum drinking age of 21 became a steamroller. Member of Congress and the Reagan administration found it much easier to cut off an entire age bracket of adults from a freedom enjoyed (and abused) by all the other adults than to say no and to focus instead on drinking and driving by anybody.

So now the federal government is making an offer to the states and the District that they can refuse—for a price; make the drinking age at least 21 or lose 5 percent of your highway construction money in the third year and 10 percent in the fourth. To offset this negative feature, the measure also provides a bonus of up to 5 percent for states that impose mandatory jail terms and revoke licenses for drunk-driving offenses.

We continue to have reservations about this approach to drunk driving, including some that are among the criticisms made by reader Jeffrey Rowan in a letter to the editor today. But the new level of national concern about drunken driving is encouraging—and the objective of saving lives indisputable. And it boils down to whether states with various versions of lower drinking ages—Virginia and the District among them—will comply.

Betting among elected officials is that they will. You could argue that maybe enough drinks could be sold to 18-to-21-year-olds in and around Virginia and the District to offset any road-money penalties—but who among the politicians would touch that idea with a fork? We wouldn't either.

Better to wait for the next finding after "21" goes nationwide. Studies may show then—and dramatically so—that among legal drinkers involved in alcohol-related fatal traffic accidents, the 21-to-24 group has the worst national average. Will Congress step in again in the name of saving lives? Or will a separate finding show that even a selective prohibition won't fly in this day and age, that the target should be drinkers who drive, not drinkers who just drink (which can be another, separate problem).

This has been the gist of messages aimed specifically at graduating students, holiday drivers and, just under way, the "Safe Summer 1984" campaign promoted by the Washington Regional Alcohol Program—with warnings, charts and stickers posted in some 1,000 area gasoline stations that urge people to report any drunk driver to police. If this cooperative campaign involving business, government and individual volunteers is as successful as the organization's other campaigns over the last two years, Greater Washington will have made effective, noteworthy progress against America's most frequently committed violent crime.

[From the Washington Post, June 27, 1984]

A 21-YEAR-OLD DRUNK DRIVER CAN KILL

(By William Raspberry)

Listen to the backers of the legislation to raise the national drinking age to 21—passed by the Senate yesterday—and you get the idea that the 18-, 19- and 20-year-old drivers are the major contributors to the carnage on our highways.

Take away their alcohol, we are told, and you save as many as 1,200 lives a year. Just this week, the Metropolitan Insurance Co., which undoubtedly knows about statistics, offered somewhat more modestly, that rais-

ing the drinking age to 21 would save 700 lives a year.

Still, that's a lot of lives, and the numbers make a strong argument for the national minimum.

Well, some of the young people who would be affected by the measure were in town just before this bill's passage to make an even stronger argument that the statistics are misleading, that the bill is wildly discriminatory, and that enactment of the controversial measure would constitute "selective discrimination not justified by the actions of our young people."

Stuart Friedman, executive vice president of the Student Association of the State University of New York, told a Senate hearing that "19- and 20-year-olds are actually less guilty of driving drunk than 21- to 24-year-olds."

Celeste Bergman, speaking for the Florida Student Association, made it even stronger. Not only are 99.2 percent of the under-21 Floridians involved in no alcohol-related accidents whatever, she said, but when Florida, in 1980, raised its drinking age from 18 to 19, "alcohol-related fatalities among 18-year-olds rose by 21 percent, while in all other age groups they decreased."

That may be a statistical aberration. It stands to reason that some number of lives would be saved if alcohol could be kept away from drivers under age 21. Aren't those lives worth saving?

That's the toughtest part of the argument to handle emotionally. It is obvious that some lives would be saved from drunken drivers if you could keep any three-year cohort from drinking. Indeed, if you banned alcohol sales to 22-, 23- and 24-year-olds you might save nearly as many lives as you would by raising the drinking age to 21. On the other hand, Metropolitan Life officials tell me that the alcohol-related fatality rate is virtually the same for 16- and 17-year-olds who are already legally barred from drinking as for 18-to-20-year-olds, which should say something about the prospective effectiveness of the Senate proposal. I suppose that if you raised the drinking age to 45 (and found the means to enforce it) you would save perhaps 90 percent of the victims of drunk driving. But should you do it?

In a way, it's the same sort of argument that was put forth for keeping the speed limit at 55 miles per hour. If the lower limit, introduced primarily as a fuel-conservation measure, had the happy side effect of reducing highway fatalities, raising it again would, in effect, condemn some statistically acertainable number of people to death. So what do you do? Keep it at 55 mph to save those lives? Lower it to 45 and save more? Reduce it to 15 and wipe out highway deaths?

Virtually all the young people who testified Monday stressed their belief that education is the best way to get at the problem of drunk driving.

In that regard, Sweden has adopted a highly educational rule. A Swedish driver found to have a blood-alcohol concentration of .5 parts per thousand (say, two drinks for a 150-pound man) can go to prison for six months. If the concentration is 1.5 per thousand or higher, he can go to prision for a year.

The result is that in Sweden, which used to have a major problem with drunk driving, the present social custom is for partygoers to select one person among them as the driver, and that person does not drink.

The Swedes have figured out what seems to have escaped the backers of the Senate bill: You're just as dead if the drunk who plows into you is over 21 or only 18.

[From the Times-Picayune/the States-Item, Feb. 28, 1985]

PANEL WARNS OF BIG LOSSES IF DRINKING AGE GOES TO 21

(By Ed Anderson)

Raising the state drinking age to 21 could cost the New Orleans area $10 million a year in tourist and convention business, a state Senate committee meeting in New Orleans was told Wednesday.

At the same time, if the state leaves the minimum drinking age at 18, the federal government will withhold $14 million in highway money in 1986 and another $28 million in 1987, state Sen. Oswald Decuir, D-New Iberia, said.

A bill to raise the drinking age died in last summer's legislative session. Under new federal laws all states must raise their legal drinking age to 21 by 1986 or lose federal highway money.

Decuir said lawmakers may postpone action at the session beginning April 15 on a bill to raise the drinking age. Decuir, chairman of the committee, said his panel will report to the Senate before the session begins.

Testimony at the committee meeting at the University of New Orleans centered on the economic impact of the proposal, its fairness and effectiveness.

Some conventions come to New Orleans just because of the low drinking age, Paul Arrigo of the Greater New Orleans Tourist and Convention Commission said. Losing those conventions could cost the city $10 million a year, he said.

Louisiana is one of three states with a legal drinking age of 18 and the city "will lose a competitive edge" if the drinking age limit is raised, he said.

Sonny Oechsner, general manager and an owner of Pat O'Brien's in the French Quarter, said that about 20 percent of his business is from people 18 to 21. But those young adults cause less problems at his bar than those over 21, he said.

James Funk, executive director of the Louisiana Restaurant Association, said an increase in the drinking age would force some smaller restaurants out of business. He said it would also hurt caterers, hotels and others who are involved in liquor sales.

The state's restaurant industry pumps about $2 billion a year into the Louisiana economy, he said.

But Kathleen Brown of Mandeville who described herself as a reformed teen-age alcoholic, urged the drinking age be raised to 21.

Referring to the 47 other states with a higher drinking age than Louisiana, Brown said, "I just don't see them losing business. Other states are thriving."

Several witnesses urged that instead of raising the drinking age, more time and money be spent on alcohol awareness programs in junior and senior high schools, colleges and universities.

But Brown said she started talking her way into bars with fake IDs at 13 and was an alcoholic at 17. She said education programs are not enough.

The State should also consider raising the driving age to further protect citizens against youthful drinkers, she said.

Rep. Jon Johnson, D-New Orleans, who has twice backed bills to raise the drinking age to 21, said the Legislature has an obligation to raise the drinking age. "It is an issue of public policy, it is an issue of safety and it is an issue of moral values," he said.

National figures show people are drinking at younger ages, Johnson said, and that 18-year-olds buy liquor for their underage friends.

He said a 21-year-old would not usually associate with teenagers the way 18-year-olds do. Johnson said raising the drinking age would cut the number of teen-age deaths and injuries from alcohol-related car accidents.

On a more practical level, Johnson said the state would not be wise to keep the law as it is and possibly forfeit million of federal dollars. "There is no way in the world, with the deficit we are experiencing in state government, that we can afford to lose 10 to 15 percent of our federal highway money," said Johnson.

The presidents of the student government associations of UNO, Tulane University and Southeastern Louisiana University urged the committee not to tamper with the law.

"That would be abridging an inherent right of freedom of choice," said Billy Rippner of Tulane. Raising the drinking age to 21 "would be a farce" because students will find ways to circumvent the higher drinking age, said UNO Student Government President Byran O'Rourke.

State Rep. Quentin Dastugue, R-Metairire, made similar statements about the fairness of the proposal and drew laughter when he said, "To be a member of the Legislature—and you know you can't be one without drinking—you have to be 18 years old."

But no matter what the age limit, the law is no good unless it is enforced. New Orleans police Lt. Clinton Lauman said that last year police arrested 41 juveniles for buying drinks and 14 bar managers or bartenders at eight locations for selling drinks to minors.

But the district attorney's office dropped charges against 13 of the 14, and a judge found the remaining defendant innocent because drinking "is a way of life" in New Orleans, Lauman said.

MINIMUM LEGAL DRINKING/PURCHASE AGES AND DATE OF LAST LEGISLATIVE CHANGE FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA

18: Hawaii (1972); Louisiana (1948); Vermont (1971).

19: Alabama (1970); Florida (1980); Georgia (1980); Idaho (1972); Iowa (1978); Minnesota (1976); Montana (1979); New York (1982); Tennessee (1979); Texas (1981); West Virginia [1] (1983); Wisconsin (1983); Wyoming (1973); North Carolina [2] (1983); Ohio [2] (1982); South Carolina [3] (1935); South Dakota [4] (1984); Virginia [3] (1983).

20: Connecticut (1983); Maine (1977); Massachusetts (1979); New Hampshire (1979).

21: Alaska (1983); Arizona (1984); Arkansas (1925); California (1933); Delaware (1983); Illinois (1980); Indiana (1934); Kentucky (1938); Maryland (1982); Michigan (1978); Missouri (1945); Nebraska [5] (1984); Nevada (1933); New Jersey (1983); New Mexico (1934); North Dakota (1936); Oklahoma (1983); Oregon (1933); Pennsylvania (1935); Rhode Island (1984); Utah (1935); Washington (1934).

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[1] 19 (residents), 21 (non-residents).
[2] 19 (Beer), 21 (Wine & Distilled Spirits).
[3] 18 (Beer & Wine), 21 (Distilled Spirits).
[4] (3.2% Beer), 21 (over 3.2% Beer, Wine & Distilled Spirits).
[5] 21 effective July 1, 1985.

18 to 21: Colorado [2] (1945); District of Columbia [6] (1934); Kansas [2] (1949); Mississippi [6] (1966).

[FROM THE TIMER-PICAYUNE/THE STATE-ITEM, JAN. 17, 1985]

WORST DWI OFFENDERS ARE 21 TO 25, PANEL TOLD

BATON ROUGE.—Although many paint them as reckless and inexperienced individuals, 18- to 21-year-old drinkers accounted for just over 1 percent of all state traffic accidents in 1983, a state safety official said Wednesday.

"Those between the ages of 21 and 25 are the biggest DWI offenders," Ed Sherman, a computer programmer for the Louisiana Highway Safety Commission, told a committee studying the consequences of raising the legal drinking age from 18 to 21.

The special Senate committee is examining a federal law aimed at forcing states to set the age for purchase and consumption of alcoholic beverages at 21 or risk smaller federal highway funds in the 1987 and 1988 fiscal years.

Now, people 18 and older can legally buy and consume beer, liquor and wine.

State officials have estimated that Louisiana would lose about $15 million or 5 percent of its federal highway money in fiscal 1987 if it doesn't follow the federal law, and 10 percent or as much as $31 million the next year.

Sherman said that out of 151,621 traffic accidents in 1983, 1,790 or 1.2 percent involved a driver between 18 and 21 who had been drinking. Comparable figures for other age groups were not available.

Sherman said 6.1 percent of the 18- to 21-year-olds involved in alcohol-related accidents had been drinking, compared with 6.5 percent of those aged 21 to 25—the highest drinking and driving rate of any age group studied.

Carl Jackson, director of research of the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice, was unable to provide statistics on DWI convictions for 18- to 21-year-olds because the state does not keep such statistics.

"Louisiana has no such information on anybody," Jackson said. "There is no way of knowing the number of DWIs issued short of going to each parish and municipality and manually pulling the files."

Jackson said such statistics were kept until 1979 and were readily accessible to law enforcement officials looking for repeat offenders.

But Jackson said the Legislature had not appropriated money to keep the program going, once federal financing ended.

"It would take manpower in my office that we just don't have right now," Jackson said. He estimated it would take three to six months for his office to find last year's DWI totals for arrests and convictions.

Mike Baer, secretary of the state Senate and a committee member, asked Jackson if the lack of DWI arrest records reduced the effectiveness of a multiple offender law passed by the last session of the Legislature.

"Yes, sir," Jackson said. "Without a law requiring the reporting of the arrests, we won't have the statistics. It all depends on what has been submitted to the state."

Baer also asked Jackson how much it would cost to reinstate the centralized reporting system.

"We estimate that it would cost about $400,000 to build the system up again from ground zero," Jackson said.

Baer criticized the move to raise the drinking age, and said it might be better to concentrate on getting repeat DWI offenders off the road.

"We're taking the easy stuff, the glamour stuff, when at the same time we're not spending $400,000 to get a computer system to track multiple DWI offenders," Baer said.

Sen. Oswald Decuir of New Iberia, chairman of the committee, said the group would meet again in mid-February.

[From the Washington Post, May 29, 1985]

DRINKING AGES ALONE AREN'T IT

The same political and highway-money pressures that have been moving many states to adopt a minimum drinking age of 21 are being felt by the District of Columbia—only more so, what with the 18-to-21 set from Maryland and Virginia already swooping into the city regularly for beer and wine. A proposal before the D.C. Council would set the minimum age for any purchase of alcoholic beverages at 21. Though on first glance this measure has great appeal, it does not deal realistically or effectively with the central issue, which is *drunk driving at all ages.*

It is a tough call. There is no question that drunken driving—by people of all ages—has become a deadly menace. It is, in fact, the most frequently committed violent crime in the country. Still, the argument for simply declaring 21 a minimum has many things wrong with it at a time when society has conferred so many other responsibilities of adulthood on 18-year-olds. What about that married couple of 20-year-olds who may wish to buy a bottle of wine for home consumption, with no driving afterward? No sale? Wink at this violation? Arrest them for "possession"?

There are measures that can and should be taken to separate alcohol and driving at all ages. Highway checkpoints have proved effective; why not increase them along both sides of the District's borders? What about lifting drivers' licenses in all alcohol-related cases? How about more pressures on those who sell beer, wine and hard liquor to enforce all existing drinking laws and to continue discouraging driving while under the influence? If the object is to reduce risks, drunken drivers in any age group are menaces—and every one of them above the age of 21 is a poor example for every teen-ager.

To oppose a raising of the minimum legal drinking age is not to minimize the extremely serious issue of alcohol use by minors. But the most deadly aspect of this use is behind the wheel. Instead of tinkering with the drinking age—and you don't hear much about raising the driving age, say from 16 to 18—the concentration should be on enforcing laws that involve the *combination* of drinking and driving by anyone of any age.

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

Mr. GINGRICH, for 60 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, June 5.

Mr. DREIER of California, for 60 minutes, June 5.

Mr. WALKER, for 60 minutes, June 5.

Mr. SILJANDER, for 60 minutes, June 5.

Mr. SWINDALL, for 60 minutes, June 5.

Mr. GINGRICH, for 60 minutes, June 6.

Mr. SILJANDER, for 60 minutes, June 6.

Mr. SILJANDER, for 60 minutes, June 7.

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

Mr. CONYERS, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SCHUMER, for 5 minutes, today.

Mr. FAZIO, for 60 minutes, June 6.

Mr. FEIGHAN, for 60 minutes, June 11.

EXTENSION OF REMARKS

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

Mr. LIVINGSTON, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,802.50.

Mrs. COLLINS, immediately following the vote on the Burton of Indiana amendment to H.R. 1460, in the Committee of the Whole, today.

Mrs. COLLINS, immediately following the vote on the ZSCHAU amendment to H.R. 1460, in the Committee of the Whole, today.

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

Mr. SILJANDER.

Mr. MCKERNAN.

Mr. WORTLEY.

Mr. LAGOMARSINO.

Mr. LENT.

Mr. LEWIS of California.

Mr. CONTE in two instances.

Mr. BILIRAKIS.

Mr. FIELDS.

Mr. MOORHEAD.

Mr. RINALDO.

Mr. COURTER in two instances.

Mr. HYDE in two instances.

Mr. CRANE in three instances.

Mr. HAMMERSCHMIDT in two instances.

Mr. GREEN.

Ms. FIEDLER.

Mr. GUNDERSON.

Mr. BROOMFIELD.

Mr. HORTON.

Mr. GREEN.

Mr. SWINDALL.

Mr. COUGHLIN.

[6] 18 (Beer & Table Wine), 21 (Fortified Wine & Distilled Spirits).

Mr. EVANS of Iowa.
Mr. SENSENBRENNER.
Mr. PARRIS.
Mr. SAXTON.
Mr. LEWIS of Florida.
Mr. LEACH of Iowa.
Mr. LIGHTFOOT.
(The following Members (at the request of Mr. STALLINGS) and to include extraneous matter:)
Mr. MAZZOLI.
Mr. MONTGOMERY.
Mr. FORD of Michigan.
Mr. HALL of Ohio.
Mr. BARNES in two instances.
Mr. SCHUMER.
Mr. HUBBARD.
Mrs. LLOYD.
Mr. EDWARDS of California.
Mr. GUARINI in two instances.
Mr. RODINO.
Mr. FASCELL.
Mr. STARK.
Mr. BUSTAMANTE.
Mr. MANTON.
Mr. GARCIA in two instances.
Mr. YATRON.
Mr. TRAXLER in two instances.
Mr. BORSKI.
Mr. SKELTON.
Mr. WAXMAN in three instances.
Mrs. BOGGS.
Mr. SYNAR.
Mr. RANGEL in three instances.
Mr. JACOBS.
Mr. MAVROULES.
Mrs. BYRON.
Mr. FRANK.
Mr. FUSTER.
Mr. RICHARDSON.
Mr. SOLARZ.
Mr. HERTEL of Michigan.
Mr. ACKERMAN.
Mr. WEISS in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 144. Joint Resolution to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2268. An act to approve and implement the Free Trade Area Agreement between the United States and Israel.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Wednesday, June 5, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1399. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Army's proposed Letter of Offer to Pakistan for Defense Articles and Services (Transmittal No. 85-36), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1400. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed Letter of Offer to Bahrain for defense articles to cost $50 million or more (Transmittal No. 85-37), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1401. A letter from the Secretary of Defense, transmitting notification that the current procurement unit cost for the Peacekeeper ICBM has increased by more than 25 percent over unit cost shown in baseline SAR, pursuant to 10 U.S.C. 139b(d)(3)(A); to the Committee on Armed Services.

1402. A letter from the Secretary of Education, transmitting a report entitled "The Condition of Education, 1985 Edition", pursuant to GEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

1403. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed Letter of Offer to Bahrain for defense articles and services (Transmittal No. 85-37), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1404. A letter from the Inspector General, Department of Energy, transmitting a report on activities of the Ofice of the Inspector General, pursuant to Public Law 95-91, section 208(c); to the Committee on Government Operations.

1405. A letter from the Inspector General, Department of Health and Human Services, transmitting a report on the activities of the Office of the Inspector General, pursuant to Public Law 94-505, section 204(a) (96 Stat. 1824); to the Committee on Government Operations.

1406. A letter from the Inspector General, Department of Housing the Urban Development, transmitting a report on the activities of the Inspector General, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

1407. A letter from the Acting Administrator, General Services Administration, transmitting a report on activities of the Inspector General, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

1408. A letter from the Administrator, National Aeronautics and Space administration, transmitting a report on the activities of the Inspector General, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

1409. A letter from the Norfolk Naval Shipyard Co-Operative Association, transmitting the annual report on the association's pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1410. A letter from the Administrator, Veterans' Administration, transmitting a report on the disposition of claims for benefits by former POW's under chapter 11 of title 38, U.S.C., pursuant to Pubic Law 97-37, section 6(b)(2); to the Committee on Veterans' Affairs.

1411. A letter from the Acting U.S. Trade Representative, transmitting a report on foreign industrial targeting in autos and computers, pursuant to Public Law 98-573, section 625 (98 Stat. 3042); to the Committee on Ways and Means.

1412. A letter from the Deputy Assistant to the President for National Security Affairs, transmitting notification that the report on the future policy of interim restraint will be delayed, pursuant to Public Law 98-525, section 1110(b)(4) (98 Stat. 2587); jointly, to the Committees on Armed Services and Foreign Affairs.

1413. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting a proposal for construction of one or more retrievable storage facilities for radioactive waste and spent nuclear fuel, pursuant to Public Law 97-425, section 141(b)(1); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1414. A letter from the Comptroller General, General Accounting Office, transmitting a review of the audit of the Tennessee Valley Authority's financial statements for the year ended September 30, 1983 (GAO/AFMD-85-16, May 30, 1985) pursuant to 31 U.S.C. 9106(a); jointly, to the Committee on Government Operations and Public Works and Transportation.

1415. A letter from the Comptroller General, General Accounting Office, transmitting a report entitled "Foreign Industrial Targeting—U.S. Trade Law Remedies" (GAO/NSIAD-85-77, May 23, 1985), pursuant to Public Law 98-573, section 625 (98 Stat. 3042); jointly, to the Committee on Government Operations and Ways and Means.

1416. A letter from the Comptroller General, General Accounting Office, transmitting a report entitled "Why Some Weapon Systems Encounter Production Problems While Others Do Not; Six Case Studies"; jointly, to the Committees on Government Operations and Armed Services.

1417. A letter from the United States Holocaust Memorial Council, transmitting a draft of proposed legislation authorizing appropriations to the Executive Director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; jointly, to the Committees on House Administration, Interior and Insular Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1602. A bill to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1986 through 1988; with amendments (Rept. No. 99-155). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. S.J. Res. 108. Joint resolution authorizing the Secretary of Defense to provide to the Soviet Union, on a reimbursable basis, equipment and services necessary for an improved United States/Soviet Direct Communication Link for crisis control. (Rept. No. 99-156). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Commmittee on Energy and Commerce. H.R. 2418. A bill to amend the Public Health Service Act to revise and extend the programs of assistance for primary health care; with amendments (Rept. No. 99-157). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2409. A bill to amend the Public Health Service Act to revise an extend the authorities under that Act relating to the National Institutes of Health and National Research Institutes, and for other purposes; with amendments (Rept. No. 99-158). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2369. A bill to revise and extend the programs of assistance under title X of the Public Health Service Act. (Rept. No. 99-159). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. FOLEY, Mr. LEVINE of California, Mr. MITCHELL, Mr. STARK, Mr. PARRIS, Mr. LANTOS, and Mr. TORRICELLI):

H.R. 2653. A bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals; to the Committee on Agriculture.

By Mr. BROWN of California (for himself, and Mr. STARK):

H.R. 2654. A bill to amend the Animal Welfare Act to establish a Federal penalty for damaging or destroying an animal research facility; jointly, to the Committees on Agriculture and the Judiciary.

By Mrs. BENTLEY:

H.R. 2655. A bill to restore Memorial Day to its original date; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 2656. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide that the label and advertising of certain alcoholic beverages contain a statement warning consumers of possible health hazards associated with consumption of the beverage unless such a requirement is in effect under other Federal law; to the Committee on Energy and Commerce.

H.R. 2657. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductable expense; to the Committee on Ways and Means.

By Mr. FRANKLIN:

H.R. 2658. A bill granting the consent of the Congress to the Arkansas-Mississippi Great River Bridge Construction Compact; to the Committee on the Judiciary.

By Mr. MRAZEK:

H.R. 2659. A bill to establish a program in the Department of Justice to fund State medical malpractice programs which comply with Federal standards, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. RODINO (for himself, Mr. FISH, and Mr. EDWARDS of California):

H.R. 2660. A bill to amend title 28 and title 11 of the United States Code to provide for the appointment of U.S. trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of U.S. trustees in such cases, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 2661. A bill to promote the interests of consumers in securing financial services; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SKELTON:

H.R. 2662. A bill to amend section 794 of title 18, United States Code, to provide more severe penalties for certain forms of espionage; to the Committee on the Judiciary.

By Mr. SLATTERY:

H.R. 2663. A bill to amend title 5, United States Code, to credit time spent in the Cadet Nurse Corps during World War II as creditable service for civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. DENNY SMITH (for himself, Mr. LEVINE of California, Mr. BOULTER, Mr. BEREUTER, Mrs. SCHROEDER, Mr. LEVIN of Michigan, Mr. STRANG, Mr. BERMAN, Mr. CHANDLER, Mr. SMITH of Florida, and Mr. DICKS):

H.R. 2664. A bill entitled the "Competition and Ethics Enforcement Act of 1985"; to the Committee on Armed Services.

By Mr. WEISS:

H.R. 2665. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to modify certain limitations on the amount of financial protection required with respect to nuclear incidents, to remove the limitations on the aggregate liability for a single nuclear incident, to limit the financial obligations of the United States with respect to such incidents, and for other purposes; to the Committee on Insular Affairs.

By Mr. BUSTAMANTE:

H.J. Res. 299. Joint resolution recognizing the accomplishments over the past 50 years resulting from the passage of the Historic Sites Act of 1935, one of this Nation's landmark preservation laws; to the Committee on Interior and Insular Affairs.

H.J. Res. 300. Joint resolution designating August 14, 1985, as "Social Security Day," and the week of August 11, 1985, through August 17, 1985, as "Social Security Week"; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.J. Res. 301. Joint resolution to designate the decade beginning January 1, 1986, as the "Decade of the Brain"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.J. Res. 302. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 25th amendment to that Constitution; to the Committee on the Judiciary.

By Mr. GUNDERSON:

H.J. Res. 303. Joint resolution to establish a national commission to study and make recommendations concerning the future provisions of the Dairy Price Support Program; to the Committee on Agriculture.

By Mr. HAMILTON (for himself and Mr. STUMP):

H.J. Res. 304. Joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week"; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H. Con. Res. 158. Concurrent resolution in support of the U.N. Environment Program; to the Committee on Foreign Affairs.

By Mr. WIRTH:

H. Res. 181. Resolution to establish the Select Committee on Defense Procurement; to the Committee on Rules.

By Mr. BRYANT:

H. Res. 182. Resolution to designate the week beginning June 16, 1985, as "National Sheriffs Week"; to the Committee on Post Office and Civil Service.

By Mr. GUARINI:

H. Res. 183. Resolution establishing the House of Representatives Foreign Student Intern Program; to the Committee on House Administration.

By Mr. SAVAGE (for himself, Mr. CONYERS, Mr. DANIEL, Mr. CLAY, Mr. WEISS, Mr. DELLUMS, Mr. KOLTER, Mr. RAHALL, Mr. MURPHY, Mr. EVANS of Illinois, Mrs. COLLINS, Ms. KAPTUR, Mr. BUSTAMANTE, Mr. MONSON, Mr. OWENS, Mr. COURTER, and Mr. CROCKETT):

H. Res. 184. Resolution expressing the sense of the House of Representatives that employee life support programs should be protected by continuing the current tax benefits for such programs; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ACKERMAN introduced a bill (H.R. 2666) for the relief of Merceditas Villanueva, Flordelica Villanueva, and Emmanuel Villanueva; 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. 44: Mr. DICKINSON, Mr. ROGERS, Mr. HUNTER, Mr. OWENS, Mr. MOLLOHAN, Mr. COBLE, and Mr. HOPKINS.

H.R. 52: Mr. MARKEY.

H.R. 62: Mr. WISE.

H.R. 236: Mrs. SCHROEDER.

H.R. 281: Mr. MCHUGH, Mr. OBEY, Mr. SYNAR, Mr. UDALL, Mr. WISE, Mr. ROYBAL, Mr. SKELTON, Mr. COYNE, and Mr. DYSON.

H.R. 370: Mr. WAXMAN, Mr. FEIGHAN, Mrs. BURTON of California, Mr. WOLPE, Mr. STARK, and Mr. SAVAGE.

H.R. 452: Mr. PACKARD.

H.R. 469: Mr. BADHAM and Mr. KINDNESS.

H.R. 528: Mr. TORRICELLI, Mrs. LLOYD, Mr. MCHUGH, and Mr. ANDREWS.

H.R. 604: Mr. RALPH M. HALL, and Mr. STALLINGS.

H.R. 661: Mr. RODINO.

H.R. 685: Mr. OBERSTAR.

H.R. 691: Mr. ECKART of Ohio, Mr. KOLBE, Mr. MOODY, Mr. GROTBERG, and Mr. WOLPE.

H.R. 704: Mr. SMITH of New Hampshire.

H.R. 749: Mr. MINETA and Mr. GRAY of Illinois.

H.R. 776: Mr. MARTINEZ.

H.R. 932: Mr. SAXTON, Mr. COELHO, and Mr. ADDABBO.

H.R. 950: Mr. DE LUGO, Mr. FAUNTROY, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FOWLER, Mr. GARCIA, Mr. HORTON, Mr. LELAND, Mr. MCGRATH, Mr. MRAZEK, Mr. STARK, Mr. VANDER JAGT, Mr. FORD of Tennessee, Mr. DUNCAN, Mr. SOLARZ, and Mr. ACKERMAN.

H.R. 976: Mr. WALGREN.

H.R. 983: Mr. MCMILLAN, Mr. ORTIZ, Mr. RICHARDSON, Mr. TORRES, Mr. BROOKS, Mr. WHITEHURST, Mr. FLIPPO, Mr. ROSE, Ms. KAPTUR, and Mr. COOPER.

H.R. 1031: Mr. SAVAGE.

H.R. 1032: Mr. SAVAGE.

H.R. 1059: Mr. BEDELL.

H.R. 1090: Mr. DYMALLY, Mr. LEATH of Texas, and Mr. WOLPE.

H.R. 1123: Mr. WOLF, Mr. HARTNETT, and Mr. YOUNG of Alaska.

H.R. 1190: Mr. BREAUX, Mr. YATRON, and Mr. MAZZOLI.

H.R. 1284: Mr. GREEN, Mr. SCHUMER, Mr. STOKES, Mr. DE LUGO, Mr. BOUCHER, Mr. MITCHELL, Mr. RIDGE, Mr. WHITEHURST, Mr. HUGHES, Mr. VANDER JAGT, Mr. STANGELAND, Mr. VALENTINE, Mr. FROST, Mr. CLINGER, Mr. FASCELL, Mr. LAFALCE, Mr. PEASE, and Mr. RAHALL.

H.R. 1294: Mr. MOLLOHAN.

H.R. 1316: Mr. PACKARD.

H.R. 1335: Mr. UDALL, Mr. HAYES, Mr. SEIBERLING, Mr. TORRICELLI, Mr. DIXON, Mr. EVANS of Illinois, Mr. LOWRY of Washington, and Mr. SIKORSKI.

H.R. 1375: Mr. MRAZEK, Mr. HERTEL of Michigan, and Mr. FRANK.

H.R. 1398: Mr. PERKINS.

H.R. 1423: Mr. DAUB and Mr. DREIER of California.

H.R. 1427: Mr. WIRTH.

H.R. 1463: Mr. TAUKE.

H.R. 1464: Mr. HAMILTON.

H.R. 1465: Mr. HAMILTON.

H.R. 1524: Mr. BONIOR, of Michigan, Mr. SWIFT, Mr. MOAKLEY, Mr. ENGLISH, Mr. WHEAT, Mr. HOYER, Mr. WALGREN, Mr. YATES, Mr. MAVROULES, and Mr. LEVINE, of California.

H.R. 1535: Mr. REID.

H.R. 1536: Mr. REID.

H.R. 1542: Mr. SUNIA, Mr. FORD of Tennessee, and Mr. ST GERMAIN.

H.R. 1589: Mr. ADDABBO.

H.R. 1616: Mr. TOWNS, Mr. SIKORSKI, Mrs. BOXER, Mr. CARR, Mr. TORRES, Mr. STRATTON, and Mr. MURTHA.

H.R. 1626: Mr. WYLIE, Mr. LELAND, Mr. FAZIO, Mr. SYNAR, and Mr. PERKINS.

H.R. 1629: Mr. ASPIN, Mr. ENGLISH, Mr. HEFNER, Mr. HOPKINS, Mr. MCDADE, Mr. PERKINS, Mr. QUILLEN, Mr. STAGGERS, Mr. TALLON, Mr. VOLKMER, and Mr. WHITLEY.

H.R. 1632: Mr. HAYES, Mr. MITCHELL, and Mr. STAGGERS.

H.R. 1633: Mr. MITCHELL, Mr. STAGGERS, and Mr. WEAVER.

H.R. 1634: Mr. MITCHELL and Mr. STAGGERS.

H.R. 1659: Mr. EDGAR.

H.R. 1689: Mr. MARTINEZ and Mrs. ROUKEMA.

H.R. 1701: Mr. GONZALEZ, Ms. KAPTUR, Mr. CARR, Mr. STARK, Mr. MILLER of California, Mr. MURPHY, Mr. MARTINEZ, and Mr. GRAY of Illinois.

H.R. 1704: Mr. MONSON, Mr. TOWNS, and Mr. EDWARDS of Oklahoma.

H.R. 1769: Mr. THOMAS of Georgia, Mr. CONYERS, and Mr. WISE.

H.R. 1809: Mr. MARKEY, Mr. CHAPPELL, and Mr. DOWNEY of New York.

H.R. 1816: Mr. GONZALEZ and Mr. WEAVER.

H.R. 1817: Mr. GONZALEZ and Mr. WEAVER.

H.R. 1834: Mrs. COLLINS, Mr. PENNY, Mr. FRANK, Mr. HAYES, Mr. MINETA, Mr. EDWARDS of California, Mr. KOLTER, Mr. LELAND, Mr. FAUNTROY, Mr. WEAVER, Mr. SAVAGE, Mr. EVANS of Illinois, Mr. MITCHELL, Mr. RANGEL, Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. DELLUMS, Mr. MURPHY, Mr. MRAZEK, Mr. CROCKETT, Mr. STUDDS, Ms. KAPTUR, Mrs. BURTON of California, Mr. SEIBERLING, Mr. CLAY, and Mr. LEHMAN of Florida.

H.R. 1840: Mr. SPRATT, Mr. STENHOLM, Mr. DERRICK, Mr. HUCKABY, Mr. STANGELAND, Mrs. BENTLEY, Mr. THOMAS of Georgia, Mr. ACKERMAN, and Mr. CONYERS.

H.R. 1908: Mr. EMERSON and Mr. MONSON.

H.R. 1911: Mr. EDWARDS of Oklahoma and Mr. NIELSON of Utah.

H.R. 1987: Mr. DOWNEY of New York.

H.R. 2003: Mr. VENTO and Mr. GRAY of Illinois.

H.R. 2013: Mr. DE LA GARZA, Mr. NIELSON of Utah, Mrs. LLOYD, Ms. OAKAR, Mr. BARTON of Texas, Mr. KOLBE, Mr. ORTIZ, Mr. DIOGUARDI, Mr. YOUNG of Florida, Mr. DIXON, Mr. SHAW, Mr. BUSTAMANTE, Mr. CROCKETT, Mr. FEIGHAN, Mr. SCHEUER, Mr. HAWKINS, and Mr. DAUB.

H.R. 2014: Mr. WORTLEY, Mr. ECKART of Ohio, Mr. WILLIAMS, Ms. OAKAR, Mr. VENTO, Mr. ORTIZ, Mr. YOUNG of Florida, Mr. DIXON, Mr. BENNETT, Mr. FOGLIETTA, Mr. CROCKETT, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. SCHEUER, and Mr. DAUB.

H.R. 2020: Mr. WIRTH, Mr. MILLER of California, and Mr. DYMALLY.

H.R. 2064: Mr. WEBER and Mr. PENNY.

H.R. 2116: Mr. WEBER, Mr. MITCHELL, and Mr. MCHUGH.

H.R. 2119: Mr. SUNIA, Mr. HUNTER, Mr. EMERSON, Mr. SCHEUER, Mr. MACK, and Mr. SIKORSKI.

H.R. 2205: Mrs. BENTLEY, Mr. DICKINSON, Mrs. HOLT, Mr. MURPHY, Mr. SCHEUER, Mrs. SCHROEDER, and Mr. SMITH of Florida.

H.R. 2211: Mr. BERMAN, Mr. GRAY of Illinois, and Mr. PERKINS.

H.R. 2216: Mr. CROCKETT, Mr. WAXMAN, Mr. FEIGHAN, AND Mr. OBERSTAR.

H.R. 2247: Mr. KOLTER and Mr. SEIBERLING.

H.R. 2258: Mr. OWENS and Mr. VALENTINE.

H.R. 2262: Mr. SAVAGE, Mr. SHARP, Mr. PANETTA, Mr. VENTO, Mr. RANGEL, and Mr. ACKERMAN.

H.R. 2263: Mr. CROCKETT, Mr. BERMAN, Mr. FORD of Michigan, Mrs. HOLT, Mr. AUCOIN, and Mr. DAUB.

H.R. 2277: Mr. ROBERTS and Mrs. BENTLEY.

H.R. 2293: Mr. BATES, Mr. LELAND, and Mr. ERDREICH.

H.R. 2302: Mr. BEDELL, Mrs. BENTLEY, Mrs. COLLINS, Mr. KANJORSKI, Mr. MARTINEZ, Mr. NEAL, Mr. PERKINS, Mr. RIDGE, Mr. ROBERTS, Mr. SOLOMON, Mr. STANGELAND, Mr. VALENTINE, and Mr. WHITEHURST.

H.R. 2322: Mr. WORTLEY, Mr. JEFFORDS, and Mr. CLINGER.

H.R. 2326: Mr. WEBER and Mr. ARMEY.

H.R. 2342: Mr. MARKEY, Mr. ANDERSON, Mr. HUGHES, Mr. ROE, Mr. OBERSTAR, Mr. BORSKI, Mr. FRANK, Mr. MITCHELL, Mr. FROST, Mrs. SCHROEDER, Mr. OWENS, Mr. SKELTON, Mr. BEDELL, and Mr. SAVAGE.

H.R. 2346: Mr. LIGHTFOOT and Mr. ROSE.

H.R. 2361: Mrs. SCHROEDER, Mr. FUSTER, Mr. SAVAGE, Mr. LELAND, and Mr. RICHARDSON.

H.R. 2365: Mr. JACOBS, Mr. SMITH of Florida, Mr. WHITEHURST, Mr. BERMAN, Mr. WEAVER, Mr. HOWARD, Mr. ECKART of Ohio, Mr. EVANS of Illinois, and Mrs. BURTON of California.

H.R. 2397: Mr. COLEMAN of Texas, Mr. CROCKETT, Mrs. JOHNSON, Mr. BONKER, Mr. ECKART of Ohio, Mr. YOUNG of Florida, Mr. STAGGERS, and Mr. SHELBY.

H.R. 2411: Mr. SYNAR.

H.R. 2412: Mr. SYNAR.

H.R. 2441: Mr. COBLE, Mr. FRANK, Mr. MCKINNEY, Mr. GRAY of Illinois, Mr. MITCHELL, Mr. BEILENSON, Mr. FROST, and Mr. HUNTER.

H.R. 2458: Mr. DAVIS, Mr. HOWARD, and Mr. DICKINSON.

H.R. 2470: Mr. MOLLOHAN, Mr. ORTIZ, and Mr. BEVILL.

H.R. 2489: Mr. BONIOR of Michigan, Mr. MANTON, and Mr. WILLIAMS.

H.R. 2524: Mr. LOTT.

H.R. 2589: Mr. STOKES, Mr. WHEAT, and Mr. HAYES.

H.R. 2626: Mr. MICHEL, Mr. REID, Mr. STARK, Mr. SOLOMON, Mr. GROTBERG, Mr. LIGHTFOOT, Mr. WEBER, and Mr. MACK.

H.J. Res. 3: Mr. GALLO, Mr. YATES, Mr. FROST, and Mr. BOUCHER.

H.J. Res. 20: Mr. MURPHY, Mr. UDALL, Mr. MRAZEK, Ms. OAKAR, Ms. MIKULSKI, Mr. WOLPE, Mr. ROWLAND of Connecticut, Mr. GREEN, Mr. GUNDERSON, Mr. MANTON, Mr. CHAPPIE, Mr. ADDABBO, Mrs. BURTON of California, Mr. GALLO, Mr. MARKEY, and Mr. BEVILL.

H.J. Res. 131: Mr. PACKARD, Mr. FISH, Mr. LAGOMARSINO, Mrs. BOXER, Mr. CHANDLER, Mr. ANDERSON, Mr. WHEAT, Mr. FEIGHAN, Mr. LEVIN of Michigan, Mr. CHAPPIE, Mr. AKAKA, Mr. DARDEN, Mr. BARNARD, Mr. HEFNER, Mr. ROSE, and Mr. WHITLEY.

H.J. Res. 133: Mr. MURPHY, Mr. NOWAK, Mr. KOSTMAYER, and Mr. ST GERMAIN.

H.J. Res. 144: Mr. ANDREWS, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. CARR, Mr. EMERSON, Mr. FAWELL, Mr. FAZIO, Mr. HERTEL of Michigan, Mrs. HOLT, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MARTINEZ, Mr. PORTER, Mr. REID, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SABO, Mr. SKELTON, Mr. SOLARZ, Mr. STANGELAND, and Mr. YATES.

H.J. Res. 156: Mr. TORRICELLI, Mr. SUNIA, and Mr. SKELTON.

H.J. Res. 159: Mr. CLINGER.

H.J. Res. 172: Mr. MARTIN of New York, Mr. KOSTMAYER, Mr. HORTON, Mr. SHUSTER, Mr. APPLEGATE, Mr. ROE, Mr. BERMAN, Mr. HOWARD, Mr. HOYER, Mr. OBERSTAR, Mr. STOKES, Mr. CARNEY, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. MRAZEK, Mr. WAXMAN, Mr. BROWN of California, Mr. MCGRATH, Mr. FAUNTROY, Mr. FRANK, Mr. GUARINI, Mr. LAGOMARSINO, Mr. MCHUGH, Mr. TOWNS, Mr. YOUNG of Missouri, Mr. ACKERMAN, Mr. OWENS, Mr. SMITH of New Jersey, Mr. DWYER of New Jersey, Mr. JACOBS, Mr. BARNES, Mrs. BURTON of California, Mr. RINALDO, Mr. HUGHES, Mr. WEAVER, Mr. ANTHONY, Mr. DELLUMS, Mr. BEREUTER, Mr. MARTINEZ, Mr. CHANDLER, Mr. BEDELL, Mr. CARPER, Mr. CONYERS, Mr. NEAL, Mr. DIXON, Mr. GEJDENSON, Mr. DE LUGO, Mr. EVANS of Iowa Mr. RODINO, Mr. SOLARZ, Mr. SPRATT, Mrs. COLLINS, Mr. EMERSON, Mr. CHAPPIE, Mr. HENRY, Mr. FLORIO, Mr. BROWN of California, Mr. FROST, Mr. HAYES, Mrs. BOXER, Mr. GREEN, Mr. BLAZ, Ms. KAPTUR, Mr. HANSEN, Mr. LUNGREN, Mr. MURPHY, Mr. DEWINE, Mr. HERTEL of Michigan, Mr. RANGEL, Mr. VOLKMER, Mr. MAVROULES, Mr. DURBIN, Mr. HEFNER, Mr. KOLTER, Mr. ADDABBO, Mr. JONES of North Carolina, Mr. TORRICELLI, Ms. OAKAR, Mr. ORTIZ, Mr. MATSUI, Ms. MIKULSKI, Mr. O'BRIEN, Mr. BROOMFIELD, Mr. FOGLIETTA, Mr. PEPPER, Mr. MOLINARI, Mr. TRAXLER, Mr. ANDREWS, Mr. SUNIA, Mr. MORRISON of Washington, Mr. REID, Mr. DIOGUARDI, Mr. EDWARDS of Oklahoma, Mr. MAZZOLI, Mr. FAZIO, Mr. WORTLEY, Mr. DURBIN, Mr. LEVIN of Michigan, Mr. HAMMERSCHMIDT, Mr. SCHEUER, Mr. THOMAS of Georgia, Mr.

WIRTH, Mr. LEVINE of California, Mr. HEFTEL of Hawaii, Mr. BRYANT, Mr. COURTER, Mrs. HOLT, Mr. FEIGHAN, Mr. BARNARD, Mr. CROCKETT, Mr. MITCHELL, Mrs. JOHNSON, Mr. SMITH of Florida, Mr. WHEAT, and Mr. MCHUGH.

H.J. Res. 178: Mrs. BURTON of California, Mr. DENNY SMITH, Mr. BROOMFIELD, Mr. WHITTEN, Mr. MCKINNEY, Mr. MADIGAN, and Mr. WISE.

H.J. Res. 179: Mr. ANTHONY, Mr. DYMALLY, Mr. FRANK, Mr. RALPH M. HALL, Mr. JACOBS, Mr. LELAND, Mr. MARTIN of New York, Mr. MOAKLEY, Mr. ROBERTS, Mr. ROE, Mr. ROWLAND of Georgia, Mr. SAXTON, Mr. SCHEUER, Mr. SKELTON, Mr. SOLARZ, Mr. SYNAR, Mr. TALLON, Mr. TORRES, Mr. WALGREN, Mr. WOLPE, and Mr. YOUNG of Alaska.

H.J. Res. 211: Mr. YOUNG of Missouri, Mr. DICKS, Mr. GUARINI, Mr. FAZIO, Mrs. COLLINS, Mr. REID, Mr. WAXMAN, Mr. KASICH, Mr. COBLE, Mr. EMERSON, Mr. FRANKLIN, Mr. IRELAND, Mr. BUSTAMANTE, Mr. FORD of Michigan, Mr. ERDREICH, Mr. MILLER of Ohio, Mr. DORNAN of California, Mr. CHANDLER, Mr. GUNDERSON, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. WORTLEY, Mr. MORRISON of Washington, Mr. GROTBERG, Mr. BEDELL, Mr. LEVINE of California, Mr. EDWARDS of Oklahoma, Mr. MARKEY, Mr. MACK, and Mr. PORTER.

H.J. Res. 216: Mr. RANGEL, Mrs. COLLINS, Mr. AKAKA, Mr. APPLEGATE, Ms. MIKULSKI, Mr. YOUNG of Florida, Mrs. KENNELLY, Mrs. BOXER, Mr. BUSTAMANTE, Mr. MURPHY, Mr. FLORIO, Mr. ENGLISH, Mr. HUGHES, Mr. CARNEY, Mr. SAVAGE, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. TORRICELLI, Mr. LUNDINE, Mrs. HOLT, Mr. VOLKMER, Mr. ALEXANDER, Mr. KANJORSKI, Mr. REID, Mr. BOEHLERT, Mr. LEWIS of Florida, Mr. ANNUNZIO, Mr. BONIOR of Michigan, Mr. JONES of North Carolina, Mr. ROEMER, Mr. TALLON, Mr. YATES, Mr. DASCHLE, Mr. PANETTA, Mr. FAUNTROY, Mr. SISISKY, Mr. MOLLOHAN, Mr. SMITH of Florida, Mr. LEVIN of Michigan, Mr. HORTON, Mr. RICHARDSON, Mr. SOLARZ, Mr. BEDELL, Mr. MORRISON of Connecticut, Mr. FROST, Mr. KOLTER, Mr. WOLPE, Mr. FEIGHAN, Mr. MATSUI, Mr. SPRATT, Mr. SAXTON, Mr. MCCAIN, Mr. SHAW, Mr. SIKORSKI, Mr. STOKES, Mr. WORTLEY, and Mr. HEFTEL of Hawaii.

H.J. Res. 218: Mr. KOSTMAYER, Mrs. COLLINS, Mrs. LLOYD, Mr. LAGOMARSINO, Mr. STENHOLM, Mr. FEIGHAN, Mr. WEISS, Mr. BERMAN, Mr. REID, Mr. FLORIO, Mr. FROST, Mr. CROCKETT, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. MORRISION of Connecticut, and Mrs. HOLT.

H.J. Res. 230: Mr. DIOGUARDI, Mr. HORTON, and Mr. SPRATT.

H.J. Res. 263: Mr. DIXON, Mr. LUNGREN, Mr. SUNIA, Mr. YATRON, Mr. CARR, Mr. MRAZEK, Mr. BEDELL, Mr. BERMAN, Mrs. HOLT, Mr. BEREUTER, Mr. HYDE, Mr. HERTEL of Michigan, Mr. LIPINSKI, Mr. CONTE, Mr. MINETA, Mr. BARNES, Mr. SYNAR, Mr. COYNE, Mr. NEAL, Mr. PACKARD, Mr. BONIOR of Michigan, Mr. SCHUETTE, Mr. ANDERSON, Mr. STOKES, Mr. HORTON, Mr. BURTON of Indiana, Mr. CARR, Mr. FORD of Michigan, Mr. PORTER, Mr. TALLON, Mr. HAYES, Mr. NATCHER, and Mr. PURSELL.

H.J. Res. 267: Mr. STRANG.

H.J. Res. 270: Mr. BEDELL, Mr. BOUCHER, Mrs. BOXER, Mrs. COLLINS, Mr. COYNE, Mr. DAUB, Mr. DELAY, Mr. DEWINE, Mr. FISH, Mr. FLORIO, Mr. KOLBE, Mr. LEVINE of California, Mr. MARTINEZ, Mr. MATSUI, Mr. MINETA, Mr. OBERSTAR, Mr. PEPPER, Mr. RANGEL, Mr. REID, Mr. RITTER, Mr. SCHEUER, Mr. SOLARZ, Mr. WAXMAN, Mr. WHEAT, and Mr. WIRTH.

H. Con. Res. 6: Mr. MANTON and Mr. KANJORSKI.

H. Con. Res. 7: Mr. KANJORSKI.

H. Con. Res. 26: Mr. FRANK, Mr. FAUNTROY, and Mr. CRANE.

H. Con. Res. 37: Mr. BOUCHER, Mr. BROWN of California, Mr. BROYHILL, Mr. CRAIG, Mr. EMERSON, Mr. HUTTO, Mr. KLECZKA, and Mr. PARRIS.

H. Con. Res. 57: Mr. BEREUTER, Mr. EMERSON, Mr. MAVROULES, Ms. MIKULSKI, Mr. TOWNS, and Mr. WIRTH.

H. Con. Res. 101: Mr. GARCIA, Mr. WALGREN, Mr. LENT, Mr. BRYANT, Mr. BERMAN, Mr. MANTON, Mr. COYNE, Mr. ROE, Mr. SMITH of Florida, Mr. ACKERMAN, Mr. FRANK, Mr. EVANS of Illinois, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. MITCHELL, Mr. WEISS, and Mr. FOGLIETTA.

H. Con. Res. 123: Mr. IRELAND, Mr. SHELBY, Mr. GUARINI, Mr. STANGELAND, Mr. FUQUA, Mr. KANJORSKI, Mr. LAFALCE, Mr. HENDON, Mr. MCEWEN, Mr. OWENS, Mr. DORGAN of North Dakota, Mr. DOWNEY of New York, Mr. HEFTEL of Hawaii, Mr. HAYES, Mr. TOWNS, Mr. LOTT, Mr. GROTBERG, Mr. LAGOMARSINO, Mr. MCCAIN, Mr. LEHMAN of Florida, Mr. DAUB, Mr. NEAL, Mr. ADDABBO, Mr. STENHOLM, Mr. BEDELL, Mr. FRENZEL, and Mr. BROWN of Colorado.

H. Con. Res. 131: Mr. SPENCE and Mr. WHEAT.

H. Res. 126: Mr. MURPHY and Mr. LEWIS of California.

H. Res. 131: Mr. CROCKETT.

H. Res. 134: Mr. WIRTH, Ms. KAPTUR, Mr. THOMAS of Georgia, Mr. ECKART of Ohio, Mr. MORRISON of Washington, Mr. MATSUI, Mr. BERMAN, and Mr. CRAIG.

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. 512: Mr. GEJDENSON.
H.R. 1229: Mr. MAVROULES.
H.R. 1401: Mrs. BENTLEY.
H.R. 1402: Mrs. BENTLEY.
H.R. 1403: Mrs. BENTLEY.
H.R. 2600: Mrs. SCHROEDER.
H.J. Res. 192: Mr. HUTTO and Mr. BURTON of Indiana.

PETITIONS, ETC.

Under Clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

118. By the SPEAKER: Petition of Douglas J. (Doug) Johnson, et al, Cook, MN, relative to the boundary between the United States and Canada; to the Committee on Foreign Affairs.

119. Also, petition of Jesus R. Querubin, Bacolod City, Philippines, relative to immigration; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R.1460

By Mr. DORNAN of California:

—Page 20, insert the following after line 15:

(c) WAIVERS.—If the President determines that a business enterprise in South Africa that is controlled by a United States person has incurred financial losses as a direct result of an act of terrorism, then the President may issue an order permitting that United States person, notwithstanding the prohibition contained in subsection (a), to make investments in that business enterprise in amounts not exceeding the amount of those financial losses.

—Page 34, add the following after line 4:

SEC. 15. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Subject to subsection (b), the provisions of this Act and the amendment made by section 7 of this Act shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

(b) LIMITATION.—The provisions of this Act and the amendment made by section 7 of this Act shall not take effect if, not earlier than 30 days before the end of the 1-year period referred to in subsection (a), the President certifies to the Congress that the African National Congress has not renounced the use of violence by that organization in the achievement of its goals.

—Page 34, add the following after line 4:

SEC. 15. WAIVER OF PROVISIONS OF THE ACT.

The President may waive the provisions of this Act and the amendment made by section 7 of this Act after the end of the 1-year period beginning on the date of the enactment of this Act if, before the end of that 1-year period, the United Kingdom, France, the Federal Republic of Germany, Canada, Japan, Italy, and Israel have not imposed sanctions against South Africa substantially the same as those imposed by all the provisions of this Act.

H.R. 1872

—Page 13, line 15, strike out "$9,039,500,000" and insert in lieu thereof "$10,102,000,000".

—Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$7,545,000,000".

Page 26, strike out lines 18 through 22 and insert in lieu thereof the following:

(1) $3,712,962,000 is available only for the Strategic Defense Initiatives;

H.R. 2577

By Mr. ARCHER:

—Page 101, after line 6, insert the following:

SEC. 303. That (a)(1) notwithstanding any other provision of law, when any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations passes both House of Congress in the same form, the Secretary of the Senate (in the case of a bill or joint resolution originating in the Senate) or the Clerk of the House of Representatives (in the case of a bill or joint resolution originating in the House of Representatives) shall cause the enrolling clerk of such House to enroll each item of such bill or joint resolution as a separate bill or joint resolution, as the case may be.

(2) A bill or joint resolution that is required to be enrolled pursuant to paragraph (1)—

(A) shall be enrolled without substantive revision,

(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this Act), and

(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or

joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

(b) A bill or joint resolution enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article 1 of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bill and joint resolutions generally.

(c) For purposes of this Act, the term "item" means any numbered section and any unnumbered paragraph of—

(1) any general or special appropriation bill, and

(2) any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

(d) The provisions of this Act shall apply to bills and joint resolutions agreed to by the Congress during the two-calendar-year period beginning with the date of the enactment of this Act.

By Mr. BREAUX:

—On Page 18, line 4, after the period, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" for a grant for the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans $4,000,000 to remain available until expended.

—On Page 18, line 4, after the period, insert:

LEGAL SERVICES CORPORATION

For the establishment of the Gillis W. Long Poverty Law Center at the Loyola University School of Law in New Orleans $4,000,000 to remain available until expended.

By Mr. BROWN of Colorado:

—On page 44, line 3, strike "$2,008,000,000" and insert in lieu thereof "$1,508,000,000"; and on line 5, strike "$500,000,000 shall be available for Egypt;"

Explanation: The amendment deletes $500,000,000 provided in the bill for economic support for Egypt.

—On page 63, strike line 17 and all that follows through line 4 on page 64.

Explanation: The amendment deletes provisions of the bill which provide additional funds totaling $20,385,000 for the Legislative Branch for "salaries, officers, and employees," "committee employees," "allowances and expenses," and "official mail costs." (Note: The amendment does not affect the payment provided by the bill to Catherine S. Long, the widow of Rep. Gillis W. Long of Louisiana.)

—On page 80, strike line 22 and all that follows through line 2 on page 82.

Explanation. The amendment deletes provisions of the bill which provide funds totaling $9,069,000 for increased pay costs for the Legislative Branch.

By Mr. DORGAN of North Dakota:

—Page 6, after line 3, insert the following:

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses for States and local agencies to carry out the distribution of surplus commodities under the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note), $4,270,000.

By Mr. EDGAR:

—Page 25, line 22, strike out "Fort" and all that follows through "Arkansas;" on lines 24 and 25.

Page 26, lines 1 and 2, strike out "Oakland Inner and Outer Harbor, California;".

Page 26, line 2, strike out "Richmond" and all that follows through line 3.

Page 26, line 4, strike out "Fountain" and all that follows through "Florida;" the first place it appears on line 6.

Page 26, line 6, strike out "Tampa" and all that follows through "Georgia; " on line 8.

Page 26, line 8, strike out "Locks" and all that follows through "Management;" on line 10.

Page 26, line 12, strike out "Des Moines" and all that follows through "Louisiana;" on line 15.

Page 26, line 16, strike out "Town" and all that follows through the semicolon at the end of such line.

Page 26, line 19, strike out "Gulfport Harbor, Mississippi;".

Page 26, lines 23 and 24, strike out "Kill Van Kull, Newark Bay Channel, New York and New Jersey;".

Page 26, line 25, and page 27, line 1, strike out "Cleveland Harbor, Ohio;".

Page 27, line 6 strike out "Parker" and all that follows through "Washington;" on line 7.

Page 27, line 8, strike out "Monongahela" and all that follows through "Virginia;" on line 10.

Page 27, line 11, strike out "Monongahela" and all that follows through "nia;" on line 12.

Page 27, line 13, strike out "Colorado" and all that follows through "Austin, Texas;" on line 14.

Page 27, line 14, strike out "Lake" and all that follows through "Texas;" on line 15.

Page 27, line 16, strike out "Norfolk" and all that follows through "Project;" on line 17.

Page 27, line 18, strike out "Gallipolis" and all that follows through "River)" on line 19.

Page 29, line 19, strike out the colon and all that follows through line 4 on page 30 and insert in lieu thereof a period.

By Mr. ENGLISH:

—On page 27, line 1, strike all after "Geneva-on-the-Lake, Ohio;", down through "Arkansas-Red River Basin:" on line 6 and insert the following:

Red River Chloride Control, Oklahoma and Texas: *Provided*, That Section 201 of the Flood Control Act of 1970, as amended by Section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "Arkansas-Red River Basin" and inserting in lieu thereof the following: "Construction shall not be initiated on any element of such project involving the Arkansas River and/or its tributaries until such element has been approved by the Secretary of the Army. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to be authorized as separate projects, with separate authority under section 203 of the Flood Control Act of 1966, as amended.";

By Mr. FAZIO:

—On page 40, line 6 strike the words "just and reasonable and".

On page 40, delete all of the language from lines 12 through line 24, and insert the following: "To the extent that the Federal Energy Regulatory Commission has jurisdiction over the Memorandum or of mutually agreed upon contractual provisions which implement the Memorandum, the Commission shall review and take final action under the Federal Power Act, as amended (40 stat. 1063), with respect to the Memorandum and contractual provisions within 180 days from the date of the filing thereof.".

—On page 41 after line 3 of the bill, as reported, add the following three paragraphs:

DEPARTMENT OF ENERGY

The Congress finds that the timely construction, operation, and use of a third 500 kV AC transmission line between the Pacific Northwest and California in accordance with the Memorandum of Understanding for the California-Oregon Transmission Project dated December 19, 1984, as approved and conditioned by the Secretary of Energy's Memorandum of Decision dated February 7, 1985, and by the Secretary's letter to the Chairman of the House Appropriations Subcommittee on Energy and Water dated May 20, 1985, and a May 4, 1985 letter from the Energy Department Acting General Counsel (the "Memorandum"), will be of significant benefit to both regions and is in the public interest. However, neither this Act nor the Memorandum shall in any way affect the authorities or policies of the Bonneville Power Administration regarding wholesale power rates, transmission rates, or transmission access.

To the extent that the Federal Energy Regulatory Commission has jurisdiction over the Memorandum or of mutually agreed upon contractual provisions which implement the Memorandum, the Commission shall review and take final action under the Federal Power Act, as amended (40 Stat. 1065), with respect to the Memorandum and such contractual provisions within 180 days from the date of the filing thereof.

The line constructed pursuant to the Memorandum is hereby named "The Harold T. (Bizz) Johnson California-Pacific Northwest Intertie line".

By Mr. PETRI:

—Page 25, strike out line 3 and all that follows through line 3 on page 41.

Redesignate succeeding chapters of title I of the bill accordingly.

By Mr. STUDDS:

—On page 93, strike lines 8–12, and insert in lieu thereof the following: "Operating expenses", $15,000,000 to be derived from funds available in fiscal year 1985 from the Boat Safety Account; and $3,275,000 to be derived from the unobligated balances of "Payments to air carriers": *Provided*, That not to exceed $785,000,000 shall be available in fiscal year 1985 for compensation and military benefits of military personnel of the Coast Guard;