HOUSE OF REPRESENTATIVES—*Monday, July 15, 1985*

The House met at 12 o'clock noon.

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

We offer this word of gratitude, O gracious God, for the abiding presence of Your spirit. Though we may seek to depart from You, You do not depart from us; though often we do not wish to face our faults, You forgive us and grant us new life. Our hearts are appreciative, that though we often forget Your providence for us and we seem to turn away, You continue to surround us with Your love and comfort us with Your presence. For Your external faithfulness, O God, we offer this our prayer of thanksgiving. 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.

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 joint resolution and concurrent resolution of the House of the following titles:

H.J. Res. 198. Joint resolution providing for appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H. Con. Res. 59. Concurrent resolution commemorating the 100th anniversary of the death of Ulysses S. Grant, the 18th President of the United States.

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

H.R. 1460. An act to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1160) "An act to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1986, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GOLDWATER, Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. COHEN, Mr. QUAYLE, Mr. EAST, Mr. WILSON, Mr. DENTON, Mr. GRAMM, Mr. NUNN, Mr. STENNIS, Mr. HART, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, and Mr. GLENN to be the conferees on the part of the Senate.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the bill on the Consent Calendar.

HAYDEN RHODES AQUEDUCT

The Clerk called the bill (H.R. 2340) to designate the Granite Reef aqueduct of the central Arizona project as the "Hayden Rhodes aqueduct."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCAIN. Mr. Speaker, reserving the right to object, on November 15, 1985, the first major portion of the central Arizona project, the Granite Reef aqueduct is scheduled to be dedicated. On that day, Arizona history will be written. Colorado River water will begin flowing into the Phoenix metropolitian area. The occasion will be marked by celebrations of this long awaited triumph over time and nature as well as many engineering, funding, and political obstacles.

Mr. Speaker, it will be the culmination of the work of many. However, the names of Carl Hayden and John Rhodes, whose public service careers spanned 70 years, are two names that we must indeed pay tribute to on that day.

Carl Hayden and John Rhodes were truly dedicated to seeing the CAP become a reality. Senator Hayden, as the long-time chairman of the Senate Appropriations Committee, was in the unique position to transform the concept of delivering Colorado River water to central and southern Arizona into a reality. His efforts culminated in September of 1968 when legislation was signed into law authorizing the central Arizona project.

Senator Hayden's work in the Senate was matched by John Rhodes' contributions in the House of Representatives. During his 30 years in the service of the people of Arizona, John Rhodes displayed the leadership and the statesmanship necessary to forge the alliances that would ensure funding for the central Arizona project.

Arizona owes a tremendous debt of gratitude to Carl Hayden and John Rhodes. Designating the Granite Reef portion of the central Arizona project as the Hayden Rhodes Aqueduct is only a small token of the appreciation that all Arizonans feels toward these two great Americans. It is only appropriate that the Aqueduct which carries the waters of the Colorado River to the district that these men once represented be named in their honor.

I urge your support for this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2340

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

SECTION 1. DESIGNATION OF GRANITE REEF AQUEDUCT AS "HAYDEN RHODES AQUEDUCT".

The Granite Reef Aqueduct of the Central Arizona Project, constructed, operated, and maintained under section 301(a)(1) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(1)), hereafter shall be known and designated as the "Hayden Rhodes Aqueduct".

SECTION 2. REFERENCES TO AQUEDUCT.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in section 1 hereby is deemed to be a reference to the "Hayden Rhodes Aqueduct".

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

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

TRANSFER OF CONSTITUTIONAL POWERS UNDER 25TH AMENDMENT TO THE CONSTITUTION AND RESUMPTION OF SAME—MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following messages from the President of the United States; which were read:

THE WHITE HOUSE,
Washington, July 13, 1985.

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

DEAR MR. SPEAKER: I am about to undergo surgery during which time I will be briefly and temporarily incapable of discharging the Constitutional powers and duties of the Office of the President of the United States.

☐ 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.

After consultation with my Counsel and the Attorney General, I am mindful of the provisions of Section 3 of the 25th Amendment to the Constitution and of the uncertainties of its application to such brief and temporary periods of incapacity. I do not believe that the drafters of this Amendment intended its application to situations such as the instant one.

Nevertheless, consistent with my longstanding arrangement with Vice President George Bush, and not intending to set a precedent binding anyone privileged to hold this Office in the future, I have determined and it is my intention and direction that Vice President George Bush shall discharge those powers and duties in my stead commencing with the administration of anesthesia to me in this instance.

I shall advise you and the Vice President when I determine that I am able to resume the discharge of the Constitutional powers and duties of this Office.

May God bless this Nation and us all,

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, July 13, 1985.

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

DEAR MR. SPEAKER: Following up on my letter to you of this date, please be advised I am able to resume the discharge of the Constitutional powers and duties of the Office of the President of the United States. I have informed the Vice President of my determination and my resumption of those powers and duties.

Sincerely,

RONALD REAGAN.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2340, HAYDEN-RHODES AQUEDUCT

Mr. McCAIN. Mr. Speaker, I ask unanimous consent that on the bill just considered, that the words "Hayden Rhodes" be changed to include a hyphen so it will read "Hayden-Rhodes" wherever it appears, including the title, and that the Clerk be directed to make such changes in the engrossment of the bill.

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

There was no objection.

GENERAL LEAVE

Mr. McCAIN. 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. 2340, Hayden-Rhodes aqueduct.

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

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2959, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1986

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. No. 99-198), on the resolution (H. Res. 221) waiving certain points of order against consideration of the bill (H.R. 2959), making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8, WATER QUALITY RENEWAL ACT OF 1985

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. No. 99-199), on the resolution (H. Res. 222), providing for the consideration of the bill (H.R. 8) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, NATIONAL DEVELOPMENT INVESTMENT ACT

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. No. 99-200), on the resolution (H. Res. 223) providing for the consideration of the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, which was referred to the House Calendar and ordered to be printed.

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,
July 12, 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, the Clerk received at 12:15 p.m. on Friday, July 12, 1985, the following message from the Secretary of the Senate: that the Senate passed H.J. Res. 325.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

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,
July 12, 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 1:50 p.m. on Friday, July 12, 1985 and said to contain a message from the President wherein he transmits a report pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergency Act (50 U.S.C. 1641(c)).

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

RESCINDING DECLARATION OF ECONOMIC EMERGENCY AND REVOKING EXECUTIVE ORDER NO. 12470—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Foreign Affairs:

(For message, see proceedings of the Senate of today, Monday, July 15, 1985.)

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON HOUSE JOINT RESOLUTION 187, APPROVING COMPACT OF FREE ASSOCIATION WITH FEDERATED STATES OF MICRONESIA AND THE MARSHALL ISLANDS

Mr. VENTO. Mr. Speaker, with the concurrence of the minority leadership of the committee, I ask unanimous consent that the Committee on Interior and Insular Affairs have until 5 p.m. today to file a report on House Joint Resolution 187—to approve the Compact of Free Association with the Federated States of Micronesia and the Marshall Islands.

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

There was no objection.

HOUSE/SENATE CONFERENCE ON BUDGET RESOLUTION

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

Mr. WRIGHT. Mr. Speaker, today the House and Senate conferees resume our efforts to find a compromise on the budget resolution.

Our House conferees are determined that we shall reduce the 1986 deficit projected in President Reagan's February budget by at least $56 billion.

The House resolution achieved that degree of saving without breaking the Government's promise to the Nation's retirees and without adding new taxes.

The Senate-passed budget, by contrast, contains a number of hidden tax increases under the misleading label of "user fees." One of these proposed "user fees" would come as a very unpleasant surprise to anyone buying a home with a federally guaranteed mortgage.

Under the plan of the Republican Senate leadership, a middle income homeowning family or future purchaser with an FHA, VA, FNMA, GNMA, or Farm Home Loan mortgage would be saddled with a new backdoor tax.

Perhaps worst of all, the tax would be retroactive. It would apply to home loans already on the books.

An average, middle income mortgage holder with a median-sized home loan would be required by the Senate plan to pay $2,560 more up front, or $30 more every month, which would come to a hidden tax of $10,800 over the life of the average mortgage.

This is an insidious, under-the-table tax on home ownership. It reduces still further the number of Americans who can own homes. It is absolutely, diametrically counter to what we've been attempting to do in this country.

This is just one of the ways in which the Senate resolution is unfair to the middle income American family. Your House conferees are determined to oppose this kind of backdoor hidden taxation.

JUSTICE DEPARTMENT SHOULD RELEASE FAMILY VIOLENCE GRANT

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

Mrs. SCHROEDER. Mr. Speaker, today marks the opening of the U.N. World Conference on Women in Nairobi, Kenya. Our U.S. delegation will have many global issues to confront, but one of its four stated priorities will be the tragedy of family violence. While our Nation's delegation seeks a worldwide consensus on conquering this invidious type of abuse, here at home our own Justice Department is holding up a grant that would put family violence protection into practice.

The National Coalition Against Domestic Violence, which represents 717 of the more than 850 family violence shelters nationwide, was to be awarded a $625,000 grant last month from the Justice Department. Funding was to support such critical services for battered women and their children as improvement of shelters, creation of an information and referral network for the victims, and development of better law enforcement strategies to combat the problem.

However, after a virulent attack on the coalition by some of our own colleagues, the Attorney General has put the grant on hold. The Free Congress Foundation has suggested that the coalition promotes "liberal antifamily activism." This response bespeaks the notion that domestic abuse is sanctioned by the marriage contract and that attempts to protect against such abuse are antifamily. This is truly neanderthal thinking.

If we are to have any hope of addressing family violence at the global level, our Government had better come to grips with the problem in the United States. Close to 2 million American women are battered by their husbands each year. Beating is the single major cause of injury to women in this country, more significant than auto accidents, rape, or mugging. But because of Federal budget cuts, 79 percent of family violence projects did not meet community needs in past years. More than a quarter of a million women and children who sought shelter in 1983 had to be turned away.

The problem is critical and the Justice Department should act immediately to release the grant award to the coalition. My cochair at the Congressional Caucus for Women's Issues, Representative OLYMPIA SNOWE, and I have written to Attorney General Ed Meese asking the expeditious release of the grant award. I submit our letter to the record.

If this administration truly believes in the ideals that our U.S. delegation in Nairobi will be expressing this week and next, it will put its money where its mouth is. The grant award to the National Coalition Against Domestic Violence will demonstrate that this Nation's deeds are as good as its words.

HOME EMPLOYMENT ENTERPRISE ACT

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

Mr. ARMEY. Mr. Speaker, one would think that the right to work in one's home would be as sacred as the right to free speech or to own property. It's not, though, and I think this Congress should act now to guarantee to every American the right and the freedom to work at home.

To address this problem, I have introduced the Home Employment Enterprise Act. I'm pleased that 17 of our colleagues have joined with me in offering this legislation to repeal restrictions which prohibit people from working in their homes.

As a result of 40-year-old regulations, statutory restrictions exist which prohibit people from working in their homes in certain industries—knitted outerwear, embroidery, women's apparel, jewelry, gloves and mittens, buttons and buckles, and handkerchiefs. These restrictions are totally arbitrary. For instance, what sense does it make to allow work on men's apparel and not women's?

The homeworkers in New England have been the most conspicuous group of homeworkers who have been denied this fundamental freedom. But the problem is not limited to New England; it extends across the 50 States, and into every home where an individual has the desire and the capability to work.

There are many reasons for working at home. Mothers who want to stay at home to take care of families, yet who want to increase the family's income. Older Americans who want to supplement Social Security. Handicapped individuals who might not be able to find a job elsewhere or might not be able to commute to and from another workplace. Or, perhaps, just a person who enjoys the freedom and the flexibility which homework offers. These individuals deserve the same rights as others.

The Home Employment Enterprise Act is a simple and straightforward piece of legislation. It merely amends the Fair Labor Standards Act to allow homework in seven industries where statutory restrictions exist. The bill would not exempt homeworkers from any labor standards, nor would it prohibit the Secretary of Labor from enforcing other provisions of the Fair Labor Standards Act.

I hope you will join with us in this effort to extend the freedom which most Americans already enjoy to homeworkers in every line of work.

LACK OF URGENT CONCERN OVER SOVIET ENCROACHMENT OF U.S. "FRONTYARD"

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

Mr. SUNIA. Mr. Speaker, yesterday Secretary Shultz, speaking in Australia, described the level of Soviet military buildup in the Pacific as, and I quote: "Steady and disturbing." Let me say that buildup has been "steady" not just over the past several months, but over the past several years. And we have known it from the time it began.

Two years ago I raised the question in a military briefing in Honolulu and was told the matter was of equal con-

cern to our military folks and they are monitoring it very closely.

I rise this morning to complain about the apparent lack of urgent concern over this Soviet encroachment on what President Reagan has come to consider our frontyard.

The Washington Post this morning reported the deal between Russian and Kiribati which I mentioned in a statement on this floor last week. Our people have known the seriousness of the Soviet-Kiribati discussions for at least a year. An official at State Department told me 3 months ago that we are trying to develop a fisheries program to offer the Kiribati Government. There was a question as to whether it should be a State or a Commerce Department program. The Committee on Merchant Marines was going to be asked to help. Well, we still do not have a program. In fact the meeting between State, Commerce and our Merchant Marine Committee is not until tomorrow.

In frustration over the slowness of our response to the Soviet moves, I sent a letter to the National Security Council, and the State Department about a month ago. I heard from State Department just last week. I have yet to hear from the National Security Council.

I hope time and events will prove me wrong. But I will suggest now, sir, that unless we play catch-up fast and serious, there will be five or six Nicaraguans out there in the Pacific in a few short years.

When Secretary Shultz returns from his current south Pacific sojourn, I hope he will put some wheels on his concerns. As of today, we are moving terribly slow.

LET'S NOT FORGET OUR OWN

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

Mr. RICHARDSON. Mr. Speaker, this past weekend an extraordinary series of concerts took place around the world, involving nearly 1.5 billion people and raising nearly $40 million for the starving in Africa. Those Live Aid Concerts were an example of our society at our best: committed artists, superior technology and outstanding marketing skills all for a needy cause.

All who participated, from those who attended the concerts to the lowliest technicians, should be commended.

Mr. Speaker, Bob Dylan, the conscience of the 1960's, said during one of his songs that perhaps some of these proceeds could be used to help American farmers pay off their loans.

Mr. Speaker, there are a lot of homeless and hungry people in this country; children and elderly, and our Nation has not responded to them.

Mr. Speaker, let us turn the spirit of the USA Africa and Live Aid projects for joint public-private efforts in our own country to help our own needy, our own hungry and our own homeless. Let us not diminish our efforts to help the needy around the world, but let's not forget our own.

MAY THE PRESIDENT MAKE A RAPID RECOVERY

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

Mr. McCAIN. Mr. Speaker, over the weekend, our President underwent a very serious operation. The American people are deeply grateful that the results of that operation appear positive, and we wait with great concern the results of the biopsy.

Mr. President, your family, the Nation, and the world's hopes and prayers are with you that no further treatment will be required, and you will reassume your leadership of this Nation as rapidly as possible.

COSPONSOR H.R. 2934, THE FAIR RATE OF EXCHANGE ACT

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

Mr. BEDELL. Mr. Speaker, it was recently my opportunity to go to Japan with a group from the Northeast-Midwest Coalition to talk to Japan about their trade problems and their concerns, the concerns that we have over the significant trade balance we have with Japan, and indeed with the rest of the world.

The one thing that came up in those meetings time after time after time was the problem that we have with our overvalued dollar. Upon our return, I have introduced legislation, H.R. 2934, the Fair Rate of Exchange Act. This act would simply say that we will take the amount that the dollar is overvalued and we will put a charge on all imports of one-half of that overvaluation, and from that fund we will do likewise for exports, the account for one-half the difference in the value of the dollar at the time it was deregulated, and what it now is according to 10 major currencies.

I urge my colleagues to look at this legislation. I think we have a serious problem. I invite your cosponsorship and I invite your support.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules and on the question of agreeing to the conference report 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 on Tuesday, July 16, 1985.

PROVIDING FOR EQUITABLE WAIVER IN COMPROMISE AND COLLECTION OF FEDERAL CLAIMS

Mr. GLICKMAN. Mr. speaker, I move to suspend the rules and pass the bill (H.R. 1890) to provide for an equitable waiver in the compromise and collection of Federal claims.

The Clerk read as follows:

H.R. 1890

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

SECTION 1. CIVIL SERVICE EMPLOYEES.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584 of title 5, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "July 1, 1960," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of pay or allowances made on or after July 1, 1960, or arising out of an erroneous payment of travel and transportation expenses or allowances or relocation expenses made on or after January 1, 1985,"; and

(3) in subsection (b)—

(A) in paragraph (3) by striking out "or" after the semicolon;

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

(C) by adding at the end the following:

"(5) in the case of a claim involving an erroneous payment of travel and transportation expenses or allowances or relocation expenses, if application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment was discovered.".

(b) CLERICAL AMENDMENT.—The item relating to section 5584 in the table of contents of chapter 55 of title 5, United States code, is amended by striking out "other than" and inserting in lieu thereof "including".

SEC. 2. MEMBERS OF THE UNIFORMED SERVICES.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 2774 of title 10, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "October 2, 1972," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances made on or after January 1, 1985,"; and

(3) in subsection (b)(2) by striking out "of pay or allowances, other than travel and transportation allowances,".

(b) CLERICAL AMENDMENT.—The item relating to section 2774 in the table of contents of chapter 165 of title 10, United States Code, is amended by striking out "other than" and inserting in lieu thereof "including".

SEC. 3. MEMBERS OF THE NATIONAL GUARD.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 716 of title 32, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "October 2, 1982," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances made on or after January 1, 1985,"; and

(3) in subsection (b)(2) by striking out "of pay or allowances, other than travel and transportation allowances,".

(b) CLERICAL AMENDMENT.—The item relating to section 716 in the table of contents of chapter 7 of title 32, United States Code, is amended by striking out "other than" and inserting in lieu thereof "including".

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

The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes and the gentleman from North Carolina [Mr. COBLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, the bill H.R. 1890 would amend three waiver statutes, section 5584 of title 5, United States Code; section 2774 of title 10, United States Code; and section 716 of title 32, United States Code, to extend the existing equitable waiver authority to overpayments of travel and transportation allowances and expenses and to overpayments of relocation expenses.

The bill was introduced in accordance with the recommendations of the Comptroller General of the United States. An identical bill, H.R. 3083, was favorably reported by the committee on October 6, 1983, and passed the House on October 24, 1983.

The bill would amend three existing waiver statutes to permit waiver of travel and transportation expenses and allowance overpayments and relocation expense overpayments on the same basis as is currently provided for waiver of all other pay and allowance overpayments. These waiver statutes now permit a Federal employee's or serviceman's liability for overpayments of pay and allowances to be waived where collection would be against equity and good conscience and not in the best interests of the United States, and where the employee seeking a waiver has acted in good faith. This general waiver authority, however, does not presently apply to overpayments of travel and transportation allowances and expenses and relocation expenses.

When the first general waiver authority statute, 5 U.S.C. 5584, was passed in 1968 covering civilian employees, the General Accounting Office took the position that, travel expenses being essentially one-time payments, employees receiving these expenses would not be placed in financially difficult positions by being required to repay travel expenses which had been overpaid. However that Office has advised the committee that since passage of the existing waiver statutes, it has witnessed dramatic changes in the diversity and scope of travel performed in the Government's interest.

The creation of new and changing entitlement authority has been equally dramatic as for example in the increased fluctuation of mileage and per diem rates. In addition, the statute allowing relocation expenses, 5 U.S.C. 5724a, was enacted in 1967 and was not taken into account when the original waiver statute was considered in 1968. Similarly, these developments were not recognized in 1972 when parallel waiver language was incorporated in section 2774 of title 10 and section 716 of title 32 concerning military and National Guard personnel respectively. The GAS has now concluded that holding an employee to a standard of constructive knowledge of complex travel and relocation regulations in certain instances is unreasonable, particularly when even those charged with administering the regulations make mistakes in determining an employee's entitlement. GAO's experience demonstrates that hardship has been caused in many travel, transportation, and relocation cases and that employees have been required to make substantial refunds to the Government as a result of circumstances which were not their fault.

This is particularly true when, as the General Accounting Office has found, many of these claims arise from erroneous agency authorizations which an employee relies on in good faith to his detriment. The GAO has ruled on many claims when the increasing complexity of the laws and regulations relating to travel and transportation entitlements has outdistanced an agency's ability to give guidance and instructions to authorizing officials. The result is that often erroneous payments are made to employees which later must be collected back by the agency. Collection is mandated because waiver of travel, transportation, and relocation overpayment is precluded by the existing statutes. At the present time, the only relief in such cases is for the claimant to seek a private relief bill in the Congress.

The procedural apparatus for the consideration of waiver requests in the area of travel, transportation, and relocation cases is already in place and immediately subject to the oversight responsibility of the Comptroller General. The existing procedures for handling waivers will not be significantly changed because waiver cases will continue to be handled in accordance with standards prescribed by the Comptroller General. Agency performance will continue to be evaluated by GAO during onsite reviews of agency operations and doubtful cases and appeals will continue to be submitted to the Comptroller General for review. In this connection the GAO states that it anticipates that the establishment of standards for utilization at the individual agency level would not be difficult. Significantly, the GAO has advised the committee that performance under the existing waiver authorities has proven that this type of legislation is practical and fair both to the individual and the Government.

Under the three sections referred to in this bill, the agency authority for waiver is limited to claims of not more than $500. Claims in excess of that amount must be considered by the Comptroller General. Consideration of requests for waiver of claims falling within agency jurisdiction is governed by regulations promulgated by the Comptroller General. The regulations provide the Comptroller General with a comprehensive oversight capability. Included in these regulations is the requirement that the facts upon which waiver is based must be recorded in detail and made a part of the written record. The written record includes the report of investigation, a detailed account of the corrective action taken, an account of the waiver action taken and the reasons therefor, and other pertinent information such as the action taken upon an application for refund.

Agencies must keep registers showing the disposition of each waivered claim; and these registers together with the written record shall be available for review by the General Accounting Office. Also a yearly report on agency waivers must be made to the GAO.

Agency experience under the current statutes will enable the agencies to exercise the added authority provided by this bill. The GAO recommending these amendments pointed out that the demonstrated administrative capability of the agencies clearly justified extending the existing waiver authority to claims involving travel, transportation, and relocation. Waiver cases will be handled by departments and agencies in accordance with standards prescribed by the Comptroller General. Agency performance will continue to be evaluated by GAO during onsite reviews of agency operations, and doubtful cases and appeals will be

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submitted to the Comptroller General for review.

The committee agrees with the recommendations of the Comptroller General and recommends that the bill be considered favorably.

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

The SPEAKER. The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill, H.R. 1890.

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

A motion to reconsider was laid on the table.

AUTHORIZATION FOR NATIONAL MARITIME MUSEUM IN SAN FRANCISCO

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1343) to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA, as amended.

The Clerk read as follows:

H.R. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 16 U.S.C. 460bb-3(f)) is amended by—

(1) inserting in the second proviso after the words "the administration of said parcels" the following "and of the AFDL-38 Drydock or other vessels or heavy marine equipment,"; and

(2) striking out "for the management of said parcels of property" in such proviso and substituting "for the management (including rental or lease) of said properties".

SEC. 2. (a) Section 4(e) of the Act of October 27, 1972 (16 U.S.C. 460bb-3; 92 Stat. 3486), is amended by deleting the phrase ", for a period not exceeding five years from the date of the enactment of this legislation," and inserting after "sailing vessel Balclutha" the following new phrase "and other historic vessels of the National Maritime Museum."

(b) Notwithstanding any other provisions of law, moneys collected pursuant to section 4(e) of the Act of October 27, 1972, (16 U.S.C. 460bb-3; 92 Stat. 3486), since November 10, 1983, shall be deemed to have been collected in accordance with such section as amended by this Act.

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

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

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

GENERAL LEAVE

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. 1343, the pending bill.

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

There was no objection.

Mr. VENTO. Mr. Speaker, H.R. 1343 was introduced by our good friend and colleague, Representative SALA BURTON on February 28, 1985. The Subcommittee on National Parks and Recreation held a hearing on the bill June 6 and marked it up on June 11. It was favorably reported out of the full Committee on Interior and Insular Affairs on June 19.

This bill gives the Golden Gate National Recreation Area the authority to lease a drydock it owns in the San Francisco bay area, and apply the lease revenue to the maintenance and restoration of the seven historic ships of the National Maritime Museum, which is part of the Golden Gate National Recreation Area.

The ships represent the maritime history of the west coast. This is the largest such collection of ships in the United States, and because of their age, they require considerable maintenance. The Park Service acquired a surplus drydock from the Navy in 1981, and it is this drydock which H.R. 1343 would authorize to be leased. While the drydock is needed for the maintenance and restoration of the museum ships, it is idle part of the time. H.R. 1343 allows the Park Service to lease it during those slack times to private shipping interests in the San Francisco area. The Park Service estimates it could earn $75,000 a year from such an arrangement, plus save on maintenance costs for the drydock while it is leased to private parties.

H.R. 1434 was amended in committee to allow for the continued collection of admission fees to one of the ships, the *Balclutha,* and for the imposition of admission fees to the other ships. I wish to note that the committee intends that one admission fee would permit the visitor to see all seven ships, even though they are located at two separate piers on the San Francisco waterfront. The revenue from this admission fee would be applied directly to the budget of the Golden Gate National Recreation Area.

Mr. Speaker, these ships are an important part of the maritime history of the United States. But they are terribly expensive to maintain and restore, and there is a need for creative means to finance them. This bill provides for two new revenue sources. It is the committee's intent that the Park Service continue its efforts to come up with other means, including private sector contributions, to maintain this valuable museum.

Indeed the continued impcsition of fees for the *Balclutha* and the extention to the Hyde Street pier ships will help encourage private participation and contributions to defray the considerable costs of total restoration of these historic ships.

The administration supports H.R. 1343, as amended. However, the Department of the Interior, in a recent letter to our distinguished chairman, Mr. UDALL, says it will conduct a study of the drydock operation and sell the drydock if it sees fit. It does not seem consistent for the Department of the Interior to both support leasing the drydock, and at the same time say it will consider selling it. In addition, I wish to point out that our committee clearly does not want the drydock sold, but merely leased when it is not needed for park purposes.

Mr. Speaker, I'm concerned that sale of the drydock may cause the cost, already substantial, to repair these historic vessels to be even higher and hence the slow progress evident in restoration would be compounded. The leasing of the dry dock will generate needed revenue and help with the maintenance of the dry dock enhancing the prospects for more timely restoration of this historic vessel.

Mr. Speaker, I know of no controversy regarding the bill itself, and therefore urge its adoption.

Mr. Speaker, at this time I want to commend the sponsor of this measure, the gentlewoman from California [Mrs. BURTON], and I yield such time as she may consume to the gentlewoman.

Mrs. BURTON of California. Mr. Speaker, the National Maritime Museum in San Francisco is home to the largest fleet of historic ships in the world. These ships, some of them the last of their kind, are badly in need of repair. The 70-year-old *Wapama,* sole survivor of the Pacific's 225 wooden-hulled steam schooners, is particularly in need of immediate and extensive repairs. Delaying this much-needed restoration will only result in either the loss of this legend now or exorbitant repair costs at a later date.

I introduced H.R. 1343 to create a cost-effective way of providing funds for the restoration of our historic fleet. The Park Service owns a drydock that could be leased out to companies to use for ship repairs and to share in its maintenance. These funds could then be used to augment private-sector contributions to rejuvenate our maritime heritage.

Over 500,000 people visited the ships at Hyde Street pier last year and the Park Service considers this resource the most threatened in the entire

Golden Gate National Recreation Area. Four of these ships are both designated national historic landmarks and listed on the National Register of Historic Places.

Private citizens have devoted numerous hours of volunteer work in providing light upkeep for the ships, but now heavier repairs are required to stabilize the fleet. I would like to commend these individuals, as well as the officials at the GGNRA who have been pursuing alternative methods to save the *Wapama* and to keep the other historic vessels in good repair.

Little remains of our 19th century maritime history to remind us of the important contributions these ships made to the growth of our Nation. You can well imagine the dominant role these old ships played in California's early development—carrying timber and materials to build our cities. They form an integral part of our national maritime past and yet this history will fade from our present experience without some combination of creative funding.

I want to take this opportunity to recognize the important role of Chairman VENTO in shepherding this bill through the Interior Committee and to thank him and his staff for their work in behalf of H.R. 1343.

I think my colleagues will agree that this is a worthwhile proposal and I urge your support of this legislation.

□ 1230

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

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

Mr. Speaker, I would like to make a few brief comments on H.R. 1343. As you know, this bill would provide additional support for the National Maritime Museum in San Francisco through the use of funds from rental of the AFDL-38 drydock and other marine equipment.

As the ranking member of the National Parks and Recreation Subcommittee, I am in basic agreement with this legislation and am pleased we are moving it along. I believe it is important that our Nation's maritime history be preserved for the enjoyment and education of future generations. Clearly, the National Maritime Museum [NMM] is a very important part of this history.

However, I am concerned about the enormous expense associated with restoring the historic ships of the NMM. It is difficult to justify such expenses on the part of the Federal Government in view of the Nation's current fiscal condition. Therefore, I am pleased this legislation was amended in committee to allow the continued collection of admission fees on the sailing vessel *Balclutha*, as well as the initiation of admission fees on the other historic vessels of the NMM. While these funds will greatly assist in meeting the restoration expenses, I believe it is important that we strongly encourage, if not require at some later date, the collection and utilization of private funds for this purpose. The public would, I am certain, be willing to share the financial burden with the Federal Government for such a worthwhile project. I am pleased the committee report includes language expressing the committees' intent that the Park Service and private groups work together to encourage and solicit private funding for the restoration projects.

Along these same lines, I agree with the National Parks and Conservation Association recommendation that part of the admission fees on the historic vessels be used for an educational service to explain the need for their collection. I believe the public is more willing to pay admission fees for NPS units if they understand why the fees are needed and for what purpose they will be used. Once again, this recommendation is included in the committee report language and will hopefully be implemented following congressional passage of the bill.

I think it should also be pointed out that this bill does not set a new precedent in this area. The income from three other leased properties—the Cliff House properties, the Haslett Warehouse, and Louis' Restaurant—is currently credited to the appropriations needed for the Golden Gate National Recreation Area [GGNRA], including the NMM. H.R. 1343 merely adds an additional property which may be leased with the proceeds used for the operation and maintenance of the GGNRA.

The National Parks and Recreation Subcommittee held a hearing on H.R. 1343 on June 6 and recommended the bill to the full committee on June 11. The Interior Committee reported the bill favorably to the House by voice vote on June 19. Therefore, I urge all of my colleagues to support this legislation.

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

Mr. Speaker, I want to commend the gentleman from California [Mr. LAGOMARSINO], who has been very helpful in writing the basic policy in this bill. Indeed, without his cooperation it would have been much more difficult. So I want to commend the gentleman from California for that.

I want to point out that I am concerned about the proposed or any discussion about the sale of the drydock. This would, of course, already increase the costs of the necessary restoration. The leasing of the drydock would, of course, generate needed revenue and help with the maintenance of the drydock, enhancing the prospects of more timely restoration. So I want to point out that there has been some discussion of that but the committee would not look favorably upon this.

So, with that, Mr. Speaker, I hope that this bill will win support here today. It is certainly one that deserves it.

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 Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1343, 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 authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING EL PORTAL LEASES AT YOSEMITE NATIONAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1390) to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, CA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes," approved July 21, 1968 (82 Stat. 393; 16 U.S.C. 47-2), is amended—

(1) by striking out "fifty-five years to any operator of concession facilities in the park, or its successor for purposes of providing employee housing.", in the first sentence of the first section and inserting in lieu thereof "not to exceed ninety-nine years to any individual, including an employee of the United States Government, to any operator of concession facilities in the park, or the administrative site, or its successor, or to any public or private corporation or organization (including a nonprofit corporation) for purposes of providing employee housing, community facilities, administrative offices, maintenance facilities, and commercial services.";

(2) by striking out "the concessioner may sublease the property to its employees' in the second sentence of the first section and inserting in lieu thereof "if the lessee is a concessioner, corporation, or other organization (including a nonprofit corporation) such lessee may sublease the property to its employees, employees of the United States Government, or other individuals whose residence on the leased premises is solely in

support of Yosemite National Park or the El Portal administrative site;

(3) in the proviso to the first section by striking out "an annual", inserting a period after "him", and deleting the remainder of the sentence; and

(4) by redesignating "SEC. 2." as "SEC. 3." and inserting the following new section after the first section:

"SEC. 2. (a) Notwithstanding any other provision of law, the proceeds from any leases issued by the Secretary pursuant to the first section of this Act may be credited to the appropriation bearing the cost of administering (directly or by contract) the leases and of constructing, improving, and maintaining roads, utilities, buildings, and other facilities within the El Portal administrative site. In the administration of the leases, the Secretary may contract for the management of the leases and of the leased premises, subject to such terms and conditions, including the right of the Secretary to purchase and sell the unexpired terms of leases and subleases, as will protect the interests of the United States. The Secretary may also contract for the use by him of any improvements to leased property for purposes of the El Portal administrative site or for purposes of Yosemite National Park, and he may use the proceeds from any leases for the purpose of making payments under any such contract.

"(b) The Secretary may at any time acquire the unexpired term of any lease or sublease issued or entered into pursuant to this Act by purchase with funds available from the proceeds of leases, or with donated or appropriated funds, or by donation or exchange."; and

(5) by adding at the end thereof the following new section:

"SEC. 4. After the date of enactment of this secion, no lease may be issued for the purpose of providing housing or other facilities in the El Portal administrative site except in accordance with regulations promulgated by the Secretary of the Interior. Such regulations shall establish the qualifications of natural persons and corporations who may be eligible to acquire a lease and a sublease, and they shall set forth the circumstances under which the Secretary may elect to acquire any unexpired lease or sublease. Such regulations shall become effective only after sixty calendar days from the day on which they have been submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.".

"SEC. 5. Concurrent with the submission of the regulations referred to in section 4, the Secretary shall submit a summary report on the El Portal administrative site including existing and projected lease arrangements at that time contemplated to be exercised under the provisions of this Act, along with a timetable for the consequent removal of specific facilities in Yosemite National Park (with particular emphasis on Yosemite Valley). Not later than three years after the date the summary report is submitted, the Secretary shall submit on additional report to the committees referenced in section 4 as to the progress achieved in the development of the El Portal administrative site pursuant to the provisions of this Act. The report also shall include information as to the progress achieved in removal of facilities from Yosemite National Park. Implementation of the provisions of this Act shall at all times be in full accord with the then current general management plan for the park.

"SEC. 6. Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts or to the extent that proceeds are available from any leases issued by the Secretary pursuant to the first section of this Act.".

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

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

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

GENERAL LEAVE

Mr. VENTO. 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. 1390, the bill presently under consideration.

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

There was no objection.

Mr. VENTO. Mr. Speaker, some 30 years ago a number of concerned people had the foresight to recognize that the outstanding beauty of Yosemite Valley was being impaired by development of concessioner and National Park Service administrative buildings and employee housing. As a consequence, the Congress, in 1958, passed legislation establishing the El Portal administrative site located outside the boundary of the park. The purpose of that act and a subsequent amendment was to encourage the concessioner to relocate administrative buildings and employee housing outside of Yosemite Valley by allowing him to lease Federal land located in El Portal. Unfortunately, the concessionaire has been unable to obtain adequate construction financing because the maximum lease term is 55 years. Banking institutions in the area require a longer lease term as a basis for such loans.

It was presumed, in 1958, that the Park Service would be able to build replacement housing for Federal employees in El Portal also reducing the number of buildings in Yosemite Valley. However, while Federal funds have been provided for infrastructure construction of roads, water system, and sewage treatment facilities the Park Service has not been successful in obtaining the needed levels of appropriated Federal funding to construct employee housing at the El Portal site. It appears unlikely that sufficient funding to construct adequate housing for the park employees will be appropriated in the foreseeable future.

H.R. 1390 would correct these deficiencies by authorizing the Secretary of the Interior to grant leases for up to 99 years and by making qualified Federal employees, as well as concessioner employees, eligible to acquire such leases. These two changes should have the desired effect of encouraging the involvement of the private sector in a joint effort to reduce the amount of housing and related facilities in Yosemite Valley by encouraging relocation to the El Portal administrative site.

Mr. Speaker, H.R. 1390 is essentially the same as the bill passed by the House in the 98th Congress. Both bills were introduced by my friend and colleague on the Committee on Interior and Insular Affairs, Congressman TONY COELHO. I wish to compliment the gentleman from California for his persistent efforts to craft legislation to induce a public/private sector cooperative effort which will result in the removal of some of the incompatible development from Yosemite Valley and at the same time make money for the Federal Government.

Mr. Speaker, I urge all of my colleagues to support this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 1390, to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park in my home State of California. As the ranking member of the National Parks and Recreation Subcommittee, I urge enactment of this bill as a means of solving the problems of overdevelopment in Yosemite Valley.

As you know, Mr. Speaker, bills were passed by Congress in 1958 and again in 1968 to encourage the movement of nonessential housing and administrative facilities out of Yosemite Valley. Unfortunately, these acts were unsuccessful in accomplishing their objectives and Yosemite Valley has continued to remain crowded, much to its detriment.

H.R. 1390 represents an innovative approach to the problem of overcrowding. It will permit leases to be granted for up to 99 years and allow Park Service employees and park concessionaire employees to acquire such leases. Hopefully, it will encourage private development within El Portal resulting in the removal of structures from Yosemite Valley, as well as eliminating the need for federally financed employee housing.

Mr. Speaker, following the National Parks Subcommittee meeting on June 6, negotiations between several of the committee members resulted in the development of a minor amendment

which was unanimously adopted in full committee on June 12. The amendment, which I offered, simply eases the reporting burden on the National Park Service [NPS]. Section 5 of the original bill required NPS to submit a summary report on the El Portal site, followed by an annual fiscal year report for the next 10 years. My amendment changed the requirement of an annual report to a single progress report within 3 years from the submission of the initial summary report on the El Portal site. While I fully realize, as I have pointed out, that the concept embodied in this bill is a novel approach to the problem, I believe the reporting requirements are an unnecessary burden. As you know, Mr. Speaker, such reports require hours of manpower, and significant amounts of funding which could, especially in these difficult fiscal times, be much better utilized. In addition, Mr. Speaker, the Interior Committee or individual Members could, at any time, request a report on the El Portal site. NPS has indicated its willingness to respond to any such requests. I might also add that the amendment was agreed to by the committee and subcommittee chairman, the bill's sponsor and National Park Service.

For these reasons, I encourage my colleagues to support and vote for H.R. 1390. This bill will, I firmly believe, significantly assist and improve one of our Nation's precious crown jewels, Yosemite National Park, without the expenditure of new Federal funds.

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

Mr. VENTO. 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 Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1390, 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.

□ 1240

CURRENCY DESIGN ACT

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 48) to affirm the authority of the Congress to approve the design of currency, as amended.

The Clerk read as follows:

H.R. 48

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Currency Design Act".

DESIGN OF CURRENCY

SEC. 2. (a) the eighth paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 418) is amended by adding at the end thereof the following new sentences:

"Notwithstanding any other provision of law, the Secretary of the Treasury shall not adopt any new form, tenor, or design of any such note—

"(1) unless the proposal to adopt any new form, tenor, or design of any such note has been submitted to each House of the Congress, and

"(2) before the end of the 90-day period beginning on the day on which the proposal referred to in paragraph (1) was submitted to the second of the 2 Houses of the Congress pursuant to such paragraph.

For purposes of the preceding sentence, the term 'new form, tenor, or design' shall not include the signatures, series number, plate number, serial number, or minor changes to the technical design of any such note, or the distribution letter or number of the Federal Reserve Bank through which such note is issued.".

(b) The amendment made by subsection (a) shall apply to any new form, tenor, or design adopted or proposed to be adopted after June 1, 1985.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. 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 Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

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

Mr. Speaker, H.R. 48 would require that any design change to U.S. currency be sent to both Houses of Congress for a 90-day review period before any change in the currency could be implemented. The 90-day period would begin to run after the Secretary submitted any proposed design change to both Houses of Congress. If Congress did not act within 90 days, the Secretary would be free to proceed with the proposed changes.

Since 1980 the Bureau of Engraving and Printing and the Federal Reserve have spent $31 million studying and evaluating counterfeit deterrents. These agencies believe these deterrents are necessary because of a threat posed to our currency from advanced color copiers. To date, that research has not borne fruit, other than to feed wild and speculative rumors of impending recalls of money, or demonetization of the dollar. These rumors are baseless and untrue. They persist because of the secretiveness of the Treasury.

This legislation will assure that the public is fully informed of any proposed change to the currency. It will give the public an opportunity to be heard before any changes are implemented.

This act will assure that Congress is informed and consulted, because without it Congress might not be informed or consulted.

The Consumer Affairs and Coinage Subcommittee has been assured on several occasions that it will be informed of developments in this area. Subsequent actions on the part of the agencies involved cast a doubt on whether that consultation will take place willingly. Last July, for example, the Treasurer testified that "it is most likely to be 1986 before any new currency will be circulated." Two months later, the Federal Reserve amended one of its anticounterfeiting contracts to target the fall of 1985 as the date of introduction of new currency, but the subcommittee was not informed.

Congress must have the opportunity to make sure that any change is an effective counterfeiting deterrent. Any proposed change must be examined to see that it meets a threat that exists or might exist, not a threat that is illusory and will not come to pass.

Any change must be technologically feasible. The Bureau of Engraving and Printing prints 6 billion notes annually. Any new currency must be producible at that rate. A deterrent must be difficult to counterfeit, not to produce.

A deterrent must be cost effective. It must prevent as much counterfeiting as it costs to implement. It would be senseless to develop a deterrent that costs far more than the amount of counterfeiting it prevents.

Finally, but hardly last, the change must be acceptable to the American public. That means not only must the new currency be compatible with existing currency handling equipment, but it must be pleasing to the man in the street as well.

This legislation was amended to meet certain objections raised by the Treasurer.

Rather than require congressional approval of any change, the amendment requires a relatively short 90-day review period. The Federal Reserve and the Bureau of Engraving and Printing have been studing currency design changes for the past 5 years and have yet to come up with a proposal. It takes 12 to 18 months to make a currency design change. Surely, after a 5-year delay, with at least another 1½ years wait ahead, a 90-day period for congressional review is not excessive.

The bill exempts from the review process minor changes in the currency such as the signatures and series num-

bers, and other minor changes. These are routine technical changes and do not affect the design of the currency.

The legislation would leave unchanged existing law relating to coin design changes. The American people are generally satisfied with their coins. Furthermore, no coin design changes are under consideration. In view of these facts, there is no need to change existing law regarding coin designs.

Mr. Speaker, H.R. 48 is a carefully balanced piece of legislation. It will assure that our currency maintains its position as the world's foremost and most recognized money.

Mr. Speaker, I want to commend the distinguished gentleman from Indiana [Mr. HILER], the ranking minority member on my subcommittee, and the gentleman from Ohio [Mr. WYLIE], who is the ranking Republican on the full committee, and the gentleman from Wisconsin [Mr. ROTH], who is a member of my subcommittee. They worked hard on the amendments; they made a tremendous contribution to this legislation. There is no objection to the legislation from their side of the aisle, and no objections on our side of the aisle. This is possible because of the diligent efforts on the part of the entire committee to work out a proposal that will be acceptable to the Congress of the United States.

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

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

Mr. Speaker, I join Chairman ANNUNZIO in his support of H.R. 48, the Currency Design Act, as amended. This legislation provides Congress the opportunity to review and act upon any proposals for major design changes in our currency.

Our consideration today of the Currency Design Act is very timely. For several years now, the Interagency Steering Committee on Advanced Counterfeit Deterrence, chaired by the U.S. Treasurer, has been examining the impending threat to our currency posed by improvements in color copier technology. Very soon—perhaps before the month is over—this group plans to present to Treasury Secretary Baker various deterrent features that could effectively be incorporated in our currency to deal with the imminent counterfeiting problems. After the Secretary reviews these options, he is expected to make a final decision on the proposed currency changes. His decision could be announced yet this summer.

Since the creation of a national currency in 1862, the Secretary of the Treasury has had the authority to determine the form and tenor of the U.S. currency without prior congressional approval or review. Treasury would like to retain this prerogative so that it can respond quickly to any threats to the integrity of the currency.

I can appreciate Treasury's concerns. It should not lose the flexibility to respond promptly and effectively to any counterfeiting or other security threat to the U.S. currency. I believe that H.R. 48 as amended effectively addresses the need for prompt action to counter a threat to the soundness of our money. The Currency Design Act before us today limits congressional review and action on proposed design changes to 90 days, a reasonable period of time.

I also appreciate the concerns of millions of Americans who are filled with fear about Treasury's plans to change the currency. Most of us serving in Congress have heard from these anguished citizens. We have received calls and letters from men and women who believe that there is some kind of secret agenda behind these proposed changes, such as the devaluation of the currency, or the tracking of the movement of money in and out of the country, or the flushing out of the underground economy. These Americans would be reassured knowing that Congress is closely reviewing proposals for major currency design changes.

As duly elected representatives of the American people, Congress is fully justified in taking steps to ensure that it is fully consulted before significant changes in the currency are implemented. Maintaining the integrity of the U.S. currency is, afterall, an important public policy concern. Those of us serving in Congress have a responsibility to the American people to ensure that any major changes in the design of or money are really necessary, that they will accomplish their objectives, and that they will in no way destroy public confidence in the currency.

I commend the chairman of the Consumer Affairs and Coinage Subcommittee for his efforts in shaping currency design legislation that meets the concerns of all. H.R. 48 is a good bill, and I look forward to its prompt adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding time.

Mr. Speaker, I rise in strong support of the Currency Design Act. I want to thank the chairman of our subcommittee for his kind words, and I want to respond by saying I do not know of, and I have said this often before, I do not know of a Member of Congress that is more committed or has more insight on the legislation that comes before the subcommittee than Chairman ANNUNZIO and I am happy to serve on your committee, Mr. Chairman.

I also want to thank our ranking Member for his keen insight and his hard work. He is a real leader and I am glad to follow a person who is so well versed and so conversant with the issues.

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I also want to compliment the staff of this subcommittee. I think this is one of the best subcommittees that we have in the House, and one of the reasons for it is the staff, Mr. Chairman, and I think you would agree. The staff of this subcommittee is just super, and it is also, I will add, one of the most creative staffs that we have on the Hill. They have been a real inspiration to me, and it is, again, a real pleasure. If all people in the Government worked the way this staff works, we would not have any complaints about bureaucrats, because they earn twice what we pay them.

Mr. Speaker, I rise in strong support of the Currency Design Act. I was pleased to cosponsor this measure with the distinguished chairman of the Consumer Affairs and Coinage Subcommittee and am delighted he has put the measure on a fast track.

Time after time, I am asked, "What is Congress going to do to our currency?" Our citizens are genuinely concerned about what might happen to the appearance and value of their money, and many do not see any reason why it should be changed at all.

The public has always been suspicious of any alteration in coins and currency, and with good reason. Past changes have usually resulted from secret deliberations then foisted on the public with little warning or explanation.

We only have to look inside the mint to find half a billion uncirculated Susan B. Anthony dollars—uncirculated because the coins had no public acceptance.

We had the $2 bill, countless numbers of them, but the public has not accepted them.

It is common knowledge that currency design changes are under consideration by the Treasury Department. But the entire process of exploring such changes has been a secretive one, and it is no wonder the American people are suspicious.

The intent of H.R. 48 is to bring the currency redesign process out of the shadows and into the sunshine. It simply says that Congress will be given the opportunity to pass judgment on proposed currency design changes before they take place.

This legislation is important on a couple of counts.

First, if it is true that the basis of a country's money is confidence—and ours is based on nothing more tangible—the public must accept and have confidence in what the Government is doing.

Congress must answer to its satisfaction several questions, including

whether Treasury has a realistic plan to implement currency changes and make them acceptable to the American public. And whether existing currency can be replaced in a manner and on a schedule which will ensure continued public confidence in its value.

Second, Congress should be able to review proposed currency changes just to see if they make sense.

The efforts of the Federal task force headed by Treasury which is studying the currency redesign issue go back at least 4 years. We know that millions of dollars have been spent on assorted studies. Studies on the technological threat posed by color copiers. Studies on the types of changes we can make in our currency to make it counterfeit-proof. Even studies to determine who might be prone to counterfeiting.

That does not guarantee that any proposed changes which will ultimately be proposed will be effective deterrents to counterfeiting, technologically feasible, or cost effective.

Hearings recently held by the Consumer Affairs Subcommittee answered only one question to my satisfaction. I am certain the intent of Treasury officials is merely to make the currency more counterfeit-proof.

But numerous other questions are still unresolved. Although millions of dollars have already been spent to study various types of changes in the currency, Treasury has only hinted at what the final changes will be. We still do not know if the most effective deterrents will be cost effective.

We don't even now which denominations of currency will be changed.

Chairman ANNUNZIO has stated on numerous occasions that changes in currency should be based on four criteria: deterrent capability, technical feasibility, cost effectiveness, and acceptability.

The decision whether Treasury's ultimate proposal meets those criteria must rest with Congress. It should not rest with the bureaucracy, however sincere and well-intentioned it might be.

The currency redesign process has so far taken 4 years. Congress is still in the dark. The American people are still in the dark as to what precisely Treasury is planning.

I am sure the American people want their money protected from counterfeiters, and they will most assuredly accept changes in the currency which will serve that end.

But at the same time they have a right to know what their Government is doing, and that the job is being done responsibly.

Enactment of this legislation is the only way we can ensure that the peoples' interests are best being served.

So again, I want to commend my colleague, the gentleman from Illinois, the chairman, who is so conscientious and who is such a brilliant Member of this House, for his leadership as well as the work being done by the distinguished member, the gentleman from Indiana [Mr. HILER], a member who is totally conversant with this issue and the other issues that come to the floor.

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

Mr. ROTH. I would be happy to yield to the chairman of our subcommittee, the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, speaking for myself, and I would presume to speak for the gentleman from Indiana [Mr. HILER], we want to thank the gentleman very much for the kind words that he has expressed on my behalf and Mr. HILER's behalf, but we also want the gentleman to know that we appreciate having a conscientious member like yourself on the subcommittee, who has been to every meeting, who participates in all of the hearings, and who has helped us to bring to this floor the kind of legislation where we do try to effectively present the problem as it exists.

I want to thank the gentleman very much.

Mr. ROTH. I thank the chairman for his kind words. It is easy to say nice things about you, Mr. Chairman, and about our ranking member, because we just tell the truth, and it is always nice. I thank the gentleman.

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

Mr. Speaker, in closing I would like to compliment the gentleman from Wisconsin and thank him for his praise. He was an original sponsor of this legislation and had seen the need for Congress to have some oversight over any change in our currency that does take place. The fact that this bill is on the floor today and, hopefully, will pass quickly through the other body, as opposed to some other legislation that we recently passed off the floor here, will in no small part be due to his efforts.

I commend the chairman once again.

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

Mr. ANNUNZIO. 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 Illinois [Mr. ANNUNZIO] that the House suspend the rules and pass the bill, H.R. 48, 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. ANNUNZIO. 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. 48, the Currency Design Act, which was just passed.

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

There was no objection.

GOLD MEDALS FOR GEORGE AND IRA GERSHWIN

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 251) to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Lenore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public, as amended.

The Clerk read as follows:

H.J. RES. 251

Whereas George and Ira Gershwin, individually and jointly, created music which is undeniably American and which is internationally admired;

Whereas George Gershwin composed works acclaimed both as classical music and as popular music, including "Rhapsody in Blue", "An American in Paris", "Concerto in F", and "Three Preludes for Piano";

Whereas Ira Gershwin won a Pultizer Prize for the lyrics for "Of Thee I Sing", the first lyricist ever to receive such prize;

Whereas Ira Gershwin composed the lyrics for major Broadway productions, including "A Star is Born", "Lady in the Dark", "The Barkleys of Broadway", and for hit songs, including "I Can't Get Started", "Long Ago and Far Away", and "The Man That Got Away";

Whereas George and Ira Gershwin collaborated to compose the music and lyrics for major Broadway productions, including "Lady Be Good", "Of Thee I Sing", "Strike Up the Band", "Oh Kay!", and "Funny Face";

Whereas George and Ira Gershwin collaborated to produce the opera "Porgy and Bess" and the 50th anniversary of its first performance will occur during 1985;

Whereas George and Ira Gershwin collaborated to compose the music and lyrics for important contributions to the American song, including "I Got Rhythm", "Summertime", "Love is Here to Stay", "Fascinating Rhythm", "Let's Call the Whole Thing Off", "I Got Plenty of Nuthin'", and "Someone to Watch Over Me"; and

Whereas George and Ira Gershwin have made outstanding and invaluable contributions to American music, theatre, and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to Frances Gershwin Godowsky, the sister of George Gershwin, and to Leonore Gershwin, the widow of Ira Gerswhin, gold medals of appropriate design in recognition of

George and Ira Gershwin's outstanding and invaluable contributions to American music, theatre and culture. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck two gold medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed $18,500 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medals. The appropriation used to carry out the provisions of subsection (a) shall be reimbursed out of the proceeds of such sales.

SEC. 2. The medals provided for in this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. 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 Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

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

Mr. Speaker, House Joint Resolution 251 authorizes the presentation of congressional gold medals in honor of George and Ira Gershwin. This resolution, sponsored by my colleague from Illinois [Mr. YATES] is cosponsored by 234 Members of the House.

George Gershwin is one of the giants of American music. At the age of 6 he became fascinated by Rubinstein's Melody in F. His childhood piano teacher recognized his talents immediately, writing that "the boy is a genius." He was writing songs by 15 and had his first song published when he was 18. By 21 he had written the music for his first Broadway show. On February 12, 1924, at the age of 25, his Rhapsody in Blue, with Gershwin himself at the piano, was first performed. It met immediate acclaim.

Ira Gershwin, George's older brother, was a lyricist as renowned as his brother was as a composer. Fortunately for American music, the two often collaborated, with Ira writing the lyrics for the 1931 Pulitzer Prize-winning "Of Thee I Sing."

Their collective triumph was the great American opera, "Porgy and Bess." It opened in 1935 to mixed reviews, but over the years it has come to be acclaimed as have few modern operas.

For 46 years after George's untimely death in 1937, Ira continued to compose. His death in 1983 marked the end of an American musical era.

The legislation authorizes an appropriation of $18,500 to strike the gold medals. In addition, it provides for the minting and sale of bronze duplicates to recover the cost of the gold medals. This provision is one which the Consumer Affairs and Coinage Subcommittee requires on all gold medal legislation to assure that there is no net cost to the taxpayer from the minting and presentation of the gold medals.

Both George and Ira Gershwin were giants of the American music scene. It is appropriate to posthumously award them congressional gold medals. They rightly will take their place with composers George M. Cohan and Irving Berlin as recipients of congressional gold medals for their musical contributions.

Once again, Mr. Speaker, I want to pay tribute to the gentleman from Indiana [Mr. HILER], the ranking Republican on our committee, for his cooperation in helping to expedite and bring to the floor of this House this legislation that is going to do honor to two great Americans who have contributed so much to the cultural well-being of the American people.

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

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

Mr. Speaker, I support the prompt adoption of House Joint Resolution 251. This resolution provides adoption of House Joint Resolution 251. This resolution provides for the striking of congressional gold medals in honor of George and Ira Gershwin, two truly outstanding Americans. In addition, it provides for the production of bronze duplicates of these medals for sale to the public.

The two gold medals would be presented to relatives of the deceased Gershwin brothers in recognition of their substantial contribution to American music and culture. There are few Americans living today who would not recognize at least some of the words and music of these prodigiously talented songwriters. Most of us have listened with great pleasure to their work. Including masterpieces like "Summertime" from "Porgy and Bess," "Our Love Is Here to Stay," and many others too countless to mention. now.

The music of the Gershwins are popular in the first half of this century when it was composed; it continues to touch the hearts of many Americans. The music of these talented brothers is certain to live on long after those of us here today have passed away.

Two hundred and thirty-four Congressmen have joined Congressman YATES in cosponsoring House Joint Resolution 251. I am pleased to join these colleagues in asking for prompt adoption of this legislation. George and Ira Gershwin have enriched the life of our Nation as well as the lives of many individuals, and certainly deserve to receive this honor.

Mr. Speaker, I thank the chairman of the subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], for his prompt attention to this matter, and I might say that in my 6 months of being the ranking member of the subcommittee, the chairman of the subcommittee has never had a hearing that does not have some surprise involved. Last Wednesday we were fortunate to have Tony Bennett, an old friend of the gentleman from Illinois [Mr. ANNUNZIO], appear before our hearing. Tony Bennett sang several of the Gershwin songs, and I am sure that his appearance before our subcommittee helped to expedite the passage of this legislation and bring it to the floor today. I complement the subcommittee chairman for his always making our subcommittee hearings and markups extremely entertaining in a very positive way.

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

Mr. ANNUNIZO. Mr. Speaker, I yield 2 minutes to the sponsor of the legislation, my distinguished colleague, the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I want to thank my very good friend, the chairman of the subcommittee, for bringing this bill to the floor as promptly as he did.

Mr. Speaker, I rise today as the original sponsor of House Joint Resolution 251, to speak on behalf of a joint resolution to provide a special gold medal honoring George Gershwin and a special gold medal honoring Ira Gershwin.

I strongly believe that the Gershwin brothers deserve special recognition from the Congress as highly gifted and keenly sensitive artists whose achievements have enriched the lives of Americans and shaped the world's perception of American culture.

Only two American composers have been recipients of the congressional gold medal—George M. Cohan for his patriotic songs "Over There" and "A Grand Old Flag" and Irving Berlin for "God Bless America" and other patriotic songs.

George Gershwin has been the creator of a music undeniably and distinctively American, accepted and admired throughout the world's theaters, concert halls, and opera houses, and on radio, film, and television. It is "patriotic" American music in its capture of an American musical idiom, full of energy, invention, and diversity. In Leonard Bernstein's words, he was:

One of the true, authentic geniuses American music has produced * * *. [He] re-

mains, one of the greatest voices that have ever rung out in the history of American urban culture.

George Gershwin composed works acclaimed both as classical and as popular music, including "Rhapsody in Blue," "An American in Paris," "Concerto in F," and "Three Preludes for Piano." Of "Rhapsody in Blue," Deems Taylor wrote:

Here was music, written in an unmistakable jazz idiom, which nevertheless possessed the structural solidity of a serious work.

And Taylor continued:

George's second orchestral piece, the "Piano Concerto in F," commissioned by Walter Damrosch, and "An American in Paris," went still further toward making a lady of Jazz.

As Paul Whiteman said, in acclaiming George Gershwin as America's finest symphonic composer, George Gershwin "was the first to take the jazz feeling and combine it in symphonic form and still respect the symphony."

"Rhapsody in Blue" and "An American in Paris," are part of the American musical language. Few Americans are not familiar with these pieces. We also remember with great affection George Gershwin's more popular songs, beginning with his first hit, "Swanee."

Ira Gershwin composed lyrics for major Broadway and film productions, including "A Star Is Born," "Lady in the Dark," "The Barclays of Broadway," and for individual hit songs including "I Can't Get Started," "Long Ago and Far Away," and "The Man That Got Away." To the two Gershwins we owe the lyrics and music to such American favorites as "I Got Rhythm," "Summertime," "Love Is Here To Stay," "It Ain't Necessarily So," "I Got Plenty of Nothing," and "Someone To Watch Over Me."

"Lady Be Good," was the first product of the collaboration of the two brothers, followed by such significant Broadway shows as "Oh, Kay," Strike Up the Band," "Funny Face," "Girl Crazy," and "Of Thee I Sing," for the last of which Ira was honored as the first lyricist to receive a Pulitzer Prize for his work, on the play "best representing the educational value and power of the stage." Because Pulitzer Prizes were then not awarded to composers, George Gershwin was unable to share in the honor. It is appropriate that House Joint Resolution 251 recognizes these two artists simultaneously by awarding each a congressional gold medal. Moreover, 1985 is the 50th anniversary of the two brothers' collaboration in producing a masterpiece in American opera, "Porgy and Bess."

Perhaps more than any of the Gershwin brothers' works, this opera is widely regarded internationally as a masterpiece of American genius. Its 1952 State Department tour of Europe inspired these accolades: in Vienna it was "the best ambassador for America" and in Berlin, "a revelation." "All Paris Was in Charleston Last Night" was the headline in Le Figaro. Another State Department tour this time of the Middle East, beginning in 1954, elicited significantly favorable responses from a government official in Zagreb and the Soviet Ambassador in Tel Aviv, the former noting that "only a psychologically mature people could have put this on the stage," the latter exclaiming: "If only we had 'Porgy and Bess' how we'd sent it around." After a further performance in Barcelona, a newspaper there declared: "Gershwin's music puts no limits on races and frontiers." And in 1956, Iszvestia proclaimed after the Leningrad performance: "Our American guests have shown that original art is understandable for people of all countries."

George and Ira Gershwin are American cultural heroes and are recognized as such worldwide. They represent that which is best in our rich tradition of culture and the arts and especially in the creation of masterworks to which all levels of taste can respond. The awarding of a gold medal to George and Ira Gershwin would give due recognition by the Congress of their great contributions nationally and internationally.

Mr. Speaker, again let me thank the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], and the ranking minority member, the gentleman from Indiana [Mr. HILER], for bringing this bill to the floor today.

Mr. ANNUNZIO. 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 Illinois [Mr. ANNUNZIO], that the House suspend the rules and pass the joint resolution, House Joint Resolution 251, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

NURSE EDUCATION ACT OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2370) to amend the Public Health Service Act to extend the programs of assistance for nurse education, as amended.

The Clerk read as follows:

H.R. 2370

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

SECTION 1. SHORT TITLE: REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Nurse Education Act of 1985".

(b) REFERENCE TO ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. SPECIAL PROJECTS.

(a) PROGRAM REVISION.—Section 820(a) (42 U.S.C. 296k(a)) is amended—

(1) paragraph (4) is amended to read as follows:

"(4) demonstrate improved geriatric training in preventive care, acute care, and long-term care (including both home health care and institutional care);";

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (5) the following:

"(6) demonstrate clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities, and ambulatory care facilities;

"(7) demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities; or

"(8) demonstrate methods to encourage nursing graduates to practice in health manpower shortage areas (designated under section 332) in order to improve the specialty and geographical distribution of nurses in the United States.".

(b) AUTHORIZATIONS.—Section 820(d) is amended—

(1) by amending the first sentence to read as follows: "For payments under grants and contracts under subsection (a), there are authorized to be appropriated $9,500,000 for fiscal year 1986, $9,980,000 for fiscal year 1987, and $10,500,000 for fiscal year 1988."; and

(2) by striking out "1981" in the second sentence and inserting in lieu thereof "1985".

SEC. 3. ADVANCED NURSE EDUCATION.

Section 821 (42 U.S.C. 2961) is amended to read as follows:

"ADVANCED NURSE EDUCATION

"SEC. 821. (a) The Secretary may make grants to and enter into contracts with public and private nonprofit collegiate schools of nursing to meet the costs of projects to—

"(1) plan, develop, and operate,

"(2) expand, or

"(3) maintain,

programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialties determined by the Secretary to require advanced education. The Secretary shall give priority to applicants for projects for geriatric and gerontological nursing.

"(b) For payments under grants and contracts under subsection (a), there are authorized to be appropriated $16,500,000 for fiscal year 1986, $17,325,000 for fiscal year 1987, and $18,200,000 for fiscal year 1988.".

SEC. 4. NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS.

(a) TRAINING PROGRAMS.—

(1) Paragraph (1) of section 822(a) (42 U.S.C. 296m(a)) is amended to read as follows:

"(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing and public health, public or nonprofit private schools of medicine which received grants or contracts under this subsection before to October 1, 1985, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) expand, or

"(C) maintain,

programs for the education of nurse practitioners and nurse midwives. The Secretary shall give special consideration to applications for grants or contracts for programs for the education of nurse practitioners and nurse midwives who will practice in health manpower shortage areas (designated under section 332) and for the education of nurse practitioners which emphasize education respecting the special problems of geriatric patients (including the problems in the delivery of preventive care, acute care, and long-term care (including both home health care and institutional care) to such patients) and education to meet the particular needs of nursing home patients and patients who are confined to their homes.".

(2) Paragraph (2) of such section is amended—

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

"(A) For purposes of this section, the term 'programs for the education of nurse practitioners and nurse midwives' means educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such programs, be qualified to provide effectively primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities (where appropriate), and other health care institutions.";

(B) by striking out "training" in the first sentence of subparagraph (B) and inserting in lieu thereof "education"; and

(C) by inserting "and nurse midwives" before the period in the first sentence of subparagraph (B).

(b) TRAINEESHIPS.—Section 822(b) is amended—

(1) by striking out "nursing, medicine, and public health," in paragraph (1) and inserting in lieu thereof "nursing and public health, schools of medicine which received grants or contracts under this subsection before October 1, 1984,";

(2) by inserting "and nurse midwives" before the period in the first sentence of paragraph (1);

(3) by inserting "or nurse midwife" after "practitioner" in paragraph (3); and

(4) by inserting "or in a public health care facility" before "for a period" in paragraph (3).

(c) APPLICATIONS.—Section 822(c) is amended—

(1) by striking out "training" and inserting in lieu thereof "education"; and

(2) by inserting "and nurse midwives" after "nurse practitioners".

(d) AUTHORIZATIONS.—Section 822(e) is amended to read as follows:

"(e) For payments under grants and contracts under this section there are authorized to be appropriated $12,000,000 for fiscal year 1986, $12,600,000 for fiscal year 1987, $13,230,000 for fiscal year 1988.".

(e) TECHNICAL.—

(1) Section 822 is amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

(2) The heading for section 822 is amended to read as follows:

"NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS".

SEC. 5. TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES.

(a) PROGRAM REVISION.—Paragraph (1) of section 830(a) (42 U.S.C. 297(a)) is amended to read as follows:

"(1)(A) The Secretary may make grants to public or nonprofit private schools of nursing and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to cover the cost of traineeships for nurses in masters' degree and doctoral degree programs in order to educate such nurses to—

"(i) serve in and prepare for practice as nurse practitioners,

"(ii) serve in and prepare for practice as nurse administrators, nurse educators, and nurse researchers, or

"(iii) serve in and prepare for practice in other professional nursing specialities determined by the Secretary to require advanced education.

"(B) The Secretary may make grants to public and private nonprofit schools of nursing and appropriate public and private nonprofit entities to cover the cost of traineeships to educate nurses to serve in and prepared for practice as nurse midwives.".

(b) AUTHORIZATIONS.—Section 830 is further amended—

(1) by amending the first sentence of subsection (b) to read as follows: "There are authorized to be appropriated for the purposes of subsection (a), $11,500,000 for fiscal year 1986, $12,100,000 for fiscal year 1987, $12,700,000 for fiscal year 1988."; and

(2) by striking out the second sentence of such subsection.

(c) CONFORMING AMEMDMENT.—Section 830 is amended by striking out "TRAINING" in the section heading and inserting in lieu thereof "EDUCATION".

SEC. 6. NURSE ANESTHETISTS.

(a) PROGRAM REVISION.—Section 831 (42 U.S.C. 297-1) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may make grants to public or private nonprofit institutions to cover the cost of projects to improve existing programs for the education of nurse anesthetists which are accredited by an entity of entities designated by the Secretary of Education. Such grants shall include grants to such institutions for the purpose of providing financial assistance and support to certified registered nurse anesthetists who are faculty members of accredited programs to enable such nurse anesthetists to obtain advanced edcuation relevant to their teaching functions.".

(b) AUTHORIZATIONS.—Section 831(c) (as redesignated by subsection (a) of this section) is amended to read as follows:

"(c) For the purpose of making grants under this section there are authorized to be appropriated $800,000 for fiscal year 1986, $840,000 for fiscal year 1987, $880,000 for fiscal year 1988. Not more than 20 percent of the amount appropriated under this subsection for any fiscal year shall be obligated for grants described in the second sentence of subsection (b).".

(c) TECHNICAL.—

(1) Section 831(a)(1) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(2) The section heading heading for such section is amended by striking out "TRAINEESHIPS FOR TRAINING OF".

SEC. 7. STUDENT LOANS.

(a) PROGRAM REVISION.—Subsections (a) and (b) of section 838 (42 U.S.C. 297b) are amended to read as follows:

"(a)(1) The Secretary shall from time to time set dates by which schools of nursing must file applications for Federal capital contributions.

"(2)(A) If the total of the amounts requested for any fiscal year in applications under paragraph (1) exceeds the total amount appropriated under section 837 for that fiscal year, the allotment from such total amount to the loan fund of each school of nursing shall be reduced to whichever of the following is the smaller:

"(i) The amount requested in its application.

"(ii) An amount which bears the same ratio to the total amount appropriated as the number of students estimated by the Secretary to be enrolled on a full-time basis in such school during such fiscal year bears to the estimated total number of students enrolled in all such schools on a full-time basis during such year.

"(B) Amounts remaining after allotment under subparagraph (A) shall be reallotted in accordance with clause (ii) of such subparagraph among schools whose applications requested more than the amounts so allotted to their loan funds, but with such adjustments as may be necessary to prevent the total allotted to any such school's loan fund under this paragraph and paragraph (3) from exceeding the total so requested by it.

"(3) Funds which, pursuant to section 839(c) or pursuant to a loan agreement under section 835, are returned to the Secretary in any fiscal year, shall be available for allotment in such fiscal year and in the fiscal year exceeding such fiscal year. Funds described in the preceding sentence shall be allotted among schools of nursing in such manner as the Secretary determines will best carry out this subpart, except that in making such allotments, the Secretary shall give priority to schools of nursing which established student loan funds under this subpart after September 30, 1975.

"(b) Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.".

(b) DISTRIBUTION OF ASSETS.—Section 839 (42 U.S.C. 297e) is amended—

(1) by striking out "1987," each place it appears in subsections (a) and (b) and inserting in lieu thereof "1991,"; and

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

"(c)(1) Within 90 days after the termination of any agreement with a school under section 835 or the termination in any other manner of a school's participation in the

loan program under this subpart, such school shall pay to the Secretary, from the balance of the loan fund of such school established under section 835, an amount which bears the same ratio to the balance in such fund on the date of such termination as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section 835(b)(2)(A) bears to the total amount in such fund on such date derived from such Federal capital contributions and from funds deposited in the fund pursuant to section 835(b)(2)(B). The remaineder of such balance shall be paid to the school.

"(2) A school to which paragraph (1) applies shall pay to the Secretary, after the date on which payment is made under such paragraph and not less than quarterly, the same proportionate share of amounts received by the school after the date of termination referred to in paragraph (1) in payment of principal or interest on loans made from the loan fund as was determined for the Secretary under such paragraph.".

SEC. 8. LOANS.

Subpart II of part B of title VIII is amended by adding at the end the following:

"GENERAL PROVISIONS

"SEC. 842. (a) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school with which the Secretary has an agreement under this subpart. Such a collection shall be made on behalf of such school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incure in attempting collection). Scuh a collection may be made only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan referred for collection shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.

"(b) In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formeal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

SEC. 8. REPEALS AND TECHNICAL AMENDMENTS.

(a) REPEALS.—Sections 801, 802, 803, 805, 810, 811, and 815 (42 U.S.C. 296, 296a, 296b, 296d, 296e, 296f, and 296j) are repealed.

(b) CONFORMING AMENDMENTS.—(1) Part A of title VIII is amended by striking out the headings for subparts I, II, III, and IV.

(2) Section 851(b) (42 U.S.C. 298(b)) is amended by striking out ", and in the review of applications for construction projects under subpart I of part A, of applications under section 805, and of applications under subpart III of part A".

(3) The heading for part A of title VIII is amended to read as follows:

"PART A—SPECIAL PROJECTS".

(4) The heading for title VIII is amended to read as follows:

"TITLE VIII—NURSE EDUCATION".

(c) TECHNICAL AMENDMENTS.—

(1)(A) Section 804 (42 U.S.C. 296c) is redesignated as section 858 and is amended to read as follows:

"RECOVERY FOR CONSTRUCTION ASSISTANCE

"SEC. 858. (a) If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1984)—

"(1) The facility is sold or transferred to an entity which is not a public or nonprofit school or the owner shall cease to be a public or nonprofit school,

"(2) the facility shall cease to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover, whether from the transferor or the transferee (or, in the case of a facility which has ceased to be a public or nonprofit school or to be used for a purpose referred to in paragraph (2) or is used for sectarian instruction or religious worship, from the owners thereof) an amount determined under subsection (c).

"(b) The transferor of a facility which is sold or transferred as described in paragraph (1) of subsection (a), the owner of a facility which ceases to be a public or nonprofit school, or the owner of a facility the use of which is changed as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such sale, transfer, or change—

"(1) not later than—

"(A) ten days after the date on which such sale, transfer, or change of use occurs, in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(B) thirty days after the date of the enactment of this subsection, in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection, or

"(2) if the Secretary determines that such notice with respect to such change should more appropriately be made in the annual report to the Secretary of the person required to provide such notice, in the first such report after such change.

"(c)(1) Except as provided in paragraph (2), the amount the United States shall be entitled to recover under subsection (a) is an amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district for which the facility involved is situated) of so much of the facility as constituted an approved project or projects as the amount of the Federal participation bore to the cost of the construction of such project or projects.

"(2)(A) After the expiration of—

"(i) 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b) in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(ii) thirty days after the date of enactment of this subsection or, if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b), in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection,

the amount which the United States is entitled to recover under paragraph (1) with respect to a facility shall be the amount prescribed by paragraph (1) plus interest, during the period described in subparagraph (B), at a rate (determined by the Secretary) based on the average of the bond equivalent of the weekly ninety-one-day Treasury bill auction rate.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection, thirty days after such date or if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b),

"(ii) in the case of a facility which was sold or transferred or the use of which changes on or after the date of enactment of this subsection, and with respect to which notice is provided in accordance with subsection (b), upon the expiration of 180 days after the receipt of such notice, or

"(iii) in the case of a facility which was sold or transferred or the use of which changes on or after the date of enactment of this subsection, and with respect to which such notice is not provided as prescribed by subsection (b), on the date of the sale, transfer, or changes for which such notice was to be provided,

and ending on the date the amount the United States is entitled to under paragraph (1) is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility in any State if the Secretary determines, in accordance with regulations, that there is good cause for waiving such rights with respect to such facility.

"(e) The right of recovery of the United States under subsection (a) shall not constitute a lien on any facility with respect to which funds have been paid under this title.".

(B) Within one hundred and eighty days after the date of the enactment of this section, the Secretary shall have in effect regulations to carry out subsection (b) of section 858 of the Public Health Service Act (as added by the amendment made by subparagraph (A)).

(2) Section 853(1) (42 U.S.C. 298b(1)) is amended by striking out "the Canal Zone," and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands,".

(3) Section 853(6) (42 U.S.C. 298(6)) is amended to read as follows:

"(6) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education, except that a school of nursing seeking an agreement under subpart II of part B for the establishment of a student

loan fund, which is not, at the time of the application under such subpart, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of such subpart if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the agreement with such school is made under such subpart; except that the provisions of this clause shall not apply for purposes of section 838. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.".

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

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the bill H.R. 2370 extends for 3 years the programs of assistance for nursing students and nursing schools. The authorization levels for 1986 are the same as appropriations for 1985.

The Federal Government has recognized the need for adequately educated nurses for a number of years. In years past, much of the Federal effort has been directed toward simply getting enough nurses to staff hospitals, clinics, and nursing homes. In this effort the old programs of the Public Health Service have been remarkably successful.

More recently, however, a different shortage of nurses has been identified. The Institute of Medicine and the National Academy has reported to the Congress that there is and will continue to be a shortage of nurses prepared for advanced practice—nurse midwives, nurse practitioners, and nursing administrators and educators. As science advances in care, the need for specially trained nurses—such as those in coronary care or in intensive care—increases also.

But the supply of these specially trained nurses is not keeping up with the growth in need. Just last year the Department of Health and Human Services estimated that within 15 years, the Nation will have only half the number of specially trained nurses needed.

This is especially important in a time of diminishing resources for providing care for the poor. Nurse midwives and nurse practitioners have long been relied upon to provide high quality care to the poor at relatively low cost.

The bill provides continued support directly to students, as well as program support for the schools and graduate programs. The authorization level is a "freeze" level.

I urge my colleagues to support the bill.

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

Mr. Speaker, I rise in support of H.R. 2370, a bill which provides a 3-year reauthorization of the public Health Service's nursing education programs. Since the establishment of these programs in the mid-1960's, the ability of nursing schools to supply our society with highly trained nurses has changed dramatically. Because the country no longer faces a shortage of nurses, it had become necessary to reassess the focus and level of Federal funding. This legislation is the result of such a reassessment.

H.R. 2370 incorporates many of the recommendations of the Institute of Medicine's study on nursing and nursing education policies, by focusing Federal grants on the training of nurse practitioners and nursing education programs which lead to masters and doctoral degrees. The legislation also authorizes funds for special projects and demonstration projects which will focus on specific needs of the nursing profession and alternative methods of patient care delivery.

The authorization levels in H.R. 2370 for fiscal years 1986 through 1988 are $50.3 million, $52.8 million, and $55.51 million respectively. These authorization levels represent a freeze of the 1985 appropriation in fiscal 1986 and 5 percent inflationary increases in fiscal years 1987 and 1988. Although the administration proposed to eliminate funding for the nursing programs in its 1986 budget proposal, both the House and Senate budget resolutions include funding for these programs at the 1985 appropriation level. The fiscal year 1986 authorization levels contained in this legislation, as reported by the Committee on Energy and Commerce, conform with both budget resolutions.

In conclusion, I urge my colleagues to join me in supporting H.R. 2370.

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

Mr. MADIGAN. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2370, the nurse training amendments. I would like to thank the gentleman from California, the distinguished chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN, and the ranking minority member gentleman from Illinois Mr. MADIGAN, for bringing, this important health education legislation before us today.

While the Federal Government has provided assistance for nursing education since the 1930's, the first compehensive proposal to provide funds for these programs was not established until 1964. At that time the Nurse Training Act was passed in response to a severe nationwide shortage of professional nurses. Under title VIII of the Public Health Services Act we have been able to provide institutional support for nursing schools as well as direct financial assistance to nursing students. Since 1964 the number of registered nurses has more than doubled from 550,000 to 1.7 million. Many studies however, suggest that shortages of nurses educated for specialized and independent practice still exist. It is essential therefore, that we in Congress continue to respond accordingly by enacting this legislation.

Among the programs authorized in this measure, H.R. 2370 establishes new program initiatives in clinical nursing education programs for acute care, long-term care and ambulatory care facilities. This new program coupled with demonstration projects focusing on improved geriatric care and nursing practice arrangements for noninstitutional settings, are especially timely. As our senior citizens population continues to grow we must be able to address their health care needs efficiently and effectively. Adoption of H.R. 2370 will help us achieve that goal.

H.R. 2370 also provides support for advanced nurse training and programs in nurse practioner and nurse midwife training. While our medical doctors provide a very real service, it is the nurses who establish and maintain that vital human contact with the patient. Let us appropriately acknowledge their contribution and their talents by adopting this legislation.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to correct a technical error by renumbering a section in the bill, as follows:

Page 15, line 18 strike "SEC. 8." and insert "SEC. 9." in lieu thereof.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of our time.

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

member of the Health and Environment Subcommittee.

Mr. NIELSON of Utah. Mr. Speaker, this bill did go through the Health and Environment Subcommittee and also the full committee with relatively little opposition. The main concern was whether or not we should continue the program. Evidence was given that there is still a shortage in certain areas of the nursing profession, even though in total there is not a shortage that there was in 1960 when this program was started.

I was opposed to the bill to begin with because it was overbudgeted; however, the committee did bring it down so that it is now at a freeze at last year's level. Both the House and the Senate are agreeing to keep this program. The budget is agreed on both areas.

Therefore, I now will support the bill; however, I do think that we ought to take a good look at these programs which were put in during the years right after the Vietnam war in the sixties, both the nurse training amendments and the health manpower program which is to come in a few minutes, and take a look at phasing these out over a period of time. We do not have the political clout to do it at this time, but I do think we need to take a very good look at them.

Although I am reluctant to support it, I think we should make a very careful examination of the health professions. We need to be sure that we have an adequate supply. We need to be sure also that we do not have an oversupply and that is where we have to be very careful.

I can see a lot of monitoring. For those reasons, I do support the bill, because it has been accepted by the committee and the finances have been brought back in line, but I think it is something that we need to take a very careful look at.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the ranking member of the full committee, the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I thank the gentleman for yielding.

I would like the attention of the gentleman from Illinois and also of the gentleman from California.

A number of Members have asked me questions with respect to the authorization levels in these bills. I have assured them that these bills contain the dollar figures that have been included in the budget which also are lower than the figures that were included in last year's bill.

On that basis, I am urging my colleagues to support this legislation as it is brought up under suspension today.

This bill, H.R. 2370, has lower authorization levels than last year's bill. This was done in an effort to try to accommodate the concern of the minority with increasing authorization levels.

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

Mr. BROYHILL. I yield to the gentleman from California.

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

The gentleman is correct, that last year the authorization was $69 million. The authorization for 1985 is $50.3 million.

There is some question I would raise as to the full accuracy of the gentleman's statement when it comes to the outyears; but what we have done is frozen the authorization and allowed increases thereafter only for the 5 percent. This is much less than what was authorized for the program last year and what was authorized in the bill that passed the Congress at the end of the last Congress.

Mr. MADIGAN. Mr. Speaker, if I may reclaim my time and respond to the gentleman, the bill last year proposed authorizations of $75 million in 1987 and $81 million in 1988.

In this bill as a result of the Broyhill amendment being adopted in the committee, rather than $75 million, the authorization is $52 million; and rather than $81 million, it is $55 million. This bill is not only substantially less than the bill last year, but is also substantially less than the bill that is pending in the Senate.

Mr. BROYHILL. Mr. Speaker, if the gentleman will yield further, I thank the gentleman for that explanation.

Mr. Speaker, on the basis of that, I urge my colleagues to vote for and support this bill today.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman from North Carolina for his contribution today as well as his help in fashioning this compromise in the committee.

● Mr. WALGREN. Mr. Speaker, I am pleased today to support H.R. 2370, the extension of the Nurse Training Act. As a member of the Health Subcommittee, I am all too keenly aware of the need to make sure we have an adequate supply of health personnel in the needed specialities and in all places where they are needed. Several studies, including the National Academy of Sciences and the Surgeon General have found that we are facing nursing shortages in certain speciality and geographic areas. This bill is designed to respond to some of those projected shortfalls.

Nurses are the largest single health professions group in the country today and are probably the most versatile of health professionals. Having broad experience, they often have broad responsibilities. In many hospitals and nursing homes, nurses are often the only professionals on duty around the clock.

There is one future challenge to nursing that particularly concerns me, a challenge that could turn into a crisis: How to deal with the medical needs of the increasing number of elderly in our population. I am grateful that the committee agreed to my amendments which placed special emphases on geriatric training for nurses by directing the Public Health Service to give priority to training projects in geriatric nursing.

By the year 2000, the number of Americans over age 65 will increase by 10 million and the number of people over age 85 will double. The elderly will make 40 percent more doctors visits and require 50 percent more hospitals care. Health care expenditures for older people are generally three and one half times that of people under 65.

ADEQUACY OF CARE TODAY QUESTIONED

Several studies have revealed that nursing care of the elderly today is hardly in excess. The average nursing home patient in a skilled nursing facility receives only 12 minutes of direct care by a registered nurse per day and only 7 minutes per day in an intermediate care facility. Only 22 percent of nursing homes have a registered nurse on duty around the clock. In many cases, nursing functions are performed by aides and licensed practical nurses.

Perhaps more compelling than the raw numbers is the finding of the National Academy of Sciences on the quality of health care for the elderly: "There is a tendency for nurses and physicians alike to inappropriately dismiss treatable symptoms, too often automatically regarding them as a part of an inevitable, irreversible process of aging. The result is unnecessary disability and institutionalization. Many elderly could remain at home, or in a less restrictive evironment, if a greater emphasis were placed on their special needs. . . ." The Academy has observed that the largest single group that suffers from lack of adequate nursing services today is the elderly. Thus, even with the nurses we have, the elderly are not getting proper health care.

NURSING CARE IN THE FUTURE

The problem of providing adequate nursing care to the elderly is only going to get worse in the future. There will be more elderly people and there will be move elderly people with disabilities (now 45 percent of all elderly). If current training, salary, and staffing levels continue, an insufficient number of nurses will be attracted to geriatric nursing. In addition, changes in health care financing and delivery are expected to place more responsibility on nurses. Predictions are that nurses will provide up to 50 percent of outpatient care to the elderly now provided by doctors.

The 1981 White House Conference on Aging predicted a shortfall of 75,000 nurses in institutional long-term care and 20,000 more RN's will be needed by 2000. Our needs for community health nurses to provide home health care for the 95 percent of elderly who live at home will double by 1990.

What is the status of training today? In the 1,400 nursing education programs for institutional care, only 1 in 10 have specific courses in geriatric nursing. Less than 1 percent of nurses hold master's or doctoral degrees with a primary focus on geriatrics. The National Institute on Aging has observed that the largest single problem in strengthening the geriatric content of nursing education is the inadequate preparation of faculty. NIA predicts that 2,000 faculty members are needed to teach geriatric nursing.

In the bill, the special emphasis on geriatrics in special projects, the nurse practitioner program and the advanced nurse education program is an effort to respond to these gaps in our health care system. Encouraging good training is only half the battle. We have to design financing programs to attract and retain capable and concerned people to geriatric nursing. Turnover rates in nursing home are over 100 percent per year; employee benefits in nursing homes are woefully inadequate. Scotland and Scandanavia have a markedly different approach—they give salary bonuses to staff who work in geriatrics and long-term care. Our values are now facing a crucial test with repect to health care for the elderly and we must decide if we care enough to create a health care system that will meet their needs.

I hope the House will agree and help us begin to address a problem that is only going to worsen if we do nothing.●

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

Mr. WAXMAN. Mr. Speaker, I do want to express my appreciation to my colleagues on both sides of the aisle in the subcommittee who worked to fashion this legislation, and I urge its adoption.

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 California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2370, 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.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2410) to amend the Public Health Service Act to revise and extend the programs under title VII of that act, as amended.

The Clerk read as follows:

H.R. 2410

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

SECTION 1. SHORT TITLE AND REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Educational Assistance Amendments of 1985".

(b) REFERENCE TO ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PART A—AUTHORIZATIONS

SEC. 2. SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM.

Section 728(a) (42 U.S.C. 294a(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 737) to borrowers covered by Federal loan insurance under this subpart shall not exceed $250,000,000 for fiscal year 1985, $275,000,000 for fiscal year 1986, $290,000,000 for fiscal year 1987, and $305,000,000 for fiscal year 1988. If the total amount of new loans made and installments paid pursuant to lines of credit in any fiscal year is less than the ceiling established for such year by the preceding sentence, the difference between the loans made and installments paid and the ceiling shall be carried over to the next fiscal year and added to the ceiling applicable to that fiscal year.".

(2) by striking out "1987," in the last sentence and inserting in lieu thereof "1991,".

SEC. 3. STUDENT LOANS.

(a) AUTHORIZATION.—Section 742(a) (42 U.S.C. 294o(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$2,000,000 for the fiscal year ending September 30, 1986, $2,100,000 for the fiscal year ending September 30, 1987, and $2,200,000 for the fiscal year ending September 30, 1988".

(b) DISTRIBUTION OF ASSETS.—Section 743 (42 U.S.C. 294p) is amended by striking out "1987" each place it appears and inserting in lieu thereof "1991".

SEC. 4. SCHOLARSHIPS FOR STUDENTS OF EXCEPTIONAL FINANCIAL NEED.

Section 758(d) (42 U.S.C. 294z(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$7,000,000 for the fiscal year ending September 30, 1986, $7,350,000 for the fiscal year ending September 30, 1987, and $7,700,000 for the fiscal year ending September 30, 1988".

SEC. 5. DEPARTMENTS OF FAMILY MEDICINE.

Section 780(c) (42 U.S.C. 295g(c)) is amended by striking out "and" after "1983," and by inserting a comma and "$7,500,000 for the fiscal year ending September 30, 1986, $7,900,000 for the fiscal year ending September 30, 1987, and $8,300,000 for the fiscal year ending September 30, 1988," after "1984".

SEC. 6. AREA HEALTH EDUCATION CENTERS.

The first sentence of section 781(g) (42 U.S.C. 295g-1(g)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$18,000,000 for the fiscal year ending September 30, 1986, $18,900,000 for the fiscal year ending September 30, 1987, and $19,800,000 for the fiscal year ending September 30, 1988".

SEC. 7. PHYSICIAN ASSISTANTS.

Section 783(d) (42 U.S.C. 295g-3(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$4,800,000 for the fiscal year ending September 30, 1986, $5,000,000 for the fiscal year ending September 30, 1987, and $5,250,000 for the fiscal year ending September 30, 1988".

SEC. 8. GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS.

Section 784(b) (42 U.S.C. 295g-4(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$19,800,000 for the fiscal year ending September 30, 1986, $20,600,000 for the fiscal year ending September 30, 1987, and $24,000,000 for the fiscal year ending September 30, 1988".

SEC. 9. FAMILY MEDICINE AND GENERAL PRACTICE OF DENTISTRY.

Section 786(c) (42 U.S.C. 295g-6(c)) is amended—

(1) by striking out "and" after "1983," and by inserting before the period a comma and "$37,100,000 for the fiscal year ending September 30, 1986, $38,800,000 for the fiscal year ending September 30, 1987, and $43,000,000 for the fiscal year ending September 30, 1988"; and

(2) by striking out "and" after "1983," in the second sentence and by inserting "September 30, 1986, September 30, 1987, and September 30, 1988," after "1984,".

SEC. 10. EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

The first sentence of section 787(b) (42 U.S.C. 295g-7(b)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$24,000,000 for the fiscal year ending September 30, 1986, $25,200,000 for the fiscal year ending September 30, 1987, and $26,500,000 for the fiscal year ending September 30, 1988".

SEC. 11. CURRICULUM DEVELOPMENT AND FACULTY TRAINING GRANTS.

Section 788(f) (42 U.S.C. 295g-8(f)) is amended—

(1) by inserting "(1)" before "For";

(2) by striking out "this section," and inserting in lieu thereof "subsections (a), (b), (c), (e), and (f),";

(3) by striking out "and" after "1983;";

(4) by inserting before the period a semicolon and "$3,000,000 for the fiscal year ending September 30, 1986; $3,200,000 for the fiscal year ending September 30, 1987; and $3,300,000 for the fiscal year ending September 30, 1988"; and

(5) by adding at the end thereof the following:

"(2) For purposes of subsection (d), there are authorized to be appropriated $2,000,000 for the fiscal year ending September 30, 1986; $3,000,000 for the fiscal year ending September 30, 1987; and $3,000,000 for the fiscal year ending September 30, 1988.".

SEC. 12. ADVANCED FINANCIAL DISTRESS ASSISTANCE.

The first sentence of section 788B(h) (42 U.S.C. 295g-8b(h)) is amended by inserting

before the period a comma and "$4,200,000 for the fiscal year ending September 30, 1986, and $3,800,000 for the fiscal year ending September 30, 1987".

SEC. 13. GRADUATE PROGRAMS IN HEALTH ADMINISTRATION.

Section 791(d) (42 U.S.C. 295h(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,500,000 for the fiscal year ending September 30, 1986, $1,575,000 for the fiscal year ending September 30, 1987, and $1,650,000 for the fiscal year ending September 30, 1988".

SEC. 14. TRAINEESHIPS FOR STUDENTS IN OTHER GRADUATE PROGRAMS.

Section 791A(c) (42 U.S.C. 295h-1a(c)) is amended by striking out "and" after "1980;", and by inserting before the period a semicolon and "$500,000 for the fiscal year ending September 30, 1986; $525,000 for the fiscal year ending September 30, 1987; and $551,000 for the fiscal year ending September 30, 1988".

SEC. 15. PUBLIC HEALTH TRAINEESHIPS.

Section 792(c) (42 U.S.C. 295h-1b(c)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$3,000,000 for the fiscal year ending September 30, 1986; and $3,150,000 for the fiscal year ending September 30, 1987; and $3,300,000 for the fiscal year ending September 30, 1988".

SEC. 16. TRAINING IN PREVENTIVE MEDICINE.

Section 793(c) (42 U.S.C. 295h-1c(c)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,600,000 for the fiscal year ending September 30, 1986, and $1,680,000 for the fiscal year ending September 30, 1987, and $1,760,000 for the fiscal year ending September 30, 1988".

PART B—PROGRAM REVISIONS

SEC. 17. SCHOOLS OF CHIROPRACTIC.

(a) DEFINITIONS.—

(1) Section 701(4) (42 U.S.C. 292a(4)) is amended—

(A) by striking out "and" after " 'school of veterinary medicine',";

(B) by inserting a comma and "and 'school of chiropractic' " after " 'school of public health' ";

(C) by striking out "and" after "a degree of doctor of veterinary medicine or an equivalent degree,"; and

(D) by inserting "and a degree of doctor of chiropractic or an equivalent degree," before "and including advanced training related to".

(2) Section 701(5) (42 U.S.C. 292a(5)) is amended—

(A) by striking out "or" after "pharmacy,"; and

(B) by inserting "or chiropractic," after "public health,".

(b) LOANS.—Section 737 (42 U.S.C. 294j) is amended by striking out paragraph (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 18. TRAINING OF PHYSICIAN ASSISTANTS.

Section 701(8) (42 U.S.C. 292a(8)) is amended to read as follows:

"(8)(A) The term 'program for the training of physician assistants' means an educational program which (i) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary health care under the supervision of a physician, and (ii) meets regulations prescribed by the Secretary in accordance with subparagraph (B).

"(B) After consultation with appropriate organizations, the Secretary shall, not later than May 1, 1986, prescribe regulations for programs for the training of physician assistants. Such regulations shall, as a minimum, require that such a program—

"(i) extend for at least one academic year and consist of—

"(I) supervised clinical practice, and

"(II) at least four months (in the aggregate) of classroom instruction,

directed toward preparing students to deliver health care;

"(ii) have an enrollment of not less than eight students; and

"(iii) train students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

SEC. 19. SCHOOLS OF ALLIED HEALTH.

(a) DEFINITION OF SCHOOL.—Section 701(10) (42 U.S.C. 292a(10)) is amended—

(1) by inserting "college," before "junior college,"; and

(2) by striking out "in a discipline of allied health leading to a baccalaureate or associate degree (or an equivalent degree of either) or to a more advanced degree" in subparagraph (A) and inserting in lieu thereof "to enable individuals to become allied health professionals or to provide additional training for allied health professionals".

(b) DEFINITION OF ALLIED HEALTH PROFESSIONAL.—Section 701 is amended by adding at the end thereof the following new paragraph:

"(13) The term 'allied health professional' means an individual—

"(A) who has received a certificate, an associate's degree, a bachelor's degree, a masters' degree, a doctoral degree, or postbaccalaureate training, in a science relating to health care;

"(B) who shares in the responsibility for the delivery of health care services or related services, including—

"(i) services relating to the identification, evaluation, and prevention of diseases and disorders;

"(ii) dietary and nutrition services;

"(iii) health promotion services;

"(iv) rehabilitation services; or

"(v) health systems management services; and

"(C) who does not hold a degree in medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, chiropractic, health administration, or clinical psychology.".

(c) STUDY.—

(1) The Secretary of Health and Human Services shall conduct or enter into contracts for the conduct of analytic and descriptive studies of the allied health professions, chiropractors, clinical psychologists, veterinarians, optometrists, pharmacists, podiatrists, public health professionals, and health administrators. The studies shall include evaluations and projections of the supply of, and requirements for, each such profession by specialty and geographic location. The Secretary shall include in the report submitted on October 1, 1987 under section 708(d)(1) of the Public Health Service Act the results of the studies conducted under this paragraph.

(2) The authority of the Secretary of Health and Human Services to enter into contracts under paragraph (1) shall be effective for any fiscal year only to the extent or in such amounts as are provided in advance by appropriation Acts.

SEC. 20. GRADUATE PROGRAMS IN CLINICAL PSYCHOLOGY.

(a) DEFINITIONS.—

(1) Section 701 (42 U.S.C. 292a) (as amended by section 19 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(14) The term 'graduate program in clinical psychology' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a doctoral degree in clinical psychology or an equivalent degree.".

(2) Section 701(5) (42 U.S.C. 292a(5)) (as amended by section 17 of this Act) is further amended—

(A) by striking out "or" after "chiropractic,"; and

(B) by inserting "or a graduate program in clinical psychology," after "health administration,".

(b) LOANS.—Section 737 (42 U.S.C. 294j) (as amended by section 17 of this Act) is further amended by striking out paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 21. NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION.

The last sentence of section 702(a) (42 U.S.C. 292b(a)) is amended to read as follows: "Of the appointed members of the Council—

"(1) twelve shall be representatives of the health professions schools assisted under programs authorized under this title, including—

"(A) one representative of each of schools of veterinary medicine, optometry, pharmacy, podiatry, public health, and allied health, and graduate programs in health administration; and

"(B) at least six persons experienced in university administration, at least one of whom shall be a representative of a school described in subparagraph (A);

"(2) two shall be full-time students enrolled in health professions schools; and

"(3) six shall be members of the general public.".

SEC. 22. TECHNICAL ASSISTANCE.

Section 709(d) (42 U.S.C. 292i(d)) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

SEC. 23. RECOVERY OF ASSISTANCE.

(a) AMENDMENT.—Section 723 (42 U.S.C. 293c) is amended to read as follows:

"RECOVERY

"SEC. 723. (a) If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulations for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a)—

"(1)(A) in the case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under section 720(a)(1), the facility is sold or transferred to an entity that would not be qualified to file an application under section 605 or the owner shall cease to be a public or other nonprofit entity that would be qualified to file such an application,

"(B) in the case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of section 720(a), the facility is sold or transferred to an entity which is not a public or nonprofit school or the owner shall cease to be a public or nonprofit school, or

"(C) in the case of a facility which was a facility with respect to which funds have

been paid under section 720(a)(2), the facility is sold or transferred to an entity which is not a public or nonprofit school or the owner shall cease to be a public or nonprofit school,

"(2) the facility shall cease to be used for the teaching or training purposes (or other purposes permitted under section 722) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover, whether from the transferor or the transferee (or, in the case of a facility which has ceased to be an entity qualified to file an application under section 605 or a public or nonprofit school or ceased to be used for a purpose referred to in paragraph (2) or is used for sectarian instruction or religious worship, from the owners thereof) an amount determined under subsection (c).

"(b) The transferor of a facility which is sold or transferred as described in paragraph (1) of subsection (a), the owner of a facility which ceases to be a qualified public or other nonprofit entity or a public or nonprofit school, or the owner of a facility the use of which is changed as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such sale, transfer, or change—

"(1) not later than—

"(A) ten days after the date on which such sale, transfer, or change of use occurs, in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(B) thirty days after the date of the enactment of this subsection, in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection, or

"(2) if the Secretary determines that such notice with respect to such change should more appropriately be made in the annual report to the Secretary of the person required to provide such notice, in the first such report after such change.

"(c)(1) Except as provided in paragraph (2), the amount the United States shall be entitled to recover under subsection (a) is an amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district for which the facility involved is situated) of so much of the facility as constituted an approved project or projects as the amount of the Federal participation bore to the cost of the construction of such project or projects.

"(2)(A) After the expiration of—

"(i) 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b), in the case of a facility which is sold or transferred or the use of which changes on or after the date of the enactment of this subsection, or

"(ii) thirty days after the date of the enactment of this subsection or if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b), in the case of a facility which was sold or transferred or the use of which changed before the date of the enactment of this subsection,

the amount which the United States is entitled to recover under paragraph (1) with respect to a facility shall be the amount prescribed by paragraph (1) plus interest, during the period described in subparagraph (B), at a rate (determined by the Secretary) based on the average of the bond equivalent of the weekly ninety-one-day Treasury bill auction rate.

"(B) The period referred to in subparagraph (A) is the period beginning—

"(i) in the case of a facility which was sold or transferred or the use of which changes before the date of the enactment of this subsection, thirty days after such date or if later 180 days after the date of the sale, transfer, or change of use for which a notice is required by subsection (b),

"(ii) in the case of a facility which was sold or transferred or the use of which changes on or after the effective date of this subsection, and with respect to which notice is provided in accordance with subsection (b), upon the expiration of 180 days after the receipt of such notice, or

"(iii) in the case of a facility which was sold or transferred or the use of which changes on or after the effective date of this subsection, and with respect to which such notice is not provided as prescribed by subsection (b), on the date of the sale, transfer, or change of use for which such notice was to be provided,

and ending on the date the amount the United States is entitled to under paragraph (1) is collected.

"(d) The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility in any State if the Secretary determines, in accordance with regulations, that there is good cause for waiving such rights with respect to such facility.

"(e) The right of recovery of the United States under subsection (a) shall not constitute a lien on any facility with respect to which funds have been paid under section 606.".

(b) REGULATIONS.—Within one hundred and eighty days after the effective date of this Act, the Secretary shall have in effect regulations to carry out subsection (b) of section 723 of the Public Health Service Act (as added by the amendment made by subsection (a) of this section).

SEC. 24. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) ELIGIBLE BORROWER.—

(1) Section 731(a)(1)(A) (42 U.S.C. 294d(a)(1)(A)) is amended by striking out "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(2) Section 731(a)(1)(B) (42 U.S.C. 294d(a)(1)(B)) is amended by striking out "and" at the end of clause (ii) and by inserting after clause (iii) the following:

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and".

(b) NOTE.—

(1) Section 731(a)(2)(B) (42 U.S.C. 294d (a)(2)(B)) is amended to read as follows:

"(B) provides for repayment of the principal amount of the loan in installments over a period of not less than 10 years (unless sooner repaid) nor more than 25 years beginning not earlier than 9 months nor later than 12 months after the later of—

"(i) the date on which—

"(I) the borrower ceases to be a participant in an accredited internship or residency program of not more than four years in duration;

"(II) the borrower completes the fourth year of an accredited internship or residency program of more than four years in duration; or

"(III) the borrower, if not a participant in a program described in subclause (I) or (II), ceases to carry, at an eligible institution, the normal full-time academic workload as determined by the institution; or

"(ii) the date on which a borrower who is a graduate of an eligible institution ceases to be a participant in a fellowship training program not in excess of two years or in a full-time educational activity not in excess of two years, which—

"(I) is directly related to the health profession for which the borrower prepared at an eligible institution, as determined by the Secretary; and

"(II) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in a program described in subclause (I) or (II) of clause (i) or prior to the completion of the borrower's participation in such program,

except as provided in subparagraph (C), except that the period of the loan may not exceed 33 years from the date of execution of the note or written agreement evidencing it, and except that the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the costs of insurance premiums or other default by the borrower, as may be authorized by regulations of the Secretary in effect at the time the loan is made;".

(2) Section 731(a)(2)(C) (42 U.S.C. 294d(a)(2)(C)) is amended—

(A) by inserting "(including any period in such a program described in subclause (I) or subclause (II) of subparagraph (B)(i))" before the comma in clause (ii);

(B) by striking out "or the 33-year period" in clause (vi);

(C) by striking out "or" after "National Health Service Corps," in clause (v); and

(D) by inserting "or (vii) any period not in excess of two years which is described in subparagraph (B)(ii)" after "Domestic Volunteer Service Act of 1973,".

(3)(A) The provisions of clause (i) of section 731(a)(2)(B) of the Public Health Service Act (as amended by paragraph (1) of this subsection) and the provisions of clauses (ii) and (vi) of section 731(a)(2)(C) of such Act (as amended by subparagraphs (A) and (B) of paragraph (2)) shall not apply to any individual who, prior to the effective date of this Act, received a loan insured under subpart I of part C of title VII of such Act.

(B) The provisions of clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2)(D) of this subsection, respectively) shall apply to any loan insured under subpart I of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out clause (ii) of section 731(a)(2)(B) of the Public Health Service Act and clause (vii) of section 731(a)(2)(C) of such Act (as added by the amendments made by paragraphs (1) and (2)(D) of this subsection, respectively). Such regulations shall—

(A) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such clauses; and

(B) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such clauses.

(c) INTEREST RATE.—(1) Section 731(b) (42 U.S.C. 294d(b)) is amended by striking out "3½" and inserting in lieu thereof "3".

(2) The amendment made by paragraph (1) of this subsection shall apply to any loan insured under subpart I of part C of title VII of the Public Health Service Act after the effective date of this Act.

(d) PAYMENTS.—Section 731(c) (42 U.S.C. 294d(c)) is amended—

(1) by striking out "section 731(a)(2)(C)" and inserting in lieu thereof "subsection (a)(2)(C)"; and

(2) by inserting before the period a comma and "unless the borrower, in the written agreement described in subsection (a)(2), agrees to make payments during any year or any repayment period in a lesser amount".

(e) PREMIUMS.—Section 732(c) (42 U.S.C. 294e(c)) is amended—

(1) by inserting "(1)" before "The";

(2) by striking out "2" in the first sentence and inserting in lieu thereof "4";

(3) by striking out "in advance, at such times and" in the first sentence and inserting in lieu thereof "in advance at the time the loan is made"; and

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

"(2) The Secretary may not increase the percentage per year on the principal balance of loans charged pursuant to paragraph (1) for insurance premiums, unless the Secretary has, prior to any such increase—

"(A) requested a qualified public accounting firm to evaluate whether an increase in such percentage is necessary to ensure the solvency of the student loan fund established by section 734, and to determine the amount of such an increase, if necessary; and

"(B) such accounting firm has recommended such an increase and has determined the amount of such increase necessary to ensure the solvency of such fund.

The Secretary may not increase such percentage in excess of the maximum percentage permitted by paragraph (1) or increase such percentage by an amount in excess of the amount of the increase determined by a qualified accounting firm pursuant to this paragraph.".

(f) LOAN FUND.—The first sentence of subsection (a) of section 734 (42 U.S.C. 294g) and the first sentence of subsection (b) of such section are each amended by inserting "collection or" before "default".

(g) LIMITATIONS.—

(1) Section 729(a) (42 U.S.C. 294b(a)) is amended by inserting "allied health," after "public health," each place it appears.

(2) Section 737 (42 U.S.C. 294j) (as amended by this part) is further amended—

(A) by inserting a comma and "allied health," after "public health" in paragraph (1); and

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

"(4) The term 'school of allied health' means a program in a school of allied health (as defined in section 701(10)) which leads to a masters' degree or a doctoral degree.".

(h) JOINT PAYMENT.—Section 731(a)(2) (42 U.S.C. 294d) is amended by striking out "and" at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following:

"(G) provides that the loan shall be made payable jointly to the borrower and the eligible institution in which the borrower is enrolled; and".

SEC. 25. HEALTH PROFESSIONS STUDENT LOAN PROGRAM.

(a) LOAN AGREEMENTS.—

(1) Section 740(a) (42 U.S.C. 294m(a)) is amended—

(A) by striking out "or veterinary medicine" and inserting in lieu thereof "veterinary medicine, public health, or chiropractic"; and

(B) by inserting before the period "and with any public or other nonprofit school which is located in a State and which offers an accredited graduate program in clinical psychology".

(2) Section 740(b)(4) (42 U.S.C. 294m(b)(4)) is amended—

(A) by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry";

(B) by striking out "or" before "doctor of veterinary medicine"; and

(C) by inserting a comma and "or doctor of chiropractic or an equivalent degree, a graduate degree in public health or an equivalent degree, or a doctoral degree in clinical psychology or an equivalent degree" before the semicolon.

(b) LOAN PROVISIONS.—

(1) Section 741(b) (42 U.S.C. 294n(b)) is amended—

(A) by inserting "doctor of pharmacy or an equivalent degree," before "doctor of podiatry";

(B) by striking out "or" before "doctor of veterinary medicine"; and

(C) by inserting a comma and "or doctor of chiropractic or an equivalent degree, a graduate degree in public health or an equivalent degree, or a doctoral degree in clinical psychology or an equivalent degree" before the period.

(2) Section 741(f)(1)(A) (42 U.S.C. 294n(f)(1)(A)) is amended by striking out "or doctor of podiatry or an equivalent degree" and inserting in lieu thereof "doctor of pharmacy or an equivalent degree, doctor of podiatry or an equivalent degree, or doctor of chiropractic or an equivalent degree, a graduate degree in public health, or a doctoral degree in clinical psychology".

(c) CHIROPRACTIC SCHOOLS.—Section 742(a) (42 U.S.C. 294o(a)) is amended by adding at the end thereof the following: "Of the amount appropriated under this subsection for any fiscal year, not more than 4 percent of such amount may be made available for Federal capital contributions for student loan funds at schools of chiropractic.".

(d) DEFINITION.—Subpart II of part C of title VII is amended by adding at the end thereof the following new section:

"DEFINITION

"SEC. 745. For purposes of this subpart, the term 'school of pharmacy' means a public or nonprofit private school in a State which provides training leading to a degree of bachelor of science in pharmacy or an equivalent degree or a degree of doctor of pharmacy or an equivalent degree and which is accredited in the manner described in section 701(5).".

(e) DISADVANTAGED BACKGROUNDS.—Section 740(b) (42 U.S.C. 294m(b)) is amended by adding after paragraph (6) the following: "With respect to fiscal years beginning after the fiscal year ending September 30, 1985, each agreement shall provide that at least one-half of the Federal contribution in such fiscal years to the student loan fund of the school shall be used to make loans to individuals from disadvantaged backgrounds as determined in accordance with criteria in effect on September 30, 1984, which were prescribed by the Secretary under section 787.".

(f) DRAFT REGISTRATION.—Section 741(b) (42 U.S.C. 294n(b)) (as amended by this section) is further amended by inserting "(1)" after "student" and by inserting before the period a comma and the following: "and (2) who if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section".

(g) PAYMENTS.—

(1) Section 741(c) (42 U.S.C. 294n(c)) is amended to read as follows:

"(c) Such loans shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a full-time course of study at a school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, veterinary medicine, public health, or chiropractic, or in a graduate program in clinical psychology, excluding from such ten-year period—

"(1) all periods—

"(A) not in excess of three years of active duty performed by the borrower as a member of a uniformed service;

"(B) not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act; and

"(C) during which the borrower participates in advanced professional training, including internships and residencies; and

"(2) a period—

"(A) not in excess of two years during which a borrower who is a full-time student in such a school or program leaves the school or program, with the intent to return to such school or program as a full-time student, in order to engage in a full-time educational activity which is directly related to the health profession for which the individual is preparing, as determined by the Secretary; or

"(B) not in excess of two years during which a borrower who is a graduate of such a school or program is a participant in a fellowship training program or a full-time educational activity which—

"(i) is directly related to the health profession for which such borrower prepared at such school or program, as determined by the Secretary; and

"(ii) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in advanced professional training described in paragraph (1)(C) or prior to the completion of such borrower's participation in such training.".

(2) The provisions of section 741(c)(2)(A) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to—

(A) any individual who received a loan under subpart II of part C of title VII of the Public Health Service Act and to whom the provisions of such section (if such provisions had been in effect) would have applied between June 17, 1982, and July 7, 1983; and

(B) any individual who, after the effective date of this Act, is a full-time student in a

school or program referred to in such section and who (prior to, on, or after the effective date of this Act), received a loan under such subpart to assist such student in their studies in such school or program.

(3) The provisions of section 741(c)(2)(B) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) shall apply to any loan made under subpart II of part C of title VII of such Act after the effective date of this Act.

(4) Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out section 741(c)(2) of the Public Health Service Act (as added by the amendment made by paragraph (1) of this subsection) with respect to any loan made under subpart II of part C of title VII of such Act on or after the effective date of this Act. Such regulations shall—

(A) with respect to the provisions of subparagraph (A) of such section—

(i) prescribe criteria for the determination of the types of full-time educational activities which will be permitted under such subparagraph;

(ii) require the school or program in which the borrower was enrolled as a full-time student to determine, prior to the borrower's leaving such school or program, whether an educational activity in which the student proposes to engage qualifies for purposes of such subparagraph and such regulations; and

(B) with respect to the provisions of subparagraph (B) of such section—

(i) prescribe criteria for the determination of the types of fellowship training programs and full-time educational activities which will be permitted under such subparagraph; and

(ii) establish procedures for a borrower to apply to the Secretary for a determination concerning whether a particular fellowship training program or full-time educational activity will be permitted under such subparagraph.

(h) CHARGES.—

(1) Section 741(i) (42 U.S.C. 294n(i)) is amended to read as follows:

"(i) Subject to regulations of the Secretary, a school may assess a charge with respect to loans made under this subpart to cover the costs of insuring against cancellation of liability under subsection (d).".

(2) Section 741(j) (42 U.S.C. 294n(j)) is amended—

(A) by inserting "and in accordance with this section" after "Secretary" in the first sentence;

(B) by striking out "may" in such sentence and inserting in lieu therof "shall"; and

(C) by striking out the second sentence and inserting in lieu thereof the following: "No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment.".

(i) COLLECTIONS.—Section 741 (42 U.S.C. 294n) is amended by adding at the end thereof the following new subsection:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.".

(j) RETURNED FUNDS.—Section 742(b) (42 U.S.C. 294o(b)) is amended by adding at the end thereof the following new paragraph:

"(5) Any funds from a student loan fund established under this subpart which are returned to the Secretary in any fiscal year shall be available for allotment under this subpart, in such fiscal year and the fiscal year succeeding such fiscal year, to schools which, during the period beginning on July 1, 1972, and ending on September 30, 1984, established student loan funds with Federal capital contributions under this subpart.".

(k) STUDENT LOAN INFORMATION; APPEAL PROCEDURES.—Subpart II of part C of title VII (as amended by this section) is further amended—

(1) by redesignating section 745 (as added by subsection (d) of this section) as section 747; and

(2) by inserting after section 744 (42 U.S.C. 294q) the following new sections:

"STUDENT LOAN INFORMATION BY INSTITUTIONS

"SEC. 745. (a) With respect to loans made by a school under this subpart after June 30, 1986, each school, in order to carry out the provisions of sections 740 and 741, shall, at any time such school makes such a loan to a student under this subpart, provide thorough and adequate loan information on loans made under this subpart to the student. The loan information required to be provided to the student by this subsection shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by the student;

"(2) the terms under which repayment of the loan will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be paid by the borrower and the minimum amount of the required monthly payment;

"(5) the amount of any other fees charged to the borrower by the lender;

"(6) any options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(7) a definition of default on the loan and a specification of the consequences which will result to the borrower if the borrower defaults, including a description of any arrangements which may be made with credit bureau organizations;

"(8) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance; and

"(9) a description of the actions that may be taken by the Federal Government to collect the loan, including a description of the type of information concerning the borrower that the Federal Government may disclose to officers, employees, or agents of the Department of Health and Human Services, officers, employees, or agents of schools with which the Secretary has an agreement under this subpart, or any other person involved in the collection of a loan under this subpart.

"(b) Each school shall, immediately prior to the graduation from such school of a student who received a loan under this subpart after June 30, 1986, provide such student with a statement specifying—

"(1) each amount borrowed by the student under this subpart;

"(2) the total amount borrowed by the student under this subpart; and

"(3) a schedule for the repayment of the amounts borrowed under this subpart, including the number, amount, and frequency of payments to be made.

"PROCEDURES FOR APPEAL OF TERMINATIONS

"SEC. 746. In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.".

SEC. 26. SCHOLARSHIPS FOR FIRST-YEAR STUDENTS OF EXCEPTIONAL FINANCIAL NEED.

(a) REVISION OF SCHOLARSHIP.—Section 758(b) (42 U.S.C. 294z) is amended by redesignating paragraph (3) as paragraph (6) and by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) A scholarship provided to a student for a school year under a grant under subsection (a) shall consist of—

"(A) payment to, or (in accordance with paragraph (4)) on behalf of, the student of the amount (except as provided in section 710) of—

"(i) the tuition of the student in such school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

"(B) payment to the student of a stipend of $400 per month (adjusted in accordance with paragraph (5)) for each of the 12 consecutive months beginning with the first month of such school year.

"(3) Notwithstanding paragraph (2), the total scholarship award to a student for each year shall not exceed the cost of attendance for that year at the educational institution attended by the student (as determined by such educational institution).

"(4) The Secretary may contract with an educational institution in which is enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (2)(A). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

"(5) The amount of the monthly stipend, specified in paragraph (2)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary for each school year by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to

the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.".

(b) CONFORMING AMENDMENT.—Section 338A(g)(1) (42 U.S.C. 2541(g)(1)) is amended by striking out "or under section 758 (relating to scholarships for first-year students of exceptional financial need),".

SEC. 27. CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH.

(a) CAPITATION GRANT.—

(1) Section 770 (42 U.S.C. 295f) is amended to read as follows:

"CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

"SEC. 770. (a)(1) The Secretary shall make annual grants to schools of public health for the support of the education programs of such schools. The amount of the annual grant to each such school with an approved application shall be computed for each fiscal year in accordance with paragraphs (2) and (3).

"(2) Each school of public health shall receive for fiscal year 1986, and for each of the next two fiscal years, an amount equal to the product of—

"(A) $1,400, and

"(B) the sum of (i) the number of full-time students enrolled in degree programs in such school in the school year beginning in such fiscal year, and (ii) the number of full-time equivalents of part-time students enrolled in degree programs in such school, determined pursuant to paragraph (3), for such school for such school year.

"(3) For purposes of paragraph (2), the number of full-time equivalents of part-time students for a school of public health for any school year is a number equal to—

"(A) the total number of credit hours of instruction in such year for which part-time students of such school, who are pursuing a course of study leading to a graduate degree in public health or an equivalent degree, have enrolled, divided by

"(B) the greater of (i) the number of credit hours of instruction which a full-time student of such school was required to take in such year, or (ii) 9,

rounded to the next highest whole number.

"(b) Notwithstanding subsection (a), if the aggregate of the amounts of the grants to be made in accordance with such subsection for any fiscal year to schools of public health with approved applications exceeds the total of the amounts appropriated for such grants for such schools under subsection (e), the amount of a school's grant shall for such fiscal year be an amount which bears the same ratio to the amount determined for the school under subsection (a) as the total of the amounts appropriated for that year under subsection (e) for grants to schools of public health bears to the amount required to make grants in accordance with subsection (a) to each of the schools of public health with approved applications.

"(c)(1) For purposes of this section, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school or in a particular year-class in a school on the basis of estimates, on the basis of the number of students who in an earlier year were enrolled in a school or in a particular year-class, or on such other basis as the Secretary deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a graduate degree in public health or equivalent degree.

"(d) In the case of a new school of public health which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(e) For payments under this section, there are authorized to be appropriated $5,000,000 for fiscal year 1986, $5,250,000 for fiscal year 1987, and $5,500,000 for fiscal year 1988.".

(2) Section 731(a)(1)(A)(ii) (42 U.S.C. 294d(a)(1)(A)(ii)) is amended by striking out "(as defined in section 770(c)(2))" and inserting in lieu thereof "(as defined in section 770(c)(2) (as such section was in effect on September 30, 1985))".

(b) ELIGIBILITY.—Section 771 (42 U.S.C. 295f-1) is amended to read as follows:

"ELIGIBILITY FOR CAPITATION GRANTS

"SEC. 771. (a)(1) The Secretary shall not make a grant under section 770 to any school of public health in a fiscal year beginning after September 30, 1985, unless the application for the grant contains, or is supported by, assurances satisfactory to the Secretary that—

"(A) the enrollment of full-time equivalent students enrolled in degree programs in the school in the school year beginning in the fiscal year in which the grant applied for is to be made will not be less than the enrollment of such students in degree programs in the school in the school year beginning in fiscal year 1983; and

"(B) the applicant will expend in carrying out its functions as a school of public health during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the fiscal year preceding the fiscal year for which such grant is sought.

"(2) For purposes of subsection (a)(1)(A), the number of full-time equivalent students enrolled in a degree program in a school, in a school year, is equal to the sum calculated under section 770(a)(2)(B) for that school year.

"(b) The Secretary may waive (in whole or in part) application to a school of public health of the requirement of subsection (a)(1)(A) if the Secretary determines, after receiving the written recommendation of the appropriate accreditation body or bodies (approved for such purpose by the Commissioner of Education) that compliance by such school with such requirement will prevent it from maintaining its accreditation.".

(c) CONFORMING AMENDMENTS.—

(1) Section 772(b) (42 U.S.C. 295f-2(b)) is amended—

(A) by striking out "or subsection (a) or (b) of section 788";

(B) by striking out "of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, or podiatry," and inserting in lieu thereof "public health,";

(C) by striking out "Secretary" each place it appears and inserting in lieu thereof "Secretary of Health and Human Services";

(D) by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education"; and

(E) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

(2) The section heading for section 772 (42 U.S.C. 295f-2) is amended to read as follows:

"APPLICATIONS FOR CAPITATION GRANTS"

(3) The heading for part E of title VII is amended to read as follows:

"PART E—GRANTS TO IMPROVE THE QUALITY OF SCHOOLS OF PUBLIC HEALTH".

SEC. 28. DEPARTMENT OF FAMILY MEDICINE.

Section 780 (42 U.S.C. 295g) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

SEC. 29. AREA HEALTH EDUCATION CENTERS.

(a) GENERAL AUTHORITY.—Section 781(a)(2) (42 U.S.C. 295g-1 (a)(2)) is amended by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively and by striking out all that precedes clause (i) (as so redesignated) and inserting in lieu thereof the following:

"(2)(A) The Secretary shall enter into contracts with schools of medicine and osteopathy—

"(i) which have previously received Federal financial assistance for an area health education center program under section 802 of the Health Professionals Educational Assistance Act of 1976 in fiscal year 1979 or under paragraph (1), or

"(ii) which are receiving assistance under paragraph (1),

to carry out projects described in subparagraph (B) through area health education centers for which Federal financial assistance was provided under paragraph (1) and which are no longer eligible to receive such assistance.

"(B) Projects for which assistance may be provided under subparagraph (A) are—".

(b) CONTRACT AUTHORITY.—The last sentence of section 781(g) (42 U.S.C. 295g-1(g)) is amended by striking out "may" and inserting in lieu thereof "shall".

(c) OTHER HEALTH PERSONNEL.—Section 781(d)(2)(F) is amended to read as follows:

"(F) conduct interdisciplinary training and practice involving physicians and other health personnel including, where practicable, physician assistants and nurse practitioners;".

SEC. 30. GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS.

Section 784 (42 U.S.C. 295g-4) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) In making grants and entering into contracts under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to general internal medicine and general pediatrics in their medical education training programs.".

SEC. 31. FAMILY MEDICINE AND GENERAL DENTISTRY.

(a) GRADUATE PROGRAMS.—

(1) Section 786(b) (42 U.S.C. 295g-6(b)) is amended—

(A) by inserting "or an approved advanced educational program in the general practice of dentistry" before the semicolon in paragraph (1); and

(B) by striking out "residents" in paragraph (2) and inserting in lieu thereof "participants".

(2) Section 786(c) (42 U.S.C. 295-g(c)) is amended by inserting before the period in the second sentence a comma and "and shall obligate not less than 7.5 percent of such amounts in each fiscal year for grants under subsection (b)".

(b) PRIORITY.—Section 786 (42 U.S.C. 295g-6) is amended by redesignating subsection (c) (as amended by this Act) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) In making grants under subsection (a), the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to family medicine in their medical education training programs.".

SEC. 32. EDUCATION ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

(a) PROGRAM REVISION.—Section 787(a)(1) (42 U.S.C. 295g-7(a)(1) is amended—

(1) by inserting "chiropractic," after "allied health,"; and

(2) by inserting after "podiatry" a comma and "public and nonprofit private schools which offer graduate programs in clinical psychology,".

(b) DEFINITION.—Section 787(a)(2) (42 U.S.C. 295g-7(a)(2)) is amended by inserting after subparagraph (E) the following: "The term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in clinical psychology.".

SEC. 33. SPECIAL PROJECTS.

(a) TWO-YEAR SCHOOLS.—

(1) Section 788(a)(1) (42 U.S.C. 295g-8(a)(1)) is amended to read as follows:

"(a)(1) The Secretary may make grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this paragraph to schools which were in existence on September 30, 1984, may be used for construction and the purchase of equipment.".

(2) Paragraph (2) of section 788(a) (42 U.S.C. 295g-8(a)) is repealed and paragraph (3) of such section is redesignated as paragraph (2).

(3) Section 788(a)(2) (as so redesignated) is amended by inserting "or last" after "the first", by inserting "or osteopathy" after "medicine" and by inserting "or be operated jointly with a school that is accredited by" after "accredited by".

(b) SPECIAL PROJECTS.—Section 788(b) (42 U.S.C. 295g-8)(b)) is amended to read as follows:

"(b)(1) The Secretary may make grants to and enter into contracts with any health profession, allied health profession, or nurse training institution, or any other public or nonprofit private entity for projects in areas such as—

"(A) health promotion and disease prevention;

"(B) curriculum development and training in health policy and policy analysis, including curriculum development and training in areas such as—

"(i) the organization, delivery, and financing of health care;

"(ii) the determinants of health and the role of medicine in health; and

"(iii) the promotion of economy in health professions teaching, health care practice, and health care systems management;

"(C) curriculum development in clinical nutrition;

"(D) the development of initiatives for assuring the competence of health professionals; and

"(E) curriculum and program development and training in applying the social and behaviorial sciences to the study of health and health care delivery issues.

"(2)(A) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), at least 75 percent shall be obligated for grants to and contracts with health professions institutions, allied health institutions, and nurse training institutions.

"(B) Any application for a grant or contract to institutions described in subparagraph (A) shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(C) The Secretary may not approve an application for a grant or contract to an institution described in subparagraph (A) unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under subparagraph (B) and from the National Advisory Council on Health Professions Education.

"(3) Of the amounts available for grants and contracts under this subsection from amounts appropriated under subsection (g)(1), not more than 25 percent shall be obligated for grants to and contracts with public and nonprofit entities which are not health professions institutions, allied health institutions, or nurse training institutions.".

(c) TECHNICAL AMENDMENTS.—Section 788(d) (42 U.S.C. 295g-8(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "The";

(3) by striking out "with schools of medicine or osteopathy or other appropriate public or nonprofit private entities to assist in meeting the costs of such schools or entities" and inserting in lieu thereof "with accredited health professions schools referred to in section 701(4) or 701(10) to assist in meeting the costs of such schools";

(4) by amending subparagraph (A) (as redesignated by paragraph (1) of this subsection) to read as follows:

"(A) improve the training of health professionals in geriatrics, develop and disseminate curriculum relating to the treatment of the health problems of the elderly, expand and strengthen instruction in such treatment, support the training and retraining of faculty to provide such instruction, and support continuing education of health professionals in such treatment; and"; and

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

"(2)(A) Any application for a grant or contract under this subsection shall be subject to appropriate peer review by peer review groups composed principally of non-Federal experts.

"(B) The Secretary may not approve an application for a grant or contract under this subsection unless the Secretary has received recommendations with respect to such application from the appropriate peer review group required under subparagraph (A) and from the National Advisory Council on Health Professions Education.".

(d) Section 788 (42 U.S.C. 295g-8) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

"(f) The Secretary may make grants to schools of veterinary medicine for (1) the development of curriculum for training in the care of animals used in research, the treatment of animals while being used in research, and the development of alternatives to the use of animals in research, (2) the provision of such training, and (3) large animal care and research.".

(e) CONFORMING AMENDMENT.—The heading for section 788 (42 U.S.C. 295g-8) is amended to read as follows:

"TWO-YEAR SCHOOLS OF MEDICINE, INTERDISCIPLINARY TRAINING, AND CURRICULUM DEVELOPMENT".

SEC. 34. ADVANCED FINANCIAL DISTRESS ASSISTANCE.

Subsections (b)(1) and (f) of section 788B (42 U.S.C. 295g-8b) are each amended by striking out "five" and inserting in lieu thereof "six".

SEC. 35. GRADUATE PROGRAMS IN HEALTH ADMINISTRATION.

Section 791(c)(2)(A)(i) (42 U.S.C. 295h(c)(2)(A)(i)) is amended by inserting before the semicolon a comma and "except that in any case in which the number of minority students enrolled in the graduate educational programs of such entity in such school year exceeds an amount equal to 45 percent of the number of all students enrolled in such programs in such school year, such application shall only be required to contain assurances that at least 20 individuals will complete such programs in such school year".

SEC. 36. PROGRAM ELIMINATIONS.

(a) Section 703 (42 U.S.C. 292c) is repealed.

(b) Part D of title VII is repealed.

(c) Section 782 (42 U.S.C. 295g-2) is repealed.

(d) Section 785 (42 U.S.C. 295g-5) is repealed.

(e)(1) Section 788A (42 U.S.C. 295g-8a) is repealed.

(2) The second sentence of section 788B(a) (42 U.S.C. 295g-8b(a)) is amended by inserting "(as such section was in effect before October 1, 1985)" after "section 788A".

(3) Section 788B(f) (42 U.S.C. 295g-8b(f)) is amended by striking out the last sentence.

(4) Section 788B(h) (42 U.S.C. 295g-8b(h)) is amended—

(A) by striking out "and section 788A" in the first sentence; and

(B) by striking out the second sentence.

(f) Section 789 (42 U.S.C. 295g-9) is repealed.

PART C—GENERAL PROVISIONS

SEC. 37. ANALYSIS OF FINANCIAL DISINCENTIVE TO CAREER CHOICES IN HEALTH PROFESSIONS.

The Secretary of Health and Human Services shall include in the report required to be submitted on October 1, 1987, pursuant to section 708(d)(2) of the Public Health Service Act—

(1) an analysis of any financial disincentive to graduates of health professions schools which affects the specialty of practice chosen by such graduates or the decision of such graduates to practice their profession in an area which lacks an adequate number of health care professionals; and

(2) recommendations for legislation and administrative action to correct any disincentives which are identified pursuant to clause (1) and which are contrary to the achievement of national health goals, including recommendations concerning the appropriateness of providing financial assistance to mitigate such disincentives.

SEC. 38. STUDY ON COMPLIANCE WITH SELECTIVE SERVICE ACT.

The Secretary of Health and Human Services, in cooperation with the Director of Selective Service, shall conduct a study to determine if health professions schools are engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or are engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act (and any proclamation of the President and regulations prescribed under that section) and have not so registered. The Secretary shall complete the study and report its results to the Congress not later than one year after the effective date of this Act.

SEC. 39. STUDY OF THE DELIVERY OF HEALTH CARE SERVICES TO HOMELESS INDIVIDUALS.

(a) STUDY.—The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall arrange, in accordance with subsection (b), for the conduct of a study of the delivery of inpatient and outpatient health care services to homeless individuals. Such study shall include an evaluation of whether eligibility requirements in existing health care programs prevent homeless individuals from receiving health care services; an evaluation of the efficiency of the delivery of health care services to homeless individuals; and recommendations for activities by Federal, State, and local governments and private entities that would improve the availability of health care service delivery to homeless individuals. The Secretary shall report the results of the study to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than September 30, 1986.

(b) ARRANGEMENTS.—

(1) The Secretary shall request the National Academy of Sciences (hereinafter referred to as the "Academy"), acting through the Institute of Medicine, to conduct the study required by subsection (a) under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such study will be paid by the Secretary. If the Academy agrees to such request, the Secretary shall enter into such an agreement with the Academy.

(2) If the Academy declines the Secretary's request to conduct such study under such arrangement, then the Secretary, after consultation with the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, shall enter into a similar arrangement with another appropriate public or nonprofit entity to conduct such study.

PART D—EFFECTIVE DATE

SEC. 40. EFFECTIVE DATE.

This Act and the amendments made by this Act (other than the section 746 added to the Public Health Service Act by section 25 of this Act and the amendment made by section 2(1)) shall take effect October 1, 1985.

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

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

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

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

GENERAL LEAVE

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. 2410, the bill presently being considered.

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

Their was no objection.

Mr. WAXMAN. Mr. Speaker, I am pleased to present H.R. 2410, the Health Professions Educational Assistance Amendments of 1985, to the House. This bill reauthorizes the health professions training provisions in title VII of the Public Health Service Act. I am delighted that my distinguished colleague, the ranking minority member of the Subcommittee on Health and the Environment, Mr. MADIGAN, is cosponsoring this bill.

This bill should never have been necessary. Last year, the Congress passed a bill with similar provisions by an overwhelming, bipartisan vote. But President Reagan pocket-vetoed that legislation, giving the Congress no opportunity to override.

This year, the President has proposed to eliminate the educational assistance programs in title VII. The administration's rationale for this dramatic proposal is that there is "a steadily increasing supply of health professionals and greatly improved distribution of health care practitioners among medically underserved areas of the country."

That argument draws on the current perception that there is or will soon be a surplus of physicians. The administration, however, ignores the actual purpose of these programs:

The scholarships and subsidized loans in title VII are targeted to financially disadvantaged students.

Support for specific programs is directed to meet persistent national shortages in primary care, public health and other disciplines, not to train more specialized doctors.

Even with an increase in the total number of physicians, these national needs would go unmet.

Termination or reduction of Federal support for these programs will have some disastrous consequences:

Health professional opportunities will be restricted only to the children of wealthy families.

Past gains in minority enrollments in the health professions, which already are being reversed, will be lost.

Efforts to meet national personnel needs in primary care and public health will be seriously damaged.

Faced with rising debts, medical students will pursue more lucrative subspecialities.

The President's pocket veto has also created chaos among students who do not know if they will have funds to continue, or begin, their professional studies this year. HEAL [Health Education Assistance Loans] loans—which are made with private, not Federal, funds—are being suspended because there is no authority for the Government to continue re-insuring them. The Health Professions Student Loan [HPSL] revolving funds at schools will have to be liquidated and returned to the Treasury if that program is not reauthorized.

We might also note with some irony that the pocket veto also prevented from taking effect numerous provisions needed to reduce student loan default rates and strengthen collection procedures. These statutory changes were later among those recommended for the HEAL program by the inspector general of the Department of Health and Human Services.

The funding levels in this bill are quite modest. The total authorizations for title VII are frozen at 1985 appropriations levels for fiscal year 1986. After adjusting for inflation, fiscal year 1985 appropriations were below fiscal year 1980.

For fiscal year 1987 and fiscal year 1988, funding is permitted to increase only at the level estimated by the CBO as necessary to continue current services. approximately 5 percent.

Authorizations in this bill are nearly $40 million less than the levels for the 2 years (fiscal years 1986 and 1987) that were also in the vetoed bill. This represents a reduction of over 12 percent from the vetoed bill.

We cannot sacrifice such important programs. They have enjoyed strong bipartisan support in the past, and I hope that this House will continue that tradition.

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

Mr. Speaker, I rise and urge the support of my colleagues for H.R. 2410, legislation reauthorizing the Health Professions Educational Grant Programs contained in title VIII of the Public Health Service Act. The health professions authorities provide basically two kinds of assistance to schools of medicine, dentistry, and the other health professions: First, direct student aid such as loans and scholarships; and second, institutional support for faculty development, construction, and educational resources.

H.R. 2410 reauthorizes these categorical grant programs for 3 fiscal years. The fiscal year 1986 authorization level in the bill represents a freeze of the 1985 appropriation of $141 million. The authorization levels increase by 5 percent in both fiscal years 1987 and 1988. Both the House and Senate fiscal year 1986 budget resolutions included funding for these programs at the 1985 appropriation level. H.R. 2410, as reported by the Committee on Energy and Commerce, conforms with this 1986 budget request.

In response to many of the recommendations included in reports completed by the inspector general of the Department of Health and Human Services, several provisions were added to this legislation to strengthen collection efforts and to stabilize the loan insurance pool. These loan programs do not represent Federal outlays, and provide much needed assistance to students in the health profession fields.

I urge my colleagues to join me in supporting H.R. 2410, the reauthorization of the health manpower programs.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. BROYHILL].

□ 1310

Mr. BROYHILL. I thank the gentleman for yielding and want to urge my colleagues to vote for this bill on the same arguments we made with respect to H.R. 2370, the bill just passed.

This bill is considerably under the bill that was passed last year and was vetoed by the President. It does represent a freeze on our current services current appropriations.

The committee feels, and the minority joins with them, that these programs are important. The health professionals' education is still an important priority of the Government, and we should continue these programs for the 3 years called for in this legislation.

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

Mr. NIELSON of Utah. Mr. Speaker, I would like to suggest that this is another area where we have some opposition in the committee. This is a bill which was vetoed last year by the President.

Last year's bill was considerably more than this one before us today. This represents, in my view, a fairly good compromise between a bill which was, I thought, excessively priced last year and zeroing the program out.

The President was unable to sell that particular idea to either the Senate or House Budget Committees. As a result, I think he will not veto this bill, because the numbers are where they were last year, and I believe also this is another program we need to monitor very carefully because in some instances we do have shortages of doctors still, and in some other instances, we have too many doctors.

The medical schools tell me they do need this program, they need to have adequate time to consolidate and phase out their programs, and to cut it off abruptly as was proposed by the President would have been impossible to sustain.

Therefore, I do reluctantly support the bill and I urge my colleagues to do the same.

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

Mr. WAXMAN. Mr. Speaker, I have no further requests for time. I just take this minute to thank the members of the subcommittee for their contribution to this legislation and to thank the staffs on both sides of the aisle for their diligent work in preparing this bill before us today.

● Mr. BONER of Tennessee. Mr. Speaker, I rise in support of H.R. 2410, the Health Professions Educational Assistance amendments. In particular, I would like to thank Chairman HENRY WAXMAN, ranking minority member EDWARD MADIGAN, and the members of the Energy and Commerce Committee for including a provision to require the Department of Health and Human Services to conduct a study of health delivery to homeless individuals.

This provision is similar to an amendment which I offered last year during consideration of H.R. 5602 requiring a study of the delivery of health services to our Nation's homeless individuals. This amendment is an outgrowth of my experience spending 2 days and 2 nights among the homeless of Nashville and learning about their problems.

One of the areas of much-needed assistance which I learned of is the need for adequate health care for the homeless. At present, there are many barriers for the homeless to proper health care. One of the largest barriers is the particular physical and mental ills that affect homeless individuals. Specifically, we are dealing with the consequences of trauma, both major and petty; the problems of infestation with scabies and lice, and the skin infections which ensue; the problems of vascular disease, cellulitus and leg ulcers; plus all of the standard medical disorders which affect many Americans, including cardiac arrest, diabetes, hypertension, acute and chronic pulmonary disease, and tuberculosis. Many of these medical needs can only be treated through constant medical monitoring—a course of action that is nearly impossible for the homeless. In addition, many of the homeless are mentally ill and are not currently being served either on an inpatient or outpatient basis.

Some of the barriers for the homeless involve strict eligibility requirements. Others involve clear financial and insurance problems. As many in our country have found, the first question usually asked when being admitted for any kind of medical treatment is the patient's ability to pay. This problem is exacerbated when a homeless individual not only has no financial means to pay for health services, but also is unable to receive publicly supported health services because of residency requirements.

The medical needs of the homeless population have been identified. What has not been adequately evaluated is the availability of health services. The provision incorporated in H.R. 2410 would require the Secretary of Health and Human Services to arrange with the National Academy of Sciences a study of the delivery of inpatient and outpatient health care services to homeless individuals. The results of this study would be returned to the Congress and include any legislative recommendations necessary to assure that the health needs of our Nation's homeless individuals are met.

I commend the Energy and Commerce Committee members for including this important provision. I look forward to seeing it implemented so that we can begin to provide much-needed health care to this neglected population of Americans.●

● Mr. WALGREN. Mr. Speaker, I hope the House will approve today H.R. 2410, Health Professions Educational Assistance Act, which will continue several programs designed to address the persistent geographic and specialty maldistribution of medical professionals in our country.

H.R. 2410, the Health Professions Educational Assistance Amendments of 1985, included provisions of particular interest to me that take a small step toward addressing a large problem: The bill authorizes $2 million in 1986 and $3 million in 1987 and 1988 to improve the training of physicians in geriatrics. Funds would be targeted for training faculty, developing courses, and providing retraining.

In the year 2000, there will be 10 million more Americans over age 65 than today. The number of persons over age 85 will more than double. There will be 1 million more elderly people with disabilities. The elderly will make about 230 million visits to physicians, up from 165 million in 1980, a jump of 40 percent. Short-term hospital care will increase by 50 percent. Residents of nursing homes will increase by over a million, a 25 percent increase.

Today, although 11 percent of the population is elderly and the elderly consume 30 percent of all health care expenditures, only about 3 percent of

health training money is spent on training to treat the elderly.

In recent years, medical schools have increased their attention to geriatrics, but most activities are still very modest. Several reports have underlined the absence of trained faculty in geriatrics. In a 1984 report, the National Institute on Aging found that on average, at each medical school, the full-time faculty in geriatrics was 2.5 persons. Faculty members with special preparation in aging range from 5 to 25 percent of the number required.

In terms of curriculum, NIA reports that the majority of courses offered in geriatrics are electives and have very few enrollees. In hearings before our subcommittee, we heard that very few medical schools have rotations in geriatrics and that most training is in acute care—emergency cases in hospitals—not long-term health problems of aging.

A Rand study has reported that we will need between 7,000 and 10,000 geriatricians by 1990. Commenting on this study, NIA observed, "A substantial increase in the education and training of physicians in geriatrics will be necessary to approach even the lowest of these estimates." Sadly, NIA cited a 1982 AMA survey of physicians in which fewer than 700 reported having a "primary interest" in geriatrics. "The number has increased only slightly in recent years," according to NIA.

In addition to raw numbers there is a sociological phenomenon that will only make this growing gap worse. As families continue to disperse and more women enter the work force, more older people will be living alone with greater needs for nursing and other support. In times past, when generations lived in the same communities and families were larger, many elderly could count on being cared for by family members. That has become more and more unlikely.

The elderly face problems of attitude as well. Our subcommittee hearings reveal that many doctors do not like to deal with declining or dying patients. The elderly take more time and require more patience, particularly if they are disabled. Doctors may avoid treating the elderly because many of the ailments by their nature do not improve. Many conditions are fatal; reversals of disability or disease are rare. This is contrary to the physician's goal, to heal. It may be that medical students—reflecting a larger societal bias against the elderly—unconsciously avoid training in treating the elderly.

Dr. John Roe, of the Beth Israel Hospital in Boston, has written, "Just as children are not merely young versions of adults, the elderly are not simply old adults. They require special approaches and an understanding of the physiological, psychosociological, and pathlogic impacts of aging." Medical education must face up to the "graying of America." I hope these provisions will be an initial step in the right direction, providing some leadership for all health professions schools to follow. The medical needs of the elderly will clearly put our national will and our caring ethic to a fundamental test we cannot fail.

It is unfortunate that President Reagan vetoed this bill last year. I hope we can win his support this time in the interest of affordable, available health care to all our citizens.●

Mr. WAXMAN. 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 California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2410, 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.

CONFERENCE REPORT ON H.R. 1617, NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. FUQUA. Mr. Speaker, I call up the conference report on the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 27, 1985.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. FUQUA] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FUQUA].

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

Mr. Speaker, I urge adoption of the conference report on H.R. 1617, the National Bureau of Standards Authorization Act of 1986. The conferees have agreed to freeze the fiscal year 1986 authorization level for the National Bureau of Standards at fiscal year 1985 appropriations levels and have accepted the House-passed position for almost all dollar amounts contained within the bill. The conference report allots a 1986 authorization of $124,485,000 for NBS which is exactly at a freeze level. The National Technical Information Service [NTIS] and the Office of Productivity Technology, and Innovation [OPTI] fiscal year 1986 authorizations, at $537,000 and $2.7 million respectively, are very slightly under a freeze level.

The conferees realize that the unique contributions to public health and safety of the Centers for Fire Research and Building Technology, are valued by many Members of Congress. The conference report, therefore, will continue these programs at freeze levels. The conference report also provides the NBS Institute for Computer Sciences and Technology with funding of $9,657,000. This is slightly below current levels. A total of $2 million is earmarked for NBS steel programs.

The conference report fully authorizes funds for NBS initiatives in advanced ceramics and process and quality control. Slightly less than half of the requested funding is authorized for the biotechnology initiative. Since neither House provided funding for the cold neutron source building, the conference report does not provide it either. The conferees feel, however, that NBS is the logical place for such a facility. Since the cold neutron source will be installed in the NBS reactor shortly, the building should be built with a minimum of delay. We hope that the administration will propose the cold neutron source building as part of the next supplemental appropriations bill or as an addition to next year's NBS budget, rather than as a replacement for important, ongoing programs that we, in the Congress, have repeatedly voted to fund.

There are a number of other minor differences between the House-passed NBS authorization bill and the conference report. The conferees accepted the $370,000 projected savings from contracting out certain NBS maintenance and support functions, adopted by the other body, and accepted provisions earmarking $50,000 for creation and maintenance for data bases for structural failures and giving NBS authority to investigate such facilities. Upon written assurance from the NBS Director that $3 million will be spent on robotics, the conferees dropped the House-passed floor for robotics research. They provided "such sums as are necessary" for foreign currency for NBS, but are not advocating a new appropriation, since NBS has a $1 million carryover for this program.

The conferees agreed to drop all language provisions dealing with NTIS including the provision which would have permittted NTIS to contract for its own printing under certain circumstances. They did reserve the right to revive the provision in next year's authorization if NTIS' printing situation does not improve. The conferees accepted the small administrative reduction proposed by the other body for OPTI on the express condition that OPTI's major ongoing efforts, includ-

ing the Office of Metric Programs and its activities to aid small business, will not be affected.

Mr. Speaker, since the conference report before us contains authorizations at or below the House approved budget level, and since all other matters of controversy within the legislation have been resolved, I urge swift passage of the bill before us.

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

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

Mr. Speaker, I want to take this opportunity to congratulate our chairman of the full committee, the gentleman from Florida [Mr. FUQUA] and, of course, Senator GORTON and Senator HOLLINGS, in addition to the gentleman from Pennsylvania [Mr. WALGREN], and the Gentleman from New York [Mr. BOEHLERT]. I think we did a good job.

We went out of here at the 1985 freeze level at $124.5 million. The other body was slightly higher, but the House position prevailed.

The bill has some very good subparts to it. There is $2.7 million for the Office of Productivity, Technology, and Innovation, and $537,000 for patent licensing activities of the National Technical Information Center.

There are two programs in here that the administration wanted terminated, but the committees, both the House and Senate, thought they were worthy of leaving in there. One is the Center for Fire Research for $5.8 million. Anyone who has been there can see the good work that was done in that center. The other is $3.9 million for the Center for Building Technology.

One of the good provisions that the other body had that was kept in there was a provision which allows the National Bureau of Standards to initiate and conduct investigations to determine the cause of structural failures in buildings used or occupied by the general public, to further understanding by the building community to prevent tragedies such as we had at the Hyatt Regency in Kansas City.

The committee report clarifies that the National Bureau of Standards' role is investigative rather than regulatory.

I think we have come up with a good bill and I would urge my colleagues to support it.

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

Mr. FUQUA. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, I was unable to be present for the vote on Wednesday, July 10 on rollcall No. 214. Had I been present I would have voted "nay."

□ 1210

IRS SHOULD ELIMINATE EXEMPTION FOR ABORTIONS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTON of Texas. Mr. Speaker, in the same year of the Supreme Court's controversial Roe versus Wade decision, the Internal Revenue Service issued ruling 73-156 also involving abortion.

According to a secret internal memorandum that interpreted the rule, if a baby lives briefly after the abortion, the parent is entitled to a dependency exemption on income taxes. Yes, the IRS granted a tax exemption for abortion.

When I learned about this, I wrote to IRS Commissioner Egger and demanded that the ruling be changed. Last week I again contacted the IRS. The time for consideration is over—every concept of right and truth demands that this ruling be changed immediately. I again call upon the IRS to make this change.

I am inserting a copy of my letter to the IRS in the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 1985.

Mr. ROSCOE L. EGGER, JR.,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR COMMISSIONER EGGER: I am shocked and appalled to learn that the Internal Revenue Service has interpreted our tax laws in a way that allows a tax exemption for an aborted child. According to recent reports, the 1973 ruling allows a couple or an individual who has an abortion to claim a dependency exemption if the child lives for a moment after the abortion. I demand that this practice be stopped immediately.

Consider for a moment the implications of the IRS position. If the aborted fetus is just tissue, as abortion advocates claim, then there is certainly no justification for a dependency exemption.

But if the aborted fetus is in fact a child and the parent or parents properly qualify for the dependency exemption normally granted to a parent charged with the care of a child, then it would seem that the parents and the doctor and hospital involved in the abortion should also be investigated for murder or, at the very least, gross child abuse. Wouldn't this be our normal reaction to the death of a "dependent" under the care of parents and medical professionals?

Furthermore, consider the economic message sent by this tax ruling. The rational person desiring to maximize his or her income and legally avoid as many taxes as possible would seek to become the parent of a child in the womb, but would opt for a late term abortion with the hope that the child will live for a short time, thus securing the dependency exemption. Abortionists could, and perhaps already do, advise on the "risk" of not having the fetus live at all versus the possible return realizable from the dependency exemption. The law encourages the least humane, most painful, most macabre of all options: the baby must be born alive, and then killed or neglected until death.

This sordid affair illustrates the philosophical, moral, and legal absurdities that result from our abortion laws. Orwellian "newspeak" has evidently triumphed in the IRS if the dependency exemption is granted to those whose intent is to destroy their child. You may not be able to change the legal status of abortion in this country, Mr. Egger, but I call on you to immediately change this ruling and bring this travesty to an end.

Please give this matter your personal attention. I await your reply.

Sincerely,

JOE BARTON,
Member of Congress.

TREASURY II JUST DOESN'T STAND UP

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

Mr. FRANK. Mr. Speaker, the Governor of the Commonwealth of Massachusetts had been quoted earlier as being very supportive of the President's tax plan and I agreed particularly with his comments in support of Treasury I, a very far-reaching effort to achieve tax fairness. But the Governor, looking at the second version of that plan, the one that President Reagan has now agreed to after several months of study, finds that the conclusions are very different.

I want to commend Governor Dukakis and his very able Revenue Commissioner, Ira Jackson, for their very serious study which they have made of the impact of the President's proposals on the people of Massachusetts.

□ 1220

I want to congratulate him for having the courage to say that the original comments he made, which were so supportive of Treasury I are no longer applicable as he looked at the kind of compromises that the President has made in that concept, which make it much less of an effort to achieve genuine tax fairness.

As the report noted, "The average middle class citizen will pay a couple hundred dollars more in total Federal tax, and the average low income citizen will break even." Because of the interaction of the President's plan with the Social Security increase that is now scheduled to go into effect.

The Governor's report concludes, "Seen in this context, it becomes vitally important that the President's plan be made more progressive than it is."

Governor Dukakis had been welcomed by President Reagan in his comments on this plan. I hope that the President, who was so pleased at the Governor's early comments will look at this very thorough study that has been done of the revised plan and concur in the kind of changes that Governor Dukakis points out are necessary.

Excerps of the report and an article from the Boston Globe describing it follow:

EXCERPTS FROM "HOW PRESIDENT'S TAX REFORM PLAN AFFECTS MASSACHUSETTS" PREPARED BY MASSACHUSETTS DEPARTMENT OF REVENUE

But for the average middle income taxpayer, the increase in social security tax will be greater than the $200 decrease in income tax. This means that when we consider both federal taxes on income, only the very wealthy will end up with a tax cut. The average middle class citizen will pay a couple hundred dollars more in total federal tax, and the average low income citizen will break even. Seen in this context, it becomes vitally important that the President's plan be made more progressive than it is.

[From the Boston Globe, July 14, 1985]

Dukakis' chief aide, John Sasso, said the governor felt the second plan would not benefit middle-income taxpayers as much and accused Reagan of "retreating" before special interest groups.

"Everything [Dukakis] said still stands. We didn't move, the president did," Sasso said. "We praised the president for his leadership in putting it on the agenda but we think the president retreated" in favor of special interests.

In responses that included almost the same language, Sasso, Jackson and Dukakis' chief of operations, John P. DeVillars, accused Reagan of changing the plan to benefit the wealthy.

Jackson's report, for example, says that the 5,000 people in Massachusetts who make more than $200,000 would do nearly as well as the two million who make less than $20,000.

Still, Jackson's report says that by fiscal 1990, Massachusetts individuals would pay $386 million less in taxes and companies would pay $278 million more under the revised Treasury-Reagan plan.

Massachusetts taxpayers would make more use of deductions for state and local taxes, a benefit eliminated under the plan and would save only about half of the national tax break average, though. Sasso said for the middle income, "That is unacceptable."

The report said middle-income taxpayers would be hurt, especially when planned Social Security increases are factored in.

Sasso said when the governor saw the fiscal implications for the bulk of the state's taxpayers, he felt compelled to assail the plan during a visit to Washington last week. "By the president's own standards . . . on closer inspection, the plan doesn't stand up."

□ 1330

FOOD INTENDED FOR HUNGRY AND STARVING IN ETHIOPIA USED AS PAYMENT FOR CHAIRMAN MENGISTU'S ARMY IN AFRICA AND PURCHASE OF MILITARY ARMS FROM SOVIET UNION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 30 minutes.

Mr. ROTH. Mr. Speaker, over the weekend, an estimated 1 billion people watched the Live Aid concert put on in Philadelphia and London to raise money for the starving people in Africa—and particularly in Ethiopia. It is indeed commendable to witness such a tremendous outpouring of help and to see a private sector and voluntary approach to foreign aid in the troubled areas of the world. My greatest fear, however, is that much of that food will not get to the hungry and starving in Ethiopia, that it will be used as payment for Chairman Mengistu's largest standing army in Africa, to support its military purposes.

The heart of the entire world must go out to these 7 to 8 million people who are starving in Ethiopia.

Over 2 million people have already been driven into exile in Ethiopia by Chairman Mengistu and the ruling clique in Ethiopia; 1.3 million people have been relocated at tremendous suffering and hardship.

Our country, the United States, may it be to its everlasting credit, since December has given over 400,000 tons of food to Ethiopia.

Over 2 million tons have been donated by the people of the United States since this tragedy began. In Europe, 1.3 million tons of food and grains have been given to Ethiopia by the Europeans.

Ethiopia is a client state of the Soviet Union. They are run by the Soviet Union. What has the Soviet Union done for Ethiopia in this tradgedy? They have given 3,500 tons of rice; that is all.

Not even a drop in the bucket.

The Cubans have 25,000 mercenary troops in Ethiopia to keep the people under the thumb of the Mengistu government.

For every ton of food we donate to Ethiopia, we have to pay out $12.60 for port entry fees. Last year we paid over $28 million. What happens to this money? Well, the Soviets donate some trucks, military trucks, but with every truck they donate, they do not have just one driver or two drivers, they have three separate drivers. These drivers are all paid a hefty per diem.

So we pay the entry fees to the ports for the food we have donated and this money is turned right around and given to the Soviet Union.

Now what kind of a regime are we dealing with in Ethiopia? Well, to give you some indication, last September they had the 10th anniversary of this Marxist/Communist government in Ethiopia. They spent over $200 million estimated on the festivities in Ethiopia, over $200 million.

They have one of the biggest swimming pools in the world in the hotel in Ethiopia which is used by the ruling clique, of course. But what astounded me is when I looked at the records and found that within a stone's throw of the national capital a sea of people who were starving, thousands of people were starving, yet at this celebration, the Ethiopian Government did not purchase 40 bottles of scotch or 400 or 1,000 or 10,000 or 400,000; the Government of Ethiopia with all of these millions of people starving purchased for their ruling clique 480,000 bottles of scotch. We here in this country have remained silent while this genocide of 7 to 8 million people are being killed.

Now last March, some of our people met with Ethiopian rulers, some of them in Geneva. We begged them, we pleaded with them, not to deliver the food that we were donating but just to get out of our way so we can get the job done. Remember this is a government that is a client state of the Soviet Union, not one of our friends, the ruling class that is.

But we have told them "Please allow us to save these starving people." Well, in April, April 28 of this year, they gave us the answer: At one of the feeding sites, a place called Ibnet, there were some 60,000 people and the army came in one morning and dispersed all of the people; 30,000 are still unaccounted for. Many of the people were living in huts that they had set up. The army came in and burned down the huts, many times people still in the huts.

Our American people gave hundreds of tents to protect these people from the cold but the army came along and refused the people at the site to set up the tents. The army took all the tents and took them away.

So we have some 30,000 people unaccounted for from just that one incident. The Government policy of starvation is cruel enough, but along with the colera, along with the disease, along with the resettlements, it is truly heart rending.

What takes place is because the roads and infrastructure in Ethiopia are in a deplorable state, we set up hundreds of feeding sites around the country and when the people come in to gather the food, if they are somewhat healthy and young, then the government will take these people and relocate them 400 to 500 miles from their home and they leave the old and the younger there to perish.

Now the Government of Ethiopia brutalizes and tortures its own people. We had a congressional delegation in Ethiopia sometime ago along with a delegation of an escort. Two of the escorts have been brutalized and murdered since the delegation was there.

Ethiopia today has the largest army in Africa. It napalms its own villages and Chairman Mengistu spends over half of his money, half of the budget on the army while the people starve.

The Government of Ethiopia is like a plague, it is like the black death was in the Middle Ages, to its own people.

Where are the protestors? Where is the outcry? Where is the outcry for human rights in this Chamber? Imagine if this were a European country or a country in Central America or South America, why, you would have thousands marching on the embassy; but because it is Ethiopian, because it is the government which is so cruel, nothing is happening.

We thank the media for bringing the plight of the starving, their starvation, their deprivation, the cruelty going on in Ethiopia, we thank the media for bringing that to the attention of the world.

The world has been generous, that is the Western World, and we are thankful for that.

But now I think it is only appropriate that the media follow up with what is happening to the food that is being donated to Ethiopia, to give the people, all of us, the full story of what is taking place and to give us the full story of how much money and how much food is being siphoned off to the Soviet Union.

We are told there are over 60,000 tons of food rotting on the docks in Ethiopia because the trucks that are to be used for the distribution of the food are being used instead to relocate human beings.

This is truly an outrage of the first order and we in this country, I feel, must speak out.

We must cry out if we do not want to be a partner in this genocide. We do not want to be a party to 7 to 8 million people killed in this genocide, dying in Ethiopia.

Even the United Nations—and the United Nations is not known for speaking out—even the United Nations, Kurt Janssen, Assistant Secretary General for Emergency Aid, has said and has criticized severely the Government of Ethiopia because of its harsh policies and its genocidal policies.

□ 1340

I think what we need in Ethiopia is an immediate cease-fire and negotiations begun between the ruling class and the people, who are opposed to the genocide that is taking place. There are no freedoms in Ethiopia today. There is no outcry because of human rights violations.

The press is no longer following up and following through, and I think that is absolutely essential. We thank the artists who raised the money, but we ask these artists who were so instrumental in raising millions upon millions of dollars for the Ethiopians, we thank them, but we ask them to go one step further.

We ask them to accompany this aid to Ethiopia so that the aid will not go to the ruling class and into the Swiss banking accounts, but so that it will get to the people that we are trying to help.

We need more than a media hype. We need some real followthrough. Now, the Ethiopian Government has already stated its only purpose is to stay in power. I would like to quote to this body an editorial in one of our Nation's leading newspapers, a liberal newspaper; the local newspaper, the Washington Post.

Here is what they had to say about the Ethiopian Government:

> The Marxist government of Ethiopia has illuminated with stark clarity where its priorities lie in the battle against mass famine. By impounding a 6,000-ton food shipment from Australia that had been intended for the needy in rebel-held areas, it shows that it is concerned less with saving the Ethiopian people than with holding itself in power. This will come as no revelation to those who have followed the course of Ethiopia's revolution, but it is a stunning and shameful event all the same.
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> As it happened, a ship carrying Australian food first unloaded some of its cargo at an Ethiopian port and then prepared to move on to a port in neighboring Sudan. There it was to unload food provided by Australian voluntary agencies for transshipment to Ethiopian famine victims who live under the control of the Eritrean and Tigre liberation fronts. But while the ship was still in port in Ethiopia, its remaining cargo was seized.
>
> The Ethiopian government, attempting to justify the seizure, suggests that the Australian action amounts to infringement of Ethiopia's sovereignty and interference in its internal affairs. That is a strange and farfetched construction to put upon an effort to feed a group of Ethiopians whose government is trying to starve them into submission. It is bad enough that the regime conducts a heartless policy against its own citizens. It is intolerable that it should attempt to make a foreign party, one acting out of humanitarian considerations, its accomplice in what comes close to being the practice of calculated genocide.
>
> In fact, foreigners are interfering massively in Ethiopia's internal affairs—but chiefly to the benefit of the Mengistu government. Its Soviet patrons, having made a rich contribution to Ethiopia's misery, have encouraged it to rattle the tin cup elsewhere. The regime is being kept afloat and spared the worst effects of its own bad policy choices and its own political errors by food and development aid from noncommunist sources. That means most of the aid is coming from countries or organizations that have not the slightest sympathy for the regime—quite the contrary—but which are prepared to overlook it flaws and concentrate on the overwhelming human need.
>
> For the Ethiopian government to enforce a cruel political standard on the distribution of lifesaving food, while the people who are sustaining it have suspended political judgment of their own, is a vile inconsistency. Why would any donor want to ship further aid to a government that acts in that way?

The reason we want to continue aid to Ethiopia is not because of its Government; it is quite the reverse. It is because we want to help the starving people in Ethiopia.

Recently, the Christian Science Monitor, in talking about impact duties, had this quote that I think is very relevant, especially considering what happened last Saturday.

It said that, and I quote:

> Four-wheel drive Land Rovers, paid for by some of the millions of dollars raised in Europe by Rock Star Bob Geldof and his all-star band aid record were still sitting outside customs sheds months after delivery because Ethiopian officials were demanding steep import duties.

Let us hope that the millions that were donated by the generous people throughout the world last Saturday will get to the people for whom they were donated; for the starving people, many of them in Ethiopia.

I would suggest that we take five steps to hopefully halt this genocide, the killing of these 7 to 8 million in Ethiopia.

First of all, I think we want to ask that the rock stars who raised the money now help with the followthrough, to accompany some of this assistance to Ethiopia to make sure it gets to the starving people, especially those with children in Ethiopia.

I think that it would be totally appropriate that some of the people who attended the rock fest in Philadelphia would also demonstrate before the Ethiopian Embassy, and all of the Ethiopian embassies around the world to show that we do care about what has taken place in Ethiopia.

I think letters to the Congressmen and to the people serving in this body and in the other body would be appropriate, so that light of what is taking place will be kept on Ethiopia, so that the world will know and will remember the genocide that is taking place being perpetrated on those unfortunate people.

Fourth, I think we want the voice of the United Nations to continue to speak out against the genocide, against the brutal murder that is taking place in Ethiopia.

Fifth, I think we want to help—no, I know we want to help the people in Ethiopia, but I think it is time that we show our revulsion at what is taking place by their own government. I think while we keep aid going to Ethiopia, especially aid to those people that need it so desperately, I think it is time we take a look at our trade policy with Ethiopia; to deny them some of the strategic and some of the

security assistance they are looking for, because they do not need it for any external enemy; they are only using it to keep their people under their own thumb.

So I ask that the people of this country and people throughout the world speak out and stop this genocide that is taking place in Ethiopia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. WRIGHT), for the week of July 15, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROBERT F. SMITH) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 30 minutes, today.

Mr. BILIRAKIS, for 60 minutes, July 16.

(The following Members (at the request of Mr. FUQUA) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 30 minutes, today.

Mr. GAYDOS, for 30 minutes, July 16.

Mr. GAYDOS, for 30 minutes, July 17.

Mr. HOYER, for 60 minutes, July 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extent remarks was granted to:

(The following Members (at the request of Mr. ROBERT F. SMITH of Oregon) and to include extraneous matter:)

Mr. CRANE.

Mrs. ROUKEMA.

Mr. COURTER in two instances.

Mr. PETRI.

Mr. HYDE.

Mr. DORNAN of California.

(The following Members (at the request of Mr. FUQUA) and to include extraneous matter:)

Mr. RANGEL.

Mr. ANDERSON in two instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tenneseee in five instances.

Mr. DE LA GARZA.

Mr. TORRES.

Mr. DORGAN of North Dakota.

Mr. BOLAND.

Mr. VENTO.

Mr. FRANK.

Mr. JONES of Oklahoma.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 198. Joint resolution providing for appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 325. Joint resolution to designate July 13, 1985, as "Live Aid Day."

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 16, 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:

1665. A letter from the Assistant Secretary of Defense, transmitting a full report on the program to halt the flow of sensitive technology and supporting resources, pursuant to 10 U.S.C. 138(h) (96 Stat. 739); to the Committee on Armed Services.

1666. A letter from the Deputy Assistant Secretary of Defense, transmitting advisement that the Department of the Army intends to exercise the provision which precludes the Comptroller General from examining certain records, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

1667. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the 1984 annual report, pursuant to Public Law 95-557, section 607(a); to the Committee on Banking, Finance and Urban Affairs.

1668. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Revenue Report for April 1985," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1669. A letter from the Secretary of Education, transmitting the final funding priority for rehabilitation long-term training—rehabilitation counselors, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1670. A letter from the Secretary of Health and Human Services, transmitting the sixth annual report to Congress on implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to Public Law 94-135, section 308(b) (92 Stat. 1556); to the Committee on Education and Labor.

1671. A letter from the Secretary of Health and Human Services, transmitting a study of the allocation formula used for establishing work programs for recipients of aid to families with dependent children, pursuant to 42 U.S.C. 645(f)(3); to the Committee on Education and Labor.

1672. A letter from the Secretary of Health and Human Services, transmitting the status and accomplishments of runaway centers receiving grants under the Runaway and Homeless Youth Act, pursuant to Public Law 93-415, section 315 (94 Stat. 2762); to the Committee on Education and Labor.

1673. A letter from the Secretary of Health and Human Services, transmitting a report on activities of States receiving allotments under title V of the SSA, pursuant to Public Law 97-35, section 2192(b)(1); to the Committee on Energy and Commerce.

1674. A letter from the Benefits Manager, Farm Credit Banks of Texas, transmitting a report for the plan year ended December 31, 1984 for the farm credit banks of Texas pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1675. A letter from the Chairman, National Labor Relations Board, transmitting a report of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1676. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend the Intergovernmental Personnel Act of 1970; to the Committee on Post Office and Civil Service.

1677. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a survey of the shores of Monroe County, FL, in the interest of beach erosion control, hurricane protection, and related purposes, pursuant to Executive Order 12322; to the Committee on Public Works and Transportation.

1678. A letter from the Administrator, Environmental Protection Agency, transmitting the administration's opinion on H.R. 8; to the Committee on Public Works and Transportation.

1679. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend title 31, United States Code, to authorize two Under Secretaries of the Treasury, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

1680. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting a draft of proposed legislation to amend the Employee Income Security Act of 1974 for the purpose of improving the Single-Employer Pension Plan Termination Insurance Program established under title IV therein and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

1681. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of May 27, 1955, to increase the effectiveness of domestic firefighting forces and ensure prompt and effective control of wildfires on Federal lands by permitting the use of firefighting forces of foreign nations and the reimbursement of such forces for costs incurred in fighting wildfires throughout the United States, and for other purposes; jointly, to the Committees on Foreign Affairs and Government Operations.

1682. A letter from the Comptroller General of the United States, transmitting the reviews of audits for years ended December 1983 and December 1982 for the National Consumer Cooperative Bank, pursuant to 12 U.S.C. 3025; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1683. A letter from the Comptroller General of the United States, transmitting a report entitled, "Status of the Intercontinental Ballistic Missile Modernization Program"; jointly, to the Committees on Government Operations and Armed Services.

1684. A letter from the Acting Assistant Attorney General, transmitting a draft of proposed legislation to amend the Controlled Substances Act to create new penalties for the manufacturing with intent to distribute, the possession with intent to distribute, or the distribution of designer drugs, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 221. Resolution waiving certain points of order against consideration of H.R. 2959, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes. (Rept. No. 99-198). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 222. Resolution providing for the consideration of H.R. 8, a bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes. (Rept. No. 99-199). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 223. Resolution providing for the consideration of H.R. 10, a bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965. (Rept. No. 99-200). Referred to the House Calendar.

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 2851. A bill to amend title 5, United States Code, to provide certain benefits for Government employees and similarly situated individuals who are captured, kidnaped, or otherwise deprived of their liberty as a result of hostile action directed against the United States; to provide for certain payments to individuals who were taken hostage as a result of the seizure of the United States Embassy in Iran in 1979; and for other purposes (Rept. No. 99-201 Pt. I). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. House Joint Resolution 187. Joint resolution to approve the "Compact of Free Association," and for other purposes; with amendments; referred to the Committees on Armed Services, the Judiciary, Merchant Marine and Fisheries, and Ways and Means, for a period ending not later than July 19, 1985, for consideration of such portions of the bill and amendments as fall within the jurisdiction of those committees pursuant to Rule X, clauses 1(c), 1(m), 1(n), and 1(v), respectively (Rept. No. 99-188, pt. II). Ordered to be printed.

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. ASPIN (for himself and Mr. DICKINSON) (by request):

H.R. 2993. A bill to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, for fiscal year 1986 and for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT:

H.R. 2994. A bill to amend the National Security Act of 1947 to establish by law a system for the security classification and declassification of sensitive information relating to the national security, to define matters that may be classified, to require the protection of such information that is classified, whether in the executive, legislative, or judicial branches or in industry, to require the imposition of administrative penalties for improper classification of information, to provide criminal penalties for unauthorized disclosure of classified information, and for other purposes; jointly, to the Committees on Armed Services and the Permanent Select Committee on Intelligence.

By Mrs. ROUKEMA (for herself and Mr. JEFFORDS):

H.R. 2995. A bill to amend the Employee Retirement Income Security Act of 1974 for the purpose of improving the Single-Employer Pension Plan Termination Insurance Program established under title IV therein and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. WHITTEN:

H.J. Res. 338. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1985, for the Department of Agriculture; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. PETRI.
H.R. 83: Mr. HENDON.
H.R. 84: Mr. SMITH of New Hampshire.
H.R. 97: Mr. HARTNETT.
H.R. 749: Mr. LANTOS and Mr. SAVAGE.
H.R. 2078: Mr. ORTIZ and Mr. ZSCHAU.
H.R. 2598: Mr. CHAPPELL and Mr. FAZIO.
H.R. 2782: Mr. LAGOMARSINO, Mr. BEILENSON, Mr. BERMAN, Mr. BONKER, Mrs. COLLINS of Illinois, Mr. CROCKETT, Mr. DELLUMS, Mr. FRANK, Mr. HUGHES, Ms. KAPTUR, Mr. LEVINE of California, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. MITCHELL, Mr. MRAZEK, Mr. LUNDINE, Mr. STUDDS, Mr. WHITEHURST, and Mr. WIRTH.
H.R. 2866: Mr. NEAL and Mr. COBEY.
H. Con. Res. 13: Mr. GREGG.
H. Res. 60: Mr. MCMILLAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

165. By the SPEAKER: Petition of the city administrator, Saginaw, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

166. Also, petition of the city council of Forth Worth, TX, relative to the Fair Labor Standards Act; to the Committee on Education and Labor.

167. Also, petition of June A. Goeson, Calgary, Canada, relative to Nicaragua; to the Committee on Foreign Affairs.

168. Also, petition of the New York State Conference of Mayors and Other Municipal Officials, relative to taxes; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2959

By Mr. MILLER of California:

—on page 10, line 11, after the phrase "this appropriation:", insert the following: *"Provided further,* That none of the funds made available by this Act may be obligated or expended for construction of the Animas-La-Plata Participating Project, Colorado-New Mexico until: (1) an agreement has been executed between the Secretary of the Interior and non-Federal entities in Colorado and/or New Mexico providing for such non-Federal entities to contribute a reasonable portion of the total project costs; and, (2) such agreement has been submitted to the Congress and 120 calendar days have elapsed. None of the funds made available to the Secretary of the Interior shall be made available for the Animas-LaPlata Project if the agreement required by this paragraph has not been reached by September 30, 1986.

By Mr. WEAVER:

—Page 3, line 3, strike out "$846,958,000" and insert in lieu thereof "$842,958,000".

—Page 33, after line 18, add the following new section:

SEC. 507. No funds appropriated in this Act may be used for the Elk Creek Lake, Oregon, construction project of the Corps of Engineers.

SENATE—*Monday, July 15, 1985*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray.

O Lord, our Lord, how excellent is Thy name in all the Earth! Who hast set Thy glory above the heavens. When I consider Thy heavens, the work of Thy fingers, the Moon and the stars, which Thou hast ordained; what is man, that Thou art mindful of him? And the Son of Man, that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of Thy hands; Thou hast put all things under his feet. O Lord, our Lord, how excellent is Thy name in all the Earth.—Psalm 8:1,3-6,9.

As we hear the psalmist, Lord, we feel the barrenness of existence when there is no reverence—no awe—no sense of the transcendent—no God-dimension in our lives. We starve our souls by our indifference to Thee, O Lord. Made to rule our environment, we become its victims when we forsake Thee. Renew our spirits, Lord. Sensitize us to the ultimate reality beyond the temporal and the material.

Thank Thee, gracious Father, for the success of the President's surgery, for his remarkable strength and response. Help him to be patient so that his recovery can be total and complete. Strengthen and reassure Mrs. Reagan as she waits by his side.

"O Lord, our Lord, how excellent is Thy name in all the Earth!" Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

THE PRESIDENT'S RECOVERY

Mr. DOLE. Mr. President, let me reflect what I think are the views of all of us in the Senate about the President's spectacular recovery. It appears to be a complete recovery. Again, as the Chaplain indicated, we all pray for the President's health and recovery, and for reassurance to Mrs. Reagan and others in the family.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

Following that, there will be routine morning business not to extend beyond the hour of 1:30 p.m., with statements therein limited to 5 minutes each.

At 1:30 p.m., it is the intention of the leadership to turn to State Department nominations in the following order—although I say that is subject to change depending on the status of the different nominations: Calendar No. 280, Rozanne L. Ridgway; Calendar No. 267, John Arthur Ferch—we may be able to dispose of that fairly quickly depending on what may develop in the course of the afternoon.

Calendar No. 281, Edwin G. Corr; Calendar No. 282, Richard R. Burt.

If there are rollcall votes and if we do complete debate on the nominations, there will be no votes prior to the hour of 4:30 or 5 p.m.

I hope that we can complete action on those nominees. I understand there may be other nominations on the executive calendar for the Judiciary that can be cleared and will not require extensive debate or rollcall votes.

It also is our intention to do all we can in this month because of the August recess. We are still hopeful of disposing of the line item veto and the Small Business Administration authorization bill. We are still shooting for July 22 on the farm bill. We had a meeting this morning at 11 o'clock on the farm bill; we will have another one with all the Senators this afternoon.

We also have had meetings this morning on the budget resolution. There will be a House-Senate budget conference at 4 p.m.

It is my hope that we can take care not only of matters that have been outlined previously, but also a number of other important matters in the month of July. We have hopes we will be in a position the week of the 22d to take up appropriations bills along with the farm bill. We hope to have a supplemental appropriations conference report, budget resolution conference report, banking bill, airport security legislation, and possibly an immigration bill, depending on action in the Senate Judiciary Committee this week and next.

In addition, there are a number of pieces of legislation that we believe can be disposed of if we can reach time agreements. That will include National Health Institutes, Conrail, and other areas that we are shopping for time agreements on. I shall attempt to deliver to the distinguished minority leader by no later than 11:30 tomorrow morning some of the items we would like to dispose of this month. That will give him an opportunity during his caucus to go over those and give me some idea of where he might be able to give us a hand.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The Democratic leader is recognized.

RESPONSE TO MAJORITY LEADER

Mr. BYRD. Mr. President, I shall certainly do what I can when I see the list of items the distinguished majority leader wishes to have action on. I shall run those items by Senators on this side and certainly, where we can cooperate, we will. I should think that would certainly be in most instances.

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

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

A CHALLENGING VIEW OF PATRIOTISM

Mr. PROXMIRE. Mr. President, the most astonishing editorial this Senator has read this year was the lead editorial in one of the Nation's greatest newspapers on July 4. Let me read from it and then challenge any Senator who has not previously read it to tell me the newspaper that carried it. Listen—

Unemployment is accepted as a permanent feature of the economy. Our great cities have become graveyards of smokestack industries. Family farmers who turned the "fruited plains" of the Midwest into a breadbasket of the world are being driven from their land, some of which is falling into the hands of multinational agribusiness for quick and profitable exploitation that will leave it barren and infertile. The national debt mounts at a yearly rate of $200 billion, while the balance of trade has become so lopsidedly unfavorable that the U.S. faces debtor-nation status.

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

Franklin Delano Roosevelt's observation that "one-third of our nation is ill-fed, ill-housed and ill-clothed" is as true today as it was half a century ago. The rich have become ever richer and the poor poorer. As the gap widens, millions of middle-class Americans fall to the poverty level. Children have become the sorriest victims of poverty, with two out of five living in poverty, and half of all black children. Fifty years of social legislation is being gradually eroded, and in many cases has already been wiped out. That bastion of economic democracy, the trade union movement, under attack by both employers and the administration in Washington, has reached a low point in numbers, power and influence.

Our society is being rapidly transformed into a moral jungle, with public and private graft and corruption endemic. Waste and corruption abound in government, and above all in the Pentagon, the greatest and most expensive rathole and boondoggle in human history. Greed and avarice are given carte blanche by government to rape the nation's natural resources and poison and pollute the environment. White-collar criminals who head huge multinational financial and industrial empires that bribe government officials and rob and swindle the public are routinely shielded and protected from prosecution by the "Justice" Department. Violent neo-Nazi, Ku Klux Klan and other racist and anti-Semitic movements thrive on the official anticommunist hysteria created by the present administration.

In international relations, the great reservoir of goodwill has been dissipated. Even major allies of the United States express serious reservations about [and sometimes even publicly denounce] U.S. economic, foreign and military policies; in the Third World there is great concern that the anti-communist hysteria which is the basis of Reagan's foreign and military policies will result in new military interventions in Latin America and other areas, and that Reagan is implacably set on a course of a continuing arms race that presents a deadly danger to the survival of humanity.

In all fairness, Mr. President, this editorial also carried a strong upbeat note. It asserts:

There is one great ray of hope and that is the people * * * Americans are decent, humane and patriotic * * * inspired and motivated by such a patriotic rebirth we can restore the vigor and idealism of our nation, reestablish a national sense of purpose in which we can take great pride and earn once again the respect, gratitude and appreciation of the peoples of the world.

In what paper did that editorial appear? The Chicago Tribune. That's right, the Chicago Tribune. Mr. President, this Senator grew up on the Chicago Tribune. Throughout my boyhood it was published and edited by Col. Robert McCormick. It was viewed as the most conservative, rigidly right wing newspaper in America.

The Chicago Tribune for many years carried on its masthead—on the editorial page—those words of Stephen Decatur that put patriotism above principle and devotion to country above devotion to justice and truth. The Decatur motto of the Tribune: "My country, in her intercourse with other countries may she always be right. But right or wrong, my country."

Contrast that motto of superchauvinism to the Chicago Tribune editorial of July 4, 1985. What a remarkable, astonishing change. What a testament to the fact that in this free country, with its totally free press, that free press not only carried a variety of sharply diverging opinions but newspapers may transform their opinions completely. What a superb opportunity for all those who believe in the clash and competition of different ideas. And in the spirit of that remarkable editorial what a better basis to be proud and happy to be an American in 1985.

Mr. President, I ask unanimous consent that the editorial to which I have referred from the July 4 issue of the Chicago Tribune be printed at this point in the CONGRESSIONAL RECORD.

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

[From the Chicago Tribune, July 4, 1985]

TOWARD A PATRIOTIC REBIRTH

(By John Rossen)

The American people today, more than ever before in their history as a nation, need a realistic assessment of the true state of the Union, rather than the usual treacle ladled out in presidential addresses every January and the meaningless flag-waving oratory of Independence Day.

The nation is in crisis.

Just a few short decades ago, the American people boasted the highest standard of living in the world. The United States was by far the richest, most industrially developed nation on Earth, with the most favorable balance of trade in history. Internationally it enjoyed a great "reservoir of goodwill" among hundreds of millions of people around the world who still drew hope and inspiration from the ideals of the American Revolution. Despite the persistence of many social inequalities and injustices, the nation was moving steadily on a course of expanding political and economic democracy. Broad programs of social services were continuously being planned and implemented.

Today that has changed. The American standard of living has fallen to ninth place in the world. In almost every key category of industrial production the United States has been equaled or surpassed by several countries, including, most notably, our putative world adversary, the Soviet Union, whose industrial plant east of the Urals was completely destroyed in World War II. Unemployment is accepted as a permanent feature of the economy. Our great cities have become graveyards of smokestack industries. Family farmers who turned the "fruited plains" of the Midwest into a breadbasket of the world are being driven from their land, some of which is falling into the hands of multinational agribusiness for quick and profitable exploitation that will leave it barren and infertile. The national debt mounts at a yearly rate of $200 billion, while the balance of trade has become so lopsidedly unfavorable that the U.S. faces debtor-nation status.

Franklin Delano Roosevelt's observation that "one-third of our nation is ill-fed, ill-housed and ill-clothed" is as true today as it was a half a century ago. The rich have become ever richer and the poor poorer. As the gap widens, millions of middle-class Americans fall to the poverty level. Children have become the sorriest victims of poverty, with two out of five living in poverty, and half of all black children. Fifty years of social legislation is being gradually eroded, and in many cases has already been wiped out. That bastion of economic democracy, the trade union movement, under attack by both employers and the administration in Washington, has reached a low point in numbers, power and influence.

Our society is being rapidly transformed into a moral jungle, with public and private graft and corruption endemic. Waste and corruption abound in government, and above all in the Pentagon, the greatest and most expensive rathole and boondoggle in human history. Greed and avarice are given carte blanche by government to rape the nation's natural resources and poison and pollute the environment. White-collar criminals who head huge multinational financial and industrial empires that bribe government officials and rob and swindle the public are routinely shielded and protected from prosecution by the "Justice" Department. Violent neo-Nazi, Ku Klux Klan and other racist and anti-Semitic movements thrive on the official anticommunist hysteria created by the present administration.

In the international relations, the great reservoir of goodwill has been dissipated. Even major allies of the United States express serious reservations about [and sometimes even publicly denounce] U.S. economic, foreign and military policies; in the Third World there is great concern that the anti-communist hysteria which is the basis of Reagan's foreign and military policies will result in new military interventions in Latin America and other areas, and that Reagan is implacably set on a course of a continuing arms race that presents a deadly danger to the survival of humanity.

Yet there is one great ray of hope and salvation in this grim picture of the state of the Union, and that is the people of America. In the great majority, Americans are a decent, humane and patriotic people. And despite widespread confusion spread by the "double speak" in the rhetoric of the present administration about the true nature of patriotism, they truly love this country and its great democratic and revolutionary traditions, and they share a commitment for peace and social justice.

The key to the salvation of our beloved nation lies in the renewal of the patriotic spirit. The founders of our country and subsequent patriot-heroes understood the need for such a periodic renewal:

"[It is necessary] that we frequently refresh our patriotism by reference to first principles."—Thomas Paine.

"The American war is over, but this is far from being the case with the American Revolution. On the contrary, nothing but the first act of the great drama is closed."—Benjamin Rush, 1787.

". . . that this nation shall have a new birth of freedom—and that government of the people, by the people shall not perish from the earth."—Lincoln's Gettysburg Address.

Such re-examinations and renewals of the American spirit did in fact take place, notably in the struggle for the Bill of Rights, against slavery in the Civil War and against the Nazi menace in World War II.

The people of America once again need a renaissance of the spirit of the American Revolution. They need to rediscover the elements of a genuine American patriotism:

first of all, the impassioned, humanist concern for the welfare of our people, and above all for the poorest, most deprived, the powerless; secondly, a profound love for our land—our forests, rivers, lakes and seashores . . . our "spacious skies," "amber waves of grain," "purple mountain majesties above the fruited plain"; and finally an obsessive dedication to the democratic ideals embodied in our Declaration of Independence and the Bill of Rights—a commitment to the expansion and extension of democracy to every aspect of our lives and to every American without favor or exception.

With that patriotic renaissance will come the understanding that the true national interests of our people are fully compatible with the national interests and aspirations of people everywhere, and that genuine national security lies not in macho belligerence and the stockpiling of weapons of horror and destruction, but rather on this shrunken planet, in the just and peaceful resolution of international conflict.

There is a global struggle underway for the hearts and minds of the human race; basically it is a struggle between the democratic ideal and the systems of dictatorship, left or right. The Soviet Union is our adversary, but it presents a powerful challenge rather than a military threat. The best defense of our country and of the ideal of democracy depends on our ability to prove to the world that democracy can give a happier, more fulfilling, more rewarding life for all; that it can give its people a higher standard of living, better health care, a better education, a richer and more diverse culture, full employment; that it can abolish racism and sexism, resolve the problems of energy and pollution, help feed the hungry and supply greater aid to developing nations.

Inspired and motivated by such a patriotic/spiritual rebirth, we can restore the vigor and idealism of our nation, re-establish a national sense of purpose in which we can take pride and earn once again the respect, gratitude and appreciation of the peoples of the world.

Mr. PROXMIRE. Mr. President, I should point out that this editorial was unusual inasmuch as it was signed. The authority was identified as John Rossen, "a retired businessman who is secretary of the Chicago-based New Patriot Alliance." But it appeared on the editorial page in the top position reserved for the lead editorial. Mr. Rossen and the Chicago Tribune deserve congratulations for catching an inspiring interpretation of the meaning of the Fourth of July, as well as a startling change in what for years has been the public perception of the Chicago Tribune.

CAN WE LIMIT A SUPERPOWER NUCLEAR WAR?

Mr. President, in the summer issue of Foreign Affairs, Albert Wohlstetter becomes among the very few experts to go beyond the grim options that face this nuclear superpower, this America of ours, in discussing our military policies in this age of nuclear weapons. Wohlstetter is president of the European American Institute for Security Research. Mr. Wohlstetter argues in detail that, for most of the nuclear age, we have relied on nuclear deterrence—that is, mutual assured destruction or MAD.

Now we face the growing power of nuclear arsenals and the prospect of an overwhelming environmental disaster, in the form of nuclear winter. Wohlstetter contends there is an option besides the deterrence of mutual assured destruction or surrender. In a U.S.A.-U.S.S.R. armed conflict, both sides would have every reason not only to prevent war but to carefully limit nuclear activity once such a war started to a level that would not be suicidal. A nuclear attack on cities by either superpower would run the final risk of igniting a nuclear winter and the even more certain risk of a tit-for-tat retaliation. In view of the immense power of nuclear weapons and the colossal number of such weapons on both sides, such an attack and response would at the very least mean the end of both nations as organized societies. The stake in stopping the hostilities as soon as possible, and in keeping the damage stringently limited, would be infinite.

So what? So Wohlstetter argues that we should venture a solid step beyond MAD. A superpower nuclear war might be the end of the world. But, then again, it might not. The discipline of total destruction is so great on both sides that a superpower war could, in his view, be fought with a restraint that could permit both nations to survive. This is quite a challenge Mr. Wohlstetter presents. Could we meet it? Would the Soviet Union meet it? Obviously both superpowers would have to fully meet this acid test of restraint.

Let's consider that possibility. What is the first simple principle in war? We learned it again as recently as in Vietnam. It is that we do not fight at all, if we do not intend to win. We have learned that, at least until this nuclear age, wars have not created an atmosphere of restraint or caution. Wars have created on both sides a will to die if necessary but never surrender, never quit, never give in. And certainly never give in when your side has the military capacity to utterly destroy the enemy. Would we exercise this kind of restaint? Would the Soviets?

Consider the immensity of nuclear weapons, the total, devastating destruction they would wreak. Obviously, that counsels restraint. But the terrible brevity of time seriously complicates the prospects of restraints. Our last big war—World War II—was like previous great power wars. It dragged on for years. In a few hours, a superpower nuclear war would be over. In a few agonizing minutes, Gorbachev and Reagan or their successors would have to make the decision whether to restrain their immense power and, if so, how much.

Our military doctrine today calls on our forces in Europe to react to a successful Soviet conventional breakthrough with tactical nuclear weapons. This reaction is based on two assumptions. First, our tactical nuclear weapons could have a decisive turning point effect in stopping the Russian offensive. Second, the very recklessness demonstrated by such a quick resort to nuclear weapons would speak out as no rhetoric possibly could that the United States intended to use whatever military power turned out to be necessary to avoid defeat. Would this quick, limited resort to nuclear weapons stop such a Soviet offensive?

Maybe the shock of a tactical nuclear defense would stop the U.S.S.R. cold. But maybe not. No one knows. Once a nuclear war starts, logic and good sense are not always in the driver's seat. It might end at once with no further casualties. Logically, from the standpoint of both superpowers, it should. But the Soviets are human enough to react in a paroxysm of fury and frustration with an all-out preemptive attack on American missile bases, submarine pens, and bomber bases.

In a previous speech, I pointed out that the U.S. Air Force has called for working out carefully and in detail just what this country should do to contain and restrain and end such a nuclear beginning. Certainly if we plan first use of atomic weapons under any circumstances, we should have a carefully developed plan to confine such a beginning. Do we have it? Of course, there is one obvious obligation: Once a nuclear war begins, we have a simple, single mission: Stop it. Once it begins, we must make it as easy as possible for both sides to end hostilities, to pull back without any loss of face of any kind.

Wohlstetter concludes that ideologues of the West would like "to foreclose any Western options for responding to nuclear attack other than the extremes of bringing on the apocalypse or giving up." Wohlstetter offers a third option. Like the other two options, it is immensely dangerous. Under the circumstances, it is a far better option than surrender or death. Of course, the best option, the option that deserves, as the Catholic bishops put it, all of our spiritual and material resources, is the prevention of any nuclear hostilities. Once nuclear war begins, restraint will be extraordinarily difficult. It must be exercised by both superpowers. The Russians must depend on Ronald Reagan. Americans will have to rely on Mikhail Gorbachev. Good luck.

Mr. President, I ask unanimous consent that the conclusion of Mr. Wohlstetter's article entitled: "Between an Unfree World and None" be printed in the RECORD.

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

Let me summarize:

First, there is a substantial probability that if, in the course of a war, the opponents were to explode many thousands of high-yield nuclear weapons over targets in cities, they would directly kill or maim so many civilians and destroy so much of the substructure of civil society that little would be left of civilization on either side.

Second, while there are very large uncertainties that will not soon be resolved, there is also some finite chance that, aside from the enormous direct local destruction, such attacks might have global consequences endangering the species.

Third, this apocalyptic possibility underlines the necessity not only for relying less on nuclear weapons to counter conventional attack, but also for exercising restraint and discrimination in responding to nuclear attack. It does not mean that we have to ignore the long Western tradition that imposes constraints on conflict and calls for discrimination and proportionality. On the contrary, it makes that tradition more relevant than ever. It forms one more knockdown argument against preparing to respond to nuclear attack by destroying innocent bystanders in mass, and against eschewing any capability to respond by attacking military targets effectively with the least harm done to population that we can manage, including the least danger of initiating a nuclear winter.

Fourth, we do not have to subordinate all considerations of freedom in order to avoid the apocalypse. On the contrary, the chances of our avoiding catastrophe are much larger if Western leaders keep their heads and freedom of choice. Raymond Aron and Sidney Hook both pointed out that submission to a totalitarian power would not eliminate the risk of war. Nor, in a world that has known nuclear weapons, would it eliminate the possibility that the violence of such a war might climb to the nuclear level.

They were right. Communist Vietnam has attacked communist Kampuchea. Communist China has fought Vietnam. And the only two nuclear-armed countries whose military forces have ever been locked in battle are communist China and the Soviet Union. Even a nominally single totalitarian world is quite capable of dissolving into what would then have to be called civil wars rather than wars between nations. Nuclear weapons can easily be hidden, and also rather easily and quickly produced as a by-product of nuclear electric power. They can be delivered by civil as well as ordinary military aircraft. In such a world, conventional conflicts could lead to the use of nuclear weapons and also to the mindless expansion of such use.

Fifth, escalation, of course, would not be inevitable even then. The People's Republic of China and the Soviet Union have used military force against each other warily. For the Chinese and Soviet communists, it is obviously "better to be red than dead." But then there is nothing inevitable about the escalation by a democratic government of the use of nuclear weapons to universal ruin, though it sometimes seems that ideologues in the West would like to make it so. They would like, at any rate, to foreclose any Western options for responding to nuclear attack other than the extremes of bringing on the apocalypse or giving up. Those who conjure up a vision of an imminent apocalypse to lend urgency to the potential surrender of Western autonomy would not eliminate that nightmare by subordinating the West to totalitarian power. In short, the alternatives are not whether to be red or dead. It is possible to be both red and dead. Or neither.

CIVIL RIGHTS

MYTH

Mr. PROXMIRE. Mr. President, the Reagan administration believes in vigorous enforcement of the civil rights laws. It has only been cutting back on excesses. Both President Reagan and his Assistant Attorney General for Civil Rights, William Bradford Reynolds, have asserted that this administration has enforced the civil rights laws more vigorously than any prior administration.

In his Saturday radio address of June 14, 1985, the President said that "for the last 4½ years this administration has acted vigorously to defend and extend every American's fundamental right to equal treatment." And declared further: "We have a proud record on civil rights." The President dismisses controversy over his policies as nothing more than disagreement over his attempts to curtail the use of quotas.

REALITY

In reality, this administration has curtailed civil rights enforcement across the board. It has consistently opposed the interests of blacks, women, hispanics, and the handicapped.

EXAMPLES

The administration reversed longstanding IRS policy that denied tax deductions for contributions to schools that segregate students on the basis of race. The Supreme Court overwhelmingly rejected the administration's position.

The Reagan administration failed to object under the Voting Rights Act to the moving of a polling place in Selma, AL, from a community center in the black community to the Selma courthouse, in spite of the fact that voting participation by blacks dropped sharply after the switch. The administration callously suggested that the change was justified because there was more parking at the courthouse.

Five times William Bradford Reynolds has approved changes in State election laws only to have Federal courts brand those changes racially discriminatory under the Voting Rights Act.

The administration has launched an all-out assault on affirmative action by challenging 51 consent decrees, many of which prior administrations negotiated. The administration has argued that the consent decrees discriminate against whites, regardless of the protests of the defendants—primarily white local officials—that the decrees are creating opportunity for disadvantaged blacks and promoting racial harmony.

Perhaps, most revealing, a recent count revealed that of the last 20 noncriminal briefs filed by the Reagan Civil Rights Division in the courts of appeals—dating back to January 1984—not a single one has supported blacks—the group that the Civil Rights Division undeniably was created to assist. Similarly, of the nine noncriminal civil rights briefs filed in the Supreme Court during that same period by the administration, only one supported blacks. This is an astonishing reversal of the Government's traditional position on civil rights issues.

Finally, the President consistently refers to a golden age of consensus on civil rights, presumably during the 1960's. For example, in his June 14, 1985, radio address, President Reagan stated that the Declaration of Independence:

> Inspired our nation to reach new heights of human freedom, but its promise was not complete until we abolished the shame of slavery from our land and, in the lifetime of many of us, wrote the civil rights statutes that outlawed discrimination by race, religion, gender, or national origin.

In reality, of course, this golden age of consensus never existed because Ronald Reagan and his ilk opposed every civil rights initiative. His praise for the civil rights statutes is disingenuous, since he opposed all of them. He termed the 1964 Civil Rights Act "a bad piece of legislation." He opposed the 1965 Voting Rights Act as "humiliating to the South." Given this record, it is no wonder that President Reagan's administration has failed to enforce these laws on behalf of minorities.

THE CONSEQUENCES OF UNITED STATES MILITARY AND ECONOMIC POLICY IN NICARAGUA

Mr. PROXMIRE. Mr. President, on July 3, Congressman ROBERT KASTENMEIER of Wisconsin held a hearing at the University of Wisconsin in Madison on United States policy in Central America and especially in Nicaragua. A number of remarkably well informed witnesses, many of whom had recently visited Nicaragua or lived in Nicaragua, testified. One of the most detailed and useful analyses was made by a University of Wisconsin scholar and professor from the university land tenure center, named William Thiesenhusen. Dr. Thiesenhusen's paper provided a wealth of facts about this beleaguered little country that tell a vivid story of the country's progress, its successes and failures, and the consequences of American policy on its people and its future.

I ask unanimous consent that an excerpt from the Thiesenhusen paper be printed in the RECORD.

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

EXCERPT

1. The economic growth rate for Nicaragua under the Sandinistas from 1981 to 1984 was 8.8 percent. This four-year average is higher than that experienced by 15 of the 21 Latin American countries on which the U.N. has data.

But where most other countries are pulling out of the recessionary period of the early 1980s, Nicaragua is not. In 1984, a year that was relatively good throughout the hemisphere, Nicaragua had a dismal growth rate of 0.5 percent compared to a rate of 2.6 percent for Latin America as a whole. Because the rate of population growth is so high, the rate of growth per capita has been strongly negative in the 1980s, and the only consolation is that it was less strongly negative than most other countries of Latin America. In Latin America, only Haiti, Bolivia, and Honduras have lower GNPs per capita than Nicaragua.[3]

2. Under the former government, Nicaragua's illiteracy was at one of the highest levels in Latin America. It is now considerably lower than other countries having similar incomes per capita.[4] The InterAmerican Development Bank put its literacy rate at 88 percent in 1981, while Guatemala's was 56.6 percent, Honduras was 37 percent, El Salvador was 71 percent.[5] The literacy rate for Nicaragua in 1974 was 52.6 percent.[6]

3. Nicaragua had an extremely concentrated distribution of income before 1979 and virtually no agrarian reform. The Somoza dynasty owned at least 25 percent of the economy. The revolution brought agrarian reform to about 28 percent of the country's farmland. Enormous farms—those over 350 hectares—dropped from including 41 percent of farmland in 1978 to 11.5 percent in 1984, mostly as Somoza farms were brought into the public sector. Chicken, rice, bean, and corn production was considerably higher in 1983 than before the revolution (in the cases of chickens and rice, production doubled). The production of coffee was about the same, while production of meat, cotton, and milk was considerably lower after the revolution than before.

Of course, one of the goals of the revolution was to increase the production of the country's staples, corn and beans. This was because the growth which Nicaragua experienced prior to the revolution was very concentrated in its export sector. Some growth in staples was attained under the Sandinista government. The economic program after 1979 was also designed to keep up principal exports so that foreign exchange could be earned. That was done less well.[7] The reason that meat faired so badly was probably because the revolution upset it most. Somoza dominated livestock in Nicaragua while he was in power, introducing it for export diversification in the 1960s and 1970s.[8]

4. The bulk of foreign aid to Nicaragua (80 percent) came from other Latin American countries from 1979 to 1984. Seventy percent of total Latin American aid came from Mexico which offered Nicaragua about a half billion dollars worth of petroleum products. If petrol is not forthcoming, Nicaragua's economy will come to a sorrier state than it is now, a fact well known to those who mined the harbor at Corinto last summer and burned storage tanks there. Most of the remainder of non-Latin American foreign aid to Nicaragua came from the EEC which supplied more foreign aid to Nicaragua than to any other of the Central American countries.[9]

5. We should remember that damages which the contras have inflicted on the country have been large, being estimated in 1984 for the four-year period as over $100 million in infrastructure and another $100 million in lost production. (The revolution itself resulted in $78 million damage to infrastructure and about $400 million in lost production.)[10]

Nicaraguans have now begun to experience enormous wage-goods price increases to compensate for shortages. This drives down real income of the very poor as well as cutting into that of the middle class, upsetting whatever real gains that came to them from the revolution. In the process, a volatile political combination is created.

From February to May 1985, price rises of 333 percent were authorized for some key consumption goods. Furthermore, as of May, the cost of a long-distance phone call jumped 3,000 percent over the price of the same call in April. One governmental prediction is that industrial production will drop 5 percent in 1985 when compared with 1984 due to the lack of dollars to buy imports. (This prediction was made before the embargo.)

These price rises also reflect the fact that government subsidies are being reduced. In order that the fruits of the revolution be shared with lower classes, the government subsidized basic foodstuffs by $700 million and built more than $1 billion in social and economic infrastructure. This has now stopped.[11] This is part of a program, which included a whopping devaluation, announced in February 1984 to increase public revenue also by raising taxes, freezing government recruitment, and curtailing public spending. By so doing, economists in the Nicaraguan government feel that the fiscal deficit should be 25 percent lower in 1985 than in 1984. The hope is that tax increases will result in 41 percent more revenue and growth in spending will be held to 17 percent instead of 40 percent as last year.[12] A thriving black market exists in Managua as a result of these economic problems; the informal sector is flourishing. Prices are high, so while the middle class may get at least some of what it needs, the lower class cannot.

Terms of trade are now strongly against Nicaragua: the price difference for what Nicaragua imports and what she exports is marked. Previously it took one quintale of coffee to buy sixty barrels of oil; now it buys only four.

6. Through all of this, Nicaragua has taken certain pains to work within the banking system and to strengthen the domestic capitalist sector.

Although it has almost no hard currency to buy imports, the government announced two weeks ago that it was paying $3 million to its creditors at the same time it delayed for one year $295 million in interest and amortization payments on its debt of $4.5 billion. More than half of Nicaragua's 130 creditor banks are American, and this repayment comes two months after the trade embargo which could cost the Nicaraguans $60 million in lost exports. According to the agreement, Nicaragua will pay $15 million over the next year.[13]

Even this year the government has promised higher prices for corn and beans. It has also offered a higher-than-normal exchange rate of dollars into cordobas for firms which export.

7. The matter of the U.S. embargo against Nicaragua set off a chain reaction and almost universal condemnation by Latin American countries (with the exception of El Salvador and Honduras). Most of them issued strong statements of opposition to the embargo, as did the Latin American Economic System (SELA), the Organization of Non-Aligned Countries, the usually pro-U.S. Caribbean Economic Community, the Inter-American Regional Organization of Workers. Through the Sandinista regime, the value of exports from Nicaragua absorbed by the U.S. dropped from 80 percent to 17 percent, so the difficulty for the country now is to find new markets. By and large, Nicaragua seems to have been fairly successful in this pursuit. Bananas which ordinarily went to the U.S. will go to Belgium, meat will probably go to Mexico, Venezuela, Canada, and the EEC.

More difficult may be the issue of imports, 30 percent of which come from the U.S. These usually include pesticides, fertilizers, pharmaceuticals, and spare parts for which the Nicaraguans may be able to shop in Panama.

A good bit of the unresolved problem is with infrastructure. The national refinery is U.S. built, the country's road-building equipment came from the U.S., as does the edible oil and cotton-processing equipment. When these break down, it will truly be difficult to fix them.

What Nicaragua has done in response is to set up a bank for spare auto parts, establish a foundry to try to make certain parts, promote a food self-sufficiency program, and create a stronger state system for distribution. We don't know how successful the new ventures will be.

Also there have been new pledges of petrol from the Soviet Union; Italy, Finland, Sweden, France, and Spain have promised more help. Workers at one John Deere plant in Spain are privately sending US $10,000 worth of spare parts. As soon as President Ortega returned home from this trip, Vice-President Ramirez set off for Belgium, West Germany, and Austria to continue the fund-raising effort.

Meanwhile, Mexico will, for the time being, agree not to press Nicaragua for past oil debts and will contribute more, and Canada will establish the office of trade relations which is being removed from Miami.[14]

Before the embargo, it was estimated that Nicaragua would export about $461 million in goods, mainly agricultural products, in 1985. She needs imports of about $700 million just to keep the economic apparatus working at its present levels in raw materials. This does not count consumer goods which are usually needed to pacify somewhat middle-class opponents or prospective opponents. With these economic prospects in mind, what Nicaragua's relations with the international banking community will be one year from today is anybody's guess.

IV.

Whether or not the U.S. intervenes militarily, a great deal of damage has been already done to the Nicaraguan economy; the contras will see to it that this damage continues. Meanwhile, the suffering of the Nicaraguans will intensify. While we as a country cannot take the blame for any mismanagement of resources that may have occurred in Sandinista Nicaragua, it is clear that we can and will be blamed even if Nicaragua simply drowns in her own debts.

I think the quote from Edgar Chamorro is so important that, in closing, I would like to repeat a sentence from it. Speaking of the

Footnotes at end of article.

aid to the contras bill which the House passed, he said:

"This will not end the conflict; it will only make matters worse. Rather than engage itself further economically or militarily, the best course for the United States is to distance itself from the conflict, encourage political dialogue, and support Latin American countries in their effort to prevent a regional war." [15]

FOOTNOTES

[3] Enrique Iglesias, "Balance preliminary de la económica de América Latina en 1984," Comercio Exterior (Mexico) (febrero de 1985): 173.

[4] World Bank, World Development Report (Washington, 1984).

[5] InterAmerican Development Bank, Economic and Social Progress in Latin America, 1984 Report (Washington).

[6] InterAmerican Development Bank, Economic and Social Progress in Latin America, 1978 Report (Washington).

[7] Pascal Serres, "La réforme agraire au Nicaragua," Amerique Latine, no. 20, Oct.-Dec. 1984, tableau 5, p. 84.

[8] Paul J. Dosal, Inter-American Economic Affairs (Spring 1985).

[9] See Christian Parker and Pablo Salvat, "Europe, Nicaragua, Amerique Centrale," Amerique Latine, no. 20, Oct.-Dec. 1984, pp. 45-56, and "Recuento latinoamericano," Comercio Exterior 35:2 (febrero de 1985): 148.

[10] Mexico and Central America Report, 30 November 1984.

[11] Ibid., 15 February 1985.

[12] Central American Report, 12:16, 3 May 1985, p. 123.

[13] Nicholas D. Kristof, "Nicaragua Set to Sign Debt Payment Accord," New York Times, 17 June 1985, and Joanne Omang, in Washington Post National Weekly Edition, 1 July 1985.

[14] Central American Report, 24 May 1985, pp. 145-46.

[15] New York Times, 24 June 1985.

REMEMBRANCE OF THE HOLOCAUST IN POLAND

Mr. PROXMIRE. Mr. President, recently in Tarnogrod, Poland, a small group of visitors from Israel, the United States and France gathered to hear hundreds of local schoolchildren—all non-Jews—promise to look after the recently discovered common grave of the more than 2,500 Jews who were shot there by the Nazis in 1942.

This event, Mr. President, symbolized an increasing degree of sympathy and awareness in Poland for the plight of Jews during World War II.

The occasion was the dedication of a Holocaust monument commissioned by Joseph Schorer, an American who, for 43 years, felt the need to honor his parents who were victims shot in the pit that the Nazis had forced the Jews of Tarnogrod to construct.

Mr. Schorer was a 14 year-old boy staying with relatives in the Soviet Union at the time of his parents' deaths.

He learned of his parents' deaths after the war and deplored the fact that the bodies of victims in Tarnogrod, including his parents', had never been found.

Mr. Schorer recalled that, "I have always been jealous when I saw people placing flowers on the graves of relatives."

So, 2 years ago, with the approval of the Polish Government, Schorer hired students to search for the missing remains of the Jews at Tarnogrod.

The dedication of the Holocaust monument brought Schorer's project to fruition.

More mindful of the plight of the Jews during World War II, the Polish Government, according to a report in the June 24 New York Times, is trying to erase the image of complicity of the Polish people in the Nazi atrocities of World War II.

The Polish Government, for example, has been protesting a recent French film, which suggests that Nazi death camps were built in Poland because the Poles were anti-Semites willing to assist the Nazis in their genocidal plans. The government's protest cites the fact that while the French Vichy Government collaborated with the Nazis, there was no organized pro-German effort in Poland and the largest resistance armies fighting against Germany in World War II were in Poland.

In addition, the greatest number of gentiles honored a Yad Vashem, the Holocaust memorial in Jerusalem, were Poles.

The present Polish Government is actively seeking contacts with Jewish groups abroad in its efforts to improve relations with Jews. An increasing desire to preserve the Jewish tradition in Poland has developed recently.

The present Polish Government is considering the establishment of a Jewish museum, is promoting the preservation of synagogues and Jewish cemeteries, and is introducing academic study of Jewish languages and thought.

Amon Dior, a writer and former Israeli diplomat, has said that,

> The Jewish people have long had an ambivalent attitude to Poles, but I must say that I am now really confused by the warmth of our welcome. I think the attitudes that were expressed may represent a new beginning in the complicated histories of Poles and Jews.

Despite these encouraging developments, it is important to remember that Poland's current attitudes toward Jews have been shaped in large part by the fact that there are hardly any Jews now in Poland. The legacy of the Holocaust must not be forgotten.

According to the New York Times, it was as recently as 1968 that the Polish Government sanctioned purges against Jews. While the Poles now being recognized for their heroic actions against the Nazi Holocaust rightly deserve their honors, we cannot forget those who did aid and abet the Nazi effort in Poland.

Likewise, the United States must commit itself to punishing those who aided the Nazis in their genocidal acts. In that respect, the Genocide Convention would pledge America to ensuring that these types of deeds do not go unpunished. Mr. President I urge Senate ratification of the Genocide Convention.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 1:30 p.m., with statements therein limited to 5 minutes each.

The Senator from Montana.

THE STATE DEPARTMENT PHILIPPINE FIASCO

Mr. MELCHER. Mr. President, the reelection of President Marcos or the election of a new President of the Philippines in 1987 is up to Filipino voters, not the United States. Neither paupers nor puppets, the Philippines are the proud partners of American democracy in Southeast Asia, our ally for 87 years, and the gateway to all of South Asia and the back door of the Middle East.

Good United States-Philippine relationships depend upon maintaining our defense alliance, improving trade, and broadening cultural-educational ties.

The strategic location of the Philippines, with its 53 million English-speaking people, makes the alliance extremely vital. Subic Bay Naval Base and Clark Air Force Base, leased in the Philippines, are the strategic U.S. bases in Southeast Asia. They counterbalance the Russian air bases in Vietnam as well as Cam Ranh Bay that have made it possible for the Soviets to conduct regular naval patrols and maintain continuous air surveillance south of China.

But the Reagan administration's offensive tinkering with internal Philippine economic reforms—rather than concentrating on three goals that are in the true best interests of both our countries—is jeopardizing that alliance.

Let us examine those three essential goals:

President Ferdinand Marcos must soon decide whether to retain Gen. Fidel Ramos as armed forces chief of staff on a permanent basis. Ramos, a 1950 West Point graduate and a classmate of U.S. Army chief of staff, General Wickham, is highly respected both here and in the Philippines. Marcos calls him his nephew and relied on him as a 14-year-old courier when Marcos led Filipino troops against the Japanese occupation forces. But Marcos' ties to Gen. Fabien Ver, the former armed forces chief of staff who is now on trial on charges of being part of the Aquino assassination, go back even further. If Ver is acquitted by the courts and gets his old job back displacing Ramos, shock waves would rock business and political cir-

cles in the Philippines and devastate U.S. military and diplomatic relationships.

Our second common goal, related to the first, is to control the insurgents, who are a mixed bag of dissidents, frustrated Filipinos dissatisfied with the Marcos government, a corps of Maoist-leaning Communists, and a sprinkling of bandits, all of them armed with Philippine Armed Forces weapons stolen, captured, or illegally purchased from the Philippine Armed Forces. The insurgents—who now number about 10,000—carry out only limited guerrilla activities. But their numbers could easily increase as the current Philippine economic depression worsens. Acts of military abuse and killings plague the Philippine Armed Forces. Ramos is generally viewed as the best hope for discipline and control of the military, to stop the abuses, and to nullify further insurgent gains.

As to the third goal, the Filipino people are democratized and hold dear the rights of political and personal freedom. From Barrio, Barangay, and city, they vote much more heavily than we do. The 1984 general election for the 180 seats in their legislative assembly, the Batasan, recorded more than an 80-percent voter turnout. Opponents of the Marcos government were successful in winning nearly 60 seats. Credited with the high voter turnout was the grassroots citizen organization—the National Movement for Free Elections [NAMFREL]. Over 300,000 volunteers did poll watching and counted ballots. Our third goal, then, is to assure President Marcos' accreditation of NAMFREL for the coming elections, for this is the overriding political issue for the Filipino people.

These are attainable goals, but instead of bending its efforts to achieving them, the U.S. State Department has been undercutting them by meddling with economic reform requirements that have infuriated the Marcos government and frustrated United States-Philippine business interests.

There is no reason for the United States to delay food shipments, yet this year Secretary of State Shultz instituted a three-pronged economic reform strategy for wheat milling and flour distribution within the Philippines. That held up a U.S. wheat sale for many months. In April, Marcos agreed to the first two State Department requests, but strongly objected to a third requirement that the Philippine Government have no involvement in any U.S. wheat purchases, leaving it entirely to the private sector. This requirement offended Marcos as an unwarranted intrusion into Philippine affairs, and prompted a review of offers of wheat sales from Australian interests.

The U.S. wheat sale was held up until June. U.S. wheat producers wrote to Shultz to point out that the 60 countries buying U.S. wheat buy it all through their own government agencies. The State Department replied that Guatemala purchased wheat from the United States only through private enterprise companies. In other words, only one country buys wheat from us the way Secretary Shultz wants the Philippines to buy it. Surely only one exception proves the rule. What Secretary Shultz views as an oppressive practice by the Philippine Government is actually the purchasing norm throughout the world.

The State Department demands not only angered Marcos, but incensed wheat producers and their congressional representatives, who cannot understand why sales are blocked when we have a mountain of priced-depressing surplus wheat in storage.

Further aggravating the situation, Secretary Shultz' economic reform demands then blocked a rice sale until the Philippines changed the system of pricing, sale, and distribution of fertilizer to their rice farmers.

In neither case, wheat sale or rice sale, can I find one State Department official who can lucidly present the whys and wherefores of the reform. And no one in the U.S. Department of Agriculture has the courage to challenge the reform's lack of merit.

Although the Philippine Government has been criticized for cronyism to benefit business friends of Marcos, the critics, both within the Reagan administration and among native political opposition to Marcos, have not made any compelling case for barring the Government from buying wheat or for the rice fertilizer requirements Shultz seeks to institute.

The resulting flour shortages and the potential rice shortage in the Philippines may alienate some of the people against us or Marcos or both. At the same time, U.S. farm producers are perplexed and upset by the Reagan administration's roadblocking of agricultural trade with a smaller, friendly, trading partner when we do not make economic reform a requirement for the purchase of U.S. grain by the countries within the Russian orbit, China, most of Africa, South and Central America, and the European Community. The grain embargo President Carter imposed against Russia for its invasion of Afghanistan at least had a valid foreign policy purpose—even though U.S. grain producers paid dearly for it in depressed grain prices. Carter's decision was unmercifully flogged in the 1980 campaign and the embargo was lifted in 1981. So today we sell wheat to Russia but hold up food sales to the Philippines. The irony makes one suspect that having given the Reds all the wheat they want to buy, Secretary Shultz now wants to look like John Wayne straightening out our little brown Filipino brothers.

In any case, the United States has more to lose than the Philippines, since wheat and rice are available to that country from a score of other nations. The Filipino people obviously like us despite our heavy-handedness, however, so they waited until Shultz relented and the sales were made. Still, that leaves unanswered the question of why Secretary Shultz has pursued a policy seemingly designed to hurt us economically and strategically. With all his troubles trying to straighten out the Middle East and Central America, while negotiating with Russia on nuclear arms limitations, it would seem only natural for the Secretary to want to encourage mutually beneficial trade with the Philippines.

Yet antogonizing the Philippines seems to obsess a State Department that is not doing very well anywhere in the world. If there were a consistent U.S. strategic defense policy or a consistent U.S. trade policy—which there isn't—where in the world would this Philippine food fiasco fit into it?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I wrote to Secretary Shultz asking for an explanation and all of the paper work connected with the blockage of the wheat and rice sale to the Philippines.

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

U.S. SENATE,
July 10, 1985.

Hon. GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY SHULTZ: I am writing to request copies of communications between your Department and the Philippine government, the U.S. Embassy in Manila, and private interests, as well as internal Department memos and communications since January 1, 1985, relating to:

(1) The pending GSM-102 sale of U.S. wheat to the Philippines;

(2) The recently signed Pub. L. 480 Title I sale of rice to the Philippines; and

(3) Continuing efforts to provide rice under Pub. L. 480 Title II for Cardinal Jaime Sin's feeding program in Manila.

As a result of conversations I have had with organizations representing U.S. food producers, as well as officials in the State Department and the Philippine government, I believe that there have been unwarranted delays in the State Department's approval in each of these areas to the detriment of U.S. food producers, continued good relations between the people of the United States and the Philippines, and the nutritional needs of many Filipinos.

The Pub. L. 480 Title I sale of $40 million in rice to the Philippines finally has been signed, but was delayed several months. The GSM-102 wheat sale was stalled for four months or more, and the additional Title II rice grant has yet to be approved.

I believe that it is vital that these delays be avoided. In order to avoid such delays, I wish to review State Department communication, memos, and other documents concerning the three transactions listed above.

Sincerely,

JOHN MELCHER.

Mr. MELCHER. Mr. President, I ask unanimous consent to have printed in the RECORD my June 15, 1985, letter to President Marcos emphasizing my concerns that General Ramos remain as Chief of Staff, that military abuses be corrected, and that the National Movement for Free Elections [NAMFREL] be accredited for the coming elections.

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

UNITED STATES SENATE.

President FERDINAND MARCOS,
Malacanang Palace,
Republic of the Philippines.

DEAR MR. PRESIDENT: Only three days ago, on June 12, I went to your embassy in recognition of the Philippine 87th anniversary of independence from Spain. It is an anniversary that is mutually shared by the actions of our two countries. I seek by this letter to communicate to you my earnest thoughts on the mutual accord of our two countries.

First of all, I want to thank you again for the fine hospitality extended by you and the First Lady, Ambassador Romualdez, Minister Tanchanco, Minister Escodero, Minister Cendana, Minister Montez, Speaker Yniguez, and thousands more friendly Filipinos who made our week's stay in your lovely and marvelous country during February a great experience. On behalf of my wife, Ruth, my aides, and Commander Findley, I wish to convey to you our gratitude and thanks.

Since our last visit, I was pleased to note the progress that the government of the Philippines and the Filipino people have made in curtailing some of the country's economic problems and the progress that is easily visible in affirmation of the principles of democracy, the freedom of expression and assembly.

Mr. President, let me respectfully compare my observations on these matters as I perceived them in our visit to the Philippines in December of 1983 with our recent visit in February. As the first United States Senator to visit the Philippines following the Aquino assassination, I found in 1983 tension and fear expressed by many in the United States and a few in the Philippines for personal safety of individuals in the Philippine. I found that to be grossly exaggerated.

Our visit this year coincided with U.S. news reports of exaggerated restraints on rallies or public demonstrations. Despite the impression given by the media that rallies could result in violence, I participated this past February in a rally in Luneta Park for upholding the moral values and safeguarding women and children, which I note is a centerpiece for the high morality of the Filipino people. The rally, participated in by ten thousand people, was a free and open use of the right of assembly. Likewise, I also observed several hundred farmers protesting on the sidewalk and on the street in front of the Ministry of Agriculture, obviously expressing their right to assemble.

On meeting with opposition leaders in 1983, I learned of their great dissatisfaction with the Presidential decrees and questioning on the lack of a definite procedure for succession and their grave doubts as to whether free and honest elections for members of the Batasan would be held in May of 1984. In my letter of February of 1984 I conveyed to you my earnest desire to be a constructive friend to the Philippines and asked for your consideration of their complaints.

Through my own observations and in meeting with opposition leaders this year, I am assured that they and the Filipino people have regained a great amount of confidence in the electoral process and in the democratic institutions involved in representative government through the Batasan. In addition, opposition leaders expressed a belief that the matter of succession had been corrected.

I also found in 1983 concerns of the Filipino people in general, and in particular the business community, that the economy was sinking rapidly and needed prompt attention. Despite these concerns, I found, as I told you then, the warm hospitality and the open and enthusiastic friendship for Americans, and the obvious determination of the Filipino people to continue to be an effective trading partner with the United States. I believed then, as I do now, that it is paramount to continue our strong and historic alliance, continue our exchanges of educational and cultural activities, and above all continue the warm friendship between the United States and the Philippines motivated by determined interest in pursuing those goals mutually beneficial to our two countries.

This year, many in the business community expressed a greater degree of confidence in government stability and in a turnaround in the economy. While the start in economic recovery has been made, there is, as Prime Minister Virata concisely stated, needed attention both by the Makati business community and U.S. officials to work in harmony together.

My recent visit renews not only my determination to pursue these goals, but has also provided me with a deeper understanding of existing problems shared by the United States and the Philippines.

Part of my goal in the 1983 visit was to enhance food aid and food trade. This year, in meeting with Cardinal Sin, I was pleased that the distribution of rice to 100,000 unemployed families (600,000 people) in metro Manila was progressing. I hope that I can be of assistance in extension of this program for a longer period of time and expanding this food aid to many other families who are unemployed. Also, in discussions with Minister Montez, more food aid is needed. Food aid is a cooperative program that can be broadened through the private voluntary agencies and the government. I believe, Mr. President, that you have expressed an interest in acquiring dairy product imports from the United States at favorable prices through section 416, and I stand ready to provide all possible assistance to ensure the success of this effort.

Of special note was my visit with General Ramos and visits to Clark Air Force Base and Subic Bay Naval Base, and I wish to dwell in some detail on these matters. In 1983 I had specifically asked for an opportunity to meet General Ramos, because as a West Point classmate of U.S. Strategic Air Commander, General Bennie Davis; U.S. Army Chief of Staff, General Wickham; U.S. Air Force Chief of Staff, General Gabriel; and the late General O'Malley, formerly the Commander of Airlift Command and the former Commander of the Pacific Air Command, I had been told of their high regard for him. As it worked out, Mr. President, you introduced me to him. When I later met with him and he described his duties as chief of the Constabulary, Is found that my regard for General Ramos matched the high regard of his former West Point classmates.

Our visit this year causes me to appreciate more fully his ability and competence in his service to the Philippines, now as your appointed Acting Chief of Staff. When I discussed with General Ramos how he would recommend the use of additional funds from the United States in military aid for the Philippines, subject to your approval, he asserted his priority recommendations would be to enhance logistics and communications. To me, an old infantryman, that sounded good. Speaking of the insurgency, General Ramos said that it was important to establish better roads and communication in areas where the insurgents are prevalent. And he further went on to say that establishing a good relationship with the people in those areas was vital to curtaining insurgent support and recruits. He said that in some areas additional food supplies are needed for the people, and that it is vital to establish among the people in those areas a feeling of confidence in the government of the Philippines, trust in the military, and the opportunity to improve their economic well being.

I must say, Mr. President, that in my lifetime I have known of few generals who have so succinctly epitomized what I believe must be the successful approach to curtailing insuregency. Later that day, in our visit to you in the palace, I believe your comments on these matters to be the general outline of the policies that you were directing the military and the government to follow.

On several occasions I have previously stated that I believe the U.S. rental payments to the government of the Philippines for the use of both Clark and Subic do not adquately reimburse the Philippines. Compared to other base agreements made by the U.S., the annual Philippine rental fees are small and fail to reflect their strategic importance, which cannot be duplicated or matched in any other country in Southeast Asia. Without Clark and Subic, the U.S. strategic presence in this part of the vast Pacific is retracted to Hawaii. That would seriously jeopardize U.S, Philippine and our allies' stability and security. May I say, Mr. President, that it would be intolerable and subtantiates the need of a stong Philippine-U.S. alliance.

I shall persist as best I can to inform and convince my colleagues in the Senate and my friends in our House of Representatives, as well as or armed forces commanders and officials in our government, that much needs to be done by the United States to shake off what I have described as the "attitude of benign neglect" towards the Philippines, and to return to enlightened U.S. Policies that cement rather than loosen the ties between our two countries.

When I am asked, or in other ways have an opportunity to express my firm beliefs in regard to U.S.-Philippine relationship, these are my statements: I state that the judicial system of the Philippines is determining the facts and processing the cases of those connected with the Aquino assassination; I state that the democratic process resulted in the election of a substantial number from opposition parties to be members of the Batasan; I state that feedom of expression and

freedom of debate is obvious in the Philippines, and that I witnessed an interesting debate, vital to the United States, between Minister Enrile and an opposition Assemblyman concerning the U.S. bases; I state that food aid from the United States is properly and effectively being distributed through Catholic Relief Services and in cooperation with the government of the Philippines, and that more food aid is needed; I state that the cooperation between the armed forces of our two governments is good but should be improved, and that equipment for both Philippine and U.S. Armed Forces, particularly at Clark, is lacking; I state that in my view the insurgency problem in the Philippines is not a major problem but does need to be addressed and can be corrected, and needs our help rather than blown up exaggerations done either to create apprehension or to give the United States an excuse for a greater interest in the happenings in the Philippines now as compared to lack of concerns addressed by the Administration last year; I state that there is no substitute for the U.S. in Southeast Asia for Clark and Subic, and they are vital to the mutual defense of the Philippines and the United States; I state that the gateway to trade expansion in Southeast Asia is Manila, Cebu, and other Philippine ports; I state that the cultural, educational, customs and language ties between the Philippines and the United States make the continuation of developing our two countries together is the greatest progress that can be made for democracy in the Pacific and that the ties must be stronger; and I state, Filipino-American friendship is on a first cousin basis, a priority friendship of loyalty and understanding developed by common bloodshed in four wars in this century.

My credibility in making these assertions to other Senators, U.S. officials, or the public depends entirely on the course of events in the Philippines. I hope that my credibility has been enhanced in the past eighteen months by the gains made through the democratic process, by the actions of the government, the Filipino people and the Church to alleviate human suffering during these times of harsh economic conditions. But current and future events in the Philippines will also determine whether I can speak with influence within and without the Senate. In this current atmosphere, events both in the U.S. and the Philippines receive media attention that signify the uncertainty of united policies. Some events gain symbolism and cause reactions in both our countries.

Such a symbolic event is a resolution recently adopted by the Senate. Drafted by the junior Senator from Massachusetts, who is a veteran of the Vietnam war, the resolution blends the obvious love and faith in democracy of both Filipinos and Americans with language that is also an intrusion into the affairs of the government of the Philippines. There will be a time for more enlightened Senate debate on the future course of the mutual relationship between our two countries.

Meanwhile there are building blocks to work toward that goal. At the same time the Senate considered the aforementioned resolution, the Senate acted in a positive way in adopting unanimously a resolution stating that the U.S. State Department cease its prevention of U.S. wheat sales to the Philippines. Some of us have also consulted with the U.S. State and Agriculture Departments on expediting a rice shipment to your country to provide additional supplies, since your drought damaged crop may cause a rice shortage. I stand ready to assist with any additional food supplies needed and to expedite the continuation of the cooperative food aid to the unemployed families.

While I seek not to interfere in the election process of your country, I observe that the democratic function of the National Movement for Free Elections (NAMFREL) is a citizen responsibility to which our two countries adhere. We would express in a friendly manner our hope, in recognition of that shared interest, that NAMFREL is accredited.

I have received letters from the Philippines which relate to me specific cases of insurgents who, because they are afraid of the consequences of returning to the status of peaceful citizens, reluctantly continue in their insurgency activities. Several have cited cases of military abuse where peaceful resolution was sought. The letters indicate a general feeling of fairness in General Ramos, but express the fear that he is not in complete authority to correct abuses by some of the military and that efforts of reconciliation by some insurgents have ended tragically.

These are my thoughts. Finally, I wish to emphasize that the courses of our two countries are parallel paths where in if one benefits, we both benefit. I offer this observation in my attempt to serve the best interests of the friendship and progress in the relationship of our two countries. I believe the U.S.-Philippine relationship is the special alliance of culture, trade, and national security that spans the Pacific.

With my best wishes for you, your family, and the Filipino people, and in the warm spirit of the Filipinos, I say "MABUHAY".

Yours sincerely,

JOHN MELCHER.

WHERE HAVE ALL THE WARRIORS GONE?

Mr. GOLDWATER. Mr. President, retired Gen. A.G.B. Metcalf has once again written a very thought-provoking editorial that I think is most appropos for all Members of Congress to read. It grows out of a concern I share with him; namely that the company grade and even some of the field grade officers are beginning to wonder about the services. As he points out in his editorial, a questionnaire, sent to 23,000 randomly selected officers out of the 92,000 in all grades, found half of the 14,000 who answered to be in agreement that "the bold, original, creative officer cannot survive in today's Army."

This, in addition to all the other problems we are discovering in the total organization of the military, the need for drastic changes, only points up the importance of the conference now being held between the House and Senate. This subject is certainly an important one and will come up.

I ask unanimous consent that this editorial be printed in the RECORD at this point in my remarks.

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

WHERE HAVE ALL THE WARRIORS GONE?

There is a growing feeling in and out of the military establishment that senior officers have taken on the mentality of business managers rather than being centrally concerned with the nasty business of sending the enemy to his ancestors.

This should surprise no one. After all, not overlooking those no-win conflicts in which our military forces have been obliged to engage, the military leadership has been primarily occupied with running the largest business in the world—the Department of Defense. This appears to have led to a mindset which imagines that the end result sought, namely war deterrence, can somehow be thought of as a mission of the military, when their sole mission must be warwaging or the credible threat to do so: a reality which must undergird all effective diplomacy and foreign policy.

For the military to proclaim that their missions is "deterrence" (almost as bad as "Peace is our profession"), when warfighting is their role, is dangerous talk. Deterrence may well be the objective of diplomacy or the purpose of some other governmental agency, but it is not the mission of the armed forces. It is easy to understand why the public takes to the idea of war avoidance as contrasted with warfighting, but for the armed forces to be permitted to develop that mind-set is to introduce an unnecessary confusion in what is the proper focus for their commitment. The only thing which will deter war is what it takes to prevail in war. The role of the military is too important to be treated as a fuzzy intellectual construct vaguely defined as deterrence as apart from a clear-cut responsibility for the readiness to conduct war.

The military have been co-opted, as well, into giving lip service to arms control. Instead, they should be the first to point out that arms control—extending over more than twenty years—has proved to be a most disillusioning experience as far as the United States is concerned, and a highly profitable game from the Soviet point of view. It is the mistaken notion held by a large part of the public, and continually hyped by the media, that the arms control process, no matter which way it goes, somehow makes war less likely. The reality is that arms control as practiced by the United States unilaterally since 1965 and bilaterally since the Moscow Accords of 1972 has worked to diminish American security and to bring war nearer than would have otherwise been the case. The public, through ignorance or disinterest, does not seem to know this. Our political leaders, cowed by the media and its influence on public opinion, are unwilling to acknowledge this. But this is not reason for the professional military, having neither ignorance nor politics as excuses, to fail to point out that arms control negotiations, as the Soviets conduct them, have proven to be counterproductive.

These are not abstract opinions. According to a news release, an official Army survey of its officer corps sent to 23,000 randomly selected officers (out of 92,000) in all grades, half of the 14,000 who answered a long questionnaire were reportedly in agreement that "the bold, original, creative officer cannot survive in today's Army."

In a second survey sent to all active Army general officers, nearly half the generals were of the opinion that "senior Army leaders behave too much like corporate executives and not enough like warriors." While there was some disagreement as between of-

ficers and generals on matters of education, training, moral ethics and "selflessness," as well as the potential of officers for wartime leadership, there was general agreement that "the weakest areas of officer preparation tend to be warfighting, leadership and critical thinking." If this is true of the Army, it is even more true of the Air Force and Navy, both of which are more "systems management" oriented.

If, in a Defense Department resembling a buttoned/down business school environment, there is no place for a Patton, Nelson or Napoleon, we had better start worrying about how much security we are getting for our defense dollars. Under such circumstances, all of the military hardware in the world will not provide for the national safety.

But, it may be asked, have not most, if not all great military commanders been discovered and brought forth in the exigencies of war? While the answer to that question may, in the main, be in the affirmative, it does not provide an answer to the problem we face today.

In those wars in the past which called upon the full resources of the nation, there was time—ample time—while the nation mobilized its industrial resources to arm itself, to test and select those military leaders responsible for the outcome of the war.

The situation we now face is quite different. Our present doctrine postulates a military competence to engage the enemy in a "come-as-you-are" war. It is generally accepted that there will be no time, in the sense that there had been in the past, to identify and nurture military leadership cast in the warrior mold.

Failure to recognize the need to create yardsticks with which to measure this warfighting leadership quality and to institutionalize within the Defense Department, programs aimed at fostering and developing it across the board in the officer corps, can be decisive in war.

In the present officer environment, goals, recognition and advancement are not primarily oriented in this direction. Accordingly, the ablest leadership for the conduct of war is not likely to emerge and be retained as a highly valued resource. As the military establishment is now oriented, beyond being unlikely, it may be impossible. Indeed, a former Service Chief, at the close of his second term as Chairman of the Joint Chiefs of Staff, stated in a press interview that if Clausewitz were in our military today, "he would be retired as a colonel after twenty years of service."

What do you suppose that does to career officers and their martial spirit, if any? What does it portend for the nation's safety, should war come?

It is time we took another look at the standards by which our military leadership is measured, in terms of what they will be called upon to do in a national emergency, placing a proper premium on the competence to wage war, rather than on business skills in a peacetime environment.

Correcting this elemental deficiency may be our only passport to the future in a dangerous and threatening world.

EEC TRADE PRACTICES UNFAIR TO U.S. AGRICULTURE

Mr. WILSON. Mr. President, today I rise on behalf of U.S. exporters to advise our trading partners in the European Economic Community [EEC] that we are keeping close watch over their current actions in the international trade policy arena, in particular when the section 301 unfair trade case for canned fruits and raisins comes up for a decision in the General Agreement on Tariffs and Trade [GATT] council meeting this week. It is time that the EEC realize that the United States will no longer tolerate its unfair trade practices and disregard for the international dispute settlement process. We intend to compete in a fair trade environment where comparative advantage, instead of Government subsidies, determine international trade results.

Two weeks ago, I introduced the Fair Access to Foreign Markets Act, S. 1370, which demonstrates to the European Economic Community that the United States will no longer tolerate its unfair agricultural trade practices. In 1984 alone, the EEC spent $14.4 billion to support its Common Agricultural Policy with every type of production, processing, storage, market intervention and export subsidy possible. Unlimited EEC export subsidies have allowed the community to dump surplus commodities on the world market, often to the detriment of traditional American markets.

The Fair Access to Foreign Markets Act requires the President to take all appropriate and feasible action to ensure a prompt and satisfactory resolution of all section 301 unfair trade complaints pending before the General Agreement on Tariffs and Trade [GATT]. It also provides that the United States will withdraw additional concessions to counter any future EEC retaliatory trade actions and rebalance the level of concessions.

I introduced this legislation because of the recent outcome in the citrus 301 case. This case epitomizes the futility of our attempts to resolve outstanding 301 cases, whether through bilateral or multilateral negotiations.

After President Reagan announced on June 20, 1985, that the United States would raise the tariff on pasta imports from the EEC in order to rebalance trade concessions because the EEC rejected the GATT decision in this citrus case, the EEC unilaterally and unjustifiably counterretaliated by raising the tariffs on imports of lemons and walnuts from the United States to prohibitive levels.

The EEC has apparently realized the dangerous consequences of its retaliatory action against U.S. lemons and walnuts because it has decided to postpone the tariff increase on these products. The United States then agreed to postpone our duty increase on pasta imports after, I am told, the EEC agreed to reductions in its pasta export subsidies. This truce allows the EEC one more chance to negotiate significant and meaningful reductions in its preferential citrus tariffs. Unless progress is made quickly in both of these areas during this truce, we will have no choice but to press forward with specific retaliatory action.

The EEC should realize that we do not intend to accept unsubstantiated promises for future resolution of this issue. We intend to stand firm in the face of what we can only expect to be continued EEC intransigence. Any settlement of the current dispute must put an end to the GATT-certified discrimination by the EEC that has cost U.S. citrus exporters $48 million per year.

Citrus is not the only issue where repeated displays of contempt for the dispute settlement process under GATT have made clear the EEC's utter disregard for both the letter and spirit of the laws of international fair trade. The current plight of U.S. citrus and pasta exporters is shared by the thousands of U.S. producers and processors of wheat flour, poultry, canned fruits and raisins, who have also experienced the loss of foreign trading markets and the frustrations of unresolved proceedings before the GATT.

The canned fruit and raisin 301 case is of timely interest. This week, on Wednesday July 17, this disputed case will be placed on the GATT agenda when the council meets in Geneva. This will be the fourth time that the GATT council will consider the findings of its investigatory panel, which are favorable to U.S. producers. On three previous occasions, the EEC has blocked acceptance of the findings in the case.

This 301 petition was filed in 1981 by the U.S. processed fruit and raisin industries and alleged that EEC production subsidies for canned peaches, canned pears and raisins nullify and impair tariff concessions which the EEC has extended to our country and inhibit U.S. exports of these products to the EEC. Not surprisingly, a bilateral solution to the complaint was unsuccessful, and the United States requested that a GATT investigatory panel review the case.

After a 14-month inquiry, the panel report, which was favorable to the United States, was given to the parties to the dispute; however, on three successive occasions, the EEC has been successful in delaying its formal acceptance by the full GATT and in ultimately pressuring the members of the panel to alter significantly some of its findings.

The final version of the report, which remained favorable to the United States on canned fruit, but less so on raisins, has yet to be adopted by the GATT due to continued EEC opposition. In the meanwhile, our domestic canned fruit industry has not only lost its European markets, but is being displaced in our own country be cheap imports. For example, U.S. canned peach exports have dropped from

nearly 1.8 million cases in 1982–83 to an estimated 300,000 cases this year. At the same time, imports of canned peaches since 1982 have skyrocketed from zero to over 1.2 million cases.

Unfortunately, based on past experience, I am not optimistic that the EEC will agree to a resolution of this 301 dispute. As usual, I expect EEC delegates to circumvent a decision by asking for additional time to study the problem.

If the EEC wants to show any semblance of good faith as a trading partner, it will promptly resolve the canned fruit and raisin 301 case in Geneva this week by adopting the GATT panel report and implementing the changes recommended in EEC domestic processing subsidy systems.

Our patience has run out. These unresolved 301 cases are only the tip of the iceberg of agricultural trade problems with the European Economic Community. Looking back over the past few years, all I see is that talking with the EEC has been useless. Unless the EEC is convinced that the United States will back up rhetoric with action, every American farmer and every U.S. business that depends upon a fair opportunity to deal across the world will be the ultimate loser. The President's action to raise the duty on EEC pasta imports was a step in the right direction proving that we will no longer sit idly by while the EEC ignores decisions made by the GATT.

The United States is the most efficent agricultural producer in the world. We intend to regain our rightful place in the world market, which in recent years has become distorted by the EEC's trade practices. If this means battling the EEC's unfair export, production, and processing subsidies directly, let no one doubt that I am prepared to make this my goal and that a number of my colleagues will be supportive of this action.

JERRY DAHMEN: REPORTING AT ITS BEST

Mr. PRESSLER. Mr. President, the news media are perennially under critical attack and scrutiny as they play an increasing role in national and world events. I'd like at this time to accentuate the positive by telling my colleagues about a newsman in my home State of South Dakota. Jerry Dahmen, news director of KXRB/KIOV radio in Sioux Falls, has racked up a series of awards and honors that reflect great credit on him, his station, and the best traditions of American journalism.

One notable aspect of Jerry's achievements is that he consistenly finds "good" news—he's won awards for blizzard coverage, to be sure, but he has also been able to do stories about high school students seeking to save their school, about people helping themselves and others. This year he was given the Lowell Thomas Youth Award for his coverage of the Canova, SD high school students. He was one of four to receive recognition this year from the Southern Baptist Radio Television Commission for his positive news stories.

United Press International has cited Jerry more than 30 times at the State and national level for newscasts, documentaries, features, and spot news. The Farmers Union has praised his coverage of agriculture, South Dakota retailers named him "Newsman of the Year," and the Disabled American Veterans thanked him for outstanding coverage of veterans issues. These are just a few of his many honors.

Jerry has also shown that a radio reporter in the heartland of America can find international news, just as long as he has a telephone line. He's interviewed officials in Iran and Marine officers in Lebanon from his desk in Sioux Falls.

Each week, Jerry Dahmen produces and narrates the "Good News Report," which President Reagan recently recognized as an example of positive radio programming. He's done documentaries on drug abuse and people who have overcome severe handicaps. He's shared his knowledge and understanding of the media with civic and professional organizations, and has given speeches on motivation and goal achievement.

Mr. President, I believe that Jerry Dahmen represents journalism at its very best. He's turned down offers to move to larger cities, because he likes living in South Dakota and South Dakota is proud to have him. We know we can count on him for the news we need to go about our business. He's an aggressive reporter who is not cynical. He's a newsman who understands that information isn't gloom and doom—it's education, enlightenment, and occasionally inspirational.

HONORS WON BY JERRY DAHMEN

UNITED PRESS INTERNATIONAL AWARDS

Best story (state), 1979; "Outstanding Contributor" (state), 1979; Stringer of the Year (state), 1979; Outstanding coverage of Iran (state), 1980; Outstanding coverage of railroad agreement (state), 1980; Stringer of the Year (state), 1980; Outstanding Radio Contributor (state), 1980; Best Documentary (state), 1981; and Best Public service investigative story (state), 1981.

First place newscast (state), 1982; Best newscast (state), 1983; Best documentary and spot news in state, 1983; Regional awards, best newscast and spot news, 1984; National UPI Award for Best Story, blizzard coverage, 1984; Best Regional Feature, 1985; Best Newscast, Documentary, Feature, and Spot News Awards (state), 1985; and the National UPI Award for Best Feature for stations with 5 or fewer full-time newspersons, 1985.

OTHER NOTABLE AWARDS

First place winner of the Lowell Thomas Good News Award, 1985; Third place winner of the Lowell Thomas Good News Award, 1984; Northwest Broadcast News Association, three awards; South Dakota Social Workers, Best Public Service Coverage, 1982; and South Dakota Farmers Union, Outstanding Reporting on Farm Issues, 1982.

University of South Dakota, Tom Brokaw Broadcasting Award, 1984; Finalist, Documentary entered in International Radio Festival of New York, 1985; Southern Baptist Radio Television Commission, Abe Lincoln Award, 1985; South Dakota Retailers Association Newsman of the Year; and South Dakota Disabled American Veterans, Best Media Support, 1985.

PATRICIA S. JACKSON'S DISTINGUISHED SERVICE WITH THE SENATE REPUBLICAN CONFERENCE

Mr. CHAFEE. Mr. President, tomorrow we will honor Patricia S. Jackson as she leaves the Senate Republican Conference after 12 years.

Pattie, as she is known to her many friends, first joined the conference staff during the chairmanship of Senator Norris Cotton of New Hampshire and quickly became an important part of its operations. She was reappointed by each of the succeeding chairmen—Senators Carl Curtis of Nebraska, BOB PACKWOOD of Oregon, JIM MCCLURE of Idaho, and myself—to positions of increasing responsibility. In 1981, Pattie was named director of programs and administration by my predecessor, Senator MCCLURE.

In he dozen years at the conference, Pattie's work touched every aspect of the Senate. She developed a detailed knowledge of the conference's rules, functions and history, and worked closely with all of the Republican leaders, officers of the Senate, and their staffs. They availed themselves of her sharp memory and keen understanding of the internal operations of the Senate. Senators' offices, both new and established, came to depend on her as a resource concerning Senate rules and regulations and Federal campaign and ethics requirements.

The inspiration and mainstay of many special programs offered by the conference to Republican Senators and their staffs over the years, Pattie organized technical assistance programs for office managers, executive assistants and committee chief clerks. She also arranged the semimonthly meetings for Republican administrative assistants and committee staff directors. Special issue task forces formed through the conference for our Senators benefited from the support she organized and supervised for them. Pattie also assisted in the planning and implementation of the well-known Tidewater Conferences for elected Republican officials.

Pattie's contribution to the daily operation of the conference was substantial, but what we shall remember

about her most is her great affection for the Senate as an institution and her singular devotion to it. She is one of that cadre of dedicated people who bring continuity to an institution characterized by change and without whom such change would be much more difficult.

We appreciate Pattie Jackson for her contribution and we wish her well in all her future endeavors.

JOSEPH A. BRINDLE

Mr. MURKOWSKI. Mr. President, I rise today to pay tribute to Joseph A. Brindle, a close friend who passed away last Friday, July 12, in Ketchikan, AK. He was a remarkable man who touched the lives of hundreds of people. For those of us who knew him, his death is a tremendous loss.

Joe Brindle and his three brothers came to Alaska in the early 1920's. Traditionally, Alaska has attracted a population of hard-working men and women—fishermen, loggers, construction and pipeline workers, and the like, who come to the State in search of opportunities. Joe Brindle exemplified the very best of these Alaskans. The Brindles started as fishermen, one of man's basic, hardest, and most honorable professions. Saving their earnings, the family was able to purchase a small salmon cannery at Ward Cove, just north of Ketchikan.

Ketchikan was known as "the salmon capital of the world." During the years when Alaska was still a territory there were dozens of canneries scattered along the shores of the town and dotted throughout the nearby islands. Most all have phased out of existence. However, the Ward Cove Cannery is still going strong today. During the early years of the cannery Joe Brindle fished, brailed traps, and coordinated the fleet of cannery tenders while skippering his own boat, the *Vanguard*. After coming into port with a load of fish, he would often go to work in the cannery doing whatever was necessary to make sure the day's catch was packed. He loved the sea and knew the waters of southeast Alaska as well as any man who has ever piloted a boat. He passed this knowledge of seamanship, his respect and love for the water—his pride in Alaska and doing a job well, to every young fisherman with whom he came in contact.

By the 1960's Joe Brindle was needed as superintendent of the cannery. He worked harder than ever to see that the cannery ran smoothly. Unlike most executives, Joe Brindle would not merely stay in the office, but instead, he would be down in the cannery sorting incoming salmon or hunched over next to the slimming table cleaning fish. At night and into the early morning, he would be up in the radio room with a cup of coffee, coordinating the tender fleets pickup and delivery of the previous day's catch. Maintenance work was required year round. Yet, simply assuring that Ward Cove was kept running was not enough. The cannery was expanded, improved, rebuilt, and modernized with Joe Brindle there for every step of the job.

Through the years, hundreds of people have spent summers at the Ward Cove cannery. For countless young men and women, Joe Brindle became a second father: A stern, gruff parent who demanded the very best, but someone who had a heart of gold. Many a worker, away from his or her home for the first time, grew up and matured during those short summers in Alaska.

Joe Brindle was one of the most respected and loved men in Alaska. My deep sympathy goes to his wife Florence, his son Dennis, and his daughter Laurie.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate go into executive session to consider certain nominations on the Executive Calendar.

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

DEPARTMENT OF STATE

NOMINATION OF JOHN ARTHUR FERCH

The PRESIDING OFFICER. The first nomination will be stated.

The assistant legislative clerk read the nomination of John Arthur Ferch, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Mr. LUGAR. Mr. President, I commend to the attention of my colleagues the nomination of John Arthur Ferch to be U.S. Ambassador to the Republic of Honduras. Currently, Mr. Ferch is chief of the U.S. Interests Section in Havana, Cuba. He entered the Foreign Service in 1958, studied in the Foreign Service Institute, language training in 1958–59. In 1959 to 1961, he was vice consul and economics officer in Buenos Aires. From 1961 to 1963, he was international relations officer at the U.S. Mission to the Organization of American States in Washington, DC.

From 1963 to 1964, he was detail officer at the University of Michigan in advanced economics training.

In 1964–67, he was economics officer in Bogota, Columbia.

From 1967 to 1969, he was principal officer in Santiago de los Caballeros in the Dominican Republic. From 1967 to 1971, he was chief of the economics section in San Salvador; from 1971 to 1975, chief, economics section in Guatemala.

In 1975–76, he was at the National War College. In 1976–78, he was director of the Office of Food Policies and Programs, Department of State. From 1978 to 1982, he was deputy chief of mission in Mexico and from 1982 to present, has been chief of U.S. Interests Section in Havana.

He was graduated cum laude from Princeton University in 1958 and was Phi Beta Kappa in 1958. He received a group superior honor award, 1984. He received a senior Foreign Service bonus in 1981, 1982, and 1983.

Mr. Ferch has a Spanish-speaking language ability, 3/3+ tested.

Mr. President, the Foreign Relations Committee heard John Arthur Ferch on the June 24. His nomination was voted out of committee on June 25 by a vote of 16 to 0, with 1 Senator not recorded on that date. We believe he is an excellent nominee. I commend John Arthur Ferch to the Senate for confirmation.

Mr. PELL. Mr. President, Mr. Ferch has an excellent record in Foreign Service. He is known to various members of the committee and will, in my view, make a fine Ambassador to Honduras. I hope my colleagues will support his nomination.

Mr. LUGAR. Mr. President, I know of no other Senators for the moment who wish to speak on this nomination. There are many other Senators who, in due course, will wish to do so. I ask unanimous consent that the nomination be temporarily laid aside and that the nomination of Edwin G. Corr be considered by the Senate.

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

NOMINATION OF EDWIN G. CORR

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Edwin G. Corr of Oklahoma to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of El Salvador.

Mr. LUGAR. Mr. President, I commend to the attention of my col-

leagues the nomination of Edwin G. Corr to be Ambassador of the United States to El Salvador. Currently, Mr. Corr is U.S. Ambassador to Bolivia.

Ambassador Corr was a member of the U.S. Marine Corps from 1958 to 1960. He served as a teaching assistant at the University of Oklahoma from 1960 to 1961 before entering governmental service in 1961 as a Department of State trainee in the Foreign Service Institute. In 1962, he was International Affairs Officer, Office of Mexican and Caribbean Affairs, at the Department of State.

From 1962-64, he was junior officer at the American Embassy in Mexico City, Mexico. From 1964-66, he was administrative assistant to the Ambassador in Mexico.

From 1966 to 1968, he was personal Peace Corps director in Cali, Colombia. From 1968 to 1969, he was a student at the Institute for Latin American Area Studies at the University of Texas.

From 1969 to 1971, he was desk officer in the Office of Panamanian Affairs in the Department of State; from 1971 to 1972, was program officer, Interamerican Foundation in Rosslyn, VA.

From 1972 to 1975, he was executive assistant Ambassador, American Embassy, Bangkok, Thailand. From 1975 to 1976, he was political counselor at the American Embassy, Quito, Ecuador. From 1976 to 1978, he was deputy chief of mission, American Embassy, Quito, Ecuador.

From 1978 to 1980, he was Deputy Assistant Secretary of State for International Narcotics Matters in the Department of State. From 1980 to 1981, he was Ambassador to Peru in Lima, Peru. From 1981 to present, he has been U.S. Ambassador to Bolivia in La Paz, Bolivia.

He is a member of the Omicorn Delta Kappa, the Foreign Service Association, Rotary International, and the International Community Church in La Paz.

As a distinguished American athlete, he was fourth in the U.S. AAU wrestling at 136.5 pounds in 1959. He has a Spanish-speaking capability tested at 4/4+.

Mr. President, Ambassador Corr has served the United States well in his present capacity and in his previous service. I commend him to the Senate for confirmation.

Mr. PELL. Mr. President, Mr. Corr is a very well respected career Foreign Service officer, one who has worked extensively in the narcotics field, and one who has the background to take on the particularly difficult assignment of being Ambassador to El Salvador with all its complexity, dangers, and problems. I hope my colleagues, not only on this side of the aisle but the other side as well, will support Mr. Corr's nomination.

Mr. LUGAR. Mr. President, Ambassador Corr was heard by the Foreign Relations Committee on June 20 of this year. He was voted out of the committee on June 27 by a vote of 15 to 0.

There may be other Senators who wish to be heard in due course on this nomination. Therefore, Mr. President, I ask unanimous consent that the nomination of Edwin G. Corr be temporarily laid aside and that the Senate turn to the nomination of Rozanne L. Ridgway.

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

NOMINATION OF ROZANNE L. RIDGWAY

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Rozanne L. Ridgway, of the District of Columbia, to be Assistant Secretary of State.

Mr. LUGAR. Mr. President, Ms. Ridgway was nominated by the President of the United States to be Assistant Secretary of State for European and Canadian Affairs. She is currently Ambassador to the German Democratic Republic.

She entered Government service as an information specialist at the Department of State in 1957 and she was personnel officer in the Embassy in Manila from 1959 to 1960. From 1962 to 1963, she was in the visa office at the Embassy in Palermo. She was international relations officer, Department of State, from 1964 to 1967.

From 1967 to 1970, she was political officer at our Embassy in Oslo; from 1970 to 1972, desk officer for Ecuador, Department of State.

From 1972 to 1973, she was deputy director, Policy Planning Office, Bureau of Latin American Affairs. From 1973 to 1975, she was DCM in our Embassy in Nassau and from 1975 to 1976, Deputy Assistant Secretary for Oceans and Fisheries Affairs.

From 1976 to 1977 U.S. Ambassador for Oceans and Fisheries Affairs; 1977 to 1980, U.S. Ambassador to Finland; 1980 to 1981, Counselor to the Department of State; 1981 to 1982, Special Assistant to the Secretary of State. From 1982 to the present, she has been the U.S. Ambassador to the German Democratic Republic. She has received a number of awards during her distinguished diplomatic career: In 1966, the Superior Honor Award; in 1975 and in 1981 also, the Superior Honor Award was given to Miss Ridgway; 1970, the Meritorious Honor Award; 1970, the William Jump Meritorious Award; 1977, National Fisheries Institute Award; 1982, the Joseph C. Wilson Award. Miss Ridgway has language ability in Italian, Norwegian, Spanish, and German. She was heard by the Foreign Relations Committee in public hearing on June 25, 1985. The committee voted on her nomination by a vote of 15 to 0 on June 27, 1985.

I commend to my colleagues this distingished diplomat for the position for which she has been nominated by the President of the United States.

Mr. PELL. Mr. President, I am very glad indeed to join in supporting Rozanne Ridgway. I have known her for more than 10 years. I have long admired her ability, professional competence, and the respect which she has for those who work with her. I believe that she will make an excellent Assistant Secretary for European and Canadian Affairs and urge support of her nomination.

Mr. LUGAR. Mr. President, there may be other Senators who will wish to make statements about this nominee in due course. For the moment, I ask unanimous consent that the nomination of Rozanne Ridgway be temporarily laid aside and that the Senate turn to the nomination of Richard R. Burt.

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

RICHARD R. BURT

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Richard R. Burt, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Mr. LUGAR. Mr. President, Richard R. Burt has been nominated by the President of the United States to be U.S. Ambassador to the Federal Republic of Germany. Currently, Mr. Burt serves as Assistant Secretary of State for European and Canadian Affairs.

Richard Burt had distinguished service outside of the Government commencing in 1971-73 as copy editor of the Boston Globe in Boston, MA; 1973, consultant to the Rand Corp., Hudson Institute, Stanford Research Institute, European-American Institute for Security Research, and the House Republican Wednesday Group; 1973-75, Research Associate, International Institute for Strategic Studies, London, England; 1975-77, Assistant Director, International Institute for Strategic Studies, London, England and 1977-80, correspondent for the New York Times in Washington, DC.

His governmental experience includes senior research associate of the U.S. Naval War College in 1972; Director of the Bureau of Politico-Military Affairs in the Department of State, 1981 to 1982 and from 1983 to the present, Assistant Secretary of State for European and Canadian Affairs.

His education is a bachelor of arts degree in 1969 from Cornell University, and a master of arts, 1972, from the Fletcher School of Law and Diplomacy. He won the Crown Fellowship

award at the Fletcher School of Law and Diplomacy, and was an aerospace history fellow of the U.S. Air Force and in the honors program at Cornell University. He is the author of a long list of articles and books. Mr. Burt has served in the State Department with distinction, and it is a pleasure to commend this nominee to the Senate for confirmation to become our Ambassador to the Federal Republic of Germany.

Mr. PELL. Mr. President, I am glad to join in supporting Mr. Richard R. Burt, who has singularly broad experience in diplomacy in the area of European affairs. He has seen it from both the inside and the outside, and he would in every way make a good Ambassador to Bonn.

Mr. LUGAR. Mr. President, I should add that Mr. Burt was heard by the committee on June 25, 1985. He was voted out of committee on June 27, 1985, by a vote of 15 to 0, with two Senators not recorded.

Mr. President, as in the case of each of the nominees placed before the Senate today, there may be additional comments by Senators. The majority leader has indicated in his closing comments in the debate last Thursday that no rollcall votes would occur on nominees prior to 4:30 this afternoon. Voice votes could occur in the event that the majority leader might indicate or might find, assisted by the distinguished minority leader as they run hotlines or various procedures, that no objections lie against any of these nominees.

The majority leader is hopeful of seeing confirmation of all four nominees today, if this is at all possible, and the cooperation of all Senators is certainly invited. But for the moment, Mr. President, there are no further comments although indications that there may be, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VISIT TO THE SENATE BY A DELEGATION OF BRAZILIAN SENATORS

Mr. SIMPSON. Mr. President, it gives me great pleasure—and I direct this to the Chair and to our majority leader—I want these gentlemen from the Brazilian Senate to know Senator DOLE is present in the Chamber and I know he will want to greet you.

Let me just state that we have five members of delegation of the Senate of Brazil here with us today on the floor. I express to them that the action is not heavy, but it will be. We are dealing with some nominations.

Let me introduce to you and those Members who are listening, as we are connected to our offices by this electronic device, let me tell you that we have with us today Mr. Jose Manoel Fontanilla Fragelli, who is the leader of the delegation and the President of the National Congress, and President of the Brazilian Federal Senate.

We have also with us Mr. Murilo Paulino Badaro, Mr. Alfredo Jose de Campos Mel, Mr. Marcondes Iran Benevides Gadelha, and, finally, Mr. Rui Oscar Dias Janiques.

We also wish well another member of your delegation who is not here, Mr. Eneas Eugenio Pereira Faria.

We greet you on behalf of the United States, on behalf of the majority leader, Senator DOLE, and on behalf of the leadership. We thank you for being here and express our kindest regards to your fine President, Jose Sarney-Costa.

It is a pleasure to have you with us. My good friend, our Ambassador, Diego Asencio, has told me some individual things about each of you which are very pleasing to me.

Thank you for sharing this experience and sharing this opportunity to see our legislative body. We greet you with high regard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, my understanding is that the chairman of the Foreign Relations Committee, Senator LUGAR, has briefly commented on the four nominees, and hopefully we can dispose of them sometime today, if at all possible. I was under the impression there were at least two on which there would be extensive debate. I hope those who want to discuss either the Ridgway nomination or the Burt nomination—if those are the correct two—could accommodate us by coming to the floor and making statements. I know the distinguished Senator from North Carolina is right now before a hearing on textiles in the Senate Finance Committee and cannot be here. But it is my understanding that there were about nine Senators who indicated in a letter they wanted to be notified of the four pending nominations. Calls have been placed to all of their offices. One or two of those may be out of town. But I hope we can dispose of all four nominees yet today. I urge my colleagues, if they want to speak for or against the nominees, to do so because we have a rather heavy week ahead of us, and a heavy 3 weeks ahead of us if we are to complete action by the time of the August recess which is scheduled to begin on August 2.

UNITARY TAX

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, last week the Parliament of Great Britain took action to provide for retaliation against the practice of several of the States of the Union in imposing a unitary tax. This is action that the British Parliament has contemplated over a period of time, action that the British Parliament has withheld under the impression that the U.S. Congress was going to act to deal with the problems created by the unitary tax. We have not taken that action, although the President of the United States has appointed a distinguished commission which has looked at the problem which has recommended that we act, and which has sought to motivate the States which seek to impose the unitary tax to act. As a matter of fact, for 20 years I have been working for Federal legislation to impose limits on the practice of a few States to tax income that is generated not only in other States but even in other countries.

The experts refer to this practice as the extraterritorial application of the unitary tax.

Under this system, these States tax corporate income that has no relation to business activity within the State.

In urging reform, I have repeatedly warned that failure on the part of the U.S. Congress to act would trigger retaliation by other nations.

Last week, the British Parliament finally ran out of patience. Without a dissenting vote, the Parliament passed a bill that denies favorable tax treatment to U.S. corporations headquartered in States that use the unitary system. This legislation will be injurious to American corporations, and, Mr. President, I think it will cost America jobs.

One of the problems that I have had over the years is getting people in very sensitive positions to look at this problem. The corporate tax counsel, State tax administrators, diplomats in the field all know the problem inside out, but the chief executive officers of corporations, Governors of the several States, and the President of the United States, whoever that may have been at various times, very often did not have a comprehensive understanding of this problem because it is complex. We have never had the pressure

from the top that was needed to resolve the issue.

I believe that is changing. People at the very top of Government and at the top of business are watching closely. They all realize, some for the first time, the importance of this issue.

Last year, the President created a task force in an effort to put an end to the long stalemate. The task force recommended an elimination of the unitary tax. The economic impact is tremendous and I think we can see that the diplomatic fallout is mounting.

Two weeks ago, I talked with the Prime Minister of Great Britain, Mrs. Thatcher, about the unitary tax, and she then said that the action which has now been taken was imminent.

For 7 years, the officials of the U.S. Treasury have been counseling restraint to the British on the premise that relief was in sight. It has never come, so now the Parliament has acted.

The danger is that other countries around the world will follow suit and U.S. companies will find it harder and harder to sell products abroad. With their trade deficit mounting, this setback at the hands of the British Parliament is an ominous signal.

I have again written to the distinguished chairman of the Finance Committee, the Senator from Oregon [Mr. PACKWOOD], asking him to schedule a hearing at the earliest possible date on Senate bill 1113, which would repeal the unitary tax, which would relieve this additional burden from the back of American business, and which would remove one more obstacle in the flow of trade, which is already so impeded that we have a record-breaking trade deficit.

One thing is clear: This issue will continue to haunt us, it will continue to cost U.S. trade, it will continue to cost U.S. jobs, until we summon the political wisdom and the political courage to put it to rest.

Mr. President, I think that the action taken at Westminster last week is a clear signal that we can no longer delay our own address of this issue of the unitary tax.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. DOLE. Mr. President, it is still my hope that we can dispose of these four State Department nominations this afternoon.

We have been advised that there are a number of Senators who want to speak in opposition to some of the nominations. Nine Senators signed a letter in which they asked that they be notified concerning these four nominations. Each of these nine offices has been called.

I again urge those Senators—Senators HELMS, HATCH, SYMMS, THURMOND, HAWKINS, MCCLURE, MCCONNELL, and WALLOP—that if they desire to speak on any or all of the nominations, they might do so, so that we will not be in session extremely late this evening. It is still my hope that we can dispose of one, two or three of the nominations on a voice vote, and a rollcall vote may be demanded on one or two.

Again I say to my colleagues that we are not making much headway today. If there are those who wish to speak in opposition to any of the nominees, I hope we might have some action in the next few minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEPARTMENT OF STATE NOMINATIONS

Mr. HELMS. Mr. President, I regret the delay in coming to the floor. I have been tied up in a subcommittee hearing with respect to the textile crisis which affects not only my State but the State of the distinguished Presiding Officer and many, many other States around the country. The hearing ran substantially longer than we had anticipated it would. In fact, it is still in progress.

Mr. President, is the Senator from North Carolina correct in his understanding that at this point all four of the State Department nominations are before the Senate; that is to say, each has been called up in turn and laid aside for a succeeding one?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. So it would be appropriate, then, Mr. President, if the Senator from North Carolina proceeded to discuss at least two of these nominees?

The PRESIDING OFFICER. It would be.

Mr. HELMS. I thank the Chair.

NOMINATION OF EDWIN G. CORR

Mr. President, let me first address the nomination of Edwin G. Corr.

Mr. President, this nomination gives me great concern. In various ways and at various times I have already made it clear that in my judgment Mr. Corr is very much out of sympathy with the foreign policy philosophy of President Reagan, particularly regarding Central America.

Mr. Corr—and I want to be as charitable about this as possible—Mr. Corr is a candidate of the State Department, by the State Department, for the State Department. This is a problem that has existed for decades.

This past Friday I had a telephone call from a distinguished former Ambassador who served during the Eisenhower administration. He was a political appointee, so-called, and a true professional. He said to me, "Senator, you are on the right track and I hope you will continue to pursue it, no matter how much criticism you receive and regardless of the misrepresentation by the news media and others."

And then this distinguished former Ambassador proceeded to outline the difficulties that had existed in the 1950's. He then said, "I have followed the situation since that time and the situation has not improved, it has worsened."

Now, the question may arise: If Mr. Corr is not in sympathy with the President's foreign policy goals or the President's foreign policy philosophy, then why did the President nominate him? The answer to that is very simple: No President—this one or any previous one—has had time to investigate the political philosophy of everybody appointed in his administration.

Look at the multitude of nominations that are literally shuffled into the Oval Office, and where no President can give more than cursory attention to them. The President—any President—necessarily must depend upon the Secretary of State for State Department nominations and the Secretary of State depends on the foreign policy system, and that is where the problem is.

I know that those who are not acquainted with the system, let alone the problem, take the view that this is a strange set of circumstances. Indeed it is, but, nonetheless, it exists. It has had an enormous impact on the foreign policy of America over the past two or three decades, perhaps longer than that.

The other day on this floor I alluded to tragic foreign policy errors made by both parties when they controlled the administration. I was alluding in particular that day to the Continent of Africa and how we—by "we" I mean the State Department—sold down the river the country now known as Zimbabwe.

It was entirely possible, indeed probable, that the country now known as Zimbabwe in Africa could have escaped being taken over by Marxists, but it was the State Department that orchestrated the overthrow of a fine, decent man named Abel Muzorewa. He had been elected Prime Minister, he

was a strong supporter of the United States, he was anti-Marxist, and in every way offered hope for that beleaguered country.

But in the sophisticated way that the State Department orchestrates activities often unknown to the administration in power, Zimbabwe was literally thrown into the clutches of a terrorist who now serves that country as Prime Minister and who just 10 days ago announced that he was going to have a one-party system. The inference was very clear that if his opponents did not like it, they had better leave Zimbabwe if they want to stay alive.

I mention all of that, Mr. President, as a prelude to emphasizing, as best I can in my awkward way, the absolute necessity of doing something about the functionaries in the State Department who are elected by no one, whose activities are not even monitored, and whose activities have so often led to distressing circumstances in various parts of the world.

And this is the problem I have with Mr. Corr. I do not attack the man's character. I do not suggest that he is not entitled to his own view of things. But he is a man who has made clear in various ways that he does not support the foreign policy goals of the present President of the United States and, therefore, the administration of which he is a part.

So the system is failing. It has been failing for decades. There has been much discussion over a period of years along the lines that something ought to be done but nobody ever does it. Perhaps I will fail in my efforts to have this situation understood by those in the executive branch who have the ability, the authority, and, I believe, the duty to monitor not only what is now going on but what has been going on for a quarter of a century.

In the case of Mr. Corr, the system has failed not only philosophically, but in other ways as well. A large number of responsible people have come to me in recent weeks to tell me why they do not believe that Mr. Corr deserves the President's trust. They have raised very serious charges. They have told me of incidents involving Mr. Corr's actions which go far beyond a question of philosophy or capability, if these reports are accurate, and I am inclined to believe they are, Mr. President, because the people who have come to me are responsible Americans, they are knowledgeable Americans, and they know what has been going on.

It gives me no pleasure, Mr. President, to raise such questions on the floor of the Senate when there has been no independent investigation of charges against Mr. Corr. The key word is "independent." There has been no independent investigation of the charges. That is precisely the point. Why is the Senate acting on this nomination when there has been no independent investigation?

I could go into detail concerning these issues on the Senate floor. I would have the protection of Senate immunity. But I do not want to do that. And I should not. But I say, Mr. President, that the charges should be examined by competent, independent authority.

I regret to say that has not been done. Just this afternoon I have been informed that the matter to which I refer have already been investigated by the inspector general of the State Department. But the inspector general's report has not been sent to the committee nor is the inspector general of the State Department a truly independent authority. Of course he is not. The State Department's inspector general office is the only such office in the Government which is under the authority of the Cabinet officer in charge of the Department.

Moreover, the head of the inspector general's office--that is the State Department, and get this, Mr. President—is the former president of the Foreign Service Association, the State Department union. So you see, Mr. President, why I find suspect any benign report from this gentleman. In my judgment he is part of the problem, a problem that has existed for a quarter of a century.

Mr. President, let me emphasize that I have complained of this arrangement on previous occasions—many of them. In fact, the Senate has agreed to my amendment to the State Department authorization bill that would add the inspector general's office at the State Department and at the U.S. Information Agency to the other 18 independent inspectors general.

So my point is this, Mr. President: At this moment, we do not have an independent, objective office at the Department of State for these reasons, Mr. President—and I shall go no further into the matter—I have today written a confidential "eyes only" letter to the Attorney General of the United States outlining the reasons why I think there are substantial and reasonable grounds for the appointment of a special prosecutor to investigate the nominee's activities in Bolivia.

I did not do this without thinking, Mr. President. I know it is a major step. And I confess that I cannot predict what the outcome of such an investigation might be. But this I will say: I have been advised by counsel that the allegations in question are sufficient to meet the test of the Special Prosecutors Act providing for such an action. That being the case, Mr. President, it goes without saying that I feel obliged to vote against the nomination of Mr. Corr, and I hope some other colleagues might do the same.

On the other hand, I stand in a virtually empty Senate Chamber at 4:30 on Monday afternoon, and my message is probably like a ship passing in the night.

NOMINATION OF ROZANNE RIDGWAY

Moving on, Mr. President, to the nomination of Rozanne Ridgway—and I hope that some delineation will be shown in the RECORD between the two nominations so that each will be identifiable in its context.

Mr. President, during the confirmation hearings I interrogated Ambassador Ridgway, who has been nominated to be Assistant Secretary of State for European Affairs. I asked her many questions. As I read the transcript, the conclusion I reached while I was interrogating her in the Foreign Relations Committee, downstairs in the Capitol, room S-116, showed serious discrepancies between the testimony which Ambassador Ridgway gave before the committee and facts which had been developed through investigation subsequent to her testimony.

In fairness to Mrs. Ridgway, the investigation has not yet been completed. I asked the distinguished chairman of the committee to take enough time to investigate these matters thoroughly. I might add that Mrs. Ridgway herself has not been given time to answer. I am sure the Chair, however, would be most interested in hearing and/or reading her answers to the questions if this nomination is going to be considered prior to the availability of that information.

The point I would make is that, in my judgment, it is not fair in the confirmation process to take up this matter when serious discrepancies do develop between the testimony of a nominee and information from other reliable sources. Under the existing circumstances, the only thing I can do in order to be true to my oath of office, as I see it, is to place the information on the public record and let my colleagues draw their own conclusions.

If I may digress, Mr. President, it is often said, "Why do Senators presume to hold up nominations or to question nominations?" And there comes that inevitable statement, "The President has a right to his nominees." The inference is that Senators are violating some sort of unwritten code if we do not just say, "OK, let him go."

I will tell you something, Mr. President. I would be very willing to do that once the Constitution is amended to remove the responsibility of advise and consent. But no Senator, in my judgment, can escape the responsibility and the duty to be as faithful as possible in examining all nominees, whether they be State Department or others, before rubber stamping them.

I do not propose to do that. I never have and I never will because the Constitution confers upon each of us in the Senate the responsibility and the duty to advise and consent, and if we do not like a nominee it is our responsibility and our duty to say so.

Mr. President, the evidence which I intend to place in the RECORD indicates that Mrs. Ridgway may have sought to deceive the Senate about her role in an incident during her tenure as Ambassador to East Germany. Moreover, the attitude demonstrated by this incident, which I shall shortly relate, is indicative of a disastrous and dangerous policy in East-West relations, which happened to be the very matter on which Mrs. Ridgway would be an important policymaker once she is confirmed to the post to which she has been nominated.

For example, Ambassador Ridgway, during her confirmation testimony, attempted to have the committee believe that her role was not exactly what it really was concerning the expulsion from the U.S. Embassy of a family seeking political asylum, Dr. and Mrs. Bernd Schnappauf and their children, and the subsequent arrest and conviction for political crimes and the release of Dr. and Mrs. Schnappauf from East Germany.

That is a lengthy predicate to lay down, but I shall explain it.

With regard to her purported role in the release of Dr. and Mrs. Schnappauf from the East German prison after Dr. Schnappauf had been convicted of political crimes or attempting to seek asylum at the U.S. Embassy, this was the testimony of Ambassador Ridgway:

> Through the act of intervention of the American Embassy, Dr. Schnappauf and his wife have been released and are now in West Germany.

Well, Mr. President, I did a little checking, and I was informed that the West German Government is unaware of any role played by the U.S. Embassy in East Berlin, a precise contradiction of Mrs. Ridgway's testimony. In fact, I am informed that what actually happened is that the West German Government paid a ransom of 200,000 Deutsche Marks to bribe the East German Government to release the Schnappaufs. Although this information has certain sensitive aspects, the point is that Ambassador Ridgway made absolutely no attempt to inform the committee, privately or otherwise, about the true facts of the situation.

She very blandly said, "Through the act of intervention of the American Embassy, Dr. Schnappauf and his wife have been released and are now in West Germany."

Mr. President, several times I made the point that part of the oppression suffered by the Schnappaufs as a result of their expulsion by Ambassador Ridgway was the loss of their children who were taken from them. Not a syllable did Madam Ambassador utter about that.

Ambassador Ridgway, after stating that the Schnappaufs had been released through the intervention of the American Embassy—which was not true—failed to inform the committee that the children were not allowed to come to West Germany and that the family is still divided.

The East German Government has refused to allow the children to be ransomed, since they are not considered "political" prisoners.

Then, Mr. President, I asked Ambassador Ridgway whether it was not the policy to put those seeking political asylum in touch with a certain East Berlin attorney, Wolfgang Vogel. Ambassador Ridgway flat-out denied that this was the practice.

We have contacted Dr. Vogel and he readily acknowledges that he routinely handles such cases. In fact, he told us that he had handled at least 100 such cases.

Then I asked Ambassador Ridgway whether Dr. Schnappauf was referred to Dr. Vogel. She replied "No, he was not." The truth is, Mr. President, I am informed that the West German Government paid the 200,000 Deutsche Marks to Dr. Vogel.

Another point. Ambassador Ridgway very colorfully asserted that Dr. Schnappauf was a threat to the Embassy because he was carrying surgical scissors and poisons and that he threatened to, and I quote here, "kill his wife and kill his children and kill himself."

Dr. Schnappauf has been contacted since Mrs. Ridgway's testimony and he flatly denies that he carried scissiors or poisons into the U.S. Embassy or that he threatened to kill himself or his family.

Furthermore, the West German magazine "der Spiegel," which investigated the story for 3 months before breaking the story in October 1984, has told us that its reporters never found any reference to these charges made by Ambassador Ridgway in their intensive investigations.

Do you not know, Mr. President, that if there had been a scintilla of truth to the suggestion that Dr. Schnappauf had surgical scissors and poisons in his possession in the Embassy and that he had threatened to kill his children, der Spiegel would not have been able to overlook that; in fact, would have made it a prominent part of the story.

Let us go on. Ambassador Ridgway stated during my questioning of her that it is not the U.S. policy to grant asylum in the Embassy to those who are fleeing from political oppression. That may be the general rule; I do not know. But there are certainly many well-known cases where such a rule, if it exists, has certainly not been followed. The fact that Dr. Schnappauf and his wife were arrested following their expulsion from the United States Embassy—bear in mind, they were pushed out of the U.S. Embassy onto the street, into the arms of the Communist police, on the orders of Ambassador Ridgway. They were hauled off to court, a Communist court. They were convicted of political crimes.

It seems to me, Mr. President, that Dr. Schnappauf was right on target when he tried to express his concerns to the U.S. Ambassador at the U.S. Embassy in East Germany. His concerns were real. I think a fair case could be made that Ambassador Ridgway failed in her judgment in this case when she directed that this man and his wife and children be pushed out of the U.S. Embassy into the arms of the Communist police, who hauled them off and convicted them of political crimes.

At the very minimum, putting Ambassador Ridgway's testimony in its best light, I think this episode indicates that this lady fails to understand the basic issue of why men and women flee all over this world from Communist oppression. It may be small wonder, Mr. President, that the perception is growing around the world that the United States is a paper tiger, that we really do not mean it when we say we are opposed to a world dominated by Marxism.

Then, Mr. President, the information received in the past 2 weeks indicates that Ambassador Ridgway misled the committee in material points concerning a critical issue in her current assignment. One might say that this deception is both positive in attempting to take credit for the satisfactory resolution of a crisis and negative in omitting to supply essential information necessary to understand what she was saying in her testimony. One of the central issues which I raised during the testimony of Ambassador Ridgway was the way she handled the Schnappauf incident at the U.S. Embassy in East Berlin on June 27, 1984. The purpose of this question was to reveal her attitude toward appeasement of the Communist government in East Germany, and perhaps, in the macroview, of communism in general and the Soviet Union in particular.

This incident was particularly important, I think, because, First, it was a clear-cut case of whether the United States would sacrifice human rights on the alter of détente; second, it was a test of Ambassador Ridgway's effectiveness and courage in an unexpected crisis; and, it would reveal her relationship with Honecker and his officials.

Let's get the picture again, Mr. President, just for purposes of clarity. Dr. Schnappauf and his wife and his

children came to the U.S. Embassy in East Berlin, where Ambassador Ridgway was our Ambassador. They pleaded with the United States—because Mrs. Ridgway was the representative of the United States in East Germany—they pleaded for asylum and they were denied it. They were pushed out into the streets, into the arms of the Communist police, and taken off and convicted of political crimes.

Then Ambassador Ridgway said, "Oh, well, we worked it out"—this is, in effect, what she said—"we worked it out, because they are now in West Germany."

There was a bit of snickering by one of the Senators present, Senator BIDEN, who said rather disdainfully to me—the question was intended for me but it was asked of Mrs. Ridgway—"How did you manage to screw up so badly?"—The inference being that she was a hero; she had worked it over, and there was no question about her commitment, or her courage, or anything else.

Well, that is just fine, except it was not true.

Mr. President, I am supposed to wave this nomination on and say, "Fine, so vote it." And maybe that is what I ought to do. But there happens to be a little constitutional obstacle called advise-and-consent standing between me and that sort of decision. As long as I am a Member of the Senate, I am going to take all of the Constitution seriously, including the advise-and-consent provision.

But let us go back to Ambassador Ridgway's testimony. In responding to my questions that afternoon downstairs in this Capitol in the Foreign Relations Room, Mrs. Ridgway portrayed Schnappauf as a demented man who was a security threat to Embassy personnel.

Now, get that, Mr. President. And then she said he was released from prison and allowed to go to West Germany through the representations of the U.S. Embassy. None of this was so, not a syllable of it, by anybody's reasonable interpretation, Mr. President.

Now, we did some investigation with the assistance of the Library of Congress, and I have to conclude, Mr. President, that Ambassador Ridgway's testimony was a deliberate attempt to mislead, if not to deceive, the members of the Foreign Relations Committee. Not only is the whole context of Schnappauf's release totally different, but it does no credit either to Mrs. Ridgway or to the East German Government. In addition, the principals in the case, who have been contacted in the past weeks, flatly contradict the essential portions of Mrs. Ridgway's testimony.

Now, you may say "Why is the Schnappauf Case so Crucially Important?" Well, let us look at the context of the case. In the summer of 1984, there was a proposal that Erich Honecker, the East German Communist Party boss, would visit West Germany, the first time that a Communist Head of State of East Germany would make such a visit. The advocates of détente were especially eager that this visit take place, as a sign of movement toward the reunification of Germany and toward "improvement" of East-West relations generally.

But you know something, Mr. President. That little proposal backfired when some 55 East Germans entered the West German representation office in East Berlin, seeking asylum, and refused to leave. So, what did that do? Their presence gave the lie to the illusion that oppression had eased in East Germany. In fact, it increased tension among the West German public. By the end of a summer, the proposed Honecker visit was canceled, spelling an end to the hopes for détente.

Ambassador Ridgway's attitude toward those fleeing from political oppression in East Germany was, therefore, one of the most important aspects of her service in the East Berlin Embassy.

When Dr. Schnappauf and his wife came to the Embassy and sought political asylum, Mrs. Ridgway faced a major dilemma. If she allowed the Schnappaufs to stay in the U.S. Embassy, it would undoubtedly encourage other East Germans to seek asylum in the Embassy, in the light of the fact that the 55 at that time in the West German representation office were already a major embarrassment toward improving East-West relations. So if she allowed a second such embarrassment, the Honecker visit would undoubtedly be canceled, as later happened anyhow. The only course of action for someone who was anxious to improve relations was to prevent the development of another situation in which a desperate group of men and women were seeking to fulfill the yearning that all of us have, the yearning to be free.

Therefore, the arrival of the Schnappaufs on June 27 clearly presented the Ambassador with a turning point. If she permitted the doctor and his wife to stay, she would, in effect, be confronting the Honecker regime with public evidence of its moral degradation, with the almost guaranteed result of a mushrooming "incident." So what happened? A decision was made by Ambassador Ridgway to expel the Schnappaufs by force, shoving them outside the door onto the street and into the arms of the Communist police.

What a great way for the United States to conduct its affairs. The door of the U.S. Embassy in East Germany exits directly on the street, so the forcible expulsion of anybody meant placing them directly in the arms of the East German Police.

It may be assumed that constant surveillance of those who enter and leave the U.S. Embassy is maintained by the East German Secret Police; it may even be that the Embassy notified the East German authorities that the Schnappaufs were being expelled.

I regret I did not raise that point at the hearing. At any rate, the Schnappaufs were arrested and their children were taken from them, and that was it—real episode of bravery and stoutheartedness on the part of our State Department representative in East Germany.

The incident went unreported in the press for 3 months. But, as I said earlier, during those 3 months, the West German weekly news magazine Der Spiegel—which happens to be the most important weekly journal in West Germany—spent 3 months investigating the incident and was finally able to break the story on October 1, 1984. For Spiegel, it was not a casual story but one that required weeks of investigatory journalism. Ambassador Ridgway herself appears in the story as an Embassy spokeswoman.

THE NO-ASYLUM POLICY

Now, Mr. President, it is clear that Ambassador Ridgway was operating under a settled policy that persons seeking asylum would not be permitted to stay in the U.S. Embassy, because she said this in response to a question I asked of her:

> The United States does not grant asylum at its overseas embassies. The United States grants asylum only on its own territory. When East Germans come to the American Embassy to seek asylum, we explain to them that we do not grant it. We take their names. * * * We do not grant it at our embassies overseas. * * * I am confident that that is the policy, because the background to your story and the questions and the situation in East Germany is one that caused us to review this extensively within the last year or 18 months, and we do not grant political asylum at our embassies.
>
> Senator HELMS. So the rejection of the Schnappaufs did not represent in your view a new U.S. policy?
>
> Ambassador RIDGWAY. Absolutely not.

I had to gather from this statement that a predetermined policy decision has been made, either at her Embassy or in the State Department, that political asylum would not be granted to anyone entering the Embassy. Granted that asylum, even temporary asylum, would create difficult problems—as it created problems in the U.S. Embassy in Budapest when Cardinal Mindzenty sought asylum, and as it created problems in Moscow when the Evangelical Christians sought asylum. But rather than face those problems, the Ambassador, and/or her superiors in the State Department, decided on a policy that would turn over those pathetic people to the Communist police outside the Embassy door.

AWARENESS OF THE IMPORTANCE OF THE HONECKER VISIT

Ambassador Ridgway was fully aware of the importance of the proposed Honecker visit to West Germany. Referring to the date of the Schnappauf's explusion from the U.S. Embassy, I asked the nominee:

Was that day a part of the time during the crisis between East and West Germany?

Ambassador RIDGWAY. That was part of what has come to be known as the Summer of 1984, in which the question of a visit to West Germany by Erich Honecker was still very much a front page topic, and the would-he-or-won't-he question was popular; and of course as you know by the Labor Day weekend the decision was in and Erich Honecker did not visit West Germany.

Nevertheless, Ambassador Ridgway professed to be unaware of the problem of the East German political refugees at the West German representation office.

I asked her:

Were there other refugees seeking political asylum at other embassies in East Berlin at that time?

Ambassador RIDGWAY. At that time, as far as I know, there were not. This was the summer of 1984. I think not. There may have been a residual from previous problems, but my understanding is not in the summer of 1984.

Senator HELMS. Not at the West Germany embassy?

Ambassador RIDGWAY. There had been, but not at that particular time, in June of 1984. I believe not.

Senator HELMS. My information here indicates that there were 55 refugees holed up in the Bonn mission to East Germany.

Ambassador RIDGWAY. That certainly was a problem, but I have lost my sense of the time. It could have been in that period, yes.

When confronted with the facts, the Ambassador changed her tune, after trying to gloss over the fact that refugees seeking political asylum was a very sensitive political and diplomatic issue at the time she expelled the Schnappaufs into the hands of the East German Secret Police.

AMBASSADOR RIDGWAY'S VIEW OF LIFE UNDER COMMUNISM

Ambassador Ridgway seemed to have no concept of why persons living under communism want to be free—or even that freedom is the heart of the issue. Rather, she stated that many people wanted to leave communism because they did not live enriching lives under the system.

I might say, parenthetically, that if that is not a naive statement, it is certainly the greatest understatement I have heard come from the lips of anybody testifying before a Committee of Congress. The point is that Ambassador Ridgway sees no anomaly in telling people who are urgently seeking political asylum to go back and register for emigration from the system from which they are trying to escape. She testified as follows, and this is a verbatim quotation from the transcript:

We explain the procedures for them. We also urge them if they have ties in West Germany to address their applications to the West German embassy, because many do not want to come to our country, and urge them to use a process. I personally believe, Senator, there is no other solution to this in terms of a diplomatic establishment overseas in a country of this kind, which has a wall, which limits travel, which limits emigration to those people, women who are 60, and men who are 65, after their so-called productive years, when the state is quite happy to allow them to travel, which constructs within its borders a system of rewards and incentives which people find do not lead to enriching lives, and they want to leave, and when you and I know that we can pick up and move from one state to the next or go from here to the Bahamas if we would like.

They cannot. Those frustrations are normal. But how one counters them other than insisting . . . that their cases be expeditiously handled and that they be allowed to exit, working with the Federal Republic to support their efforts. I know of no other means to get to the problem. It is a human rights violation. We have made that clear.

Ambassador Ridgway's lack of a feeling of urgency in dealing with political dissidents who face arrest and jail is an indictment of her understanding of basic East-West issues. The notion that political prisoners are trying to escape because they are denied the option to visit the Bahamas is extraordinary.

THE VOGEL CONNECTION

I also brought up the issue of Dr. Wolfgang Vogel, an East German attorney and intimate friend of Erich Honecker, who frequently serves as a bridge in cases of persons seeking political asylum. Senator HELMS asked whether such refugees were usually referred to Dr. Vogel for help. Ambassador Ridgway replied:

No, they were not. They are normally referred to their authorities in their own province.

When asked whether Dr. Schnappauf was referred to Dr. Vogel, she replied:

No, he was not * * * the Schnappauf case is quite different from the line of what we normally do or how often do we call Dr. Vogel.

As subsequent investigation has shown, Dr. Vogel does handle sensitive political refugee cases, and has handled at least 100 as far as we have been able to determine. He also played a crucial role in the Schnappauf case, despite the fact that Ambassador Ridgway did not see fit to call him in. This role will be detailed at a later point.

THE NATURE OF DR. SCHNAPPAUF'S PROTEST

Ambassador Ridgway portrayed Dr. Schnappauf not as a person seeking political asylum, but as a deranged and desperate man who was a threat to the security of the Embassy. Apart from the striking similarity of this charge to the kinds of charges which the Soviet Union routinely makes against political dissidents, we have contacted Dr. Augstein, the publisher of Der Spiegel, the reporter who investigated the case and wrote the story, and Dr. Schnappauf himself. All of them flatly deny the Ambassador's allegations.

Ambassador Ridgway testified as follows:

Dr. Schnappauf entered with his wife and two children, a distraught, frustrated, deeply anxious man who in his desire to leave East Germany had perhaps paid some of the prices that you were talking about, and who said that if he were not allowed to either stay in the embassy or to emigrate, he would kill his wife and kill his children and kill himself.

Our security officers determined that Dr. Schnappauf was carrying poisons and a pair of surgical scissors. The officers in charge of the embassy at that time determined that their responsibility to the members of the staff of the embassy required them to try to dissuade Dr. Schnappauf from his course, and, failing that, to remove him from the embassy as a threat to the security of our personnel. He was so removed.

Senator HELMS. You said he had poison and that he was going to kill his children.

Ambassador RIDGWAY. Yes, and he was carrying surgical scissors.

Ambassador RIDGWAY. This is a man who in the judgment of the people in charge represented a threat to the embassy and to the personnel of that embassy.

Senator HELMS. Well, surely they did not or he did not. A pair of scissors, which could have been taken from his person, right, by your security people, and the poison, did you see the poison? I mean, was the poison seen?

Ambassador RIDGWAY. As far as I know, it was taken from him.

Senator HELMS. Okay. Well, what was the endangerment to embassy personnel? . . . I do not want to be argumentative with you. Now, you mentioned poison and a pair of scissors. Ipso facto, this man or this man and his wife were a peril to the embassy personnel?

Ambassador RIDGWAY. That was the judgment.

Senator HELMS. What was he going to use?

Ambassador RIDGWAY. Poison and scissors.

Senator HELMS. But I thought you just said they took that from him.

Ambassador RIDGWAY. Well, they took it from him in the course of trying to straighten out the situation and asking the man to leave the embassy.

Senator HELMS. Okay, the poison is gone, the scissors are gone. Now what is the peril to the embassy personnel?

Ambassador RIDGWAY. I think that kind of personality, a man who was frustrated, angry, and threatened the lives of his children is not someone that we really care to keep in the lobby of the embassy, and when they refuse to leave after all of the pertinent; information was taken about the nature of their case and their desire to leave, I think that the embassy officer acted correctly.

Senator HELMS. But the United States government advertises all around the world that we are against communism, and here he comes for help, and you say, I am sorry, you have got to go over here to see the people who are going to put you in jail.

Dr. Schnappauf, when contacted last week, emphatically denied that he was carrying scissors or poison, or that he had threatened to kill himself or his

children. Der Spiegel has told us that its editors and reporters came across no reports or information that would suggest that Dr. Schnappauf made any such threats. Ambassador Ridgway's version is so at variance with the information provided by the other parties to the events that some effort ought to be made to establish the factual situation.

EFFORTS TO RELEASE DR. AND MRS. SCHNAPPAUF

Ambassador Ridgway stated before the committee that Dr. Schnappauf and his wife were released from prison and allowed to come to West Germany through the efforts of her Embassy. She states:

Through the act of intervention of the American Embassy, Dr. Schnappauf and his wife have been released and are now in West Germany.

This statement was well received by Mrs. Ridgway's supporters on the committee. Senator BIDEN posed the following ironic question:

How did you screw up so badly to get them freed?

The assumption of the audience was that it was intervention by Ambassador Ridgway that secured the release. However, later she slightly modified her testimony, not claiming actual participation in the transfer, but still strongly implying that her efforts were responsible for the change of heart by the East Germans:

Senator HELMS. And you later participated as I gathered from Senator Biden's comment in the transfer of these people to West Germany.

Ambassador RIDGWAY. No, not in the transfer, but we knew that Dr. Schnappauf had been arrested. We knew the disposition of the case, and we worked actively through the channels available to us to indicate to those people in East Germany who were in charge of such things that Dr. Schnappauf had been arrested. We knew the disposition of the case, and we worked actively through the channels available to us to indicate to those people in East Germany who were in charge of such things that the United States does not expect people who visit the embassy to be arrested, people seeking information on emigration, people seeking to use our library, that we expect that the normal course of diplomatic events and our presence there that people should be free to come and go, that in this particular instance we understood that there were the security features of it, but nevertheless expected people to be released. That message having been delivered, and quite strongly, and through the channels available to us, we know from Dr. Schnappauf that he is now in West Germany.

Although there was an attempt by Ambassador Ridgway in this passage to step back slightly from taking full credit for the release of the Schnappaufs—and she was entitled to none of the credit—she still presented the release as the culmination of a sequence of representations which she made directly to the East German Government. She did nothing to suggest to Senator BIDEN that the real credit might lie elsewhere.

In point of fact, knowledgeable diplomats have told us that they know of no action by the U.S. Embassy on behalf of the Schnappaufs that actually had the practical result of freeing the Schnappaufs. Mrs. Ridgway, herself, told us that she went through the usual diplomatic routine—a ritual formalism that would have no effect on a Communist government. The real story is quite different.

What actually happened was that last April the West German Government paid a ransom of 200,000 deutsch marks, in accordance with a secret arrangement begun by Willy Brandt, whereby political prisoners and dissenters could be bought from the East German Communist state into West Germany.

The man receiving the extortion money was Dr. Wolfgang Vogel. The children, contrary to the suggestion of Ambassador Ridgway, were never restored to the Schnappaufs, and they are still in East Germany. As children, they are not classified as political dissenters, and hence are not available under the ransom arrangement.

This arrangement shows clearly that the West German Government obviously did not consider the Schnappaufs as demented or threatening individuals; clearly it considered them as political dissenters. The East German Government placed them in the same category, or it would not have released them through the system restricted only to political prisoners.

While it would be understandable that Ambassador Ridgway could not discuss this aspect of the case in public, she made no effort to inform the committee that certain aspects could not be discussed in open testimony, nor did she subsequently inform the committee of the real facts in the case. Instead, she left the committee deceived as to the truth and as to her skills of diplomacy.

In the judgment of this Senator from North Carolina, Mrs. Ridgway has defaulted on her responsibility both in connection with the episode in East Germany and with her testimony before the Foreign Relations Committee. I cannot in good conscience support her nomination.

I thank the Chair, and I yield the floor.

NOMINATION OF RICHARD R. BURT

Mr. GOLDWATER. Mr. President, I am sorry that I was not here before the Senator from North Carolina completed his remarks.

But my colleagues might recall that when Mr. Burt was first suggested as being a member of the State Department I objected. I objected basically at that time on the grounds that when he was a reporter for the New York Times he had made disclosures of very highly classified material that nearly disrupted the relations between Norway and our country.

Mr. President, I have received, and this is something that has never happened to me in the 30-odd years I have served in this body, as of maybe a half hour ago 26 telephone calls from Germany saying that they oppose the appointment of Mr. Burt to be Ambassador. As I say, that has never happened before. I do not know if it was engineered by someone in this country. I do not know what the source is.

I merely think the Senate should be interested in that fact.

Mr. HELMS. Mr. President, I am opposed to the nomination of Mr. Richard Burt. I opposed Mr. Burt's nomination when he was chosen to be Assistant Secretary for European Affairs. I pointed out at that time that Mr. Burt's action, in publishing sensitive classified data while a reporter for the New York Times compromised his ability to serve the U.S. Government.

At that time Mr. Burt published information about the Chalet satellite system, a system which he said was used by the United States for detecting violations of the arms control treaties by the Soviet Union. For some reason, many of my colleagues, in their eagerness to confirm Mr. Burt, did not think it significant that Mr. Burt, as a journalist, had compromised our intelligence data.

But now, after Mr. Burt's performance as Assistant Secretary, we see how, irnonically, the Chalet story episode was a perfect prelude to the philosophy which he pursued within the administration. For Mr. Burt became the prime exponent in the councils of the administration of the doctrine that the United States should unilaterally observe the arms constraints of the SALT II Treaty, even though that treaty was never ratified by the U.S. Senate, and even though the Soviets themselves have committed massive violations of the levels proposed in that treaty.

Mr. President, when Mr. Burt came before the Foreign Relations Committee last month, I attempted to question him about his performance as Assistant Secretary. But Mr. Burt was extremely reticent to discuss his record. He took his stand on what has now been called the Armacost doctrine; namely, that governmental officials do not have to be accountable to the Senate—and ultimately to the people—for their actions.

Indeed, Mr. Burt stated that if his actions and advice were subject to become public knowledge that he could not serve effectively.

The question immediately arises: What kind of advice was he giving, if he is ashamed to be accountable for it? Mr. Burt seems to feel that he would be inhibited in speaking his mind if he had to give an account of it later.

However, Mr. President, that is precisely what the confirmation process is

for. As Senators obliged to give advice and consent on key nominations, we cannot do so unless we have accounting of the stewardship of the nominees. It is very strange that Mr. Burt had no inhibitions about publishing sensitive, classified information that affected the security of the United States when he was a journalist; but now that he is a public servant he declines to disclose even information that is nonclassified.

So I did not get very far with my questioning of Mr. Burt. He simply refused to cooperate.

But that does not mean that we do not know what kind of advice he gave. We know what positions he took. There are enough loyal patriots, whistle-blowers on policy questions, who have quietly kept the Senate informed of the outrageous standards taken by Mr. Burt. And I intend to detail them here. Mr. Burt may think that this is unfair; but he had his chance to speak freely.

Mr. President, it is well known that Mr. Burt has consistently opposed any significant change from the arms control philosophy of the Carter administration. Perhaps that is why he is so well regarded by partisans of that administration. While he claims that there is a philosophical difference between himself and the Carter policymakers—while he claims that he does not believe that increased security will flow from arms control—his policies are basically the same. The only difference is that he rationalizes these policies in terms of keeping the Atlantic alliance going, rather than on the basis of arms control per se; but the politics are fundamentally the same.

Until Secretary of State Alexander Haig ultimately vetoed Mr. Burt's arguments, he argued against the production of binary—chemical—weapons because he said it would upset the Allies. Now that the production of binary weapons has been approved, he says he favors production, but he is concerned about the timing of deployment and the need to consult with the Allies. One gets the impression that Mr. Burt thinks the best timing is never. Instead of taking a policy of leadership in the alliance, he was content to accept the minimal levels of cooperation that had been engendered under the Carter administration.

Similarly, Mr. President, he argued strongly against implementation of the President's concept of the zero option in arms control, and eventually won out. He consistently opposed substantial reductions as a goal for arms control negotiations, accepting current levels as the norm.

We also know what his position has been on observance of the SALT II treaties. His preferred position for START would have been SALT II with cosmetic changes. His second preference would be for a "Vladivostok" style agreement—that is the observance of unilateral declarations by both sides, without any verification. He has always opposed limits on throw-weight although at the beginning he was only against direct limits on throw-weight. Since our START position was announced in May 1982, he has been attempting to get the administration to raise the limit on warheads, thereby undercutting its effectiveness.

Mr. Burt says that he favors the SDI. But he would like to trade away the SDI for an agreement that would permit an increase in Soviet missile RV warheads. For him it is a mere bargaining chip. Indeed, until the President clearly vetoed the idea personally, Mr. Burt called for a 3-year moratorium on SDI testing.

In the INF negotiations, Mr. Burt has pushed for higher RV levels after we abandoned the zero-option—an abandonment that was largely due to his own efforts—and to back away from global limits.

Finally, Mr. Burt has been the principal architect of the interim restraint theory, that is, that we should observe the unratified SALT II Treaty even though it was never ratified and even though both President Reagan and the Senate Armed Services Committee pronounced it fatally flawed. It is not surprising, then, that he has been the main opponent within the administration of reporting to Congress on Soviet SALT violations. He has refused to find any Soviet SALT violations; when the violations were pointed out to him, he refused to call the violations violations. Clearly, he did not want any public announcement about Soviet violations, or doing anything concrete to require the Soviets to correct those violations—and he supports continued compliance with all of SALT II, despite the Soviet violations.

Mr. Burt may take umbrage at this recital, for when his record is made public one might get the impression that he is more anxious to find excuses for Soviet imperialism and oppression than he is to develop coherent policies for the administration to rectify the situation. But the record is there to see. If Mr. Burt wants to challenge it, then let him drop his advocacy of the Armacost doctrine; let him come and testify under oath. I think there may be some others who would be happy to testify at the same time.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. As I understand it, we have four nominations that have been considered today to one extent or another. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, have the yeas and nays been obtained on these nominations?

The PRESIDING OFFICER. The yeas and nays have not been obtained.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to request the yeas and nays.

The PRESIDING OFFICER. Is the Senator suggesting that he be allowed to request the yeas and nays on all four?

Mr. HELMS. Exactly.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(During the quorum call Mr. ABDNOR occupied the chair.)

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

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

Mr. LUGAR. Mr. President, I ask that the Senate now vote on the nomination of Mr. Ferch. Prior to asking that the Chair entertain such a suggestion, I yield to Senator PELL.

Mr. PELL. Mr. President, as we move to a voice vote on this nomination, I must say that I have a twinge of regret for our colleagues who have come from all parts of the country to be here for what they thought were going to be rollcall votes this afternoon.

I realize the difficulties of the leadership in working out agreements that will be announced shortly with regard to votes tomorrow. I congratulate the manager of the nominations, the chairman of the committee, Mr. LUGAR, on the work he has done in this regard.

I will not press for a rollcall vote, but this may be a precedent for the future. When the leadership announces on Friday that, in all likelihood, there will be rollcall votes on Monday, Senators come from all over the country to be here to vote. Then they find that there are no votes. I think that it is a bad practice and, in the end, can harm the leadership.

Mr. LUGAR. Mr. President, I appreciate the validity of the point made by the distinguished ranking minority member of the Foreign Relations Committee, and I appreciate his extraordinary cooperation, as always, as we move on these nominations.

So far as I know, there is no call for a rollcall on the nomination of Mr.

Ferch and, to the best of my knowledge, all debate on that nomination has been completed.

The PRESIDING OFFICER. The Senate is presently on the nomination of Mr. Richard Burt.

NOMINATION OF JOHN ARTHUR FERCH

Mr. LUGAR. Mr. President, I ask unanimous consent that the nomination of Mr. Burt be temporarily laid aside and that we now proceed to the nomination of Mr. Ferch.

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

Without objection, the nomination is considered and confirmed.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

Mr. LUGAR. Mr. President, I have been authorized by the majority leader to indicate that there will be no more rollcall votes this evening.

Mr. President, shortly the majority leader or his designee will come before the Senate with a unamimous consent request with regard to the program on the nominees tomorrow.

The majority leader has suggested that, after 2 p.m., when all Senators will be coming back to the Chamber from their respective meetings, 15 minutes of debate will occur on the nomination of Mr. Corr and then a rollcall vote on that nomination; that 15 minutes of debate will then occur on the nomination of Mrs. Ridgway and then a 15-minute rollcall vote on that nomination; and that then 15 minutes of debate on the nomination of Mr. Burt and a rollcall vote on that nomination.

The majority leader will propound that unanimous consent request.

At the moment we know of no potential objections to that program and this might offer Senators an idea of the majority leader's request in advance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LUGAR. Mr. President, I now ask unanimous consent that commencing at 2 p.m. tomorrow, Tuesday, 15 minutes of debate occur on the nomination of Mr. Edwin G. Corr, to be Ambassador to El Salvador, with a rollcall vote on that nomination following 15 minutes of debate.

Mr. BYRD. Mr. President, reserving the right to object, and I will object to getting a rollcall by unanimous consent. I do not think the distinguished Senator wants to do that.

Mr. LUGAR. The point of the distinguished minority leader is well taken. The method of voting will have to be determined at that point. But a vote will occur after 15 minutes of debate.

Then, 15 minutes of debate would occur on the nomination of Ms. Rozanne L. Ridgway to be an Assistant Secretary of State, with a vote to follow that 15 minutes of debate; and then 15 minutes of debate would occur on the nomination of Mr. Richard R. Burt, to be Ambassador to the Federal Republic of Germany, with a vote to occur following that 15 minutes of debate.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the nominations to be debated and voted upon tomorrow, with one show of seconds.

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

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the three nominations.

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

The yeas and nays were ordered.

ROUTINE MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate now proceed to morning business for not to last beyond the hour of 7 p.m.

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

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate on July 12, 1985, during the adjournment of the Senate, received messages from the President of the United States submitting sundry nominations; which were referred to the Committee on Foreign Relations.

(The nominations received on July 18, 1985 are printed at the end of the Senate proceedings.)

REPORT ON GOVERNMENT EXPENDITURES ATTRIBUTABLE TO THE NATIONAL ECONOMIC EMERGENCY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 63

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on July 12, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

This report is submitted pursuant to Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and Section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)) to account for Government expenditures attributable to the national economic emergency that I declared following the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (EAA), on March 30, 1984. On that date, I issued Executive Order No. 12470 to continue in effect the system of controls that had been established under the EAA. In view of the extension by Public Law 99-64 (July 12, 1985) of the authorities contained in the EAA, this emergency authority is no longer needed. Accordingly, I have today issued Executive Order No. 12525, a copy of which is attached, rescinding the declaration of an economic emergency and revoking Executive Order No. 12470.

The export controls were not significantly expanded during the emergency period, and the administration of the system of controls continued in the normal course. Accordingly, the Government spent no funds over and above what would have been spent had the EAA remained in force without interruption.

RONALD REAGAN.

THE WHITE HOUSE, *July 12, 1985.*

TEMPORARY TRANSFER OF POWER TO VICE PRESIDENT OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 64

Pursuant to the provisions of the 25th Amendment to the Constitution of the United States, the President of the United States, on July 13, 1985, transmitted the following message to the President pro tempore of the Senate [Mr. THURMOND]; which was referred to the Committee on the Judiciary:

Hon. STROM THURMOND,
President pro tempore,
U.S. Senate.

DEAR MR. PRESIDENT: I am about to undergo surgery during which time I

will be briefly and temporarily incapable of discharging the Constitutional powers and duties of the Office of the President of the United States.

After consultation with my Counsel and the Attorney General, I am mindful of the provisions of Section 3 of the 25th Amendment to the Constitution and of the uncertainties of its application to such brief and temporary periods of incapacity. I do not believe that the drafters of this Amendment intended its application to situations such as the instant one.

Nevertheless, consistent with my long-standing arrangement with Vice President GEORGE BUSH, and not intending to set a precedent binding anyone privileged to hold this Office in the future, I have determined and it is my intention and direction that Vice President GEORGE BUSH shall discharge those powers and duties in my stead commencing with the administration of anesthesia to me in this instance.

I shall advise you and the Vice President when I determine that I am able to resume the discharge of the Constitutional powers and duties of this Office.

May God bless this Nation and us all,

Sincerely,

RONALD REAGAN.

RESUMPTION OF DUTIES AS PRESIDENT OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 65

Pursuant to the provisions of the 25th Amendment to the Constitution of the United States, the President of the United States, on July 13, 1985, transmitted the following message to the President pro tempore of the Senate [Mr. THURMOND]; which was referred to the Committee on the Judiciary:

Hon. STROM THURMOND,

President pro tempore,

U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Following up on my letter to you of this date, please be advised I am able to resume the discharge of the Constitutional powers and duties of the Office of the President of the United States. I have informed the Vice President of my determination and my resumption of those powers and duties.

Sincerely,

RONALD REAGAN.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting a sundry nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on July 12, 1985, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 40. Joint resolution to designate the month of October 1985, as "National Down Syndrome Month".

Under the authority of the order of the Senate of July 11, 1985, the Secretary of the Senate, on July 12, 1985, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 325. Joint resolution to designate July 13, 1985, as "Live Aid Day".

Pursuant to the order of the Senate of July 11, 1985, the joint resolution was deemed to have been considered, read the third time, and passed.

MESSAGES FROM THE HOUSE

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 99. An act to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes;

H.R. 1383. An act to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes;

H.J. Res. 106. Joint resolution designating August 1985, as "Polish American Heritage Month";

H.J. Res. 164. Joint resolution to designate August 4, 1985, as "Freedom of the Press Day"; and

H.J. Res. 295. Joint resolution to designate July 16, 1985, as "National Atomic Veterans Day".

ENROLLED JOINT RESOLUTIONS SIGNED

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

H.J. Res. 198. Joint resolution providing for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 325. Joint resolution to designate July 13, 1985, as "Live Aid Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:35 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes.

MEASURES REFERRED

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

H.R. 99. An act to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1383. An act to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes; to the committee on Agriculture, Nutrition, and Forestry.

H.J. Res. 106. Joint resolution designating August 1985, as "Polish American Heritage Month"; to the Committee on the Judiciary.

H.J. Res. 164. Joint resolution to designate August 4, 1985, as "Freedom of the Press Day"; to the Committee on the Judiciary.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 295. Joint resolution to designate July 16, 1985, as "National Atomic Veterans Day".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1471. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, notice of a decision to convert the Training and Audio Visual Support Center functions, Ft. Dix, NJ to performance under contract; to the Committee on Armed Services.

EC-1472. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation to authorize two Under Secretaries of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC-1473. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursu-

ant to law, a report on the reprogramming of certain Construction of Facilites funds from fiscal years 1981, 1982, 1983, and 1984; to the Committee on Commerce, Science, and Transportation.

EC-1474. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report entitled "Mission Plan for the Civilian Radioactive Waste Management Program; jointly, pursuant to Public Law 97-425, to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-1475. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, notice of an oil and gas lease sale, Outer Continental Shelf, Western Gulf of Mexico; to the Committee on Energy and Natural Resources.

EC-1476. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on State activities under the Maternal and Child Health Block Grant program; to the Committee on Finance.

EC-1477. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the Work Incentives [WIN] formula used to allocate the WIN appropriation to States; to the Committee on Finance.

EC-1478. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the Aid to Families With Dependent Children and Homemaker/Home Health Aid Demonstration programs; to the Committee on Finance.

EC-1479. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the Runaway and Homeless Youth Centers; to the Committee on the Judiciary.

EC-1480. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report on the Age Discrimination Act; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 1042. An act to grant a Federal charter to the Pearl Harbor Survivors Association (Rept. No. 99-103).

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1282) to revise and extend provisions of the Public Health Services Act relating to primary care (Rept. No. 99-104).

Report to accompany the bill (S. 1283) to amend title VII of the Public Health Service Act relating to health professions training assistance (Rept. No. 99-105).

Report to accompany the bill (S. 1284) to amend title VIII of the Public Health Service Act relating to nurse education (Rept. No. 99-106).

Report to accompany the bill (S. 1285) to amend provisions of the Public Health Service Act relating to the National Health Service Corps (Rept. No. 99-107).

Report to accompany the bill (S. 1309) to amend the Public Health Service Act to revise and extend the authorities under that Act relating to the National Institutes of Health and National Research Institutes, and for other purposes (Rept. No. 99-108).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of June 27 and July 8, 1985, at the end of the Senate proceedings.)

ROUTINE MILITARY NOMINATIONS—JULY 15, 1985

*1. Maj. Gen. Murphy A. Chesney, U.S. Air Force, to be Surgeon General. (Ref. #368)

*2. Col. Roy K. Flint, U.S. Army, to be brigadier general. (Ref. #377)

*3. Maj. Gen. Robert W. Norris, U.S. Air Force, to be the Judge Advocate General. (Ref. #385)

*4. Brig. Gen. Keithe E. Nelson, U.S. Air Force, to be the Deputy Judge Advocate General and Major General. (Ref. #386)

*5. In the Army National Guard there are 16 appointments to the grade of major general and below (list begins with Julius J. Chosy). (Ref. #387)

*6. In the Army Reserve there are 22 appointments to the grade of major general and below (list begins with George V. Bauer). (Ref. #388)

*7. Maj. Gen. William L. Kirk, U.S. Air Force, to be lieutenant general. (Ref. #397)

**8. In the Army there are 796 permanent promotions to the grade of colonel (list begins with John Adams). (Ref. #399)

**9. In the Army there are 22 permanent promotions to the grade of colonel and below (list begins with 111X). (Ref. #400)

*10. Gen. Thomas M. Ryan, U.S. Air Force, to be placed on the retired list. (Ref. #404)

*11. Lt. Gen. Duane H. Cassidy, U.S. Air Force, to be general. (Ref. #405)

*12. In the Army there are 36 appointments to the grade of Major General (list begins with John T. Myers). (Ref. #406)

**13. In the Air Force Reserve there are 5 appointments to the grade of lieutenant colonel (list begins with Anthony W. Guidon). (Ref. #407)

*14. In the Air Force there is 1 promotion to the grade of colonel (Stevens R. Nagel). (Ref. #410)

**15. In the Army Reserve there are 225 promotions to the grade of colonel and below (list begins with Hugh G. Baiden, Jr.). (Ref. #411)

Total 1,130.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Marian North Koonce, of California, to be a Member of the National Council on the Handicapped for a term expiring September 23, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Glenn R. Wilson, of Nebraska, to be President, Government National Mortgage Association.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. LAUTENBERG, Mr. SARBANES and Mr. RIEGLE):

S. 1430. A bill to require the Secretary of Health and Human Services to make grants to eligible State and local governments to support projects for education and information dissemination concerning Acquired Immune Deficiency Syndrome, and to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus; to the Committee on Labor and Human Resources.

By Mr. DIXON:

S. 1431. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require expeditious consideration by the Congress of a proposal by the President to rescind all or part of any item of budget authority if the proposal is transmitted to the Congress on the same day on which the President approves the bill or joint resolution providing such budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. MOYNIHAN and Mr. CRANSTON):

S. 1432. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. MITCHELL and Mr. WILSON):

S. 1433. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WILSON (for himself, Mr. THURMOND, Mr. GARN, Mr. LUGAR, Mr. DURENBERGER, Mr. SYMMS and Mr. EXON):

S. 1434. A bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that Act relating to maximum hours; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ:

S. 1435. A bill for the relief of Shirley Chow; to the Committee on the Judiciary.

By Mr. DIXON:

S. J. Res. 162. A joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. SPECTER (for himself, Mr. CRANSTON, Mr. SIMON, Mr. BUMPERS, Mr. MELCHER, Mr. WILSON, Mr. DURENBERGER, Mr. PRYOR, Mr. HOLLINGS, Mr. MITCHELL, Mr. CHAFEE, Mr. PELL, Mr. CHILES, Mr. SASSER, Mr. COHEN, Mr. BOSCHWITZ, Mr. ROCKEFELLER, Mr. HATCH, Mr. STAFFORD, Mr. MOYNIHAN, Mr. MATHIAS, Mr. ABDNOR, Mr. DECONCINI, Mr. LEVIN, Mr. MURKOWSKI, Mr. HEINZ, Mrs. KASSEBAUM, Mrs. HAWKINS, Mr. INOUYE, and Mr. GLENN)):

S.J. Res. 163. Joint resolution to designate July 16, 1985, as "National Atomic Veterans' Day"; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEINZ (for himself, Mr. PRYOR, Mr. MATSUNAGA, Mr. SYMMS, Mr. ARMSTRONG, Mr. BENTSEN, Mrs. HAWKINS, Mr. ZORINSKY, Mr. GRASSLEY, Mr. WEICKER, Mr. ANDREWS, Mr. BOREN, Mr. JOHNSTON, Mr. DODD, Mr. HARKIN, Mr. TRIBLE, Mr. HELMS, Mr. GARN, Mr. PRESSLER, Mr. SPECTER, and Mr. NICKLES):

S. Res. 199. Resolution to urge the Senate of the United States to reject any tax reform proposal which would impose a tax on the annual increase in the value of permanent life insurance; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. LAUTENBERG, Mr. SARBANES, and Mr. RIEGLE):

S. 1430. A bill to require the Secretary of Health and Human Services to make grants to eligible State and local governments to support projects for education and information dissemination concerning Acquired Immune Deficiency Syndrome, and to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus; to the Committee on Labor and Human Resources.

AIDS EDUCATION AND PREVENTION ACT

● Mr. MOYNIHAN, Mr. President, I rise today with my colleagues, Senators BRADLEY, LAUTENBERG, SARBANES and RIEGLE, to introduce legislation to support efforts to control one of the most virulent diseases of modern times—Acquired Immune Deficiency Syndrome, better known by its acronym, AIDS. This is a matter of genuine urgency.

Since first identified in this country 6 years ago, more than 11,000 Americans have been infected with AIDS, and more than 5,600 of them have died. The Centers for Disease Control in Atlanta estimates that these numbers will double within the next year. There is yet no cure for AIDS, no proven course of treatment. AIDS afflicts men and women, heterosexuals and homosexuals, children and adults. More than 130 pediatric cases have been reported. The only way to control this lethal disease is to prevent its further spread, and that can best be achieved through public education and testing programs.

This legislation would provide $25 million next year, to be administered by the Secretary of Health and Human Services, to support State and local public education campaigns about AIDS and how best to prevent it. These grant funds could be distributed flexibly, according to local needs, and use to disseminate all possible information about AIDS by State and municipal agencies.

Medical evidence strongly suggests that a person can reduce the risk of contracting AIDS by avoiding certain behavior. Moreover, greater public understanding of this mysterious and terrifying disease can correct misconceptions and ease public fears. To date, however, the AIDS prevention and education effort, particularly at State and local levels, has largely been ignored. In the last fiscal year, 1984, just $150,000 was spent on community-based education programs; in the current fiscal year, just $250,000. Mr. Jeff Levi, political director of the National Gay Task Force, testifying earlier this year before the Senate Appropriations Committee, noted, "Absent a vaccine, absent a cure of effective treatment for AIDS, we must undertake a major national prevention and education program."

This bill also would provide $10 million to State and local governments to establish and operate alternative testing sites for antibodies to the HTLV-III virus. Although this blood test is not a test for AIDS itself, persons who are at risk for the disease should receive the blood test, and those who have developed antibodies to the HTLV-III virus should take steps to reduce their risk of contracting AIDS, or of passing it to others.

The new blood tests are now being used to screen blood donations. However, commercial blood banks and blood donation agencies should not be the only places where the HTLV-III blood test can be administered without charge. Thousands could volunteer to donate blood as a way to receive the test, with the likelihood that a small percentage would receive a "false negative" diagnosis—that is, persons who have been exposed to the virus but have not yet developed discernible antibodies to it, and who therefore would be permitted to donate blood. Persons who wish to know if they have been exposed to the virus should take the HTLV-III blood test—for their health and the health of their communities. But they should not take it at a commercial blood bank.

Finally, this legislation would ensure confidentially for those who receive the blood test, and those who participate in the education program. The great social stigma attached to AIDS, and the fact that the blood test is not a conclusive test for the disease, require that participants remain anonymous. Absent such a guarantee, those whom these programs could most help will not come forward.

The Centers for Disease Control reports an average of 150 new AIDS cases every week. Every one of those patients may eventually die from the disease, at unprecedented costs to the Nation and our health care systems. We cannot continue to ignore AIDS, or to classify it as an affliction affecting only a limited group. It affects all of society, and it must be confronted. I urge all my colleagues to support this important legislation, and ask unanimous consent that the full text of this bill, as well as the most recent AIDS statistics reported by the Centers for Disease Control, be printed in the RECORD.

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

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title III of the Public Health Service Act is amended by inserting after section 315 the following new sections:

"GRANTS FOR EDUCATION AND INFORMATION PROJECTS CONCERNING ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 316. (a)(1) The Secretary shall make grants to eligible State and local governments to support—

"(A) projects of education and information dissemination concerning Acquired Immune Deficiency Syndrome and the prevention and treatment of such syndrome; and

"(B) projects to facilitate the transfer and communication of information concerning Acquired Immune Deficiency Syndrome among agencies of State and local governments.

"(2) A State or local government which receives a grant to support a project described in paragraph (1) may carry out such project through grants to community organizations or local chapters of national organizations concerned with Acquired Immune Deficiency Syndrome.

"(b) For purposes of this section, the term 'eligible State or local government' means a State or local government to which, during the six-month period immediately preceding the date on which an application under this section is made, a number of cases of Acquired Immune Deficiency Syndrome has been reported which—

"(1) exceeds 100; or

"(2) exceeds by 50 percent the number of such cases reported to such government during the preceding six-month period.

"(c) No grant may be made to a State or local government under this section unless an application therefor is submitted to the Secretary. Each such application shall contain—

"(1) a description of the project to be conducted with the grant; and

"(2) such other information as the Secretary may by regulation prescribe.

"(d) No individual who carries out a project supported by a grant under this section may disclose, or may be compelled to disclose, the identity or identifying characteristics of any individual who receives services from such project unless the individual who receives such services consents to such disclosure or the individual carrying out such project is authorized by an appropriate order of a court of competent jurisdiction to disclose such identity or characteristics. Such an order may only be granted after application showing that a clear and imminent danger to the public safety will result in such identity or characteristics are not disclosed. An individual who has received services from such a project shall be afforded a reasonable opportunity to participate in, or object to, the application. In assessing such an application, the court shall weigh the public interest and the need for disclosure of the identity or identifying characteristics of such individual against the injury to such individual that will result from such disclosure. Upon granting of such an order, the court shall impose appropriate safeguards against unauthorized disclosure of such individual's identity or identifying characteristics.

"(e)(1) No part of a grant made under this section may be used to supplant State or local funds that would be available to such State or local government to carry out the project supported under this section in the absence of such grant.

"(2) Not more than 5 percent of a grant under this section may be used for costs incurred to administer the project supported with such grant.

"(3) The Federal share of the costs of any project supported under this section shall be 100 percent.

"(f) The total amount of a grant under this section shall be obligated by a State or local government not later than 2 years after such grant is received by such government. Any part of such grant which is not obligated within such 2-year period shall be repaid to the Secretary by the State or local government immediately after the expiration of such 2-year period.

"(g)(1) Each State or local government which receives a grant under this section shall keep such records as the Secretary may require by regulation to facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of each State or local government which receives a grant under this section, if, in the opinion of the Secretary or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

"(3) No books, documents, or records kept under the provisions of this section may be used—

"(A) to initiate or substantiate any criminal charges against an individual who receives services from a project supported with a grant udner this section; or

"(B) to conduct any investigation with respect to such an individual; or

"(C) as evidence in any civil action or proceeding against such an individual.

"(h) Within 30 days after the end of each fiscal year, each State or local government which receives a grant under this section shall prepare and transmit a report to the Secretary which describes the activities conducted by the State or local government with such grant. Within 90 days after the end of each fiscal year, the Secretary shall prepare and transmit a report to the Congress which summarizes the reports prepared by State or local governments under the preceding sentence and which contains such recommendations and additional information as the Secretary considers appropriate.

"(i) To carry out this section, there are authorized to be appropriated $25,000,000 for fiscal year 1986 and such sums as may be necessary for each of the fiscal years 1987 and 1988.

"GRANTS FOR PROGRAMS TO TEST BLOOD FOR THE PRESENCE OF ANTIBODIES TO THE HTLV-III VIRUS

"SEC. 316A. (a) The Secretary shall make grants to State and local governments to establish programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus (hereinafter referred to as the 'HTLV-III virus'). Programs supported with grants under this section shall—

"(1) provide for the conduct of such tests at locations other than blood banks and other sites where blood an plasma are collected for use for medical transfusions;

"(2) provide for the conduct of such tests with a method of testing blood for the presence of antibodies to the HTLV-III virus which has been certified by the Secretary;

"(3) provide for the conduct of such tests without charge to any individual requesting such test; and

"(4) provide referral services for any such individual to community agencies and health care providers qualified to evaluate the results of such a test, for counseling and further medical evaluation.

"(b) Any grant received by a State or local government under this section may be used by such government to—

"(1) conduct the blood tests referred to in this section directly or through grants to, or contracts with, public or private hospitals, clinics, or health care organizations;

"(2) purchase appropriate materials and kits for the conduct of such tests;

"(3) provide training for personnel who will conduct such tests;

"(4) pay the costs of hiring and compensating personnel to conduct such tests;

"(5) process the results of such tests; and

"(6) carry out such other activities relating to the conduct of such tests as the Secretary may permit by regulation.

"(c) No grant may be made to a State or local government under this section unless an application therefor is sumbitted to the Secretary. Each such application shall contain—

"(1) a description of the populations or geographical areas which will be tested; and

"(2) such other information as the Secretary may by regulation prescribe.

"(d) No individual who conducts a blood test supported by a grant under this section may disclose, or may be compelled to disclose, the identity or any identifying characteristics of any individual who has been a subject of such a test unless authorized by an appropriate order of a court of competent jurisdiction to disclose such identity or characteristics. Such an order may only be granted after application showing that a clear and imminent danger to the public safety will result in such identity or characteristics are not disclosed. An individual who has been such a subject shall be afforded a reasonable opportunity to participate in, or object to, the application. In assessing such an application, the court shall weigh the public interest and the need for disclosure of the identity or identifying characteristics of such individual against the injury to such individual that will result from such disclosure. Upon granting of such an order, the court shall impose appropriate safeguards against unauthorized disclousre of such individual's identity or identifying characteristics.

"(e)(1) No part of a grant made under this section may be used to supplant State or local funds that would be available to such State or local government to carry out the testing program supported under this section in the absence of such grant.

"(2) Not more than 5 percent of a grant under this section may be used for costs incurred to administer such grant.

"(f) The total amount of a grant under this section shall be obligated by a State or local government not later than 2 years after such grant is received by such government. Any part of such grant which is not obligated within such 2-year period shall be repaid to the Secretary by the State or local government immediately after the expiration of such 2-year period.

"(g)(1) Each State or local government which receives a grant under this section shall keep such records as the Secretary may require by regulation to facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of each State or local government which receives a grant under this section, if, in the opinion of the Secretary or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

"(3) No books, documents, or records kept under the provisions of this section may be used—

"(A) to initiate or substantiate any criminal charges against an individual who has been the subject of a test supported with a grant under this section; or

"(B) to conduct any investigation with respect to such an individual; or

"(C) as evidence in any civil action or proceeding against such an individual.

"(h) Within 30 days after the end of each fiscal year, each State or local government which receives a grant under this section shall prepare and transmit a report to the Secretary which describes the activities conducted by the State or local government with such grant. Within 90 days after the end of each fiscal year, the Secretary shall prepare and transmit a report to the Congress which summarizes the reports prepared by State or local governments under the preceding sentence and which contains such recommendations and additional information as the Secretary considers appropriate.

"(i) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1986.".

AIDS Weekly Surveillance Report

Residence	Adult/adolescent				Total	
	Cases	Percent Pediatric [1]	Cases	Percent	Cases	Percent
New York State	4,010	36	61	46	4,071	36
California	2,604	23	11	8	2,615	23
Florida	790	7	18	14	808	7
New Jersey	687	6	16	12	703	6
Texas	575	5	1	1	576	5
Pennsylvania	235	2	5	4	240	2
Illinois	232	2	2	2	234	2
Massachusetts	213	2	4	3	217	2
District of Columbia	179	2			179	2
Georgia	178	2	1	1	179	2
Maryland	146	1	1	1	147	1
Connecticut	124	1	3	2	127	1
Louisiana	126	1	1	1	127	1
Puerto Rico	127	1			127	1
Washington	115	1			115	1
Virginia	99	1	2	2	101	1
Colorado	88	1			88	1
Michigan	69	1			69	1
Ohio	68	1			68	1
Missouri	53	0	1	1	54	0
North Carolina	52	0	1	1	53	0
Arizona	48	0			48	0
Hawaii	37	0			37	0
Indiana	34	0	1	1	35	0
Oregon	34	0			34	0
Minnesota	27	0			27	0
South Carolina	25	0	2	1	27	0
Kentucky	25	0			25	0
Wisconsin	25	0			25	0
Alabama	24	0			24	0
Tennessee	20	0			20	0
Oklahoma	19	0			19	0
Rhode Island	15	0			15	0
Delaware	14	0			14	0
Nevada	14	0			14	0
Utah	13	0			13	0
New Mexico	10	0			10	0
West Virginia	9	0	1	1	10	0
Other States (10)	56	0	1	1	57	1
Total—USA	11,219	100	133	100	11,352	100

ALL REPORTED CASES OF AIDS AND CASE-FATALITY RATES BY HALF-YEAR OF DIAGNOSIS, 1979 TO JULY 1, 1985, UNITED STATES

	Number of cases	Number of known deaths	Case-fatality rate (percent)
1979:			
January to June	1	1	100
July to December	10	8	80
1980:			
January to June	19	15	79
July to December	28	28	100
1981:			
January to June	83	71	86
July to December	174	146	84
1982:			
January to June	352	267	76
July to December	629	451	72
1983:			
January to June	1,171	803	69
July to December	1,512	1,017	67
1984:			
January to June	2,274	1,286	57
July to December	2,796	1,061	38
1985:			
January to July	2,295	525	23
Totals [1]	11,352	5,683	50

[1] Table totals include eight cases diagnosed prior to 1979. Of these eight cases, four are known to have died.

Age	Cases	Percent
Under 13	133	1
13 to 19	62	1
20 to 29	2,386	21
30 to 39	5,374	47
40 to 49	2,377	21
Over 49	1,020	9

Race/ethnicity	Adult/adolescent		Pediatric [1]		Total	
	Cases	Percent	Cases	Percent	Cases	Percent
White, not Hispanic	6,706	60	29	22	6,735	59
Black, not Hispanic	2,779	25	76	57	2,855	25
Hispanic	1,585	14	26	20	1,611	14
Other	52	0	0	0	52	0
Unknown	97	1	2	2	99	1
Total	11,219	100	133	100	11,352	100

[1] Includes patients under 13 years of age at time of diagnosis.

Note.—Compiled by the Center for Infectious Diseases, Centers for Disease Control.●

● Mr. BRADLEY. Mr. President, I join my colleague from New York [Mr. MOYNIHAN] in introducing this bill to promote State and local efforts to controle one of the most serious public health hazards in recent years—acquired immune deficiency syndrome.

Currently, more than 11,000 Americans have been infected with AIDS, and more than half of them have died. Since the symptoms of AIDS may show as late as 3 years after exposure, the Center for Disease Control estimates that these numbers may double each year for the next few years. AIDS is now starting to spread through the general population, which increases the probability of a major escalation in the incidence of AIDS in future years.

We are still years away from a cure for AIDS. Until a cure is found, the only way that we can help is by trying to limit the spread of this disease.

Mr. President, the objectives of the bill are to reduce the spread of AIDS, to provide help to people who are trying to find out if they have AIDS and to further protect the blood banks from contact with AIDS.

The bill has two main parts. The first authorizes $25 million in grants to State and local governments for programs to educate the public about AIDS and to facilitate AIDS information-sharing among governmental agencies. These grants would be available to jurisdictions which in a 6-month period experience either 100 AIDS cases or a 50 percent increase in AIDS cases. My own home State of New Jersey would be one of the major beneficiaries of these funds.

The second part of the bill authorizes $10 million in grants to finance blood testing centers. The current AIDS screening device tests for antibodies to the virus which causes AIDS. The absence of these antibodies does not guarantee that the virus is not in the blood. About 2 percent of the time, either the antibodies may not have developed or they may somehow slip by the test.

Currently, some high-risk individuals are volunteering to donate blood to the Red Cross as a way to receive the test to determine if they have AIDS; this is placing our blood banks at risk of exposure to AIDS. The alternative blood testing centers authorized by this bill are intended to minimize the possibility that the test's weaknesses will result in AIDS transmission via blood banks.

Mr. President, AIDS is becoming the Nation's No. 1 health crisis. If we do not take steps now to slow its spread, in a very few years it will become a national epidemic. I urge my colleagues to join us in this effort to slow the spread of AIDS.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join with my colleagues, Senators MOYNIHAN and BRADLEY, in introducing legislation to support State and local efforts at public education about acquired immune deficiency syndrome [AIDS] and to provide funds for blood screening at sites other than blood banks. AIDS is a devastating disease which impairs the immune system, leaving affected individuals vulnerable to certain types of cancer and infections. It was first recognized by health officials 4 years ago. Nearly half of the 10,500 diagnosed cases have died. The mortality rate for cases diagnosed before 1983 is a chilling 75 percent.

The virulence of this disease has stunned and alarmed the public. Members of the public are afraid of those who have AIDS or appear to be at risk of contracting it. Much work needs to be done to educate the public about this disease and ways to prevent its spread.

Intensive efforts by scientists at the National Cancer Institute have resulted in the identification of the virus which is the probable cause of AIDS. This was followed by the development of a blood screening test which can detect the presence of an antibody to the suspect virus. The test is important for preventing contaminated blood from entering the supply that is so vital to our Nation's health system.

Although the blood test is not for AIDS itself, many people with a high risk of contracting AIDS wish to take the test to determine the need for further medical consultation. The test shows only that a person with the antibody has been exposed to the virus. The antibody may develop in a person who has successfully fought the virus off, as well as in a person who has or will develop AIDS. Further testing by a physician is necessary in order to diagnose AIDS. Blood banks should not be burdened with people who do not intend to donate blood, but only want the screening test. Alternative sites are available for that purpose.

Mr. President, the bill being introduced today addresses these issues. It would authorize $25 million, to be administered by the Secretary of the Department of Health and Human Services, to support State and local public education campaigns about AIDS and its prevention. The bill also would authorize $10 million for State and local

governments to establish alternative blood testing sites. These provisions will be very helpful to the general public and to people at high risk of getting AIDS by contributing to greater understanding of the disease and of ways to prevent it.●

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. MOYNIHAN, and Mr. CRANSTON):

S. 1432. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary.

CIVIL RIGHTS AMENDMENTS ACT

● Mr. KERRY. Mr. President, today, I am introducing legislation, on behalf of myself, Senator KENNEDY, Senator INOUYE, Senator MOYNIHAN, and Senator CRANSTON, which would prohibit discrimination in employment, housing, and public accommodations on the basis of affectional or sexual orientation.

In the past, Congress has recognized that discrimination on the basis of a class-based distinction such as race, sex, or religion, constituted a fundamental denial of human and civil rights.

Yet today, in States, cities and towns across the United States, homosexual men and women are being discriminated against. They lose jobs and are denied housing simply because they are homosexual. Under current law, they have no recourse.

This legislation seeks to redress the arbitrary and unjust discrimination against gay people in employment, housing, and public accommodations. The proposed legislation would prohibit such discrimination and would provide appropriate legal recourse. The legislation would not allow any special privileges, nor would it make any moral judgments about homosexuality. It is a well-established principle that consideration in employment, housing, and accommodations should not be affected by discrimination based on irrelevant criteria such as race, creed, color, and sex. Inclusion of the term "affectional or sexual orientation" is consistent with this sound civil rights principle.

Civil rights for gay people has already gained substantial support. Religious organizations such as the National Council of Churches, the Lutheran Church in America, the United Church of Christ, the Episcopal Church USA, the United Presbyterian Church, the Union of American Hebrew Congregations and the National Federation of Priests' Councils among others, have taken positions in support of the inclusion of the term "sexual orientation" in existing civil rights laws.

The policy of nondiscrimination against gay people is by now well tested. Over 40 cities across the country now have local ordinances similar to the legislation introduced today regarding employment, and in all, more than 70 States and local governments provide legal protections for homosexuals. Despite dire predictions by those opposed to such legislation, it has worked well.

Labor organizations supporting nondiscrimination on the basis of affectional or sexual orientation include the AFL-CIO, the American Federation of State, County, and Municipal Employees, and the Service Employees International Union. Nondiscrimination in employment has also found wide acceptance within the business community. Among the many firms which have issued nondiscrimination statements are AT&T, Du Pont, Ford Motors, Citicorp, and IBM.

Support for civil rights for homosexuals has also found wide support among the public. Virtually all of the national polls (Gallup, Harris, NBC/Associated Press), indicate majority support for basic civil rights for gay people. A Gallup poll released in November 1982, for example, indicated that over 59 percent of all Americans favor equal rights for homosexuals in terms of job opportunities.

The issue here is a very basic one of civil rights for millions of Americans. This bill would extend equal protection under the law to the people who are our friends, our neighbors, our coworkers, and our relatives, who also happen to be homosexual.

I urge you to join us in this effort to realize equal justice for all of our citizens.

I ask unanimous consent that the text of the proposed "Civil Rights Amendments Act of 1985" be printed in the RECORD.

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

S. 1432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Amendments Act of 1985".

PUBLIC ACCOMMODATIONS

SEC. 2. (a) Section 201(a) of the Civil Rights of 1964 (42 U.S.C. 2000a(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(b) Section 202 of such Act (42 U.S.C. 200a-1) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PUBLIC FACILITIES

SEC. 3. Section 301(a) of the Civil Rights Act of 1964 (42 U.S.C. 2002b(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

FEDERALLY ASSISTED OPPORTUNITIES

SEC. 4. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000c) is amended by inserting after "color," the following: "affectional or sexual orientation,".

EQUAL EMPLOYMENT OPPORTUNITIES

SEC. 5. (a) Sections 703(a), 703(b), 703(c), 703(d), 703(e), 703(j), 704(b), 706(g), and 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2, 2000e-3, 2000e-5, 2000e-16) are amended by inserting after "sex," each place is appears the following: "affectional or sexual orientation,".

(b) Section 717(c) of such Act (42 U.S.C. 2000e-16) is amended by inserting ", affectional or sexual orientation," after "sex".

(c)(1) Section 703(h) of such Act (42 U.S.C. 2000e-2) is amended by inserting after "sex," the first place it appears the following: "affectional or sexual orientation,".

(2) Such section 703(h) is further amended by inserting ", affectional or sexual orientation," after "sex" the second place it appears.

INTERVENTION AND PROCEDURE

SEC. 6. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended by inserting after "sex" the following: ", affectional or sexual orientation,".

HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES

SEC. 7. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (42 U.S.C. 3604), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

(b) Section 805 of such Act (42 U.S.C. 3605) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(c) Section 806 of such Act (42 U.S.C. 3606) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PREVENTION OF INTIMIDATION

SEC. 8. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes: (42 U.S.C. 3631), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

DEFINITION

SEC. 9. As used in the amendments made by this Act, the term "affectional or sexual orientation" means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.

RULE OF INTERPRETATION

SEC. 10. No amendment made by this Act shall be construed to permit or require—

(1) the determination that discrimination exists to be based on any statistical differences in the incidence of persons of a particular affectional or sexual orientation in the general population as opposed to in the activity wherein such discrimination is alleged; or

(2) the fashioning of any remedy requiring any sort of quota for the activity wherein such discrimination is alleged for persons of any particular affectional or sexual orientation.

RIGHT OF PRIVACY PROTECTED

SEC. 11. Nothing in this Act or any amendment made by this Act shall be construed to require any person to disclose a personal sexual orientation.●

● Mr. MOYNIHAN. Mr. President, I am pleased to join Senator KERRY in introducing legislation to prohibit dis-

crimination based on a person's sexual orientation. The measure we introduce today is similar to proposals I cosponsored in the three preceeding Congresses.

My opinions on this matter are clear and certain: I have always opposed discrimination of any kind. I know of no reason why Federal civil rights statutes should treat gay men and women differently from anyone else. Federal guarantees against discrimination in employment, housing, public accommodations and federally funded programs should protect all citizens.

The legislation we propose would ensure that no persons are denied civil rights because of their affectional or sexual orientation. The legislation does not condone any particular course of conduct or life style. It simply affords all American citizens equal protection under the law. I urge my colleagues to accord this proposal the serious consideration it deserves.●

By Mr. GORTON (for himself, Mr. MITCHELL, and Mr. WILSON):

S. 1433. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DAYLIGHT SAVING EXTENSION ACT

● Mr. GORTON. Mr. President, the bill Senator MITCHELL, Senator WILSON, and I are introducing today would begin daylight saving time a few weeks earlier and extend it 1 week later each year. Now daylight saving time begins on the last Sunday in April and lasts until the last Sunday in October. If this bill is enacted, it will begin on the first Sunday in April and will last until the first Sunday in November.

The reasons to enact this bill are quite straightforward. First, extending daylight saving time 1 extra month would result in a significant reduction in traffic fatalities. Second, there would likely be an energy savings equivalent to 100,000 barrels of oil a day. Third, it would reduce violent crime. And fourth, it would conform the start of daylight saving time to the reality of most people's lives and preferences. On April 1, sunrise in the great majority of places in the country occurs before 6 a.m. and sunset is well before 7 p.m. Daylight saving time would give Americans a far more useful hour of daylight in the evening than they presently have in the morning in April.

Daylight saving time began in this country during World Wars I and II as a means to conserve electrical energy. The Uniform Time Act of 1966 implemented national daylight saving time for the 6 months between the last Sunday in April and the last Sunday in October. An entire State may exempt itself from daylight saving time and it may exempt any portion lying in a different time zone from the rest of the State.

During the energy crisis in 1973, Congress enacted the Emergency Daylight Saving Time Energy Conservation Act, which placed the Nation on year-round daylight saving time for a 2-year period. The Department of Transportation administered the act and published reports on its effects. In 1974 Congress provided for an 8 month daylight saving time period, from the last Sunday in February until the last Sunday in October. In 1975 the emergency legislation expired and we returned to the 6 month daylight saving time period.

The events I have just related and the resulting Department of Transportation studies have given us the information we need to choose the best, most rational daylight saving time period which will benefit the majority of people in this country. The Department of Transportation's final report to Congress concluded that we can expect overall benefits from a shift from the 6 month system we use today to a 7 or 8 month system in the areas of energy conservation, overall traffic safety, and reduced violent crime.

Mr. President, Congress has consistently emphasized the importance of traffic safety to our Nation. We passed gas tax legislation to improve our highways and drunk driving legislation to get the drunk driver off the road. Passing daylight saving time legislation is one more step we can take to save lives. The Department of Transportation estimates that traffic fatalities will be reduced by 1 to 2 percent if daylight saving time is extended. This means that up to 25 fewer people would die each year on our streets and highways. The reason for this is simple: driving in the dark is much more dangerous than driving in daylight and the fatality rate for homeward-bound commuting is higher than that during the morning rush hour. In the evening drivers tend to be tired and there is more of a risk that some are under the influence of alcohol.

During the 1-year experiment with year-round daylight saving time there was a legitimate concern about the safety of children traveling to school in the morning. We are not proposing a return to that system. Under our proposal, no sunrise in the spring would be later than that which presently occurs in the fall. The Department of Transportation showed no evidence of an increase in schoolchildren fatalities during daylight saving time in March and April.

Our bill extending daylight saving time is a simple, safe, and inexpensive form of energy conservation. Because the Sun will shine 1 hour later in the day, people will use less artificial lighting and heat in their homes. Energy needs in the morning are not increased.

Mr. President, it is tragic but true that in many parts of our country it is not safe to be out after dark. Serious, violent crimes are highly correlated with the hours of darkness. Extending daylight saving time is one action we can take to combat the epidemic of violent crime. The Department of Transportation's study showed there was consistently less violent crime during daylight saving time compared to similar periods of standard time. In Washington, DC, for example, violent crime decreased by 10 to 13 percent. By enacting our bill, Congress can assure people of an additional month in the spring in which they can walk home from work, shop, or exercise outdoors, with less fear of being a victim of crime.

There are some areas across the country where people are content with the 6-month daylight saving time period. For this reason we are taking a modest approach in this bill and seek an extension of only 1 month rather than 2. We acknowledge the logic and benefits of a 2-month extension, but we wish to cause a minimal amount of dislocation for those people, approximately 15 percent of our population, who live in the western regions of their time zones and who already have the benefit of later sunrises and sunsets than those in the center of their time zones.

Our bill is identical to H.R. 2095, which the House Energy and Commerce Committee recently reported favorably by voice vote. It is quite similar to a bill we introduced in the 98th Congress, except it begins daylight saving time 1 week later in the spring and ends it 1 week later in the fall than our bill. The extra week in the fall would bring Halloween under daylight hours. This could make trick-or-treating much safer for young children.

Mr. President, the people of this country want extended daylight saving time. Public opinion polls conducted during the 1974–75 daylight saving time extension indicated that a majority of the population preferred daylight saving time in all months of the year except November through February. In subsequent polls in 1976 and 1980, about 46 percent of those surveyed preferred daylight saving time from February through October while about one-third preferred a continuation of the present system.

These polls have also indicated that almost 90 percent of the population preferred sunrise by or before 7 a.m. With an extension of DST by 1 month, sunrises in most of the Nation would average 7 to 7:15 a.m., with sufficient light present by 6:30–6:45 a.m. to conduct outdoor activities. These sunrise times correspond to the last week of

September, which has been accepted for years as a DST month.

Many marketing, retail, and recreational organizations have concluded that extended daylight saving time would benefit their businesses and promote outdoor activities. During the extra hour of evening daylight in April the American people will travel in greater safety, will save energy, and will enjoy outdoor recreation they presently must postpone until May.

I wish to thank my distinguished colleagues, Senators MITCHELL and WILSON, who have joined me on this bill. Our effort is a bipartisan one to implement the desires of the majority of Americans, who want to be able to enjoy an additional hour of daylight in the evening for a month each spring.

Mr. President, I would like to submit an article by Ellen Goodman. She makes an eloquent case for extending daylight saving time, and I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, April 3, 1983]

SAVE THE LIGHT FOR NIGHT

(By Ellen Goodman)

BOSTON.—This morning, the sun rose at 4:59 a.m. So did I.

We have been making our early morning appearances like this, in tandem, for weeks now. The sun and I rose together at 5:12 on April 10, at 5:20 on April 3.

I don't know what the sun does at 4:59 in the morning. But let me tell you there is very little that people can do at that hour. I can, of course, worry. But generally I like to do my worrying while it is still dark outside. It helps the paranoia.

I could also get up. But something in me rebels at beating the newspapers to the doorstep. I could also take aim at the feathered chorus in my neighborhood. This particular collection of the smog-throated baritone-beaked urban birds have bio-rhythms that refuse to adjust to digital time.

But my favorite activity these April mornings is to stare at the ceiling and think about daylight wasting time.

The culprit of early April risings, I tell myself, is not in our stars but in our government. It isn't nature but Congress that arouses me and my fellow Americans, especially those below the age of three. It is Washington, believe it or not, like it or not, that tells us what time it is.

Daylight Savings Time, alias "fast time," alias "war time," alias "peace time." The whole business has had a checkered history in our lives. We adopted it in World War I and then again in World War II. In 1966, we stretched the savings from the last Sunday in April to the last Sunday in October, for every state except those that abstained. In 1973, during the oil crisis, we went to year-round daylight savings, and then went back again to the six-month rule.

For the past six or seven years, a plan to transfer one hour from the morning (when we don't want it) to the evening (when we do want it) has been a perennial blossom in the nation's capital. Year after year, it comes up and collapses.

This February, two congressmen sponsored a bill that would make the switch the first Sunday in March instead of the last Sunday in April. On Tuesday, there were Senate hearings on a similar bill.

The sponsors each year talk about respectable things like energy savings—an estimated 100,000 barrels of oil a day—and safety savings. But it's the light savings that is our real attraction. Most Americans are, after all, people who run their lives by clocks and their sleep by electricity. They go out with the light switch and wake up with the alarm.

We no longer go to bed and go to work with the sun. We spring forward and fall backward with the government. I grant you that it's peculiar to have our time federally mandated. It's a bit like controlling the tide. But as long as Washington is in this business, let it be a popular one.

There are people who disagree. Some of them live at the western edge of a time zone, and see dawn an hour later than easterns. Others farm for a living and prefer an early start and a darker evening.

John Watt, the secretary of the American Farm Bureau Federation, who testified Tuesday at the Senate hearings, grew up in a Pennsylvania farmhouse with two summer clocks. His father's stayed on standard time; his mother's on saving time. His father's on farm time; his mother's on town time. But most of us are on town time now.

Of all the rules and regulations our government makes, time may be the strangest. But if we're going to manufacture it, punch in and punch out of the day, let's do it right.

I lie here, at the end of daylight wasting time, lobbying for the change. The powers that be should take an hour of spring from the morning and give it to the evening. This year, O Washington, let there be light at 7:26 at night instead of 4:59 in the morning.●

● Mr. MITCHELL. Mr. President, today I am pleased to join Senator GORTON of Washington in introducing the "Daylight Saving Extension Act of 1985"—to provide daylight saving time on an expanded basis.

Our bill would provide for daylight savings time to run from the first Sunday in April each year to the first Sunday in November. This represents an approximately 4-week extension, amending the Uniform Time Act of 1966 which provides for daylight saving time, running in its present form, from the last Sunday in April to the last Sunday in October.

The bill is identical to H.R. 2095, which the House Energy and Commerce Committee recently reported favorably. It is virtually the same as the extensions which I have cosponsored in previous Congresses. It is a popular measure, enjoying broad bipartisan support. It is also a compromise bill, going not quite so far as other proposals to begin daylight saving time the first Sunday in March, rather than in April.

It is a simply and straightforward bill, Yet it represents tremendous advantages to the United States in terms of increased energy savings, decreased traffic fatalities, a reduction in violent crime, and more hours for Americans to spend outdoors.

The United States first used daylight saving time in World Wars I and II as a means to conserve energy. The Uniform Time Act of 1966 formally implemented national daylight saving for its present 6-month period. As a response to the 1973 oil crisis, Congress enacted the Emergency Daylight Saving Time Energy Conservation Act, extending daylight saving time to 10 months in 1974 and 8 months in 1975.

A decade has passed since the 1973 energy crisis, but the need for conservation is undiminished. The world has only limited supplies of fossil fuels, and lines of commerce around the world are still fragile. Ten years later, we live in a world where terrorism endures in the Middle East, and where war—between Iran and Iraq—exists along the Persian Gulf.

Daylight saving time is a means for the United States to move further down the road to energy independence. Indeed, it is an idea with roots in the era of America's Declaration of Independence.

One of the first strong proponents of increased daylight saving time was Benjamin Franklin. By one account, Franklin's own DST plan dates to 1784 in Paris. Franklin awoke one morning about 4 o'clock and found his room filled with sunlight. Franklin realized that during the summer Parisians slept through 4 or 5 sunlit hours—and made up for this time by using candlelight at night.

Franklin calculated that for the 6 months from March to September, Parisians burned their candles for 1,281 hours, which with a population of 100,000 families, represented an expense of $20 million for the city of Paris alone. "It is impossible," Franklin wrote, "that wise people would have made use of unhealthy and expensive candlelight if they had known, as I have just learned, that they can have for nothing the beautiful and pure light of the sun."

Over 200 years later, it is no longer candlelight which today is wasted. In 1975, a Department of Transportation study on the impact of the 1974 experiment estimated savings of 100,000 barrels of oil per day of daylight saving time. The bill introduced today would save approximately 3 million barrels of oil with 1 additional month of daylight saving time.

The 1975 Department of Transportation study identified two additional benefits that could result from a moderate daylight saving time extension. First, the study showed a 1.5-percent reduction in traffic accidents and deaths for March and April, without any early morning hazards being created for any population group.

Second, according to the National Crime Survey of the Departments of Justice and Commerce, the most serious forms of crime occur in the evening or night, as opposed to early morning. The 1975 Department of

Transportation study estimated that an extension of daylight saving time could reduce violent crime by 10 to 13 percent.

An extension would provide still even more benefits. Handicapped persons afflicted by night blindness would receive an extra hour of sight and mobility. An extra hour of business or recreation would be generated for many Americans—to the benefit of shoppers, resorts, theme parks, outdoor enthusiasts, and sports teams.

An extension might even help alleviate the United States' international trade problems. The 10 European Common Market nations currently observe a uniform date for daylight saving time beginning in late March. An extension would preserve time uniformity with our allies and major trading partners—and eliminate the need for international travel schedule revisions and the associated confusion to travelers.

The bill would also provide for an extra hour of daylight on Halloween—and on election nights in November. It will encourage greater voter turnout and participation. It also will enhance the safety of children who make their way through America's neighborhoods, asking for "Tricks or Treats."

Child safety is, of course, an important concern. The bill takes into account concerns that a daylight saving time extension might cause children to travel to school in the darkness of early morning hours. Under the compromise 4-week extension, no part of the Nation will experience sunrise times later than those already occurring in October under the present system. A 1975 National Bureau of Standards study of school-age children fatalities also found no increase in morning fatalities during the March and April daylight saving time period.

Extending daylight saving time is not a new idea. But it is a good idea. It is an idea whose time has come. Congress, like the hands of time itself, often may seem to move slowly. But I sincerely hope that this Congress will at last move to extend daylight saving time—and move us forward to greater energy conservation, safety and independence.●

By Mr. WILSON (for himself, Mr. THURMOND, Mr. GARN, Mr. LUGAR, Mr. DURENBERGER, Mr. SYMMS, and Mr. EXON):

S. 1434. A bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours; to the Committee on Labor and Human Resources.

EXEMPTING STATE AND LOCAL GOVERNMENTS FROM OVERTIME PROVISIONS OF FAIR LABOR STANDARDS ACT

Mr. WILSON. Mr. President, I rise today to introduce legislation to relieve State and local governments from the financial nightmare created by the inflexible maximum hours provisions of the Fair Labor Standards Act [FLSA]. Under the FLSA, employees must be paid time and one-half pay for overtime hours and may not receive compensatory time off, popularly known as comp time, in lieu of overtime pay.

In Garcia versus San Antonio Metropolitan Transit Authority, the U.S. Supreme Court recently overturned a longstanding decision which exempted the "traditional State functions" of States and their political subdivisions from congressional regulation under the Commerce power. Specifically, the Garcia decision makes the FLSA applicable to States and their political subdivisions. Prior to Garcia, State and local governments were regulated by State labor laws and, of course, the dictates of their collective-bargaining agreements.

This legislation will exempt States and their political subdivisions from the maximum hours provisions of the FLSA. Currently, there are some 30 exceptions to these provisions. These exemptions include a broad range of occupations including retail and service establishment employees, amusement and recreational establishment employees, agricultural and horticultural employees, newspaper and radio employees, and "professionals," "executives," and sales persons. Local governments with less than five fire protection or law enforcement employees are also already exempt from this provision of the FLSA.

This legislation will not exempt States and their political subdivisions from any other provisions of the FLSA such as the minimum wage requirements, the Equal Pay Act, or the child labor prohibitions.

A Joint Economic Committee hearing I chaired on June 25 on the impact of the Garcia decision provided evidence that the FLSA's overtime requirements will cost States and municipal governments across the Nation billions of dollars. California alone, it has been estimated, will be out some $300 million.

I have received letters from many local government officials who have stated that the fiscal and regulatory burdens that the Garcia decision creates will be devastating. The distinguished mayor of Los Angeles, Tom Bradley, stated that Los Angeles will have to expend an additional $50 million to meet the FLSA's rigid requirements. For Los Angeles County, the incremental costs are expected to exceed $50 million.

Other California localities are similarly affected: According to recent estimates the maximum hours provisions of the FLSA will cost Newport Beach $725,000 to $1.2 million, Anaheim $650,000 to $1 million, Palm Springs $178,000, Watsonville $50,000, San Jose $4,200,000, Ventura County $2 million, and Sausalito $180,000 to $270,000.

This is not solely a California problem, however. Estimates from throughout the United States indicates similar results. Hollywood—not California, but Florida—$858,000, Macon, GA, $800,000, Coeur d' Alene, ID, $10,000, Des Plaines, IL, $250,000, Keokuk, IA, $80,000, Cleveland, OH, $4,200,000, Lawton, OK, $1 million, Salem, OR, $100,000, York, PA, $120,000, Oshkosh, WI, $200,000, and Mesa, AZ, $500,000.

Mr. President, the list is as long as the rollcall of America's cities, counties, and States.

I must point out Mr. President that these are only a sample of the jurisdictions, both large and small, that will have to scrimp to find the extra funds, without receiving any extra services, in order to come into compliance with a law that has little relation to them. Because of the contemporaneity of the Garcia decision, many localities are only now beginning to realize the devastating impact of the decision. As a former mayor, I share the concerns about the severe economic and administrative impact of Garcia on States and localities.

While the added expense caused by the Garcia decision will painfully strain local and State government budgets, the most compelling reason for enactment of this legislation is its effect on public safety and fire protection. Employees in these professions have traditionally been required to work irregular hours, yet enjoyed substantial comp time for the overtime hours they work. Labor costs for public safety and fire protection comprise over one-half of the budgets for many local governments. The unforeseen cost increase in these services caused by the Garcia decision will force many local governments to siphon revenue from critical government programs to public safety, or, more seriously, reduce overall spending for these vital services.

A recent article in the Washington Post exposed a telling example of Garcia's impact on public safety. Police officers in the District of Columbia were pulled off a murder investigation so as not to accrue premium overtime pay as mandated by Garcia. I wonder if these officers had been able to take comp time instead of overtime pay if they would have discontinued this investigation.

It was not the officers who chose to leave the investigation. Rather, because they were seeking to avoid overtime payments, those managing that investigation ended it off from one shift of investigating homicide officers to the next and then the next, so that three shifts had been involved in this

investigation. Frankly, by the time the third shift was on the cold trail, it was such that when they appeared in court, the third shift of investigators had to seek a continuance.

A State's or local government's ability to deal with a crisis situation may be dangerously undermined by the Garcia decision. Responding to earthquakes, raging fires, tornadoes, and other disasters requires Herculean efforts on the part of public safety employees. If a local government's budget is not ample to pay premium overtime, and it is restricted from rewarding employees with comp time, it may very well threaten the public's safety. Certainly, the recent outbreak of blazing fires in California and other Western States mandates that we closely examine any Federal law that could impinge on a local government's ability to respond to such a crisis.

I am all too familiar with the destruction of California's natural resources, life, and property that is being caused by roaring, fast spreading fires in our wildlands and rural areas. The 62 million acres of California wildlands contain some of the dryest and fastest burning areas in the world. California firefighters traditionally have received comp time for their heroic efforts which they were able to use during the wet winter months.

Before these fires began, Talmadge Jones, chief counsel for the California Department of Personnel, stated that "conversion from comp time to cash payment will cost California taxpayers from $10 to $20 million annually." Considering the fires now blazing in California, additional millions of dollars that will be needed to pay firefighters premium overtime pay.

In addition to this tremendously increased cost for fire protection, costs of other California State programs will be drastically increased: California Highway Patrol, $2,400,000; Department of Fish and Game, $4 million; Department of Developmental Services, $2,200,000; California Conservation Corps, $8,400,000, to illustrate just a few of the State programs that will be impacted.

There are serious questions whether State and local government employees will benefit from the applicability of the maximum hours provisions of the FLSA. Certainly, the FLSA's prohibition against comp time will not be welcomed by the employees. To date, State laws have been more than adequate to regulate the State and local government employer/employee relationship, particularly because most State and local government employees have collectively negotiated their contracts.

This legislation has already received the support of local governments and municipal employee organizations in California and throughout the Nation. It is also supported by such prominent organizations as the National Association of Counties and the National Council of State Legislatures and supported in concept by many others. The administration has also expressed support for mitigating the harsh effect of the Garcia decision on State and local government.

From my 11 years of experience as the mayor of San Diego, I know firsthand the difficulty of administering a local government. The result of local tax reduction efforts like California's proposition 13, recent congressional actions to reduce deficits, and now the Garcia decision, leave localities around the country not only with difficult financial decisions, but also with reduced autonomy to deal effectively and independently with their unique problems.

I question whether anything has occurred since the landmark Usery decision—which held that "traditional State functions" are exempt from congressional regulations—that warrants the Supreme Court's insistence now upon Federal intrusion into the decisions rightfully made by State and local governments. Mr. President, this legislation will reduce the severe financial and administrative impact of Garcia on States and localities, and will return the autonomy that is mandated by the 10th amendment to the U.S. Constitution to these local governments.

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

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

S. 1434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 13(b) of the Fair Labor Standards Act of 1938 is amended—

(1) by striking out the period at the end of clause (29) and inserting in lieu thereof a semicolon and "or"; and

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

"(30) any employee of a public agency that is a State, a political subdivision of a State, or an interstate governmental agency.".

(b) The amendments made by subsection (a) shall take effect June 24, 1976.

Mr. THURMOND. Mr. President, I am pleased to join Senator WILSON as an original cosponsor of legislation which would return this country to the sensible approach of exempting State and local governments from the maximum hour provisions of the Fair Labor Standards Act [FLSA].

In 1976, the Supreme Court, giving due deference to the 10th amendment of the Constitution, held in National League of Cities versus Usery that the overtime pay provisions of FLSA were not applicable to the "traditional functions" of State and local governments.

Until recently, public employees who worked irregular shifts, such as policemen and firefighters, understood that the nature of their work would require more than 40 hours a week on occasions, as necessary to the proper functioning of their duties. However, these workers also were given compensatory time in lieu of overtime pay. Local governments could better manage payroll budgets, and workers could enjoy extended vacations.

This year, in the case of Garcia versus San Antonio Metropolitan Transit Authority, the Supreme Court reversed its reliance on the sound principles embodied in the 10th amendment by overruling Usery.

During my career in the Senate, I have often voiced my opposition to Federal intrusion into areas reserved to State and local governments, by the Congress, the executive branch or the courts. When the Federal Government seeks to impose its will on States regarding matters within the jurisdiction of States, I believe this to be violative of the intentions of our Founding Fathers. Except in matters which directly affect the security, economic health, and foreign affairs of the Nation as a whole, the Constitution allows State and local governments, which are more closely connected to the people, freedom to meet the needs of their respective citizens in the manner most appropriate to State and local conditions.

Since the Garcia decision, I have heard the deep concerns of numerous State and local government officials from South Carolina and many other States. This decision will have a devastating economic impact on local governments, many of which already operate on extremely tight budgets. If legislation is not enacted to reverse this decision, local governments will be forced to reduce the funding of other important programs or reduce manpower necessary to conduct vital public safety services, which will be detriminetal to the public interests.

The legislation which we will introduce today will not exempt State and local governments from the minimum wage provisions of the FLSA, the Equal Pay Act, or the child labor provisions of the FLSA. It would allow State and local governments the opportunity to plan their budgets. It offers workers who enjoyed their "comp time" the opportunity to continue to have this benefit. Moreover, it is consonant with sound principles of federalism as clearly set forth in the 10th amendment to the Constitution.

I urge my colleagues from both parties to join Senator WILSON and me in our efforts to achieve the speedy passage of this important legislation.

Mr. SYMMS. Mr. President, on February 19, 1985 the U.S. Supreme Court issued a decision in the case of Garcia

versus San Antonio Metropolitan Transit Authority in which the Court's five-vote majority ruled that it was constitutional to extend coverage of the Fair Labor Standards Act [FLSA] to nearly all State and local government employees. The Court thereby overturned its 1976 decision, National League of Cities versus Usery, which exempted "traditional" functions of State and local governments from coverage under the act.

The Garcia decision has broad and, in my view, ominous implications for the Federal character of our Government, and I will discuss those implications shortly. However, the Court's decision has had a more immediate and equally serious effect in terms of its impact on State and local governments which now must comply with provisions of the FLSA.

FINANCIAL IMPACT

Compliance with the FLSA will require that State and local governments pay their employees time and one-half for overtime hours. No comp time—compensatory time off—agreements will be permitted under the law.

This requirement represents a dramatic, unnecessary, and unwanted change in the way many State and local governments compensate their employees. In many cases, it is the employees themselves who least like the overtime pay provision because they value the extra days off they get by accumulating comp time. Moreover, the overtime wage provision will increase significantly the cost of labor to sustain services—including police and fire protection—provided by local governments.

Last month, the Joint Economic Committee [JEC] held hearings to assess the financial impact of the Court's decision. Evidence presented at the hearings indicates that compliance will cost States and municipal governments billions of dollars, primarily in the form of increased labor costs for police and fire protection.

Jim Weatherby, executive director of the Association of Idaho Cities, recently wrote to inform me that compliance with the FLSA "will cost (Idaho) cities hundreds of thousands of dollars, and perhaps millions, before this whole thing gets sorted out." Increased costs of this magnitude cannot be borne easily by cities in my State, and the JEC hearings indicate that the devastating budgetary impact will be felt in cities around the nation.

In order to comply with the FLSA, elected officials will be forced to choose between cutting back on less essential services or raising revenues necessary to maintain current service levels. In many localities, the option of raising significant new revenues simply does not exist because of tax reduction efforts like Idaho's "1 percent initiative." Many of the cities will have to reduce even essential services in order to stay within their limited budgets.

Applying FLSA regulations to city, county, and State employment practices will mean less service at a greater cost for the citizens of my State and taxpayers across the country. It will mean less flexible work schedules for State and municipal employees. And it may well mean the loss of jobs for thousands of people local governments can no longer afford to employ.

FEDERALISM

The Garcia decision not only threatens the fiscal stability of States and their political subdivisions forced to comply with the FLSA, it also presents a serious threat to the sovereignty of States over activities which are peculiar to the function of State and local governments. This ruling, as Justice Powell notes in dissent, renders the Constitution's guarantee of States' rights "meaningless rhetoric when Congress acts pursuant to the Commerce Clause."

The 10th amendment to the Constitution reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Thus, the framers of the Constitution sought to protect in perpetuity the sovereign power of States against the inevitable encroachments of the National Government.

The Founders believed that the "Federal" character of this Government was an essential element in a system designed to protect the democratic principles and individual liberties enshrined in the Constitution. The States, Hamilton argued in the Federalist Papers, No. 17, "being the immediate and visible guardian of life and property," shall remain "a complete counterpoise * * * to the power of the Union." That is, the separate spheres of sovereignty which distinguish our "Federal" from a "national" system of government were intended to protect the people against the threat of a too-powerful central government.

The Garcia decision allows the Federal Government to reach beyond its proper realm of authority. "By usurping functions traditionally performed by the States," Justice Powell declares, "Federal overreaching under the Commerce Clause undermines the constitutionally mandated balance of power between the States and the Federal Government, a balance designed to protect our fundamental liberties." I share the Justice's concern and would urge the Court to overrule the Garcia decision at its earliest opportunity.

AMENDMENT TO THE FAIR LABOR STANDARDS ACT

Because of my interest in preserving federalism wherever possible and my concern about the tremendous financial burden imposed on State and local governments by the Garcia decision, I am pleased to be an original cosponsor of Senator WILSON's bill to exempt States and their political subdivisions from the overtime pay provision of the FLSA.

Passage of this legislation will save the Nation billions of dollars and avoid unnecessary reductions in the services provided by local governments. It will be good for local taxpayers, good for public employees, and good for citizens who rely on the basic services—police, fire, streets, water, sewer, et cetera—provided by local governments.

I urge my colleague to support the bill, and I hope its passage will be a signal that this Congress intends to defend the concept of federalism and preserve the integrity of the 10th amendment.

I ask unanimous consent that the letter from the Association of Idaho Cities to which I referred earlier be inserted in the RECORD following my statement.

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

ASSOCIATION OF IDAHO CITIES,
Boise, ID, July 8, 1985.

Hon. STEVE SYMMS,
U.S. Senator, Hart Building, Washington, DC.

DEAR SENATOR SYMMS: The recent ruling of the U.S. Supreme Court in *Garcia* v. *San Antonio* has stirred a great amount of controversy for our Idaho city governments. That decision, which forces Idaho city governments to comply with the Fair Labor Standards Act, could not have come at a worse time for Idaho Cities.

The adjustments which cities must make to comply with FLSA regulation will cost cities hundreds of thousands of dollars, and perhaps millions, before this whole thing gets sorted out. The costs of compliance with the FLSA comes at the same time the U.S. Congress is working to take away Federal General Revenue Sharing. The $9 million that cities receive from General Revenue Sharing is used to support general operating budgets in cities. In addition, the 1% initiative has drastically affected operating budgets in Idaho cities since 1978. Compliance with FLSA will probably force cities to eliminate overtime, cut personnel, and thereby cut services even further.

Our city leaders are extremely concerned. At the 1985 Association of Idaho Cities convention in Coeur d' Alene, a standing room only crowd came to hear a workshop on the topic. All they heard was depressing news. Their general reaction was: "How can we get the government off our backs." These were local elected officials talking!

FLSA compliance will eliminate many of the innovations which cities use in their personnel systems. "Comp time", time off taken later for extra time worked today, will be gone. The irony is that city employees like "comp time" systems. Our city government employees are dedicated to their jobs and, considering their compensation, are probably among the most productive within the private or public sector. FLSA further restricts city governments from compensating their employees innovatively. "Comp time" is a way for cities to get the work

done without having to suffer personnel budget increases.

It is interesting that there is a cultural dimension to this "comp time" issue. In Idaho many public employees work extra hours in the winter months plowing snow, etc. Then, during the elk hunting season, or at other slack periods, they take some of those "comp time" hours off. Employees like these arrangements and want to keep them. Why cannot there be some flexibility in the rules to allow employees to sign a waiver from FLSA compliance?

The FLSA rules just don't seem to fit in Idaho. We receive calls from very small cities such as Eden, with two full-time employees—a city clerk and a public works man. It is difficult explaining to a small city clerk the multitude of requirements necessary to come into FLSA compliance. One aspect of the rules allow for exemptions for police departments with four or less full-time officers; many of our cities, like St. Anthony have five officers. Some have discussed laying off one policeman in order to be exempt. How will the mayor explain to a concerned citizen that police service will be cut by 20% "because the Federal Fair Labor Standards Act"? I'm convinced that the citizenry will suffer without ever fully understanding why or how this federal act affects their city.

Later this month the AIC will conduct a series of workshops to help cities bring their personnel systems into FLSA compliance. We at the AIC are taking every step we can to prepare our cities for what must be done. It is really too early to know what the full costs of FLSA compliance will be.

In the next few months we will continue to compile cost information on FLSA compliance. For example, we have learned that the City of Ketchum will incur a compliance cost of $31,500 in just the city fire department. This cost reflects the rescheduling of fire personnel, to a standard 7 day, 40 hour week. The other adjustments, including increasing the overtime budget, will amount to $23,200. The total FLSA compliance cost for this small city will be $54,700.

Every city which sends a candidate to the Peace Officers Standards and Training Academy will suffer unforseen increases in police training expenses. Currently, officers are trained for more than 40 hours in a seven day week. Those hours in addition to the 40 hours in a seven day week will be paid at time and one half or the Academy will have to be extended another two weeks.

The total statewide costs of FLSA compliance are unknown, but we believe they are unnecessary. The Association of Idaho Cities will continue to assist cities to comply with the FLSA requirements because of the recent *Garcia* decision. Our Idaho City governments are responsible, as the governments closest to the people, for delivering basic services—police, fire, streets, water, sewer, etc. cities have traditionally governed their own affairs. Decisions, such as *Garcia* allow the Federal Government to become a "long distance" government specifically mandating our personnel practices.

As your constituents, the elected officials and employees of Idaho Cities urge you to continue to work to remove these burdensome requirements. Please let us know if there is anything we can do to assist you in this effort.

Respectfully yours,

JAMES B. WEATHERBY,
Executive Director.

Mr. DURENBERGER. Mr. President, today I am cosponsoring legislation which will partially exempt State and local government employees from costly and unworkable overtime provisions of the Fair Labor Standards Act. Historically, whether or not to include State and local employees has been a matter of some debate in the Congress as well as the Supreme Court. Much is at stake.

Of immediate concern is the problem of what this will cost State and local governments. In the largest county in the United States—Los Angeles County—it is estimated that overtime provisions would cost in excess of $50 million per year. But, this is not just a problem of large governments. In my home State, local officials from small communities tell me that it will increase their cities operational tax levies by at least 10 percent. For example, in Chaska, MN, it will double the city's fire department personnel costs—and taxpayers won't get a dime's more service. Even more ironic is the fact that the fire department employees don't want to be covered under FLSA. They would prefer to leave things just the way they are. Yet, the long arm of Washington reaches out. It dictates a single national policy without concern for the differences among communities and no regard for the fact that many city services, like police and fire protection, are fundamentally ill-suited to this kind of regulation.

Short-term considerations are not the only reasons we need this legislation. As a result of the Supreme Court decision in Garcia versus San Antonio Metropolitan Transit Authority—the case which brought State and local governments under FLSA overtime provisions—a basic constitutional safeguard to federalism has been lost. As a result, today little stands between the inherent right of local self-government and the national penchant to interfere. At a time when we are thrusting upon cities and States more and more domestic responsibilities, while at the same time giving them less Federal financial assistance, this is especially intolerable. It is worth quoting a letter from the Owatonna, Minnesota City Council on this point.

We have deep sympathy with the congressional intent to reduce the Federal deficit, even if it means reducing services and moneys to our cities. We ought to be able to expect a reciprocal sympathy with our desires to balance our budgets and provide the services our citizens demand, without unreasonable cost * * *. Please consider that we have, right here in Owatonna, the native wit to deal fairly with our employees and operate our city * * *. Please do not be afraid to allow our councils and mayors some authority, even if it means that the Federal Government might refrain from extending authority into another field where shortcomings of Federal Agencies might be demonstrated.

Mr. President, the Fair Labor Standards Act began as a carefully crafted response to legitimate national needs. When first enacted in 1938, it established minimum wages and maximum hours for employees engaged in producing goods for interstate commerce. State and local government employees were specifically exempted from coverage under the act in recognition of the limitations imposed on Congress by our Federal system of Government. Over the years, the FLSA's coverage was gradually expanded to include various other categories of excepted workers, and in 1974, Congress attempted to place most State and local government employees under the act by passing the Fair Labor Standards Amendments of 1974.

This misguided extension of Federal regulatory powers was overturned by the Supreme Court in 1976 in the landmark case of National League of Cities versus Usery. In this case, the Court affirmed that the 10th amendment of the Constitution places limits on Congress' authority to interfere with the integral functions of State and local governments. The Court declared that:

The States as States stand on quite different footing than an individual or corporation when challenging the exercise of Congress' power to regulate commerce. * * * Congress may not exercise that power so as to force upon the States its choice as to how essential decisions regarding the conduct of integral functions are to be made. * * * This exercise of congressional authority does not comport with the Federal system of Government embodied in the Constitution.

Mr. President, the legislation I am cosponsoring today is needed only because the High Court has now chosen to reverse itself on this important issue and abrogate its reponsibility to enforce the Constitution. In the recent Garcia case, the Court overturned its National League of Cities decision as unworkable, and left all future decisions on dividing Federal, State and local responsibilities to the political process in Congress. This is like an umpire walking off the field in the middle of a ballgame or, worse still, letting the fox guard the chicken coop.

This Supreme Court decision rewrites 200 years of constitutional history. It completely ignores the Founders' guarantee in the Bill of Rights that States would retain certain fundamental powers to structure their own internal operations. In the process, the federal system has been downgraded from a constitutional principle to an odd collection of ad hoc political outcomes.

There is considerable irony in the timing of the Court's decision to abandon issues of federalism to the political fray. It comes at a time when the capacity of States and localities to defend their prerogatives in the political arena has reached an historic low. Constitutional avenues of influence have been weakened over time as direct election of Senators and Presi-

dential electors has replaced State legislative selection. Even more important, State and local influence in the political process has been deeply eroded by the rise of national television networks, Washington-based interest groups, and increasingly nationalized sources of campaign finance.

In the long run, the Garcia case threatens to undermine one of the cornerstones of our constitutional system. In their wisdom, the authors of the Constitution sought to preserve liberty through representative democracy, through expressed guarantees of essential individual rights, through the separation of powers among coequal branches of Government, and through a system of shared and divided Government authority known as federalism. In constructing the latter two elements of liberty, the Founders gave form to the belief that no branch of Government should determine its own limits. Thus, the Constitution gave to the National Government certain vital powers, leaving the remainder "to the States respectively, or to the people." In so doing, the framers recognized that States and localities, being closer to the people, may be more responsive to their citizens in performing many services than the Government in Washington.

THE PROBLEM TODAY

The most immediate effect of the Garcia case is to reimpose the misguided Fair Labor Standards Amendments on State and local governments—regardless of their size or the nature of their employees. Thirteen million State and local government employees are now covered by this act.

For some it creates few problems—only the added interference of new Federal paperwork and record keeping burdens. For regular, full-time employees, virtually all communities already pay more than the minimum wage, and satisfactory agreements on overtime and working conditions have been worked out in collective bargaining agreements. I strongly support such agreements, hammered out locally in response to local conditions. And I strongly support the rights of labor and management to bargain collectively and fairly. But these provisions of the FLSA, applied uniformly from Washington, inappropriately interfere with this process.

In many small communities, local budgets and services will be greatly and senselessly distorted. The law creates particular problems for rural volunteer fire departments. Because of sloppy Federal regulations, city officials will be forced to stop paying modest compensation to volunteer firefighters and to prohibit regular city employees from participating in a valuable community service.

Costly burdens are also imposed on many larger communities by the overtime provisions of FLSA. Because public safety employees often work long and irregular hours, many communities choose to compensate them with flexible work schedules and "comp time". FLSA prohibits using such arrangements as a substitute for paying more expensive overtime salaries of at least time and one-half. Yet, "comp time" arrangements, worked out in local bargaining agreements, often best meet the preferences of both local governments and their employees. The Winona County, Minnesota Deputies' Association has informed me that FLSA's overtime requirements have "wreaked havoc with the scheduling of public safety employees and placed many labor contracts into question." The city of Little Falls estimates that costly overtime provisions will require a 10-percent increase in the local tax levy. And, in the Nation's Capital, the Washington Post reports that several police detectives were pulled off a murder investigation in midstream because District of Columbia officials feared the devastating effect of FLSA's overtime provisions on the city's budget!

Such ludicrous and costly problems clearly underscore the need for this amendment of the Fair Labor Standards Act.

These examples might lead one to assume that the recent Labor Department regulations to implement the NLC decision are particularly onerous. I agree that they are onerous. But, they are not unusual. In fact, these are merely the latest in a stream of Federal regulatory actions which intrude into areas traditionally reserved to State and local governments.

Earlier this year, PETE WILSON and I introduced another piece of legislation, S. 483, The Intergovernmental Regulatory Relief Act of 1985, which would go far to restrain the growth of unfunded mandates such as those addressed in the legislation I rise to cosponsor today.

Regulatory federalism is a serious and disturbing trend which undermines cooperation in our intergovernmental system. Yet this cooperation is fundamental to solving many of the most important problems facing our Nation. Of late, when I have expressed my concern about this troublesome trend, some have assured me that regulation is no longer a threat to State sovereignty and the inherent right of local self-government. They have said that the 1980's are different than the 1970's. When it comes to dealing with States and localities, regulation is out. Devolution is in. The Labor Department's recent actions belie these assurances. They suggest something quite different. Intergovernmental regulation is alive and well. It is federalism that is in trouble.

By its decision in Garcia, the Supreme Court has expressed its belief that State and local governments should look to Congress to protect their rights. Although I question the wisdom of this strategy, we can send an important message to our doubters by passing this much-needed legislation.

Mr. President, I ask that the article entitled "Overtime Ruling Costly to Localities," be printed in the RECORD directly following my statement.

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

OVERTIME RULING COSTLY TO LOCALITIES

(By Lee Hockstader)

A recent Supreme Court ruling forcing state and local governments to adhere to federal wage and hour laws will add $10 million to $15 million a year to the costs of operating the D.C. government and hundreds of thousands of dollars to suburban governments, area officials say.

That is only a small portion of what is now estimated to be the overall $2 billion to $4 billion cost to state and local governments from the ruling that forces the governments to pay overtime wages to most of their workers instead of giving them compensatory time off.

"It's too much money," complained attorney Gilbert J. Ginsburg, a labor lawyer who is an adviser to many cities, including Alexander and New York.

The ruling "hits very, very hard and is a burden," said Cornelius J. O'Kane, Fairfax County's personnel director. Officials there estimate the court's Feb. 19 ruling will cost Fairfax taxpayers $500,000 to $1 million a year.

Most of the added costs will come in overtime to police and firefighters, who in the past have earned substantial amounts of compensatory time off.

For example, one immediate impact of the ruling is in western states such as California, where thousands of firefighters will be collecting time-and-a-half overtime pay for battling the forest fires that were out of control in that region last week. Paying the California firefighters overtime wages, rather than compensating them with time off later, will cost $10 million to $20 million, according to James D. Mosman, the state's director of personnel administration.

Cities, which are expected to be hit the hardest when the Labor Department starts enforcing the court ruling Oct. 15, are raising the possibility of layoffs, reduced services or higher taxes. Officials in the Labor Department and the White House say they have been flooded with calls and letters from mayors worried about the impact of the ruling on their budgets.

Local governments attacked the ruling when it was announced, but say they are only now beginning to add up the likely costs as their budget and personnel officers supply them with more precise estimates.

'We are just now getting a handle on it, and it is very difficult," said Donald Weinberg, the District's director of labor relations. "It is causing a real problem."

District officials say the impact of the ruling here will not be as severe as in some other large cities because Washington already pays overtime to many of its employes. "If there are no other pressures then it is clearly manageable," said Betsy Reveal, the District's budget director. "But it cannot be seen in isolation. In combination with other pressures it could cause

problems." The District's annual payroll is about $850 million.

Under guidelines for the Fair Labor Standards Act, which state and local governments now must follow, police must receive overtime pay if they work more than 171 hours in a 28-day period. For firefighters, overtime must be paid after 212 hours.

Blue-collar employes in public works as well as clerical and technical employes, many of whom commonly work overtime hours, would also be covered. Teachers, as professional employes, are excluded from coverage under the law.

The Supreme Court ruling came in a case know as *Garcia* v. *San Antonio Metropolitan Transit Authority* on the question of whether overtime provisions in the act apply to municipal workers.

Joseph Garcia, a bus driver in San Antonio, had brought suit against the city, challenging its practice of paying time-and-a-half overtime only when bus drivers worked on their days off or on holidays. For all other overtime hours worked, bus drivers were paid at the normal hourly rate. The city said it should be exempt from the act; Garcia backed by labor unions, said it should not.

The 5-to-4 high court ruling has diverse implications. For example:

Municipalities will no longer be able to accept volunteer or subminimum wage services from their employes. Crossing guards—frequently senior citizens working for little or no pay—will have to be paid at least a minimum wage, for instance. This provision is expected to hurt small towns, which frequently depend on volunteer workers to a large degree.

Municipalities may have to pay substantial sums of overtime wages to police recruits in academies who devote long hours to their training. "We've heard of an instance where trainees are paid at a higher rate than police captains," said a White House official. The official, who asked not to be identified, said the likely effect in that instance would be a cutback in training time for police officers.

Public employes in some rural jurisdictions who saved compensatory time by working long hours in the winter so they could plant their crops in the spring will be unable to continue that practice.

In Puerto Rico, implementing the act is expected to cost millions of dollars because the government must start paying the minimum wage to public employees who have been earning less.

Officials also express fears of curtailed work by public safety employees, and cite the case of four D.C. homicide detectives whose investigation of a murder was cut short last week to avoid paying them overtime. The incident occurred shortly after police officials had circulated a memorandum outlining steps to comply with the ruling.

"There's an increasing degree of alarm about the costs and the disruption, both of which will be substantial," said the White House official.

Congressional hearings on the issue are scheduled for July 25, and three governors as well as host of local officials are expected to raise the prospect of budget-busting expenses because of the ruling.

Groups such as the National Association of Counties and the National League of Cities also are increasing pressure on the Reagan administration to introduce legislation that would repeal overtime provisions of the Fair Labor Standards Act and effectively neutralize the fiscal impact of the Supreme Court's ruling.

The White House official acknowledged that the administration is considering backing such a bill. Congressional aides say the measure would be opposed by organized labor, and would stand little chance of passage in the Democratic-controlled House of Representatives.

"What happens on the House side depends on how much pressure we can gin up," said one Senate aide who would like to see the *Garcia* decision undone by Congress. "But politically I just don't think we can do it."

Susan Meisinger, deputy undersecretary for employment standards in the Labor Department, said she believes legislation is possible. "There's a growing concern about the impact," she said. "What happens depends on how hard state and local governments push."

In a speech to the American Bar Association last week, Attorney General Edwin Meese III blasted the court for the *Garcia* ruling, declaring that it "undermines the stability" of state and local governments.

To comply with the ruling, Los Angeles will have to pay $100 million a year; San Francisco, $50 million, and New York, $40 million, according to Cynthia M. Pols, counsel to the National League of Cities.

Many municipalities are in the process of determining how many of their workers are covered by the federal guidelines and how many are not. Some personnel officials acknowledge privately that in borderline cases where there is room for discretion, governments may tend to classify workers as exempt from the law, and therefore ineligible for premium pay.

State and local government officials also are afraid of the effects of a provision in the federal law that allows employes to bring private lawsuits to recover back overtime pay. Because the court's ruling was effective April 15, any municipal worker who wants to collect overtime since that date will be able to do so, along with a penalty doubling the overtime payment.

Ironically, although labor union officials initially were elated by the Supreme Court decision in February, some are now acknowledging that their members are unhappy about losing compensatory time off.

By Mr. DIXON:

S.J. Res. 162. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

S. 1431. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require expeditious consideration by the Congress of a proposal by the President to rescind all or part of any item of budget authority if the proposal is transmitted to the Congress on the same day on which the President approves the bill or joint resolution providing such budget authority; pursuant to the order of August 4, 1977, referred jointly to the Committee on Governmental Affairs and the Committee on the Budget.

LINE-ITEM VETO LEGISLATION

Mr. DIXON. Mr. President, I am today reintroducing a joint resolution proposing a constitutional amendment authorizing the President to disapprove or reduce individual items of appropriations, subject to a majority vote override. I am also introducing legislation to expand the President's rescission authority because action on the constitutional amendment will necessarily take a substantial period of time, and we need the benefits to be garnered from the item veto now.

I do not propose this constitutional amendment and expanded rescission authority lightly, but I am convinced we need fundamental changes in our budgeting procedures if we are ever to restore fiscal discipline to the Federal Government. Deficits are out of control. Our budget deficit is likely to reach $215 billion or even more this year, and the current stalemate with respect to next year's budget resolution demonstrates the inadequacy of current budget making policies to reverse ever increasing deficits.

Solving our budget problems on a long-term basis will require strong action in a number of areas. I am convinced that adding an item veto provision to our Constitution is probably the single most important action we could take if we really want to end the deficit nightmare.

The item veto has a long and distinguished history. It first appeared in the Confederate constitution. In the years since the Civil War it has been included in the constitutions of 43 of the 50 States. The States give their Governors this authority because it was needed, because it strengthens their budget processes, and because it works. No State that has adopted the item veto has ever repealed it.

While the idea has demonstrated its merit at the State level, however, it has never seriously been considered at the Federal level. Numerous items veto proposals have been introduced in Congress since the first one in 1876. At least seven different Presidents have requested item veto authority. But none of these proposals or requests has ever been sent to the States or been acted on by either the House or the Senate.

Mr. President, it is long past time to change that situation, and act on item veto provision that helps restore the President's veto power. I say restore because the truth is that the Presidential veto is now a much weaker weapon than it once was.

Under our Constitution, a President can only veto an entire bill. He or she cannot veto individual items of spending within the bill—the veto is an all or nothing proposition. When our Constitution was written, that was a reasonable and workable balance of powers between the legislative and executive branches. Government was smaller and simpler. Over the past 194 years, though, Congress has tipped the

balance in its favor and substantially eroded the President's veto power. The growth in Government, together with the increasing use of omnibus legislation, now make it significantly more difficult for a President to play the role envisioned by the Nation's founders.

Increasingly, a President has the choice of either shutting down the Government, or signing into law billions of dollars of spending which he or she does not support. Last year, for example, almost all Government spending was included in a single omnibus bill instead of the 13 annual appropriation bills that Congress usually acts on to exercise its control over Government spending.

More and more, Congress attaches controversial items to "must" bills in an effort to make it more difficult for a President to use his veto power. Logrolling, and packaging good and bad programs into a single omnibus bill, have become a way of life.

These practices are near and dear to the hearts of many legislators, but they work to undermine our ability to budget in a fiscally sound and responsible manner. They are clearly wasteful, extravagant, and destructive.

Congress will never resolve the deficit problems, Mr. President, if it continues this "business as usual" approach. Congress must surrender some of the prerogatives it has accumulated over the years, and allow at least a partial restoration of the President's vote power.

Many Members, as well as those who benefit from the current way of doing things, may not want to surrender all the power they have gained. To ensure that the proper balance of powers between the legislative and executive branches of Government is maintained—to ensure no possibility of the creation of an imperial presidency—I am proposing only a partial restoration, giving the President item veto authority, but allowing Congress to override it by a simple constitutional majority.

Under my proposal, a President would have to choose: either veto an entire bill, forcing Congress to attempt to override by two-thirds vote, or use the item veto, recognizing that it would be easier for Congress to override.

Stated another way, it simply allows a President to put the Congress on record, to see whether there is in fact majority support for certain individual items of spending in an omnibus bill. As we all know too well, most Members of Congress have never seen and do not know about many of the literally thousands of individual times in the hundreds of pages of appropriations bills enacted every year. We rely on staff, and the knowledge, character, and ability of the Senators and Representatives that are the subcommittee chairmen and ranking members that handle the bills. Yet all these items are presumed to have majority support because they passed in Congress.

If a President opposes an item, why shouldn't he or she have the right to ask the Congress to go on record, and to determine whether the majority that is presumed to exist actually exists? In the early days of our Republic, Presidents often effectively had that right because bills were narrower and did not deal with more than one subject. But now, as I stated earlier, we have come to the point where virtually the entire Government is funded in a single bill.

Majority override means that a President could not overturn strong congressional support for a single item through use of the item veto and the support of "one-third plus one" in either the House or the Senate. Only the veto of an entire bill would take a two-thirds vote to override. An item veto would be sustained if the President commanded majority support, and would be overturned if the item had majority backing.

Mr. President, the Line-Item Rescission Act S. 1431, is based on similar principles. I am introducing this proposal reluctantly because I believe a constitutional amendment is the better way to proceed. Further, some of the past rescission proposals would have given the President unilateral rescission authority, thus effectively giving a President two bites at the same apple. Under these proposals a President could sign a bill and then rescind various items of spending. Congress would have to effectively act on a new bill repassing the items to overturn the rescission, and this action would be subject to Presidential veto, requiring a two-thirds vote to override.

My proposal is merely a small expansion of authority already available to Presidents under the Budget Act. It does not give a President unilateral rescission authority. It is designed to make the rescission mechanism as close to a majority override line-item veto constitutional provision as is possible through statutory means while not violating constitutional principles. It can be put into effect far more quickly than a constitutional change, and would provide at least part of the benefits of the constitutional amendment.

The legislation permits a President to defer items of spending contained in an appropriations bill for 60 days while Congress considers rescission resolutions under expedited procedures. Each rescission resolution would cover a single item and would have to be voted on separately, as the veto of an individual item would be.

Both Houses of Congress would have to vote on the resolution or resolutions within 60 days of their transmittal to Congress by a President. If the President had majority support the resolution would pass and the item would be rescinded. If the item had majority support, the spending would go forward without being subject to further Presidential veto.

The rescission resolutions would not be amendable since veto messages are not amendable, and the expedited procedures would guarantee a vote on the resolutions. This provision, of course, is different from the way a veto message is considered. There is no guarantee that a veto message will be voted on at all. However, a veto is effective unless overturned by both Houses of Congress while a rescission is effective only when approved in both Houses. The combination of the limited deferral authority, and the expedited procedures guaranteeing a vote, are necessary to ensure that Congress faces the issues raised by a President's opposition to particular items.

Neither the item veto constitutional amendment nor the Line-Item Veto Rescission Act is a cure-all for the budget problems we are facing, Mr. President. Dealing with the deficit will require action in every area of the budget, action that will be difficult and distasteful. However, either proposal can and will make a real difference. If a Federal item veto with majority override works as well at the Federal level as it does in my own State of Illinois, it could save $27 billion a year or more.

I urge my colleagues therefore to consider these proposals very carefully. I am convinced that the result of this fair and reasonable examination will be enactment of a Line-Item Veto Rescission Act and early submission of the constitutional amendment to the States for ratification. I look forward to working with my colleagues toward these objectives.

Mr. President, I ask unanimous consent that the joint resolution and the bill be printed in the RECORD.

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

S.J. RES. 162

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE--

"The President may reduce or disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch of the Government. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not reduced or disapproved shall become law.

The President shall return with his objections any item of appropriation reduced or disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of the article I for Acts disapproved by the President, reconsider any item disapproved by the President, reconsider any item disapproved or reduced under this section, except that only a majority vote of each House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or joint resolution.".

S. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Line-Item Rescission Act of 1985".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) Transmittal of Special Message.—The President may, on the same calendar day the President approves any appropriation bill, transmit to both Houses of the Congress, for consideration in accordance with this section, one or more special messages proposing to rescind all or part of any item of budget authority provided in the appropriation bill.

"(b) CONTENTS OF SPECIAL MESSAGE.—

"(1) No special message may be considered in accordance with this section if the special message proposes to rescind more than one item of budget authority.

"(2) Each special message transmitted under subsection (a) shall specify, with respect to the item of budget authority (or part thereof) proposed by the message to be rescinded, the matter referred to in paragraphs (1) through (5) of section 1012(a).

"(3) Each special message transmitted under subsection (a) shall be accompanied by a draft bill or joint resolution that would, if enacted, rescind the budget authority proposed to be rescinded.

"(c) PROCEDURES.—

"(1)(A) On the day on which a special message proposing to rescind an item of budget authority is transmitted to the House of Representatives and the Senate under subsection (a), the draft bill or joint resolution accompanying such special message shall be introduced (by request) by the majority leader of the House of the Congress in which the appropriation Act providing the budget authority originated. If such House is not in session on the day on which a special message is transmitted, the draft bill or joint resolution shall be introduced in such House, as provided in the preceding sentence, on the first day thereafter on which such House is in session.

"(B) A draft bill or joint resolution introduced in the House of Representatives or the Senate pursuant to subparagraph (A) shall be referred to the Committee on Appropriations of such House. The committee shall report the bill or joint resolution without substantive revision (and with or without recommendation) not later than 20 calendar days of continuous session of the Congress after the date on which the bill or joint resolution is introduced. A committee failing to report a bill or joint resolution within the 20-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

"(C) A vote on final passage of a bill or joint resolution introduced in a House of the Congress pursuant to subparagraph (A) shall be taken on or before the close of the 30th calendar day of continuous session of the Congress after the date of the introduction of the bill or joint resolution in such House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of the Congress on the same calendar day on which the bill or joint resolution is agreed to.

"(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to subparagraph (C) of paragraph (1) shall be referred to the Committee on Appropriations of such House. The committee shall report the bill or joint resolution without substantive revision (and with or without recommendation) not later than 20 calendar days of continuous session of the Congress after the bill or joint resolution is transmitted to such House. A committee failing to report the bill or joint resolution within the 20-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be replaced upon the appropriate calendar.

"(B) A vote on final passage of a bill or joint resolution transmitted to a House of the Congress pursuant to subparagraph (C) of paragraph (1) shall be taken on or before the close of the 30th calendar day of continuous session of the Congress after the date on which the bill or joint resolution is transmitted to such House. If the bill or joint resolution is agreed to in such House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated, together with a statement of the action taken by the House acting under this paragraph.

"(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill or joint resolution under this section shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

"(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a bill or joint resolution under this section, and motions to proceed to the consideration of other business, shall be decided without debate.

"(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

"(E) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives applicable to other bills and joint resolution in similar circumstances.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

"(d) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this paragraph by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any item of budget authority proposed to be rescinded in a special message transmitted to the Congress in accordance with subsection (a) shall be made available for obligation unless, not more than 60 days after the transmittal of the special message, both Houses of the Congress have agreed to the bill or joint resolution accompanying such special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) 'item' means any numerically expressed amount of budget authority set forth in an appropriation bill;

"(2) 'appropriation bill' means any general or special appropriation bill, and any bill or

joint resolution making supplemental, deficiency, or continuing appropriations; and

"(3) 'appropriation Act' means any appropriation bill that has been approved by the President and become law.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1011(5) of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by striking out "1012, and" and inserting in lieu thereof "1012, the 20-day periods referred to in paragraphs (1)(B) and (2)(A) of section 1013(c), the 60-day period referred to in section 1013(e) and";

(B) by striking out "1012 during" and inserting in lieu thereof "1012 or 1013 during";

(C) by striking out "of 45" and inserting in lieu thereof "of the applicable number of"; and

(D) by striking out "45-day period referred to in paragraph (3) of this section and in section 1012" and inserting in lieu thereof "period or periods of time applicable under such section".

(2)(A) Section 1011 of such Act is further amended—

(i) in paragraph (4) by striking out "1013" and inserting in lieu thereof "1014"; and

(ii) in paragraph (5)—

(I) by striking out "1016" and inserting in lieu thereof "1017"; and

(ii) by striking out "1017(b)(1)" and inserting in lieu thereof "1018(b)(1)".

(B) Section 1012 of such Act is amended—

(i) by striking out "1012 or 1013" each place it appears and inserting in lieu thereof "1012, 1013, or 1014";

(ii) in subsection (b)(1) by striking out "1012" and inserting in lieu thereof "1012 or 1013";

(iii) in subsection (b)(2) by striking out "1013" and inserting in lieu thereof "1014"; and

(iv) in subsection (e)(2)—

(I) by striking out "and" at the end of subparagraph (A),

(II) by redesignating subparagraph (B) as subparagraph (C),

(III) by striking out "1013" in subparagraph (C) (as so redesignated), and

(IV) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(C) Section 1015 of such Act is amended by striking out "1012 or 1013" each place it appears and inserting in lieu thereof "1012, 1013, or 1014".

(D) Section 1016 of such Act is amended by striking out "or 1013(b)" and inserting in lieu thereof ", 1013(e), or 1014(b)".

(E) Section 1012(b) of such Act is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any item of budget authority proposed by the President to be rescinded under this section that the President has also proposed to rescind under section 1013 and with respect to which the 60-day period referred to in subsection (e) of such section has not expired.".

(3) The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(B) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SEC. 3. APPLICATION.

The amendments made by this section shall apply to items of budget authority (as defined in subsection (f)(1) of section 1013 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 2 of this Act) provided by appropriation Acts (as defined in subsection (f)(3) of such section) that become law after the date of the enactment of this Act.

By Mr. DOLE for Mr. SPECTER (for himself, Mr. CRANSTON, Mr. SIMON, Mr. BUMPERS, Mr. MELCHER, Mr. WILSON, Mr. DURENBERGER, Mr. PRYOR, Mr. HOLLINGS, Mr. MITCHELL, Mr. CHAFEE, Mr. PELL, Mr. CHILES, Mr. SASSER, Mr. COHEN, Mr. BOSCHWITZ, Mr. ROCKEFELLER, Mr. HATCH, Mr. STAFFORD, Mr. MOYNIHAN, Mr. MATHIAS, Mr. ABDNOR, Mr. DECONCINI, Mr. LEVIN, Mr. MURKOWSKI, Mr. HEINZ, Mrs. KASSEBAUM, Mrs. HAWKINS, Mr. INOUYE, and Mr. GLENN):

S.J. Res. 163. Joint resolution to designate July 16, 1985, as "National Atomic Veterans' Day"; ordered placed on the calendar.

NATIONAL ATOMIC VETERANS' DAY

● Mr. SPECTER. Mr. President, today I am introducing a joint resolution commemorating July 16, 1985, National Atomic Veterans' day, on the 40th anniversary of "Trinity," the first detonation of a nuclear weapon. I believe that such a resolution is an appropriate way to recognize the need to honor and to assist those veterans exposed to hazardous ionizing radiation from tests such as "Trinity."

There is no question that many patriotic individuals were exposed to radiation resulting from nuclear weapons detonations. Beginning in 1945, and continuing until 1963, the United States detonated some 235 nuclear weapons in atmospheric tests conducted in the Pacific and the American Southwest. The Department of Defense has estimated that approximately 250,000 American servicemen witnessed and participated in these tests or served in the occupation forces in Hiroshima and Nagasaki immediately following World War II.

Nuclear weapons testing was heaviest during the mid-1950's. At many tests, 3,000–4,000 troops were positioned near detonator sites. At other tests, units were marched or helicoptered to ground zero soon after the explosion and run through simulated combat maneuvers, to test their psychological and physical response to the blast. In some instances, volunteer service personnel were placed in open trenches as close as 2,000 yards from ground zero and, at one test, six volunteers stood at ground zero under an airburst some 20,000 feet above them.

Having served their country, these veterans returned to civilian life unaware of the potentially serious consequences of exposure. Now, 20 to 30 years later, we are beginning to see unusually high incidences of cancer and other radiation-related degenerative diseases among these veterans. A study of approximately 3,000 veterans of one 1957 test in Nevada, "Shot Smoky," conducted by the Center for Disease Control, identified 11 cases of leukemia. This finding was about three times the expected normal rate. Additionally, a very rare form of bone marrow disease, polycythemia vera [PV], was discovered at an alarmingly high incidence rate of 10 times the expected normal rate among the "Smoky" participants.

The nature of a radiation injury poses a dilemma for the atomic veteran. Illnesses induced by radiation often take years, even decades, to become apparent. When they do surface, they are often indistinguishable from the same diseases induced by nonradiation factors. Moreover, there is no scientific consensus as to the relationship between the level of radiation exposure and subsequent health problems. Such problems with medical evidence have made it difficult for atomic veterans to obtain care and compensation from the Veterans' Administration.

Aside from the problems arising from the nature of radiation illness, the Government itself is responsible for the absence of some needed evidence. The Government did not take precise measurements of the radiation doses received by the test participants. Many were not given film badges measuring radiation exposure. For those few who were issued badges, the badges only recorded gamma-ray exposure; no measurements were taken to exposure to radiation neutrons, alpha, and beta rays. Until a limited study of leukemia among one test group, begun by the Center for Disease Control in 1977, the Government made no effort to conduct medical follow-up tests of participants and their offspring. Furthermore, the Government did not maintain systematic records of those exposed. Of those records that were maintained, many were destroyed in a 1977 military warehouse fire in St. Louis.

Many bureaucratic rules and regulations also beleaguer these atomic veterans. The Feres doctrine exempts the military from liability for injuries sustained by service personnel in the course of duty. Moreover, the Veterans' Administration is virtually unique among Federal agencies in that its decisions are not subject to judicial review.

Over the past 5 years, the plight of the atomic veteran has received more attention. Recognizing the patriotism and dedication demonstrated by these atomic veterans, it is imperative that the U.S. Government continue to

make every effort to resolve the issues created by the exposure of atomic veterans to ionizing radiation.

Although the radiation issue may occupy many theoretical academic forums, this problem is a very real one for the atomic veterans. These veterans are the living embodiment of a technology which may be sapping them of their vitality and longevity and tampering with the gene pool of their future generations.

The plight of the atomic veteran may also have an effect on the armed services of this country. Our success in recruiting citizens for the Armed Forces depends on our ability to convince them that such service is worthwhile. Surely, by failing to assist those veterans in their time of need, who served faithfully in the past, we would provide a negative recruiting advertisement which would only hamper our efforts to provide for this Nation's defense.

In commemorating this 40th anniversary of "Trinity" and in honoring the National Atomic Veterans, we will not be able to reverse the possible ill-effects associated with exposure to ionizing radiation during atmospheric nuclear testing. Rather, this proclamation should remind us of the need to aid these patriotic veterans in their time of need and it should also remind our atomic veterans that our Nation has not forgotten their contribution toward the security and freedom that we too easily take for granted.

Mr. President, I congratulate the National Association of Atomic Veterans for their diligent and productive work on behalf of veterans.

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

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

S.J. RES. 163

Whereas approximately two hundred and fifty thousand veterans of the United States, while serving in the active armed services during the period beginning in 1945 and ending in 1963, witnessed and participated in at least two hundred and thirty-five atmospheric nuclear weapons tests conducted in the Pacific Ocean and the Southwestern United States or served in Hiroshima or Nagasaki during the period of the occupation of Japan by the military forces of the United States immediately following World War II;

Whereas these Atomic Veterans patriotically served the Nation meeting the needs of national defense during a critical period in history;

Whereas the health of many of the Atomic Veterans and of many of the natural children of such veterans may have been adversely affected by the exposure of such veterans to ionizing radiation from the detonation of atomic or nuclear weapons;

Whereas the Congress recognizes the patriotism and dedication of the Atomic Veterans and the importance of resolving the issues arising from the problems caused by the exposure of the Atomic Veterans to ionizing radiation; and

Whereas July 16, 1985, is the anniversary of "Trinity", the first detonation of an atomic weapon, which took place at Alamogordo Air Force Base in New Mexico on July 16, 1945: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 16, 1985, is designated as "National Atomic Veterans' Day" and the President is authorized and requested to issue a proclamation calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. MOYNIHAN, the name of the Senate from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 84

At the request of Mr. INOUYE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 84, a bill to incorporate the Pearl Harbor Survivors Association.

S. 402

At the request of Mr. PRESSLER, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of S. 402, a bill to amend the Communications Act of 1934 to provide for specialized equipment for telephone service to certain disabled persons.

S. 573

At the request of Mr. GORE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the use of sulfiting agents in certain foods, and for other purposes.

S. 865

At the request of Mr. MATHIAS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 865, a bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler.

S. 942

At the request of Mr. DANFORTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 942, a bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes.

S. 944

At the request of Mr. HELMS, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 944, a bill to title II of the Social Security Act to restrict the payment of benefits to certain aliens.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1032, a bill to establish a commission to study amusement ride safety, and for other purposes.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1142

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 1142, a bill to improve and extend certain domestic food assistance programs, and for other purposes.

S. 1153

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. LAXALT] the Senator from Tennessee [Mr. SASSER], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1153, a bill to provide for the distribution within the United States of the U.S. Information Agency film entitled "Hal David: Expressing a Feeling."

S. 1296

At the request of Mr. MATHIAS, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1296, a bill to amend the Immigration and Nationality Act to modify the requirement for naturalization of an understanding of the English language.

S. 1305

At the request of Mr. TRIBLE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1305, a bill to amend title 18, United States Code, to establish criminal penalties for the transmission by computer of obscene matter, or by computer or other means, of matter pertaining to the sexual exploitation of children, and for other purposes.

S.1312

At the request of Mr. PRESSLER, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Dakota [Mr. ANDREWS]

were added as cosponsors of S. 1312, a bill to provide that the Federal Communications Commission review the proposed acquisition of television networks to ensure such acquisitions are in the public interest, and for other purposes.

S. 1337

At the request of Mr. GORE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1337, a bill to direct the Administrator of Veterans' Affairs to establish a national cemetery in Knoxville, TN.

S. 1414

At the request of Mr. BENSTEN, the names of the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 1414, a bill to provide additional funding and authority for the Federal Bureau of Investigation in order to improve the counterterrorist capabilities of the Bureau.

SENATE JOINT RESOLUTION 141

At the request of Mr. SASSER, the names of the Senator from Nebraska [Mr. ZORINSKY], the Senator from Idaho [Mr. SYMMS], the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maryland [Mr. SARBANES], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week beginning May 18, 1986, as "National Tourism Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. PACKWOOD, the names of the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN], the Senator from California [Mr. CRANSTON], the Senator from Maryland [Mr. SARBANES], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. ANDREWS], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Wisconsin [Mr. PROXMIRE] were added as cosponsors of Senate Joint Resolution 155, a joint resolution to designate the month of November 1985 as "National Hospice Month."

SENATE JOINT RESOLUTION 156

At the request of Mr. MURKOWSKI, the names of the Senator from Nevada [Mr. HECHT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 156, a joint resolution authorizing a memorial to be erected in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 158

At the request of Mr. MURKOWSKI, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution designating October 1985 as "National Community College Month."

SENATE RESOLUTION 199—OPPOSING A TAX ON THE ANNUAL INCREASE IN THE VALUE OF PERMANENT LIFE INSURANCE

Mr. HEINZ (for himself, Mr. PRYOR, Mr. MATSUNAGA, Mr. SYMMS, Mr. ARMSTRONG, Mr. BENTSEN, Mrs. HAWKINS, Mr. ZORINSKY, Mr. GRASSLEY, Mr. WEICKER, Mr. ANDREWS, Mr. BOREN, Mr. JOHNSTON, Mr. DODD, Mr. HARKIN, Mr. TRIBLE, Mr. HELMS, Mr. GARN, Mr. PRESSLER, Mr. SPECTER, and Mr. NICKLES) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 199

Whereas the President of the United States and the Congress are engaged in an effort to reform the Tax Code to achieve greater simplicity and fairness along with lower marginal tax rates;

Whereas various proposals would impose a tax on the annual increase in the value of permanent life insurance policies either on a current or prospective basis;

Whereas permanent life insurance policies feature level premium payment plans which allow policyholders to space the cost of their insurance protection evenly over their lifetime and cash values are simply a by-product of this level premium feature;

Whereas a tax on the annual increase in the value of permanent life insurance would violate the basic tax principle that tax should be imposed only on amounts actually or constructively received, because life insurance policy cash values are not realized until the policy is reduced or surrendered;

Whereas a tax on the annual increase in the value of permanent life insurance would substantially undercut the market for permanent life insurance, thereby diminishing the capital provided to the economy by the life insurance industry;

Whereas a tax on the annual increase in the value of permanent life insurance would discourage the purchase of adequate amounts of life insurance, would result in an underinsured population, and would therefore create pressure on the Federal Government to provide more expensive Government-funded economic protection;

Whereas a tax on the annual increase in the value of permanent life insurance would have its greatest impact on older policyholders whose income may have been reduced because of retirement, and would therefore be discriminatory against older and retired Americans;

Whereas the Congress and the President of the United States concluded less than one year ago a complete revision of life insurance company and product taxation, with Congress and the President having reached agreement with each other and with the industry on the appropriate tax law applicable to the increase in the value of permanent life insurance policies;

Whereas continued debate on, and scrutiny of, these recently settled issues could chill the American public's ability and desire to purchase adequate life insurance protection: Now therefore be it.

Resolved, That it is the sense of the Senate any tax reform legislation adopted by the Senate should not impose a tax on the annual increase in the value of permanent life insurance.

● Mr. HEINZ. Mr. President, today I am resubmitting a resolution to express the sense of the Senate that the final tax reform plan should not impose a tax on the annual increase in the value of permanent life insurance.

The administration's tax reform proposal released May 28 would not only tax annual increases in the value of ordinary life insurance policies, which is called inside buildup, but would also treat borrowing against life insurance policies not as loans which must be paid back with interest, but as current income taxable to policyholders.

Taxing life insurance in this manner would be a radical departure from current policy which recognizes taxable income only in the event of actual or constructive receipt. Annual increases in the cash surrender value of whole life insurance are not income to the policyholder because he or she cannot gain access to these moneys without surrendering the contract in whole or in part, thereby sacrificing the death protection provided. Advocacy of such a tax reflects a misunderstanding of the nature and purpose of whole life insurance. Whole life insurance is not now and was never intended to be a tax loophole. In fact, it predated the income tax by about 200 years. The concept of whole life insurance evolved in 18th-century England because of wide-spread dissatisfaction with term insurance, which could generally not be renewed beyond age 40.

To remedy this problem, whole life was structured so that coverage with level premiums could be provided over the people's lifetimes. Companies accomplished this by collecting higher premiums than needed to cover the risk of death in the early years, and investing the funds they accumulated. Earnings on these investments made level premiums possible. This system enabled people of modest means to provide for the economic security of their families.

Taxing inside buildup would be unsound social and economic policy. Many current and prospective policyholders would be forced either to surrender their contracts or to try to make do with less insurance than they need. The elderly would be hit the hardest of all because the cash value of whole life increases most rapidly in old age so that the premium can stay level. Taxes on this unrealized appreciation would escalate steeply just when people most need the insurance they have paid for over 30 or more years. Ironically, whole life would end up with all of the disadvantages of term insurance.

The U.S. economy is also likely to suffer adverse consequences if inside buildup is taxed. Aside from being a

pillar of economic security to many millions of average American families, the assets which build up in whole life policies to eventually fund death benefits are a major source of capital formation in our economy. In 1983 alone, life insurance contributed $56.6 billion to U.S. capital markets including Government securities, corporate stocks and bonds, public utility railroads bonds, and real properties of all kinds.

Any temptation by wealthy individuals to abuse the system by disguising tax-sheltered investments as life insurance was effectively removed by this Congress just last summer as part of the Deficit Reduction Act of 1984. The comprehensive life insurance tax reform provisions contained in that legislation were the result of over 2 years of intensive study. After careful deliberation, Congress saw no need to change the taxation of life insurance products any further.

Mr. President, the Senate should not be fooled by the administration's proposal to grandfather all existing policies. The effect of this proposal would be to kill the ordinary whole life insurance policy as a product without even a prospect of raising any revenue. By exempting existing policies, there will be no significant inside buildup to tax until new policies have been in existence for at least 5 years; if I am correct that this tax will kill the product, future revenue expectations will not be realized. I cannot believe that this Senate will condone such an action.

In light of these facts, the cosponsors of this resolution seriously question whether any worthwhile tax reform goal would be served by taxing inside buildup. The income of 61 percent of those who own life insurance is less than $25,000 per year. These are the very people who already pay their fair share of taxes and can least afford either the increased costs which would accompany the enactment of such a proposal, or the consequences of inadequate coverage.

Finally, Mr. President, as chairman of the Senate Special Committee on Aging, I am particularly concerned by the fact that this new tax is directed against older people. Cash values on life insurance increase with age and do so most significantly in the years after retirement. Therefore, the taxes would go up as a person grows older and rise sharply for the oldest. Simply put, the older the individual, the higher the tax

This represents a radical departure from longstanding Government policies that work to benefit older persons whenever possible. If we enact this proposal we would limit rather than enhance people's ability to provide financial protection for their families' financial self-reliance and would, I believe, place even greater demands upon Social Security and other social programs.

Mr. President, I will not dwell, at length, on the other costs this shortsighted proposal could inflict, such as the long-range hidden costs placed on social service and welfare programs of the Federal Government to provide what individuals have heretofore been able to provide for themselves. It should be obvious that Government programs to replace the individual initiatives which have been recognized and encouraged since the earliest days of the Tax Code would be a far more costly alternative in the long run.

For all these reasons, Mr. President, I urge all our colleagues to join in sponsoring this resolution.●

● Mrs. HAWKINS. Mr. President the resolution we have submitted expresses the sense of the Senate that any tax reform legislation enacted should not tax increases in the value of life insurance as current income to the policyholder.

This resolution addresses one of the more controversial provisions included in the wave of tax reform proposals. A provision that marks a radical departure from current tax policy in which gains are only taxed when they are realized.

Mr. President, I believe it is clear that tax reform is going to be a major issue during this session of Congress. However, I want to be sure that it does not include the unfair taxing of increases in the value of life insurance as current income to the policyholder. It is an ill-advised proposal and one that I believe would render severe harm to low-income Americans, middle-income Americans and especially to the elderly.

I was, quite frankly, shocked to learn that the tax reform proposals would include this outrageous provision. Whole life insurance was formulated in response to the need for affordable life insurance. It is structured so that premiums remain level over the duration of the policy. This is accomplished by collecting higher premiums than needed to cover the risk of death in the early years, and investing the difference. Earnings on these investments fund the eventual death benefit without raising costs to the policyholders as they age. This has allowed millions of Americans to make adequate provisions for their families' financial security—a wise goal that we should encourage, not discourage.

One of the goals of tax reform is to estimate some of the giveaways in the Tax Code for the wealthy so that everyone is paying their fair share. Who will be affected if this particular provision is included in final passage of a tax reform bill? Wealthy investors? High paid executives? No. It will be the schoolteachers, the farmers, and the grocery clerks that will bear the harsh brunt of this draconian proposal. Life insurance is primarily a middle-class benefit, and is not a tax shelter for the rich. According to the American Council of Life Insurance Companies, more than 60 percent of ordinary life policies purchased in the United States in 1983 involved insureds with incomes below $25,000.

I am particularly concerned with the impact this will have on the elderly especially those on fixed incomes. If tax reform is passed and includes the taxation of the cash buildup in life insurance policies, whole life insurance will be a less desirable purchase. Many might, alternatively, let their policies lapse, and would then be dangerously left without adequate protection. The obvious consequence would eventually be a greater demand on the Social Security System and other forms of Government assistance. Mr. President, this proposal is nothing less than an age-indexed tax, and thus a punishment that increases with each year an individual lives.

Whole life insurance is recognized as a valuable tool in providing for a family's financial independence. To enact a tax reform proposal that includes this type of taxation would limit, rather than enhance, financial self-reliance and would run contrary to the goals that I try to pursue in this Chamber. I have no intention of penalizing conscientious Americans who have worked hard all their lives and made a decision to provide for their families' future. The proposal to tax the cash buildup in life insurance policies is a dangerous proposal. It would be bad public policy and is totally unacceptable to this Senator.

I urge my colleagues to carefully consider my comments and the ramifications of changing the fundamental and historically sound concept of whole life insurance, and join us in supporting this resolution.●

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 1418, the Tobacco Improvement Act of 1985.

The hearing is scheduled for Monday, July 22, 1985, at 10 a.m. in room 328-A, Russell Senate Office Building.

For further information on this hearing, please call the committee at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON REGIONAL AND COMMUNITY DEVELOPMENT

Mr. LUGAR. Mr. President, I ask unanimous consent the Subcommittee on Regional and Community Development, of the Committee on Environ-

ment and Public Works, be authorized to meet during the session of the Senate on Monday, July 15, in order to conduct a hearing on the programs and policies of the Tennessee Valley Authority.

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

ADDITIONAL STATEMENTS

SULFITE BAN

● Mr. GORE. Mr. President, I want to take this opportunity to congratulate Commissioner Frank Young of the Food and Drug Administration for acting on a serious health problem facing many Americans.

On March 5, 1985, I introduced S. 573, the Sulfite Safety Act, to impose a partial ban on the use of food preservatives called sulfites. These preservatives have been linked to at least six deaths, including one 2 weeks ago in California. At least a half million Americans are sensitive to sulfites and may suffer severe reactions from sulfite-treated foods. Besides the severity of the reactions they provoke, sulfites pose a special threat because they are tasteless, odorless, and invisible and are pervasively used at all levels in the food distribution chain.

I introduced S. 573 because the Food and Drug Administration, which is empowered to regulate food additives such as sulfites, had failed to protect the public health against this dangerous preservative. The agency first learned about the hazards of sulfites 3 years ago when the first sulfite-related death occurred. But until last week, no significant action had been planned by the FDA to curb the risks sulfites pose, despite the fact that the agency has learned of numerous sulfite-linked tragedies and has been advised by an FDA-created panel of experts to ban certain uses of the substance.

Last week FDA Commissioner Young signed a proposal to ban sulfites on fruits and vegetables which are to be served in their raw form to consumers, and I understand that he is considering a companion proposal to ban sulfites on potatoes sold for cooking. The purpose of these proposals is nearly identical to that behind S. 573.

Mr. President, I am speaking today to congratulate Dr. Young for taking this important step to regulate the use of sulfites, and I strongly urge him to sign the proposal addressing the use of sulfites on potatoes.

Unfortunately, the FDA's proposal does not seal the fate of sulfites on fresh produce, since the regulatory process requires further scrutiny. Currently, the proposal is in the hands of Secretary Heckler, and if she chooses to sign it, as I hope she will, the document must then be approved by the Office of Management and Budget and then published in the Federal Register for public notice and comment. The FDA may make changes in its proposal based on the comments which are obtained.

Sulfites have created an urgent public health problem that has been permitted to continue unabated for several years. It is imperative that the Department of Health and Human Services and the Office of Management and Budget recognize the true threat of sulfites and approve the FDA proposal without delay. In addition, if the FDA document is not altered by HHS or OMB, I urge the FDA to consider waiving the period of notice and comment since the sulfite issue and this particular solution have been discussed and studied extensively.

I still believe that S. 573 should become law, and I urge my colleagues to join me in supporting the bill. The lives of too many people are at stake to take a chance that the regulatory process might stall.

I am gratified, however, that the FDA has taken a significant step toward protecting our citizens and I hope that the other agencies involved will follow suit.●

INDIANA CONFERENCE OF HIGHER EDUCATION

● Mr. QUAYLE. Mr. President, I would like to bring to the attention of my colleagues a report that has been prepared by the Indiana Conference of Higher Education [ICHE], a group representing all of the colleges and universities in Indiana, on the reauthorization of the Higher Education Act [HEA].

The Higher Education Act is due to be reauthorized by the Congress, and the Education Subcommittee, of which I am a member, will begin holding hearings soon on the act. In preparation of these hearings and in preparation of the reauthorization process, I asked the ICHE to review the Federal higher education and Student Aid Programs and to let me know what their positions on them are. As a result of this request, the ICHE, consisting of 39 college and university presidents, formed 11 task forces, with a total of 170 individuals to review each title of the Higher Education Act and to make its recommendations. The task forces spent many hours on this project, and the final result is an excellent one. The recommendations that have been prepared by the ICHE are comprehensive and represent a unified position of all of the colleges, public and private, in the State. This document is truly unique in that every college supports the recommendations, and there is complete unity between the public and private sectors on issues that are often times extremely divisive.

I have sent a copy of this report to a number of people on the Hill including the members of the Labor and Human Resources Committee, members of the Senate Appropriations Committee, my fellow Senator from Indiana, the members of the House Education and Labor Committee, members of the House Appropriations Committee, and the Indiana House delegation. I have also shared it with a number of the higher education associations. If anyone is interested in receiving a copy of this report, I would be happy to share one with them.

To assist in explaining the recommendations of the ICHE, I have attached a copy of the executive summary of the report, and I ask that it be printed in the RECORD.

Again, I want to express my thanks to all of the 170 individuals who assisted in putting this project together and for doing such an excellent job.

The summary follows:

RECOMMENDATIONS FOR REAUTHORIZATION OF THE HIGHER EDUCATION ACT OF 1965

PURPOSE

The Higher Education Act of 1965 has provided more than $400 million for higher education in the State of Indiana. Since the Act is now undergoing Congressional review, the Indiana Conference of Higher Education, a Conference comprised of the public and independent colleges and universities in the State of Indiana, undertook a study to assist Congress in the reauthorization of the Act. The study provides consensus on recommendations based on careful analysis of existing programs and projected needs.

THE STUDY GROUP

Task forces composed of experts from the public and independent colleges and universities in the State of Indiana addressed each of the Titles in the Act. Over 170 individuals were invovled in the year-long process to bring about the single, informed testimony this report presents.

SCOPE OF THE REPORT

Presently, much of the nation's attention is focused on student assistance. In this category alone, billions of dollars are expended each year throughout the nation. The report places primary emphasis in student aid, while also turning the spotlight on other areas dealing with buildings and equipment, faculty, libraries, and programs.

STUDENT ASSISTANCE

Perhaps the most detailed analysis of the issues involved with the reauthorization is that which relates to Title IV, the major federal student-aid programs. Although several months of further deliberations lie ahead and unknown political considerations are yet to be faced, the Title IV Task Force addressed major issues it felt were important *at this time.* It did not feel that it would be appropriate at this early stage of reauthorization to deal specifically with every possible item in the law, but rather to suggest some general directions.

One of the most difficult problems has been the uncertainty created by constantly changing rules and regulations and by delays experienced in promulgating them. Although programs will always require updating, there is an equally important need for stability so that proper planning by all

those involved—including families, aid administrators, and agency officials—can be achieved.

Headlines about loan defaults and program abuses sell newspapers and anger the citizenry. These kinds of problems must indeed be addressed and reduced; however, they are not representative nor are they so extensive that they require the elimination of any program. Better ways to administer the programs as they are currently configured must be found, not only because stability is needed, but more especially because they do work and they do provide substantial benefits.

How, then, can a better job be done while achieving some savings? Where programs lack firm meaning and direction, there need to be ways to bring the program back to the goals upon which they were originally legislated. If some problems can be corrected by additional and more comprehensive efforts, such as by more complete verification procedures, then these efforts must be undertaken. If considerable savings can be achieved by requiring a needs analysis for all applicants in the Guaranteed Student Loan (GSL) program and by modestly reducing the special allowance paid to lenders, then these measures must be implemented. On the other hand, loan limits have not been adjusted for over a decade, while educational costs have risen dramatically. Annual and aggregate GSL limits should be increased to provide students with the means of helping themselves.

However, the report advocates that in finding the right approach to these issues, the quick and simplistic approach suggested by the use of absolute income ceilings, block grants, centralized program administration, and other such concepts must be avoided. The need to be efficient and consistent must be weighed carefully against the need to be fair and sensitive to the individual. Common sense and balance must be employed in all of the solutions

Defining the independent student is indeed a very difficult issue, but one which can no longer afford to be deferred. The definition must be one which is easily verifiable yet sensitive to the many nontraditional college-age students now in postsecondary education. The problem must be addressed within the greater perspective which attempts to reemphasize the primary role of the family in planning and providing for the financing of educational costs.

As society has increased in complexity, the intense, in-depth education characteristic of graduate programs has increasingly become a necessity. The demand for people with the skills conferred by post-baccalaureate education will increase, and increased government support for graduate education therefore needs to be provided.

A partnership approach is needed for achieving the above goals: Incentives to plan and provide for college costs must be provided; families must contribute to the extent they are capable; students must be encouraged to do the same; and finally, institutions, organizations, and government agencies must attempt to supplement remaining needs. The best investment in the nation's future and security is a well-educated citizenry.

BUILDINGS AND EQUIPMENT

The nation's colleges and universities are in critical need of federal assistance to maintain their academic facilities. Laboratories and related equipment especially need modernization. Federal funding should be available for the repair and rehabilitation of existing equipment and facilities where economically feasible, and for replacement where renovation or repair is not feasible. Only an integrated program of grants, loans, and interest subsidies for privately negotiated loans can assure that the nation's classrooms will be efficient learning places, and that the nation's college and university laboratories will make available the equipment needed to train tomorrow's scientists.

FACULTY

The report emphasizes that there is a significant need to maintain the attractiveness of the collegiate teaching profession. This must be accomplished in order to face the increased economic pressures from business, government, and industry, and by providing research support and enhanced opportunities for collegial cooperation.

International education and the financial assistance needed to maintain and develop personnel critical to programs of instruction must be supported. Faculty seminars in international studies which serve to keep faculty knowledge current and to encourage the development of new curricula adjusted to changes in world affairs and international conditions must be supported.

The Fund for the Improvement of Postsecondary Education (FIPSE) needs contined support because it has served as a vehicle by which higher education has met changing societal needs through innovative projects.

LIBRARIES

Academic libraries are facing heightened pressure to provide information, not only to their own academic communities, but also to citizens of the larger community. Fulfilling these needs will become more difficult and more important as the half-life of information declines and as society moves toward an information-intensive base. Funding for research libraries should be strengthened so that the integrity of their vast resources can be preserved. Funds should also be made available to libraries for aid in implementing new information-handling technologies.

Additional, careful consideration needs to be given to libraries falling below the median in materials expenditures and volumes held per student.

PROGRAMS

Adult learners and other nontraditional students will compose a larger proportion of students in higher eduation. Their educational desires, co-curricular interests, and learning modalities differ substantially from those of more traditional students. Studies of the needs of these students must be funded, and applications of these studies must be made if institutions of higher education are to continue to serve those who can benefit from their services.

Cooperative-education programs should be encouraged, to assure that these economically relevant, experimental enterprises remain available and to foster close linkages between the institutions of higher education and the institutions of the private sector.

The training of teachers for elementary and secondary schools must continue to enjoy a high priority among Department of Education programs. Other programs, which foster communication among the smaller institutions of higher education and which provide modest amounts of risk capital for innovative projects not otherwise fundable, also merit careful consideration.●

TENNESSEAN ELECTED PRESIDENT OF SOCIETY OF WOMEN ENGINEERS

● Mr. SASSER. Mr. President, I would like to congratulate Susan K. Whatley of the Oak Ridge National Laboratory in Tennessee on her recent election as the national president of the Society of Women Engineers. She assumed her new position at the society's national convention at Minneapolis, MN, in late June.

I ask that the text of her professional and society experience be printed in the RECORD.

The text follows:

MEET THE SOCIETY OF WOMEN ENGINEERS FISCAL YEAR 1986 NATIONAL PRESIDENT

Susan was awarded the Distinguished New Engineer Award from SWE in 1983, was selected to receive the Woman of Achievement Award from the University of Tennessee (UT) in 1983, and was awarded the H.L. Weisberg Award from UT in 1976. She is a member of the American Institute of Chemical Engineers, American Nuclear Society, Tau Beta Pi, Phi Kappa Pi, and Alpha Lamda Delta. In addition, she serves on the Board of the Ridgeview Psychiatric Hospital and Center, and is a member of the Altrusa Club.

Susan's major goals for FY 86 are:

A smooth transition for the Executive Committee organizational structure to the new Board of Directors structure;

Membership growth and retention;

Effective utilization of Headquarters support staff and volunteers;

Increased member services;

Stabilization of administrative changes and channelling SWE's resources to meet the Society's objectives.

She has served the Society well since joining it in 1977 as first a member then Chair of the National Statistics Committee, twice Chair of the National Student Affairs Committee, Smoky Mountain Section President and Representative to the Council of Sections, National Executive Committee Director for Student Affairs, National Second Vice President, and this past year as National First Vice President.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the

office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 21, 1985.

In reply refer to: I-02691/85.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-42 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $21 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-42]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Million
Major defense equipment [1]	$16
Other	5
Total	21

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Two AN/TPQ-37 Firefinder radar systems with ancillary and support equipment.

(iv) Military department: Army (VLS).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 21, 1985.

POLICY JUSTIFICATION

THAILAND—AN/TPQ-37 RADAR SYSTEMS

The Government of Thailand has requested the purchase of a quantity of two AN/TPQ-37 FIREFINDER radar systems with ancillary and support equipment at an estimated cost of $21 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of Thailand, an ally which is an important force for peace and regional stability in Southeast Asia. This sale will also contribute to maintaining the current balance within the region.

The purchase of the radars with ancillary and support equipment will provide the Thai ground forces with an automated capability for locating hostile artillery. As such, it will enhance the effectiveness of Thai counter-battery fire.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Corporation of Fullerton, California.

Implementation of this sale will require the assignment of seven additional U.S. Government personnel for one month and one contractor representative for one year to Thailand.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 8, 1985.

In reply refer to: I-03620/85ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-44 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Singapore for defense articles and services estimated to cost $280 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-44]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Singapore.

(ii) Total estimated value:

	Million
Major defense equipment [1]	$130
Other	150
Total	280

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Eight F-16 A/B aircraft with government-furnished aeronautical and avionics equipment for installation during production, aircraft spares, support equipment, and training.

(iv) Military department: Air Force (SDA and YFA, Amendment 1 on each case).

(v) Sales commission, fee, etc, paid, offered, or agreed to be paid: none.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1983.

(viii) Date report delivered to Congress: July 8, 1985.

POLICY JUSTIFICATION

SINGAPORE—AMEND AIRCRAFT CONFIGURATION FROM THE F-16/79 TO THE F-16A/B

In January 1985, the Government of Singapore (GOS) signed two Letters of Offer and Acceptance (LOAs); one for eight F-16/79 aircraft with associated support equipment and the other LOA for pilot and maintenance training. GOS now requests amendments to these LOAs to purchase the F-16A/B instead of the F-16/79 aircraft, i.e., the Pratt and Whitney (PW) F100 engine instead of the General Electric J79 engine. The estimated cost is $280 million.

This proposed amendment will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country which is a continuing force for peace and regional stability in Southeast Asia. Singapore's strategic location astride the narrow entrance to the Strait of Malacca commands the primary route between the Indian and Pacific Oceans, one of the world's busiest waterways. Through this strait passes the bulk of West to East tanker traffic from the oil rich Middle-East. Sale of the F-16A/B to Singapore would support United States' security objectives by improving Singapore's capability to defend itself, promoting closer ties between Singapore and the United States, and permitting Singapore to play a greater role in regional defense.

Recognizing that its small size could make Singapore a target of aggression, Singapore's defense strategy has been to make it clear that an attack would be unprofitably expensive. The F-16A/B will modernize the Republic of Singapore Air Force's (RSAF) aging fighter force and improve its capability to counter the present and projected regional threats. The F-16A/B will provide the RSAF with the opportunity to train a cadre of pilots and technicians in the operation and maintenance of a technically sophisticated aircraft.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor for the F-16A/B program will continue to be the General Dynamics Corporation of Fort Worth, Texas. The F100 engine covered in this amendment will be purchased by the U.S. Government from Pratt and Whitney and will be provided as government furnished equipment to General Dynamics Corporation.

Implementation of this amendment will not change the requirement for assignment of six contractor personnel and one U.S. Government representative to Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 26, 1985.

In reply refer to: I-03304/85.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-43 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Coordination Council for North American Affairs for defense articles and services estimated to cost $94 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-43]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Coordination Council for North American Affairs (CCNAA) pursuant to Public Law 96-8.

(ii) Total estimated value:

	Million
Major Defense Equipment [1]	$29
Other	65
Total	94

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Two hundred sixty-two MIM-72F

Chaparral missiles, 16 launchers with vehicles, training, and concurrent spare parts.

(iv) Military Department: Army (YHS).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 26, 1985.

POLICY JUSTIFICATION

COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS—MIM-72F CHAPARRAL MISSILES

The Coordination Council for North American Affairs has requested the purchase of 262 MIM-72F CHAPARRAL missiles, 16 launchers with vehicles, training, and concurrent spare parts. The estimated cost is $94 million.

The proposed sale of these defense articles and services is consistent with United States law and policy, as expressed in Pubic Law 96-8.

These missiles will be used to complement Taiwan's longer range NIKE-HERCULES and I-HAWK systems by providing for the point defense of critical military targets as replacement for obsolete M42 gun systems that have reached the end of their service lives. Taiwan has deployed the I-CHAPARRAL system aboard its naval vessels and has previously order a similar quantity for use by its ground forces. Taiwan will have no difficulty absorbing these additional missiles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in this region.

The prime contractor will be Ford Aerospace and Communications Corporation of Newport Beach, California.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Taiwan; however, three contractor representatives will be required in Taiwan for two months.

There will be no adverse impact on U.S. defense readiness as result of this sale.●

SOCIETY OF WOMEN ENGINEERS ACHIEVEMENT AWARD TO DR. SUSAN WU

● Mr. SASSER. Mr. President, I would like to congratulate and honor Dr. Susan Wu of the University of Tennessee Space Institute at Tullahoma. In the 1960's Dr. Wu and other scientists and engineers came together to develop an energy technology, magnetohydrodynamics, commonly known as MHD. In 1981, Dr. Wu became administrator of the project, and today she is considered one of the leading experts on MHD technology. Dr. Wu was recently awarded the Society of Women Engineers 1985 Achievement Award for her outstanding MHD research.

The promise of MHD is great. An MHD powerplant will burn coal cleanly and will be more efficient than conventional coal burning electric powerplants. MHD means clean, inexpensive electric energy based on coal, our most abundant energy resource. The value of such technology is inestimable.

I ask that the full text of Dr. Wu's Society of Women Engineers 1985 Achievement Award citation by printed in the RECORD.

The text follows:

SWE 1985 ACHIEVEMENT AWARD

The Society of Women Engineers (SWE) Achievement Award, granted annually since 1952, honors a woman engineer of outstanding achievement. Nominations are not restricted to SWE members and are solicited from industry, government and education.

This year we are proud to announce that the Society of Women Engineers' highest honor, the Achievement Award, is to be bestowed upon Ying-Chu Lin (Susan) Wu.

Dr. Wu is Professor of Aerospace Engineering and Administrator of the Energy Conversion Research and Development Programs at the University of Tennessee Space Institute (UTSI). She received her B.S. degree in Mechanical Engineering from the National Taiwan University, her M.S. degree in Aeronautical Engineering from the Ohio State University and her Ph.D. in Aeronautics from California Institute of Technology.

She has been the recipient of numerous awards . . . AIAA Tennessee Section H.H. Arnold Award in 1984, The University of Tennessee Women of Achievement Award in 1983, The University of Tennessee Chancellor's Research Award in 1978, Outstanding Educators of America Award in 1973 and 1975, The Institute of Aerospace Sciences Best Scholastic Award at Caltech in 1962 and is the first three time recipient of the Amelia Earhart Fellowship (1958, 1959, 1962).

Dr. Wu is an Associate Fellow of the American Institute of Aeronautics and Astronautics (AIAA), a member of the American Society of Mechanical Engineers (ASME) and the Society of Sigma Xi. She now joins the prestigious list of honorary members of the Society of Women Engineers.

The citation on Dr. Wu's award reads as follows: "For fundamental research in electrofluid dynamics of MHD and outstanding service as educator and administrator."

Dr. Wu will receive her award at the Society of Women Engineers Achievement Award Banquet to be held Saturday, June 29, 1985 at the AMFAC hotel in Minneapolis, Minnesota during the 1985 SWE National Convention/National Student Conference.

In addition to the plaque and honorary membership to be bestowed on Dr. Wu, she will receive an engraved Steuben Bowl presented by Corning Glass Works as a memento of this memorable occasion.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD 423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 3, 1985.

In reply refer to I-03694/85ct.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country tentatively estimated to cost $50 million or more.

Sincerely,

GLENN A. RUDD,
Acting Director.

POLICY JUSTIFICATION

(U) The prime contractor will be the Raytheon Corporation of Andover, Massachusetts.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

REAUTHORIZATION OF THE WOOL ACT

● Mr. BOREN. Mr. President, one of the most complex and volatile issues which appears before the Congress each year is how to effectively address major trade imbalances caused by unfair commerce practices of other nations. Enormous subsidies of entire industries, supressed wage rates, encouragement of cartels, and numerous other activities by other nations are posing, as they have since the birth of this Nation, serious threats to several American industries—from oil to wool, textiles to electronics. Developing fair, effective, and consistent policies to correct these imbalances without jeopardizing positive relations and trade with other nations is not easy but must continue to be our goal.

Perhaps the most effective and nondisruptive act passed by the Congress to address an imbalance in trade is the Wool Act of 1954. After more than 30 years since its initial passage, this creative and unique program is popular among wool producers and successful at preserving a healthy, competitive wool market in the United States. The

Wool Act of 1954, which is currently before the Congress for renewal, is an outstanding example of a positive and productive relationship between private enterprise and the Federal Government.

The Wool Act was created in 1954 to help protect the U.S. wool industry from rapidly increasing wool imports. The U.S. Tariff Commission recommended significant increases in tariffs on wool products, but this idea was rejected by President Eisenhower because he feared that these increases could cause U.S. foreign relations to suffer and consumer prices to rise. The compromise solution to this situation was simple and economically sound: A determined proportion of the total revenue collected from wool tariffs would be transferred directly to the wool producers of America. This approach not only maintained tariffs at levels low enough to satisfy other nations but also gave the U.S. wool industry the boost it needed to prosper.

Many other features to the Wool Act distinguish it as a truly outstanding act. Included in the Wool Act is a unique self-help provision. Under this provision, the U.S. sheep industry has organized an advertising and promotion program funded by wool producers. Assessments are withheld from tariff-revenue transfers to producers and placed into the market development program, which is administered by sheep growers through an agreement with the U.S. Department of Agriculture. No other commodity has an arrangement like this one, and the sheep producers themselves have voted through referendum to continue and increase the assessment with every extension of the Wool Act.

The Wool Act is undeniably a significant factor in the continuation of the wool industry, and its importance is becoming greater and greater. The role of the Wool Act is best explained in a 1984 report of the Department of Agriculture which states "Without a government income support program, the average sheep producer would have only broken even in 1981 and operated at a loss during 1982 and 1983. Total revenue from the sales of meat and wool, less cash expenses, declined from about $9 per head in 1980 to a loss of over $4 in 1983. Thus, total wool cash receipts have become important to sheep producers, increasing from 21 percent of all cash receipts in 1980 to 34 percent in 1983."

In addition to helping to preserve the U.S. sheep industry, the Wool Act is beneficial because it generates revenue for the National Treasury. Since 1954, $3.6 billion has been collected on wool tariffs of which over $2.2 billion has gone to the General Treasury. Without the Wool Act, the strong possibility exists that wool tariffs will be removed entirely, just as they have been reduced by over 70 percent since 1947. The Congress must be very cautious at this time of any steps which will reduce Government revenue and increase the Federal deficit. Failure to extend the Wool Act at this time may prove to be just such a step.

The importance of wool and the U.S. wool industry is not restricted to economics alone. Wool is a significant product in regards to national defense, as elaborated in 1983 by Senator John Tower, then chairman of the Armed Services Committee. As Senator Tower stated, a domestic supply of wool is critical in the production of essential military uniforms and protective clothing. Synthetic fibers do not meet all military needs, and this fact was demonstrated during the British conflict in the Falkland Islands. There, many British sailors were forced to wear cotton, tropical uniforms in subzero temperatures because synthetic fibers, when exposed to fire or extremely high temperatures, melted and severely burned skin. The United States must be aware of the military significance of wool and take steps to ensure an adequate domestic supply during a military emergency.

The importance of reauthorization of the Wool Act cannot be overemphasized. At stake in the question of whether or not to continue this act are over 33,000 jobs and almost $500 million in U.S. income. The health and strength of the U.S. wool industry will directly affect many other domestic industries, from textiles to retail clothing sales. Every American is the beneficiary of a sound U.S. wool industry, and we must provide an environment for this industry which is both fair and conducive to growth and expansion.

U.S. wool producers have faced, in recent years, countless obstacles in their struggle to meet America's needs; from last year's savage blizzard in the Rockies which killed over 250,000 sheep, to the day-to-day battle against coyote predation. From droughts in the Southwest, to the predatory practices of heavily subsidized imports, the U.S. wool industry continues to face challenge after challenge, burden after burden. The Wool Act of 1954 has assisted this industry successfully for over 30 years and will play a vital role in America's future.

I urge you to join me in the support of reauthorization of the Wool Act of 1954 and extend one of America's most productive and insightful measures on international trade and industry development.●

GROUND WATER POLLUTION

● Mr. HEINZ. Mr. President, I am pleased to submit an essay entitled, "Ground Water Pollution—What Can We Do About It?" written by Ellen S. Wetmore, a high school student from Elkland Area High School in Pennsylvania. Ellen was awarded the annual Triadagahton Audubon Society Forrest Watkins scholarship for writing this essay.

Ground water pollution should be a growing concern for all of us, for all the reasons in Miss Wetmore's essay. In substantial part, this is why Senator SPECTOR and I introduced S. 2421 in the last Congress. Our legislation provides for cleanup authority and liability under Superfund for petroleum releases and to regulate underground storage tanks used for the storage of hazardous substances. In addition, during consideration of the 1984 RCRA Amendments, I cosponsored an amendment to give the Environmental Protection Agency (EPA) the authority to set standards for the underground storage of hazardous substances, including guidelines for tank design, construction, installation and leak control technology. This amendment was successful and was included what is now Public Law 98-616.

This prize-winning essay is rich in information and insight about ground water pollution and I believe it would be a valuable contribution to the CONGRESSIONAL RECORD.

The essay follows:

GROUNDWATER POLLUTION—WHAT CAN WE DO ABOUT IT?

(By Ellen S. Wetmore)

While Americans have been concerned with the pollution of the environment for many years, only recently has the problem of groundwater pollution been recognized as a threat to our well-being. The contamination of our nation's groundwater is a unique and alarming problem for many reasons. As Americans, we are largely dependent on groundwater to supply our drinking water needs. Groundwater, as it exists in sub-surface acquifers, is difficult to observe and its movements are hard to trace and control. The nature of underground water movement is slow—it percolates through the soil slowly, it becomes polluted slowly, and, once polluted, it is extremely difficult and time-consuming to find the source of pollution and clean it up. Polluted groundwater reserves may be unsuitable for human use for many years to come, even forever. We must give the groundwater issue our immediate attention if we are to prevent much permanent loss of this precious natural resource.

Groundwater constitutes the largest available volume of fresh water on earth. Of this fresh water, 3 percent is in the form of surface water—that is, lakes, streams, swamps, etc. The remaining 97 percent is present in the form of groundwater—water that has percolated through the soil into the saturation zone and lies in either unconfined or artesian acquifers beneath the earth's surface. This groundwater is not stagnant. If flows slowly (sometime as little as a few inches per day) toward discharge points, such as springs, swamps, and lakes, where it then becomes surface water.

Although the natural quality of groundwater is very good, an estimated 1 to 2 percent is presently contaminated and the pollution problem is increasing. Evidence of groundwater pollution has been found in every state of the United States. Groundwater is contaminated by more than 200 dif-

ferent natural and man-made compounds, only 22 of which are regulated by federal drinking water standards.[1] 31,000 cases of illness caused by pathogenic organisms such as viruses and bacteria present in water were reported between 1945 and 1980.[2] Contaminants present in many groundwater supplies are the result of pollution from faulty chemical disposal that actually took place thirty or forty years ago. This pollution is showing up at the present time because of the slow nature of movement. While only 1 percent of the nation's groundwater is now contaminated, the fact that this 1 percent of unsafe water is concentrated around urban areas and affects millions of people makes it truly a threat. In Pennsylsvania, there are about 600,000 groundwater supplies serving the needs of approximately 2 million people. Of these supplies, 360,000, or 60% are thought to be unsafe for human drinking water because of bacteriological and chemical quaility and improper construction.[3] The Environmental Protection Agency (EPA) estimates that each year 1.5 trillion gallons of pollutants reach groundwater acquifers directly or as a result of leaching.

The EPA says that tainted, dangerous groundwater has been found in more than 2800 wells throughout 20 states during the past five years. In the federal government's $1.6 billion Super-fund project to clean up 547 of the nation's most dangerous toxic waste sites, there are 410 of these dumps with serious groundwater contamination.[4]

There are several ways that pollutants can enter groundwater acquifers. Surface soil will naturally renovate pollutants before they reach the underlying acquifers, but there are situations where this natural purification process fails. It is under these conditions that pollutants may reach and contaminate the water in the zone of saturation:

(1) There is not enough soil above the acquifer to renovate the pollutant before it reaches the water table.

(2) The soil is too permeable to retain the pollutant long enough to purify it before it reaches the acquifer (such as sandy soils).

(3) A bypass of the soil purification system occurs because the pollutant seeps swiftly down an out-cropping of rock, a joint, a fracture, or a sinkhole and directly into the acquifer.

(4) The pollultant, such as chlorinated hydrocarbons, cannot be renovated by the soil purification system.

(5) The pollutant is injected directly into the subsurface formation, such as a deep well.

(6) And when the saturation level in the soil is reached and the purification process temporarily stops, such as during periods of heavy rainfall.

The variety and complexity of the contamination problem makes it difficult to diagnose and study. There are many types of pollutants, and many sources from which they come. Groundwater may be considered polluted if any of the following are present: bacteria (anaerobic or aerobic), chlorides, nitrates, heavy metals, hydrocarbons, ammonia nitrogen, phosphates, and surfactants.

Hazardous chemical compounds from industrial landfills and treatment lagoons may taint groundwater through the presence of: anions—arsenates, cyanide, sulfides, and chlorides, which are posionous; metallic cations, such as mercury, cadmium, lead, copper, and zinc, which come from manufacturing residues, fungicides, wastewater treatment sludges, an landfill leachates. These substances are proven carcinogens and mutagens—very toxic.

Malfunctioning on-lot sewage systems are one of the largest sources of pollution here in Pennsylavania. This is a local problem, and a dangerous one for area residents who depend on the contaminated supplies for domestic use. Evidence of faulty on-lot sewage systems is the presence of bacteria (which may cause gastro-intestinal infections such as dysentery and typhoid), chlorides, nitrates (particularly harmful to babies), ammonia nitrogen, phosphates and surfactants, and other pollutants, such as oils, paints, and solvents, in the water table.

Other sources of pollution include industrial and municipal landfills, agricultural practices (the application of fertilizer and pesticides), salt water intrusion, industrial treatment lagoons, injections wells, chemical, oil, and brine spills, leaking underground storage tanks, and acid coal-mine drainage. Acid mine drainage is a particular problem in Tioga County, where the sulphuric acid leaches into the soil and underground strata formations. There the lack of oxygen causes anaerobic bacteria growth. Under such conditions, harmful microorganisms, which may cause intestinai infections, may be present.

In the summer of 1979, resident of Oaks, a Philadephia suburb, began to notice that their tap water looked brown and smelled strongly of gasoline. The wells of these homes were contaminated by gasoline leaking from a corroding underground storage tank at a Mobil gas station nearby. The people were advised that their water was polluted and dangerous, and they have been using bottled water for drinking and cooking ever since. The gasoline-tainted well water has streaked clothing, stained sinks, bathtubs, and toilet bowls, and caused skin rashes in some residents. The people have brought lawsuit against Mobil and the gas station owner, and are in the process of receiving damages. Systems for filtering the water and bottled water for drinking and cooking are being supplied to residents, but no one knows if and when the water will be safe again.[5]

The leaking underground storage tank (LUST) problem may be the largest and most dangerous one affecting groundwater in the nation. The EPA's director of the Office of Groundwater, Marian Mlay, says "There is a significant number of underground storage tanks that are leaking or could soon be leaking. There is a problem. We know it is substantial. But we don't know exactly how bad it is." Leaking storage tanks are especially dangerous because they can't be observed and are difficult to monitor. This is a particular threat in suburban areas where residents rely on private wells for drinking water.

Analysts working in the petroleum industry figure that there are 2 million-plus commercial underground gasoline storage tanks in the United States. They estimate that 70,000 older, corroding tanks may be leaking now and they predict that within five years there could be 350,000 more leaking. John Osgood, of Pennsylvania's DER Bureau of Water Quality says "There are an estimated 100,000 underground tanks in Pennsylvania and up to 25 percent of them might be leaking. Obviously, on a numerical basis, this is one of the state's biggest pollution problems."

Petroleum products are the cause of 300-500 reported cases of groundwater pollution in PA annually. The Department of Environmental Resources (DER) claims that 50 percent of this pollution is caused by LUSTs. These tanks are leaking as a result of cracking, punctures, external corrosion.[6] Nationally, 11 million gallons of gasoline are leaking every year from an estimated 100,000 underground tanks.[7] It only takes 1 gallon of gasoline to poison 750,000 gallons of groundwater. Benzene, a component of gasoline, is a proven carcinogen in humans but it is not considered hazardous so there are no federal regulations controlling it. There is no way of knowing exactly how many existing and abandoned tanks are leaking or how much is leaking from them. When a spill or leak occurs, the petroleum product percolates down through the surrounding soil and accumulates on top of the water table. The substance may lie on the acquifer for several years, before being detected, and when contamination does show itself, it is extremely difficult to locate the source of pollution and expansion to clean it up.

Many of these LUSTs were put in place in the 1950's and 1960's. During the years that the tanks were installed, there were no standards or regulations concerning what type of tanks were used, or where they were placed. Studies have shown that these uncoated steel tanks begin to corrode seriously after fifteen years of use. The LUST problem is complicated by the fact that all these tanks are owned by so many different people. LUSTs are owned by independent gasoline dealers, major oil companies, private businesses, agricultural operations, government agencies, and private citizens. It is difficult to deal with so many segments and get cooperation between them to correct the problem. As with other types of groundwater pollution, gasoline contamination may be permanent. DER's Osgood says, "Once groundwater is polluted, it tends to linger . . . It is very difficult to get rid of it."

The seriousness of the LUST matter has prompted the oil industry and federal and state governments to take action. A federal regulation making it illegal to place an uncoated or unshielded steel tank in the ground will take effect on May 8, 1985. The EPA will set forth new standards for cleanup and detection of leaks during the coming two years. All owners of underground tanks will be required to report the age, size, and location of tanks to state and federal environmental agencies as of November, 1985. Currently, DER of Pennsylvania is studying the problem within the state and will determine if more laws will be neccessary. The oil industry is financially liable for many LUST accidents, and companies such as Mobil, Texaco, Shell, and Exxon have begun large-scale programs involving the replacement of

[1] U.S. Congress, Office of Technology Assessment.

[2] Pennsylvania Environmental Research Foundation, "Ground Water Fact Sheet," Philadelphia, PA, October 1983.

[3] 1984 Water Quality Inventory, DER.

[4] "Warning: Your Drinking Water May Be Dangerous," U.S. News & World Report, January 16, (1984) 51.

[5] Mark Jaffe, "When Gas Taints the Water Supply". Philadelphia Inquirer, April 14, 1985, Sec. B., p. 1&6.

[6] Joint Legislative Air and Water Pollution Control and Conservation Committee, "Environmental Synopsis," July 1984.

[7] "Warning . . .", p. 51.

older steel tanks with fiberglass ones. These developments in the LUST topic are encouraging and may curb contamination from this source in the future.

Government actions dealing with the groundwater issue are controversial and, for the most part, inefficient. Many difficulties exist in the environmental pollution area, and groundwater is being neglected in the seemingly endless bureaucracy. There are laws and regulations designed with groundwater protection in mind, but these statutes do not deal effectively with the problem. On the federal level, Congress has delegated authority to two federal agencies, the Department of the Interior (DOI), and the EPA.

Six federal statutes have been established to regulate the activities that affect groundwater conditions. These regulations are:

(1) Federal Water Pollution Control Act of 1972, which gives the EPA power to require state programs.

(2) Safe Drinking Water Act of 1974, which concerns the safety of public drinking water supplies.

(3) Resource Conservation and Recovery Act of 1976, which deals with the disposal of municipal solid waste and hazardous waste.

(4) Toxic Substances Control Act, in which the EPA controls toxic substances that contact groundwater.

(5) Surface Mining Control and Reclamation Act, which gives the DOI control over mining operations and reclamation processes.

(6) Comprehensive Environmental Response (Superfund) provides a 1.6 billion dollar fund to carry out the cleanup of inactive hazardous waste sites.[8]

These statutes are clouded by uncertainties about where the authority (and the funds) lie to tackle the problem and how to interpret the data available. These statutes are controversial, and efforts of one program are often canceled out by those of another. Thus, this system appears to be defeating itself under confusing and complicated legislation.

The EPA established two task forces to research the contamination matter and propose a groundwater protection strategy. These task forces were begun in 1981 and revised again in 1984. Under the released strategy, existing grants and federal funds would be used to develop state protection policies, to devise a classification system for dealing with different levels of pollution, to issue guidelines for EPA rulings concerning groundwater, and to administrate and enforce existing controls on groundwater.

The groundwater issue has created a variety of political tensions. Some political groups feel that the EPA's groundwater strategy is practical and effective, but other industry-backed segments claim that the regulations set forth in the strategy are too restrictive. Yet other environmental groups hold that the strategy is too weak to save groundwater reserves and are currently pushing for stronger programs.

State governments strongly resist the federal government's involvement into this matter that has been traditionally handled at the state level. But on the other hand, some state governments do not want to take on the responsibility of implementing groundwater protection programs. Either way, the contamination problem is not adequately dealt with.

There are several methods for dealing with contaminated acquifers. Containment may be used on a temporary or permanent basis for large volumes of hazardous material, or in places where removal of present hazardous waste is impossible. The process entails pumping a well and drawing the contaminated water into it for holding. In some cases, physical barriers are placed across flow paths and inside acquifers. Restoration is a process in which the acquifer is flushed using aerobic bacterial degradation to create a rapid flowing movement. This movement adds oxygen and nutrients to the water and cleanses it. Flushing works mostly in situations where the pollutant is biodegradable using oxygen and bacteria. In some circumstances, the water can be flushed from the acquifer, chemically treated, and reinjected into the acquifer. However, in severe cases where the pollutants are petroleum-based or extremely toxic, the surrounding soil and containing rock formations are removed also and either treated or disposed of by incineration or at a burial facility. Other methods of correction include: adsorption by charcoal filters or synthetic resins; aeration by bubbling pollutants out of the acquifer in the form of gas; or incineration.

Obviously, removing contaminants from groundwater acquifers is a time-consuming, costly, and difficult procedure. The main possibility of retaining pure groudwater reserves, then, lies not in correction, but in prevention. Efforts are now being made to insure that toxic substances will not reach groundwater supplies in the future. Although not infallible, corrosion-resistant tank technologies and early leak detection devices are now being improved and marketed. Among pending legislation are regulations that may require the installation of monitoring wells to be drilled at various points into acquifers. These monitoring wells will show the condition of the underground water and will detect the presence of pollution early. Organic waste material could be combusted and transformed into simple wastes renovatable by the soil. Technological advancements in the designs of waste lagoons and liner materials should provide more secure waste disposal facilities.[9]

Although there are still problems in the government's handling of the issue, and expensive removal procedures make correction prohibitive, progress is being made. Increased attention to the groundwater pollution matter and the oil industry's efforts in the LUST area are signs that the contamination may soon be under control. We are fortunate that only a small percentage of our groundwater is contaminated and that the natural groundwater cycle does its part to keep the reserves pure for our use. If all segments of American society—environmentalists, lawmakers, business people, agriculturists, and resisdents—will cooperate and work together to assure no further contamination will take place, we will be able to look optimistically toward the future and be confident that there will always be enough fresh, healthy groundwater to meet our needs.

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[8] "Groundwater Policy A Patchwork of Protection", Environment, March 1982.

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SPACE EXPLORATION DAY—SENATE JOINT RESOLUTION 154

● Mr. D'AMATO. Mr. President, I am pleased today to join my distinguished colleague, Senator JAKE GARN, in support of Space Exploration Day (S.J. Res. 154). Senator GARN has done an excellent job in raising this country's awareness of the wonders of space and the benefits of its exploration.

July 20 marks the 16th anniversary of the landing on the Moon of Apollo II. This occasion also marks the 10th anniversary of the international Apollo-Soyuz mission, and the ninth anniversary of the first Viking landing on Mars. These events marked the beginning of a new era—an era that has brought findings previously deemed beyond our grasp. We are now in an era accompanied by a hope and a yearning for further exploration. Space exploration has paved the way for us to measure the winds on Mars, count the rings around Saturn, and observe volcanos on Jupiter's moons. Space exploration has led to the launching of America's space shuttle that permits humans to walk and work in space. These are just a few of the countless events that have changed the direction of this country. We are now on the road to advanced technological strength, both on Earth and in space.

The scope of the advances made in this increasingly technological field of science has touched the lives of all Americans. Senator JAKE GARN is among the Americans who have taken that bold step into space exploration. He had the thrill of venturing into the vast galaxy via the space shuttle. I commend JAKE GARN for journeying into space. This experience must have been thrilling and most memorable, but it also serves to enhance our understanding of space exploration. It has heightened congressional awareness of the importance of space exploration; it has also heightened all of America's awareness of the importance of space and the benefits of its exploration. I am pleased, therefore, that the United States is in the process of including a teacher in the space program. Those who dared to explore

in the past and those who will participate in this endeavor in the future will make a significant contribution to the continued development and expansion of America's strength.

This resolution commemorates the achievements of the past and offers hope for continued space explorations in the future. The space program has produced rapid technological advances that have significantly contributed to improving American technological strength. Space exploration reflects technological skill of the highest order.

However, the adventures and challenges are not yet over. We are just beginning to explore the feasibility of manufacturing in space, the ecological impacts of natural and manmade events on Earth, and how events in the universe influence the world we live in. The exploration of space offers us hope for a better and more peaceful world.

Mr. President, it is fitting that we commemorate past dedication and our future commitment to explorations in space. We show unparalleled determination to make America stronger and the world better and more peaceful by our continued commitment to space exploration. Therefore, Mr. President, I urge my colleagues to show support for America's continued commitment to space exploration by declaring July 20, 1985, as Space Exploration Day.●

NATIONAL POW/MIA DAY

● Mr. SYMMS. Mr. President, this Friday, July 19, is National POW/MIA Day and I rise in honor of our brave men and their families who have sacrificed so much for freedom's sake. American prisoners of war since the Revolutionary War have faced the worst of hardships and their bravery has not gone unnoticed. They have earned a place in America's heart.

On this day, we must remember not only those who suffered in wars long past, but also the more than 2,400 American servicemen still missing in Vietnam.

Recently all of us suffered through the media's "celebration" of the end of the Vietnam war, but we reflect upon the Vietnam tragedy only rarely. For the families of these missing men, Vietnam lingers on day after day.

Despite agreements we have reached with the North Vietnamese providing for the return of all American POW's, we continue to hear reports of American servicemen still living in captivity in Southeast Asia. New evidence suggests that there are as many as 75 American servicemen being held against their will inside Vietnam, Laos, and Cambodia.

Yet, until last April, the problem of unaccounted for MIA's and POW's had been largely ignored by Congress. At that time, I became a cosponsor of Concurrent Resolution 46. This resolution reaffirms the U.S. commitment to our POW's/MIA's. It stresses the commitment we have to bring home any Americans who remain in captivity, to get the fullest possible accounting of the missing, and to seek the return on the remains of those missing Americans who died in the Vietnam war. I will make every effort to see America secure the further cooperation of Laos and Vietnam in resolving this issue.

The American people are not apathetic about the fate of our POW's and MIA's. But years of waiting has so drained their hope, they have come to believe that nothing can be done. We cannot lose hope.

A year and a half ago, the foreign ministers of Vietnam, Laos and Cambodia included for the first time the POW/MIA issue in their policy communique. It stated a willingness to cooperate with the U.S. Government based on the increased interest of the American people.

Although these officials have been less than honest with us, this small gesture on their part shows that keeping the POW/MIA issue alive serves an important purpose. The U.S. Congress and the State Department, in conjunction with groups like the National League of Families of American Prisoners and Missing in Southeast Asia, and veterans organizations, can revitalize the Nation's commitment to this cause and end this tragedy once and for all.

There is no excuse for failing to vigorously explore every available avenue to locate and free these men. If there are no Americans left in Vietnam, let us find that out. But if there are, we must get them out without further delay.●

OPPOSE POLITICIZATION OF THE NAIROBI CONFERENCE

● Mr. LAUTENBERG. Mr. President, the U.S. delegation to the final World Conference of the U.N. Decade for Women began today in Nairobi, Kenya. This is the third conference of the Decade, proclaimed in order to promote the status of women worldwide.

While the U.N. Decade for Women has helped focus attention on the problems and needs of women throughout the world, the two Women's Conferences held so far have unfortunately been highly politicized. The 1975 Mexico City World Conference first introduced the idea that Zionism is a form of racism in its final declaration. The 1980 Mid-Decade Conference in Copenhagen reaffirmed the Mexico City statement on Zionism and called for greater PLO involvement in U.N. programs. The United States voted against the Copenhagen plan of action because of those provisions.

I am deeply concerned that the final World Conference in Nairobi not be diverted from its legitimate agenda by the introduction of extraneous political issues not properly the concern of the conference. I, along with 39 of my colleagues, wrote to the President to express this concern, and to urge that he oppose all efforts to politicize the conference and adopt the equation that "Zionism is racism." I ask permission that the text of the letter be printed in the RECORD for the information of my colleagues.

The letter follows:

U.S. SENATE,
Washington, DC, July 8, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our deep concern and consternation over the course of developments leading to the upcoming World Conference for the United Nations Decade for Women, scheduled to take place in Nairobi in July 1985.

As you know, both prior United Nation's Women's Decade conferences—in Mexico City in 1975 and Copenhagen in 1980—were marred by the introduction of extraneous political issues that diverted the conference from the legitimate goals of the Decade.

Following a series of preparatory meetings, it is now clear that a coalition of radical states is once again attempting to disrupt this final Nairobi conference of the Women's Decade. They have succeeded in including the subject of "Palestinian Women" as part of the conference agenda with the clear aim of diverting and overwhelming the proceeding in Nairobi. There are also clear indications that the insidious "Zionism is racism" equation, first adopted at the Mexico City Women's Conference, will also be pushed for consideration.

We strongly believe that adoption of such biased, anti-American items in the agenda, in whole or in part, would weaken and damage U.S. interests and those of women worldwide. The U.S. Congress has already expressed its concern in a provision of the FY 1984 State Department authorization bill stating that "every available means" to used to ensure that the 1985 conference is not dominated by political issues extraneous to the goals of the Conference. We hope to receive your report on those preparations, as required in that legislation, very shortly.

In the meantime, it is clear that the inclusion of these extraneous political issues makes a travesty of all the Conference is hoping to achieve.

We strongly urge you, Mr. President, to insist that all decisions at Nairobi be considered by consensus. If such procedures are not adopted, we know the U.S. delegation will vociferously oppose all efforts to politicize the conference and to adopt dangerous lies such as "Zionism is racism".

Thank you for your consideration of this critical issue.

Sincerely,
Frank R. Lautenberg,
Christopher J. Dodd,
John H. Chafee,
Paul S. Sarbanes,
J. James Exon,
Carl Levin,
David L. Boren,
Paul Simon,
Alan Cranston,
Rudy Boschwitz,

Edward Zorinsky,
Tom Harkin,
Alfonse M. D'Amato,
Lawton Chiles,
Bob Packwood,
Arlen Specter,
John F. Kerry,
John D. Rockefeller,
Lloyd Bentsen,
Don Nickles,
Daniel Patrick Moynihan,
Howell Heflin,
Howard M. Metzenbaum,
Spark M. Matsunaga,
Edward M. Kennedy,
Donald W. Riegle, Jr.,
Jim Sasser,
Ernest F. Hollings,
Max Baucus,
Quentin N. Burdick,
John Melcher,
Paul S. Trible, Jr.,
Gordon J. Humphrey,
Warren Rudman,
Joseph R. Biden, Jr.,
Patrick J. Leahy,
Alan J. Dixon,
Albert Gore, Jr.,
David Pryor,
Jeff Bingaman.

SOVIET ATROCITIES IN AFGHANISTAN

● Mr. PRESSLER. Mr. President, for the past 5 years a war of great cruelty has been raging in Afghanistan between Soviet forces and Afghan resistance fighters who desire freedom from the Soviet domination of their country. When the Red Army invaded in 1979, Soviet leaders underestimated the courage and willingness of the Mujeheddin to fight for the freedom of their country. Since that time, the war has escalated to include the most sophisticated and deadly weapons in the Soviet arsenal, such as antipersonnel mines, armored assault helicopters, chemical and toxin weapons, jet fighters, and tanks. Also, the level of Soviet troop involvement has risen from 40,000 to over 115,000 in what has become the largest Soviet military operation undertaken since World War II.

The determination of the Afghan freedom fighters to oppose the occupation of their country in the face of the overwhelming odds against them has earned their cause the admiration of freedom-loving people around the world.

Soviet policy in Afghanistan is horrifying. The few journalists the Mujeheddin manage to smuggle in and out of Afghanistan return with stories of atrocities committed by Soviet and Afghan forces against civilians. Most surprising is the murderous and sadistic behavior of the Russian troops who terrorize the Afghan countryside so that villagers will either be afraid to assist the Mujeheddin, or be forced into exile, thus removing the population which shelters and feeds the guerrillas. Numerous accounts of Soviet brutality have been cited—civilians burned alive; old men dynamited and beheaded; bound men forced to lie down on the road to be crushed by Soviet tanks; grenades thrown into rooms where women and children have been told to wait.

This is not a war in the conventional sense of the designated soldiery of two opposing sides confronting one another on a field of battle and engaging in combat. Instead, unable to confront their elusive adversary, the Soviets have chosen to aim their guns at the women and children living in the Afghan countryside. The destruction begins with high aerial bombing of farms and villages. When this has been accomplished, Soviet and Afghan forces descend upon the town, wantonly killing, systematically destroying crops and other vestiges of the agricultural system, poisoning wells and food supplies, and driving the population from their homes.

The results of this savage strategy are manifold. It has created the greatest refugee problem facing the world today. Pakistan houses over 2.5 million refugees in camps close to the Afghan border. Another 1.5 million are living in Iran for a total of at least 4 million displaced persons—one-fourth to one-third of the total pre-war Afghan population. It has caused the resistance fighters, now deprived of sources of food and relief, to become more dependent on outside aid. It has placed the Afghan people wholeheartedly behind the efforts of the Mujeheddin to free the country from Soviet oppression. It has served to place the Soviets in a familiar light: an adversary of boundless ruthlessness who will go to any extreme in pursuit of national geo-political goals.

We call on the Soviet Union to end its terrible occupation of Afghanistan and to stop meddling in the internal affairs of that country. Afghanistan is a sovereign nation; Soviet intervention there impedes the self-determination of its people who, by all indications, oppose Soviet attempts to subjugate Afghanistan to the rule of Moscow.●

IRANIAN PERSECUTION OF THE BAHA'IS

● Mr. PRESSLER. Mr. President, the issue of religious persecution in Iran has been discussed in the Senate on several prior occasions. I bring it up again for the plain and simple reason that the persecution of the Baha'is persists, despite the efforts of this Government, foreign governments, and the United Nations to persuade the Government of Iran that such practices are unacceptable violations of the most fundamental human rights recognized in this age.

A little over 1 year ago, the Congress of the United States passed House Concurrent Resolution 226, condemning Iran for its barbarous repression of the Baha'is. Since that time, 16 more Baha'is have been executed or killed as a result of extensive torture. We are told of brutal acts of violence by Iranian authorities, including the hanging of a 17-year-old high school girl and the killing of a mother promptly after giving birth. The child was spirited away by Moslem authorities; its whereabout are unknown. The number of Baha'is in the Ayatollah's prisons, where torture is commonly practiced to pressure Baha'is to renounce their faith, has risen to over 750 as arrests and harassment continue; adherence to Baha'i religious beliefs and possession of Baha'is materials continue to be labeled a criminal act punishable by death or imprisonment.

Other forms of persecution exist which do not necessarily result in imprisonment or execution, but are, nevertheless, very severe. Many Baha'is have had their property, homes, and automobiles confiscated. Thousands have been dismissed from their jobs for no reason; children have been expelled from schools and ignored by other children because they are supposedly unclean. Baha'is fired from civil service positions are now being forced to repay the Government salaries they earned while rightfully employed. Others on Government pensions are being denied their checks. These are very tragic situations. For instance, elderly, retired Baha'is, who otherwise have no money, literally depend on their retirement checks. All of a sudden, they find themselves in their old age, unable to work, without any means of sustenance. Young Baha'is who once dreamed of a better life for themselves and their families, are suddenly denied education and training virtually condemning them to a life of menial labor.

I can find no reason for these tragic vignettes. The number of Baha'is in Iran amounts to fewer then 1 percent of the total population. Such small numbers cannot realistically pose a threat to Iran's theocratic regime. Is it their religious beliefs? Does Iran feel its social order will be disrupted by a small group of 300,000 who believe among themselves in the brotherhood of mankind, religious tolerance, and the haromony of faith and progress? A wide range of religons—Christianity, Judaism, and different sects of Islam—enjoy freedom of worship in Iran. The inescapable conclusion is that the Baha'is are a scapegoat the mullahs of Iran are using to divert attention away from Iran's domestic and international problems and the Government responsible for them, and onto a peaceful, religious community which turns the other cheek to each new blow.

A few years ago, the Baha'is appeared to be a group targeted for extinction. When the process of genocide was first initiated, leaders of the

Baha'is lobbied world governments to pressure Iran to cease and desist. This effort has been measurably successful; the leaders of the Baha'is are openly grateful for efforts on their behalf. They credit the attention and publicity paid their cause with saving lives. It is true that fewer individuals have been killed this year than were killed last year, but until the killing stops altogether and the persecution of the Baha'is ceases, we must continue to hold the Government of Iran responsible for its actions and urge foreign governments with closer ties to Iran than ourselves to persuade the Islamic republic to acknowledge the right of the Baha'is to worship in peace.

The plight of the Baha'is has always been a concern of mine. Two years ago, the State Legislature of South Dakota passed a bill condemning Iran for its cruelty and intolerance. We must continue to express indignation or Iran's repression of a peaceful people. We must continue to expose these abuses to the world and ask other nations to join us in protest. We must remind Iran that it cannot simply denounce human rights as it has and expect the world to accept it. We will not accept it. Rather, we will continue to focus our attention on Iran's treatment of the Baha'is until the genocide has stopped.●

NATIONAL ICE CREAM MONTH

● Mr. D'AMATO. Mr. President, it is with great enthusiasm that I rise today to honor a fine and cherished tradition: ice cream. I, like members of 98 percent of all American households, appreciate a cone or dish of ice cream in the heat of July; therefore, it is most appropriate that July is National Ice Cream Month and that the second Sunday, yesterday, July 14, was National Ice Cream Day or Sundae Sunday.

Although no date or individual is specifically associated with the invention of ice cream, it is believed that its origins might go back as far as the beloved cool drinks of Alexander the Great in the 4th century B.C. Historians also believe Marco Polo returned from the Far East with recipes for frozen desserts that had been used in Asia for supposedly thousands of years. Catherine de Medici brought Italian sherbert with her to the French court when she became queen. In America, Governor Bladen of Maryland served ice cream in 1700, and Dolly Madison caused excitement when she had the frozen delight at the White House at the second inaugural ball in 1812.

Obviously, we, as Americans, cannot claim to have discovered ice cream. However, it is so loved here that the United States leads the world in its production. In 1983, we produced 1,292,739,000 gallons—this is so much ice cream that we cannot even consume it all and we have to export the remainder. In 1984, Americans consumed 874 million gallons of ice cream and production continues to increase.

This is not just a fanciful food, it is a nutritious food that represents a major industry in our country. 1984 sales figures for ice cream and related products totaled over $8 billion. This equates to 18,000 people working directly in the ice cream industry and an annual payroll of $313.5 million. Of this country's total milk production—and I might add that New York is ranked third in the Nation in dairy production—10 percent goes into the making of ice cream.

Ice cream is so popular in the United States that one-third of American households will consume at least 1 gallon of ice cream in any 2-week period. Their favorite toppings are ranked in this order: chocolate fudge, hot fudge, butterscotch, caramel, and strawberry. By the way, I celebrated Sundae Sunday with my favorite flavor, chocolate chocolate-chip.

As the old song goes "I scream, you scream, we all scream for ice cream."●

NATIONAL BUREAU OF STANDARDS AUTHORIZATION—CONFERENCE REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the conference report to accompany H.R. 1617, National Bureau of Standards Authorization.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, July 15, 1985.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

MEASURE PLACED ON CALENDAR

Mr. DOLE. Mr. President, I send a joint resolution (S.J. Res. 163) to the desk on behalf of the distinguished Senator from Pennsylvania [Mr. SPECTER]. I ask unanimous consent it be placed on the calendar and that the resolution be made a part of the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

NEGOTIATIONS ON THE BUDGET

Mr. DOLE. Mr. President, we have been working this afternoon, very briefly, on not only the budget but on farm legislation, hopefully to try to reach some bipartisan consensus on that legislation, and also to make some determination of the course to pursue as far as the budget is concerned.

It is my understanding there will be a conference committee meeting tomorrow at 2 p.m. of the House and Senate conferees, and there will probably be meetings following that conference session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and, at 6:54 p.m., the Senate adjourned until Tuesday, July 16, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate July 12, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF STATE

Gary L. Matthews, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Harvey Frans Nelson, Jr., of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Irvin Hicks, of Maryland, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Executive nominations received by the Senate July 15, 1985:

DEPARTMENT OF JUSTICE

Lydia E. Glover, of South Carolina, to be U.S. Marshal for the district of South Carolina for the term of 4 years vice William C. Whitworth.

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 1985:

DEPARTMENT OF STATE

John Arthur Ferch, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

GERMAN FOREIGN POLICY AND THE FUTURE OF THE ATLANTIC ALLIANCE

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, July 15, 1985

● Mr. MATHIAS. Mr. President, I would like to share with the Senate and the American people the informed thoughts of the distinguished statesman Berndt von Staden, former German Ambassador to Washington and former State Secretary of the German Foreign Office. Ambassador von Staden's article, "Perspectives of German Foreign Policy," appeared in the January 1985 English edition of Aussenpolitik. He writes about an issue that is critical to us all—how to maintain Alliance solidarity in a changing world. I urge the Members of the Senate and all other Americans to read this article. We can learn a great deal from what Ambassador von Staden has to say.

The article follows:

PERSPECTIVES OF GERMAN FOREIGN POLICY

(By Berndt von Staden)

I

For all time there can be no loftier aim of German foreign policy than that of preserving peace, as no-one can possibly doubt in the nuclear age. Yet at the same time, equally indispensably, freedom must be upheld.

That amounts to a possible conflict of objectives to which the slogan "better Red than dead" is not an acceptable solution. The attainment of freedom of conscience, freedom of opinion and the rule of law are milestones on the road to civilisation; their achievement marks the climax of human morals. It is a road along which post-war statesmen, particularly Konrad Adenauer, Kurt Schumacher and Theodor Heuss, led back the free part of the German people. It cannot be left without abandoning the basic rights of the individual and the community as a whole that are established in natural law and guaranteed by the constitution. These basic rights are guaranteed by no other system.

The aim of German foreign policy cannot be to lay down an order of importance of these inalienable objectives. On the contrary, it must devote its entire energy to avoiding confrontation with the issue of priority. To ensure that the nation is never faced by a decision between peace or freedom must be the ultimate aim of German policy.

II

In the basic relationship between West and East, a relationship governed by antagonism, the objective, in a nutshell, must be a constant struggle to maintain political stability as the prerequisite of peace in freedom.

The true and fundamental future tasks of mankind are said to lie elsewhere—in controlling overpopulation and exhaustion of the soil and the environment. From the viewpoint of the philosophy of history the ideological antagonism and power-political clashes between East and West may be felt to express an outlook that is no longer up to date. Yet here and now, in the heart of Europe, confrontation with authoritarian and collectivist forms of rule is just as much a reality as is the threat to the balance of power posed by imperial, power-political thinking.

As long as this remains the case, these will remain the challenges German policy must mainly face. While not closing its eyes to the future tasks of mankind it must devote its energy first and foremost to maintaining in Europe a *modus vivendi* that holds out the prospect of arriving at the state of peace referred to in the Letter on German Unity.

The Federal Republic of Germany thus faces a daunting task. As a result of German historic guilt it must aim, in the most unfavourable conditions imaginable, to accomplish this task: as part of a divided nation, in the heart of a continent divided ideologically and in terms of power politics and on the borderline between two alliance systems in a zone of the most highly concentrated arms build-up.

What is more, Germany's great power status has been well and truly forfeited, heightening the discrepancy between aims and means. This has also resulted in the Federal Republic of Germany going critical, as it were. On its own or jointly with the Western European powers alone it cannot maintain the balance of power in Europe. But without it the West as a whole cannot do so either.

Yet maintaining the balance of power is crucially important in the antagonistic fundamental relationship between East and West. Just as stability is the *sine qua non* of peace in freedom so equilibrium is the *sine qua non* of stability. It is the prerequisite for balanced compromise of interests, cooperation on the basis of equality, and confidence-building.

Equilibrium, it is rightly noted, comprises more than ratios of military strength. It includes economic potential, social stability and the moral condition of society. It rules out the striving for supremacy. It requires not arithmetical parity but the ability to offer credible deterrence. But it cannot be sustained without an element of appropriate military power balance failing which there would be a vacuum that in a region like Western Europe would be sure to lead to most dangerous destabilisation consequences.

Experience has shown that Soviet power politics would seek to influence and fill any such vacuum. A century ago Bismarck is said to have compared Russian policy with water that finds its way into hollow segments, filling them until it meets resistance offered by solid walls.

That would give rise to the issue of self-determination and, in its wake, inevitably and increasingly to that of freedom, and that would not be all that was at stake. No-one is justified in working on the assumption that American policy could accept without contradiction any such extension of Soviet influence to all Germany and Europe or that the United States could be prepared to abandon Western Europe to the other superpower's hegemony. That would be tantamount to abdication. For those who have eyes to see, America today is again demonstrating that economically, scientifically, technologically and innovationally it is more dynamic than any other society in the world. Would such a power be prepared to allow itself without resistance to be pushed back to the status of a Fortress America? The signs are that the peace Europe has enjoyed since 1945 would be most seriously jeopardised if an appropriate balance of power were not maintained. That has repeatedly happened elsewhere when this balance has not existed.

III

An appropriate balance of power such as has so far been maintained in Europe by the Atlantic alliance not only keeps the peace; it is also a prerequisite for balanced compromises and settlements of interests being reached on controversial issues. One such equilibrium of interests was, for instance, the *modus vivendi* reached in the Brandt era in the shape of the 1970s treaties, from the Moscow Treaty to the Helsinki Final Act. On its own the Federal Republic of Germany would never have been able to arrive at the balanced compromise this *modus vivendi* constitutes. But for the backing lent by Atlantic solidarity, for the unstinting support given by the three Western powers, the Federal Republic of Germany would have been forced to conclude unequal treaties. Either that or it would have had to dispense with bids to reach a *modus vivendi* with its eastern neighbours and with the other German state.

Equilibrium is, last but not least, a prerequisite for confidence-building, one of the foremost tasks diplomats face in an age of ideas of mutual nuclear destruction. Confidence-building presupposes, in an antagonistic basic situation, self-confidence. No-one can feel confident who realises he is in an inferior position, and concessions offered on this basis, far from building confidence, merely prompt even heavier pressure. Equilibrium is thus the prerequisite for balanced cooperation in the interest of stability.

IV

As a balance can be maintained in Europe neither without the United States nor without the Federal Republic of Germany, relations with America are of crucial significance for German policy, which makes it all the more alarming that since the mid-1970s relations have been marked by a contradiction between growing dependence and increasing distance.

The increase in German, and European, dependence on the United States is chiefly apparent in the security policy sector. It is due for one to a general shift in the balance of military power to the West's detriment. Conventional and Eurostrategic aspects of joint defence are chiefly affected, aspects that are of immediate consequence for the security of Europe. This shift increases Europe's reliance on US nuclear protection,

the credibility of which is in its turn impaired by the superpowers' strategic nuclear parity.

This makes it all the more upsetting that modern arms trends are tending to increase Europe's dependence on the United States in another, functional manner. The immense acceleration of technical processes that seem controllable only by computers, the speed of communications that appears indispensable as a result, and the complexity of systems and structures give the observer an uneasy feeling that in an emergency only one man, the US President, would be in a position to reach decisions on which the survival of America's European partners might depend. It goes without saying that confidence issues of the utmost earnest are raised by such developments.

Similar issues arise in other sectors, especially a number of high tech and science sectors in which Europe runs a risk of increasingly trailing its American ally, on which it would then rely in these sectors too. There are some people in Europe who refuse to realise the historical importance of the dynamism America has regained. The miners' strike in Britain is surely a case in point. Yet even where this realisation is growing, its effect is by no means solely reassuring.

Last but not least, Europe's dependence on America is on the increase in what might be termed civilisation. In youth culture, such as music, it is already visible and audible, but an idea of the true dimensions of the problem will not be gained until cable communications in the Federal Republic of Germany have triggered a media explosion. Whatever views one may hold on the subject, there can already be not the slightest doubt that Europe has nothing comparable to set against what the United States has to offer in this explosive growth market. American output will inundate Europe to an unprecedented degree.

Yet in the process Europe's importance as seen from America is on the decline, while more and more opinion-makers in the European successor generation are taking a more detached view of the United States, and certainly of US policy.

Slowly but unmistakably, America is parting company with its traditionally Eurocentric view of the world. In 1983 US trade with Pacific Basin countries totalled $137bn, or $30bn more than trade with Europe. This trend is irreversible given the tempestuous pace of economic growth in East and South-East Asia. Politically and in terms of security policy Europe is increasingly coming to share US interest with other parts of the world, such as the Middle East, the Persian Gulf and Central America. America's dynamic centre of gravity is shifting from the north-east to the south-west. US citizens of non-European origins are growing in number and importance. California's élite universities are beginning to catch up with Harvard, and one chair after another is being vacated by the older, European-oriented East Coast generation and taken over by up-and-coming Californian dons, in many cases of Asian origin.

Europe remains important, but there is a danger of the weight it carries as a partner paling in significance beside its role as an object of US security policy, as the central sector in the clash between the two world powers that it is, geographically speaking.

On this side of the Atlantic it is not for nothing that dependence on America, especially in the security sector, bear the seed of alienation. This is evident among far from insignificant sections of the successor generation and extends to part of the political structure of the Federal Republic of Germany. It is definitely too early to talk in terms of a turning-point and it would be wrong to dramatise the situation. But the beginnings of a potentially destabilising trend must not be overlooked.

It would also be self-deception to feel such trends could be offset solely by an appeal to traditional foreign policy assessments and loyalties of the post-war era. The view of the United States as a friend held by the post-war generation has paled too much among its successors for this to work. The successor generation's view of America is largely determined less by the Berlin airlift and Marshall aid than by Vietnam and Watergate, not to mention fear, only natural, of modern arms developments that are regarded as no longer controllable.

By the same token fear and abhorrence of Soviet communism and Soviet power politics have grown less virulent. The shocking experience of Soviet occupation and the enforced Sovietisation of the other part of Germany no longer govern the view taken by the successor generation. What it has in mind is the apparent progress and actual partial successes of detente policy in Europe. Behind them the ongoing brutal reality of Soviet communism is often no longer seen for what it is.

The only way to keep the beginnings of alienation in check is a political conception toward America that takes the trends outlined into account.

The Federal Republic of Germany must maintain in dealings with the leading power in the Western alliance its independence in firmly and consistently looking after its own interests. In the process it must retain the full confidence of its American ally and thereby remain able to exert its influence to effect on issues of common interest. In its defense policy it must unswervingly stand by the alliance and its integrated structure yet take on a high degree of responsibility for national security.

So what matters in any such conception is elements that do not necessarily fail to contradict each other and thus require statesmanlike qualities to combine.

If they are to be carried out clear priorities must be laid down and people must be prepared to make material contributions—contributions, not sacrifices, because they are made in their own vital interest.

Ostpolitik as a vital German interest is an instance of what is involved. The points to insist upon are that Western policy toward the East must be consistent and long-term while remaining, in spite of the firm stand that must be taken on security issues, cooperative and ready to reach understanding. This has at times been lacking in the policy pursued by the leading Atlantic power.

Fluctuations in U.S. Ostpolitik are by no means merely due to disappointments ranging from Angola to Afghanistan. They are also due to the special nature and system of the American political process. There is, to start with, what are often striking discontinuities after a change of administration, with a return swing of the pendulum only possible after time has elapsed. There is also the fact that since Vietnam and Watergate the national consensus on foreign and security policy has been called into question. That heightens the effect of Congress increasingly cutting back the President's foreign policy leeway, which it can readily do due to a loophole in the U.S. constitution. Secretary of State George Shultz had this to say on the subject to the Trilateral Commission, the unofficial top-ranking body consisting of the Atlantic partners and Japan, on 3 April 1984: "The net result, as you well know, is an enormous problem for American foreign policy: a loss of coherence and recurring uncertaintly in the minds of friend and foe about the aims and constancy of the United States."

German foreign policy in contrast rightly, legitimately and undisputedly stresses constancy and steers clear of shortsightedness by not invariably acting on each and every change in policy by the leading Atlantic power. But it must then be prepared to demonstrate solidarity where America lays claim to vital interests of its own or refers to burdens of responsibility that only the leading Western power can shoulder.

So the aim must be (and it is observed in this country) to take U.S. misgivings on the transfer of arms-relevant technology to the East as seriously as they objectively deserve to be taken and to give them corresponding priority over other interests. The special importance of Central America for the United States must likewise be borne in mind and taken into account, just as understanding and recognition are due to U.S. efforts, undertaken at enormous expense, to strike a better balance of power and, with it, greater stability in the Gulf. The U.S. government must be allowed to decide for itself how much defence spending is felt to be necessary and how, in the circumstances, it is to bring about the objectively necessary reduction of a budget deficit that imposes a burden on America, and not only America.

These are only examples intended to show that a balance of interests must be struck even among allies. No German government can dispense with a detente and arms control policy that is credible in the eyes of German public opinion and shows readiness to cooperate with the East. It can just as little forgo constantly and insistently calling on the US government to act accordingly. But its realistic opportunities of effectively bringing pressure to bear will depend on the contribution the Federal Republic of Germany makes toward common security and on the extent of solidarity German policy demonstrates toward its American ally where limits are not set to such solidarity by vital interests of its own.

v

In no sector have issues of Atlantic solidarity, definition of common interests and the division of burdens between America and Europe so long been discussed in constant variations as in respect of security and defence.

This problem has gained in topicality since inner credibility of Western defence policy has been called into question to a long unheard-of extent.

The NATO dual-track decision has worked as a catalyst. There may not have been a hot autum in 1983 and the deployment of medium-range US missiles may be going ahead virtually as undisturbed in the Federal Republic of Germany as in Britain and Italy, but it would be wrong to assume that marks the end of the debate on Western security policy triggered by the dual-track decision. On the contrary, the debate has merely set aside limitation to the problem of medium-range nuclear weapons and been extended to the whole gamut of defence policy.

The crux of the debate, inevitably, is the role of nuclear weapons in the context of flexible response deterrent strategy. Nearly

all experts are agreed that the Warsaw Pact enjoys conventional superiority over NATO, and nearly all of them conclude that in an emergency the Atlantic alliance might be forced within a matter of days to decide to resort to first use of nuclear weapons to avert conventional defeat. Yet to judge by all that is known about the views of younger people in this and other European countries, they reject nuclear first use, not to mention early nuclear first use, by an overwhelming majority. This outlook is, as far as is known, largely independent of party-political preferences.

Such a tenor of opinion cannot simply be ignored. It affects the credibility of a country's defence posture as reflected in public opinion, and there is an inseverable link between a defence posture's credibility and its deterrent effect or, in other words, its peace-preserving function.

Contrary to a view still widely held, no-one realised this earlier or more clearly than the United States. America may rightly on occasion be criticised for its tendency to take too one-sided a military view of matters of equilibrium and stability. One may also fairly wonder whether the United States has not repeatedly made mistakes in its nuclear arms policy, for which MIRV developments would seem to be an example. But the Americans cannot be accused of having underestimated the deadly earnest of nuclear weapons.

For a generation they have been urging their European allies to step up their conventional defence efforts and establish a deterrent the credibility of which is heightened by reduced reliance on nuclear weapons. The current defence policy debate shows how topical this demand is, and it is levelled, with all due respect for the substantial German defence contribution at the Federal Republic of Germany too. There are signs that action is being taken accordingly. Whatever shape it may take in detail, there are criteria by which it would do well to be guided to ensure the credibility of German defence policy both at home and abroad. The most important such criteria would seem to be the following: to make it clear without a shadow of doubt to a potential aggressor that a conventional *Blitzkrieg* strategy would be doomed to failure, for which the conventional deterrent would need to be so strong that NATO would not be forced to resort to early first use of nuclear weapons, while the indispensable nuclear component of deterrence (indispensable in view of a potential aggressor armed to the teeth in both conventional and nuclear terms) must clearly be geared to neither tactically encouraging early use by one's own side nor strategically encouraging a preventive strike by the potential aggressor; to use modern technological means of providing in-depth effect for conventional arms inasmuch as they are necessary to ensure deterrent credibility while clearly maintaining their defensive character.

As in transatlantic political ties, this is a matter of objectives that are not *a priori* free of contradictions. It will again be up to statesmanlike leadership to perceive such contradictions and eliminate them wherever possible while arriving at decisions in keeping with priorities of national interest wherever necessary.

The issue of priorities naturally arises not only within the defence planning framework but above all in the ratio of defence spending to budget expenditure as a whole. This is one of the toughest tasks democratic governments face. They must neither call their country's financial stability into question nor spend money in clear defiance of the overwhelming majority of public opinion.

Yet it must also be realised that Europe will have no option but to step up its defence efforts. It is not just a matter of distribution of burdens within NATO but even more so one of the internal aspect. In an antagonistic world a free society would run the risk, in the final analysis, of throwing in the sponge if it were to allow its defence to forfeit credibility in the eyes of the young people who must mainly provide it.

VI

The effort here called for will mainly need to be undertaken on a national basis. A European dimension is not available, and that is a state of affairs the welcome bid to reactivate the Western European Union will not change.

Jean Monnet, the great European, and his supporters had visions of an Atlantic community based on two pillars, the United States and a supranational European Community. But contrary to his hopes Europe has failed to set out on the road to supranationality. It has preferred expansion to compression. Monnet was unable to conceive of his Europe without Britain, but as he saw it Britain was to join an alliance with a supranational dynamism and the potential to develop into a federative state. In reality Britain, Denmark and Ireland and, later, Greece joined a community that had been deprived of its supranationality under pressure from General de Gaulle.

To this day this alignment has proved irreversible, and new members of the European Community are not to blame. They have never made any secret of the fact that they joined on the clear understanding that suprationality would be forgone. Europe as a result failed to achieve the objective of political union, and it is not yet clear when and how there might be any change in this state of affairs.

That is in no way to belittle, let alone to repudiate, the achievements of European integration. Even within its present terms of reference the European Community remains the most highly developed international organisation in the world and a textbook example of closest regional cooperation. It is a zone of peace, prosperity, economic ties and gradual approximation of legal codes. it participates in world trade as a partner in its own right and of incomparable importance. As an associate of over 40 developing countries it is a major promoter of stabilisation overseas. It has given the Germans a framework within which to base, establish and extend a new relationship of trust with its European neighbours, especially France. Last but not least, in the shape of European Political Cooperation it has emerged as an important and dynamic factor in multilateral diplomacy, at the United Nations for instance and, in particular, in the Helsinki process.

The lasting value of the integration process is thus beyond question, and in view of the importance and special position of the Federal Republic German foreign policy is largely responsible for ensuring that the European Community is further developed within its terms of reference. But it would be doing the European idea a disservice to expect too much of the Community or to encourage hopes that it might in the foreseeable future be led back along the road envisaged by its founding fathers. That is something it clearly cannot do in its enlarged form, and to turn a blind eye to this reality will inevitably lead to frustration and tiredness with Europe.

European integration may retain high priority in German foreign policy, but for the foreseeable future it will be unable to perform two roles it was originally intended to fulfill. The European Community cannot as such be a crucial factor in maintaining a balance of power in Europe. It can also no longer be the overriding idea it was felt predestined to be in Adenauer's days—an idea in the realisation of which the free part of the divided German nation would be able to find a new identity. But the growing European Community seems more and more to assume the role of a mainstay of a future peace order comprising all Europe. Logically in keeping with this trend, the Community's political arm, European Political Cooperation, has played a crucial role from the outset in the Helsinki process, and it is in keeping with the special German situation that Bonn diplomats often set the pace.

VII

That brings us back to the initial consideration and key German policy objective, that of establishing a reliable state of peace in Europe, in other words, a peace order, and one in which the entire German people will one day be able to exercise their right of self-determination.

Foreign Minister Genscher recently stated that the Helsinki Final Act already contained elements of such a peace order. He was voicing his conviction that progress in this direction, partial successes, have been achieved. Is that reality or self-deception? Was detente a success or has it been a failure?

Events in the most immediate past particularly prompt such questions. The answers will vary widely, depending on political viewpoint and on whether they are expressed by Europeans or Americans.

The European balance sheet of detente policy shows a profit despite a number of setbacks, in Poland, say, or in human rights. Those who recall the Berlin crises of 1948 and 1958-63 will know how highly to rate peace and quiet in and around Berlin. Those who have seen for themselves how the deep freeze in intra-German ties burdened both the people affected and East-West relations will appreciate the importance of what, in spite of all its limitations, remains a very tangible liberalisation of relations between the two German states. The statesmanship of the men in charge of Bonn policies since 1969 has here succeeded in transforming a source of European and power-political tension into a zone of stability and cooperation. Cooperation between Western and Eastern Europe has been intensified on a large scale in spite of economic setbacks. Tension has been relaxed in relations between the two.

This even applies in the political field. Fifteen years ago it would have been inconceivable for a Polish Pope to be twice allowed to visit his native country and be welcomed by the entire Polish people. This example stands for many other less spectacular ones. There can be no mistaking a process of evolution in Eastern Europe of which Helsinki is both a wellspring and an expression. In the course of this development there have been the first signs of a renewed feeling of European solidarity transcending pacts and including the neutrals and non-aligned European countries.

This, sad to say, is only one side of the balance sheet. The other includes the Soviet Union's continued arms build-up, its extraordinary gain in power, its ventures in

world affairs and its constant striving to loosen the ties between Western Europe and America and to increase its conventional and Eurostrategic lead in Europe.

Even in the heyday of detente, in the early 1970s, Moscow kept up this policy despite American moderation, despite a perceptible decline in US defence spending, and despite the Carter administration's decision not to commission new weapon systems such as the B1 bomber, the MX missile and the neutron bomb. One may wonder whether this was part of a plan or merely a matter of opportunity knocking. At all events the Soviet arms build-up took place in the lee of detente and Soviet ventures in world affairs—in Africa, in South-East Asia and above all in Afghanistan—made use of the post-Vietnam and post-Watergate phase of US weakness.

So no-one need wonder that despite the desire for peaceful accommodation scepticism about the policy of detente grew increasingly widespread in the United States. The law of equilibrium merely held sway, here as elsewhere. Ronald Reagan's election did not, despite what many believe, mark the beginning of the current period of freeze in East-West relations; Soviet misreadings of its transatlantic partner and adversary did. Its inevitable reaction to Kremlin power politics and its unprecedented ability to regenerate were either not realised or disregarded in Moscow.

This development presents German policy with tricky issues of analytical judgment and practical behaviour. Was detente, despite its undeniable partial regional successes, a mistake all told? If it wasn't, is detente perhaps divisible? Yet surely the latest trends show it isn't. Does Atlantic solidarity not commit Bonn to toe the current political line laid down in Washington?

Detente, it must first be noted, is not a scientific experiment that is carried out over a certain period and the success or failure of which can be read on a scale. Detente is a process involving both progress and setbacks. But there is no responsible alternative in the nuclear age to an ongoing, energetic endeavour to reduce tension. So there can be no question of "whether", merely of "how".

From the German situation this particularly applies to German policy, including its internal credibility. Maintenance of equilibrium in Europe requires great effort. Indeed, resisting the Soviet claim to a higher degree of security than the Kremlin is prepared to allow Western Europe calls for security policy measures that are unpopular. That is partly why NATO responded to the deployment of Soviet SS-20 missiles by deploying medium-range US missiles. These efforts and the security policy measures they entail will only be endorsed by the overwhelming majority of public opinion needed if the Bonn government clearly does all it can to continue the process of East-West cooperation and arms control. This is virtually an essential for German policymakers. No-one ought in the name of pact solidarity to call on them to override it. Indeed, alliance solidarity requires Germany's allies to acknowledge and respect this essential prerequisite of German policy.

That, however, fails to answer the extremely complex question whether detente is divisible. Politically it is, within certain limits; in terms of security it isn't, in the final analysis.

German policy could not possibly endorse a global concept of vertical escalation. In a world of growing interdependence Europe cannot, it is true, simply cut itself off from global developments. But it would be irresponsible to want deliberately to transfer to Europe tension in Third World regions that is usually not due to the East-West conflict. In Europe the superpowers face each other with the greatest and most dangerous concentration of arms on earth. So it is an elementary requirement of political common sense to do everything possible to keep Central Europe out of confrontations that are non-European in origin.

In the final analysis this postulate can only be reconciled with solidarity toward the leading Western power if Europe makes its full contribution to forestall crises in the Third World and to support America in maintaining the global balance of power.

More incidentally is at stake than a matter of Atlantic solidarity; vital European interests are involved. A critical shift in the global equilibrium or escalation of a crisis in another region would be bound to have the most dangerous destabilising repercussions for Europe. The divisibility of detente would end here. That is why the allies have a joint responsibility to do all they can to forestall such developments, and everyone will have to contribute to the best of their ability.

Basic Law, the Bonn constitution, imposes limits on German policy. It rules out the deployment of German soldiers outside NATO territory. So the German contribution overseas takes the form of preventive aid toward stabilisation in endangered regions. Above all it consists of the contribution the Federal Republic of Germany makes to the joint defence of its own, European region. Here it can, here it must ease the pressure on a United States that bears the global burden.

The question that finally arises is whether latest developments permit the inference that Moscow is parting company with its own ambivalent detente concept. It is too early to answer this question. Progress in the years that follow the 1984 US Presidential elections may enable an assessment to be reached. To take the absurd accusations of revanchism made in the Soviet media at face value would surely be underestimate the Kremlin. But maybe Moscow arrives at a balance sheet on European developments different from the one outlined above. Maybe it is keen to stem the tide of further rapprochement between Western Europe and its own allies. That would be tragic. Attempts to seal off the East Bloc have invariably led in the past to frustration and destabilisation in the countries of eastern central Europe, which think in deeply European terms. It may also be, as has been the case in the past, that a stage will occur at which Soviet policies aimed at loosening Atlantic ties will seek to make use of Soviet-American bilateralism at Europe's expense. Desirable though an overdue realignment of Soviet policy toward America might be, any attempt to carry it out at Europe's expense would be bound to founder on Atlantic solidarity.

It would be wrong to assume that individual manifestations of German policy are of crucial importance in any such considerations. But the German *modus vivendi* does form a key feature of the balance of interests in Europe. That means German policy bears a heavy responsibility for maintaining this equilibrium. The German Question, as the Letter on German Unity makes it clear, is still open. German policy must neither allow this aspect of the *modus vivendi* to be shaken nor shake it itself. But the state of peace in which the German people are to regain unity by free self-determination can only be one with which all concerned, particularly including the Soviet Union, are in a position to agree. That too is a point no-one can shake without upsetting the balance of interests and with the basis of the *modus vivendi*. A famous 1806 order of the day which proclaimed that quiet was the first obligation of the general public is nowadays recalled solely on an ironic note. Certainly no-one even now stands to benefit from German unrest, least of all the Germans themselves.●

THE DETROIT NEWS ON THE FEDERAL RESERVE BOARD

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. COURTER. Mr. Speaker, the editorial page of the Detroit News recently ran an excellent series on the Federal Reserve Board that I commend to my colleagues. Approaching the issues of interest rates, prices, and exchange rates from a classical perspective, the News argues that the Fed is largely responsible for our flat economy and high levels of unemployment. The paper argues for fundamental monetary reform, and the appointment of a growth-oriented Fed Chairman after Paul Volcker retires.

The editorials follow:

THE WAR FOR THE FED

It is no secret that there has been a running philosopical struggle between Federal Reserve Chairman Paul Volcker and Fed Vice-Chairman Preston Martin ever since the latter's appointment by President Reagan in 1981. That struggle recently broke out into open warfare, when Mr. Martin called a group of top financial reporters to a meeting at the New York Fed, and told them that a new way of dealing with the international debt crisis is needed.

In a remark aimed right at his boss Mr. Martin said, "We have had a certain amount of success with crisis management, but it is time that we examine a whole new series of innovative proposals that have come out in the past 18 months." The one he favored most would include having banks exchange some of their shaky debt for equity shares in the major national enterprises of the debtor nations, such as PEMEX, Mexico's nationalized oil and gas monopoly. This would reduce their need for heavy cash flow interest payments, without destroying their basic capital position.

The fact that Mr. Volcker immediately and harshly labeled his vice-chairman's ideas as both "incomprehensible" and "unrealistic" demonstrates the high stakes battle that is taking place at the Fed. Mr. Volcker, who has said he will retire soon, has been eager to discredit Mr. Martin as a potential successor by labeling him a supply-side cowboy. At the same time, he has installed E. Gerald Corrigan, formerly head of the Minneapolis Fed, as head of the important New York branch, where Mr. Volcker himself trained for his job. Mr. Corrigan is believed to be much more sympathetic to the Volcker way of conducting monetary and banking policy than Mr. Martin.

By Mr. Martin, a former California banker and head of the Federal Home Loan Bank Board (he also holds a Ph.D in monetary economics), is hardly a wild-eyed maverick. Earlier this week he apologized for speaking out so boldly without clearing his remarks first with his colleagues.

But it is high time that somebody seriously questioned the fundamental assumptions on which Fed policy has been based in recent years. Areas like Michigan, which have been hard hit by the excessively strong dollar, have a particularly important stake in the outcome of the war at the Fed.

Mr. Martin knows that the present method of "managing" the international debt crisis, for example, is being done largely at the expense of American workers, farmers, miners, and our domestic commodity industries. It relies on the combination of the International Monetary Fund's (IMF) austerity measures against debtor countries that have forced them to stop all imports, including American goods, and the Fed's "strong dollar" policy which has greatly facilitated their exports by pricing American goods out of the market.

In this way, the Fed and IMF are deliberately bailing out the big U.S. and European banks by favoring debtor-nation exports and cash-flow to pay off their loans, at the expense of the U.S. domestic economy's competitive position.

One horrifying byproduct of this policy is that hungry nations of Africa and Asia are now busily earning foreign exchange by exporting foodstuffs to America and Europe—even as they have stopped importing vital foodstuffs and farm implements from us. (Ethiopia, for example, uses irrigated land to grow strawberries and other cash crops for export while millions are starving for lack of staples.) Thus, it is no accident that after all the talk about our international debt crisis, the U.S. banks that have failed over the past two years haven't been those with the heavy Third World debt portfolios, but those more deeply involved in financing the U.S. domestic commodity markets—oil, mining, and, of course, food and farming.

Forty percent of this nation's "problem banks" are from the farm belt. Most of the balance can be found in the oil and mineral states, which are reeling from a nearly 30 percent commodity deflation since 1982. This deflation, in turn, is a direct result of the Federal Reserve's policies, which have pushed the dollar up by nearly 67 percent since early 1981—up nearly 13 percent since last August.

The strong dollar, of course, has been enormously helpful to the Third World debtors because it has priced their toughest competitors (U.S. farmers and exporters) out of the world market and made their own hugely inefficient economies suddenly more competitive. This in turn, has greatly strengthened the viability of all those shaky foreign loans. As Mr. Volcker recently admitted to farm state legislators, "your constituents are unhappy—but mine (the big banks) are happy."

This is why you now have the spectacle of big banks with heavy foreign loan portfolios, such as New York's Citibank and Chemical Bank, buying up troubled savings and loan institutions in Ohio. Supported by Mr. Volcker's policies at the Fed, they have been able to avoid paying for their lending mistakes of the past and are in a position to gobble up domestic institutions that have been getting deeper into trouble—at least partly as a result of the same policies.

Bankers all over the country know what's going on, but they are afraid to speak up. The Federal Reserve is not only their potential savior but their full-time regulator. This is why, whenever members of Congress try to speak out against the Fed, they invariably hear from the bankers in their districts, telling them to "cool it." This is also why the staffs of both the House and Senate Banking Committees are dominated by the Fed's unelected bureaucracy, which has become the most powerful—and least accountable—influence over economic policy in the nation.

For this reason, Vice-Chairman Preston Martin's decision to challenge the lock-grip over Fed policy by the big New York banks is welcome, even if it may be politically foolhardy in terms of his own future ambitions to succeed Mr. Volcker. Mr. Martin knows that unless we break the present debt-management crisis cycle, the U.S. economy is going to suffer from the Fed's loyalty to the big Eastern banks. If he can find a way to get his case directly to the American people, he would have to be considered a worthy successor to Mr. Volcker.

The Fed vs. Segernomics

The other day, the Senate, by unanimous voice vote, finally confirmed Michigan's own Martha Seger to join the Federal Reserve Board of Governors. Ms. Seger's nomination had been held up since last August by, among others, Michigan's Donald Riegle Jr., a member of the Senate Banking Committee. Sen. Riegle's stated objections to Ms. Seger concerned her lack of experience, but we suspect that it had more to do with her perceived economic views.

While her confirmation was still pending, Ms. Seger was quoted as saying she saw no reason why the Fed could not afford to accommodate more growth, say 5 percent a year or more, without risking renewed inflation. When she made those remarks, the Fed had just succeeded in bringing the strongest recovery since World War II to a screeching halt by effectively shutting down monetary growth from April on—with the nation's money supply (M-1) showing no growth at all from May through early November.

Professor David Fand, a nationally recognized authority on monetary matters who teaches economics at Wayne State University, asserts that "had the recovery not been so very powerful, the Fed's action would surely have given us a full-blown recession." Only now is the economy showing some signs of resuming the recovery that began in 1983.

Fed Chairman Paul Volcker defended his policy as a part of his continuing battle against inflation. When he was assiduously driving both interest rates and the dollar up in the spring of 1984, however, commodity prices were actually falling at a 20 percent annual rate; and unit labor costs were falling 1.7 percent. So there was no indication of any inflationary dangers on the horizon. Indeed, the strong real productivity growth we had going then has always been essential to curing inflation—as Martha Seger has been quietly attempting to point out.

Unfortunately, the Federal Reserve bureaucracy does not see it that way. It argues that the U.S. economy cannot grow faster than 3 percent a year without risking higher inflation. The Fed's job, as many of these folks see it, is to hold economic growth down to the 3 percent track by keeping a tight rein on the money supply.

There are two very serious problems with this analysis. First, economic growth doesn't necessarily bring inflation in its wake. Japan, for example, has long had rapid rates of real growth of 4 percent to 8 percent a year, and modest 2 percent to 4 percent rates of inflation. Conversely, we have the spectacle of tight-money Great Britain, where inflation is now back up to 7 percent, even with 13 percent unemployment and less than 2 percent growth.

Second, and more important: The Fed never has shown any capacity to "fine-tune" economic growth. Over the 16 years since we effectively abandoned the Bretton Woods International Monetary Agreement (by abandoning the gold pool price supports), the U.S. economy has been on a roller coaster ride, with monetary policy swinging wildly from being too loose to too tight. Painful inflation has been followed by even more painful recessions, and interest rates have ratcheted upward to ever more usurious levels. The auto industry has been among the worst hit by these disastrous swings.

The best proof that the Federal Reserve doesn't know how to manage the nation's economy, or even its credit markets, is the fact that at this moment, while producer prices are rising at a scant 1.1 percent (year over year) rate, the prime rate is still 10 percent, and mortgage rates stand at 12 percent.

By contrast, back in 1965, when the Bretton Woods Agreement was still in effect, the prime rate was 4.5 percent and new home mortgages were 5.8 percent (yes, 5.8), even though producer inflation was two points higher than it is today. So we are now paying a premium of at least three percentage points in the short rates, and as much as seven points in the long rates, to have the Federal Reserve "fine-tune" our nation's economy.

Some 50 of the nation's most serious macro-economists, in a conference last August at Dartmouth College, agreed almost unanimously (the sole exception was the Fed's own economist) that we can no longer afford to allow the Fed the luxury of "discretionary monetary policy" (fine-tuning), and that the time was overdue to reinstitute some kind of monetary rule to govern our credit and banking system.

Understandably, neither the Fed nor its dominant "constitutents," the big 20 banks, like the idea of such a rule, which might hamper their ability to manipulate our fiat (paper) money system to their own advantage, power, and profit. But it is precisely that fiat system, under which money has no link to real value (as in gold, silver, or commodities), that results in excessive interest rates. It won't be reformed as long as the Federal Reserve runs the economy, and dominates the Senate and House Banking committees, as it now does.

Paul Volcker was reappointed Fed Chairman in 1983 over stiff opposition, including that of then-Treasury Secretary Donald Regan, because he got Senate Banking Chairman Jake Garn, R-Utah, to put irresistible pressure on the White House to give Mr. Volcker another term in office. It was Sen. Garn, quietly encouraged by Mr. Volcker, who agreed to let Ms. Seger dangle in the wind for 10 months until her views "moderated."

Frankly, we like Segernomics and growth a whole lot better than the Volckernomics of crisis management and stagflation, and we hope the administration is finally prepared to choose a better path. It may have this opportunity soon.

AFTER VOLCKER—WHAT?

When Federal Reserve Board Chairman Paul Volcker was appointed to his second term in 1983, he pointedly remarked that he thought the president should be free to name a new Fed chairman within a year after the new presidential term began. He has repeated this suggestion both publicly and privately, so speculation has already begun as to whom President Reagan will appoint to succeed him. It's one of the most crucial decisions the president will make.

Close observers argue that Mr. Volcker is the kind of hardheaded Washington politician who is likely to make the "price" of his early departure the naming of his protege, New York Federal Reserve President E. Gerald "Gerry" Corrigan, as his successor. They suggest that this is why the chairman recently came down so hard on his vice-chairman, Preston Martin, a Reagan appointee, when Mr. Martin spoke out about the international debt problem.

Mr. Volcker groomed Mr. Corrigan while the latter was at the Minneapolis Fed and promoted him last year to the prestigious New York Fed post—the same post Mr. Volcker held before his own elevation by President Carter in 1979.

The White House should think carefully about this kind of "career succession." The ascension of Mr. Corrigan could signal that President Reagan has sold out—both on his original campaign agenda of monetary reform and his commitment to economic growth. It also might waste Mr. Reagan's last opportunity to seize full control of U.S. economic policy and give his supply-side theories a real opportunity to prove themselves.

Few disagree that inflation, at its root, is too much money chasing too few goods. In fighting it, you have two options: Clamp down hard on credit demand—that is, reduce the amount of money—or increase the supply of goods while making sure that the money supply does not grow too rapidly. In the summer and fall of 1981, Chairman Volcker chose the first option, even as the administration was trying to implement the second through its tax cut program. Mr. Volcker cut money supply growth, from the thunderous 15-18 percent annualized rates that he had allowed during most of the 1980 election season, to less than 3 percent by the fall of 1981. That move hurled the nation into a deep recession long before a single tax was actually cut.

The Fed continued this tight credit lid so far into the recession that it precipitated the international debt crisis of August 1982. This crisis finally forced Mr. Volcker to relent and go to the opposite extreme—pushing money growth back up to 17 percent annualized rates from September 1982 to April 1983.

This crisis management approach produced two more cycles of what one administration economist called "economic terrorism." The Fed's approach to monetary growth swung wildly from loose controls to tight restrictions in 1983 and 1984.

It's little wonder that international speculators and investors are more preoccupied with what Mr. Volcker, the "crisis manager," will do next than with what's happening in the real economy. For example, even though interest rates have been forced down (by weakness in the economy, not by the Federal Reserve) by more than three percentage points since last September, the dollar has risen another 14 percent. Speculators have learned, to their profit and our malaise, that every time the U.S. economy has gotten stronger, the Federal Reserve has immediately jammed on the credit brakes, driving interest rates back up. The speculators are betting it will happen again once lower rates put the economic recovery back on track.

At the heart of the problem is the monetarist notion that the Fed can give consistent value to paper money, which has no intrinsic worth, simply by limiting the money supply. This approach gives fiat (paper) money and its manipulators total control over the economy. It also reverses the proper order of things, making the productive economy the servant and hostage of the monetary system, instead of the other way around.

While monetarism can be said to have "explained" inflation trends quite accurately from 1945 to 1970—with higher inflation invariably following more rapid growth in the money supply above and beyond real output—its ability to diagnose and prescribe action has deteriorated rapidly since 1972, when the United States severed the dollar's final link to gold. Since then, interest rates and inflation have soared, growth and productivity have faltered, and money supply growth rates have lost their once direct (though lagged) connection to price levels—even as more and more power over economic policy has been abdicated to the Fed and Mr. Volcker's "crisis management."

This is why a growing coalition of growth-minded Republicans and Democrats in the House and Senate are now pushing not only to open up Fed policy-making to public view, but for major monetary reform. They have in mind a move back to the kind of price-rule stability we seemed to enjoy under the Bretton Woods Monetary agreement, under which the world's currencies were tied to the dollar at more or less fixed rates—and the dollar was linked to gold.

Exactly what shape such reform should take is open to debate. If President Reagan replaces Mr. Volcker with an establishment clone, however, he will quickly find his options diminished. The Fed bureaucracy, supported by bankers hopeful of currying favor with the powerful Fed chairman, doesn't want any change at all. It might diminish the Fed's power.

What's needed in a successor to Mr. Volcker is somebody without a vested interest in the established order. It should be somebody who can help the president grope his way toward the last—and vitally important—element of the "Reagan Revolution," reform of the monetary system. The war over the Volcker succession has started, and the White House had better start paying close attention.●

REAFFIRMATION FOR FULL EMPLOYMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. RANGEL. Mr. Speaker, one of the most important variables in determining the level of poverty is the unemployment rate. This past week, the U.S. Department of Labor statistics for June showed that the civilian unemployment rate has consistently remained at 7.3 percent since February. There will be no new surges of recovery for our Nation in the forthcoming months and unemployment statistics will remain bleak.

A recent statement on unemployment by the president of the National Urban League, Mr. John Jacob was largely overlooked by the dailies; many did not notice the significance of his early warnings. Mr. Jacob said that the U.S. joblessness rate was "not normal," that the minority unemployment rate, currently at 14 percent, was "disproportionate," and factory jobs were dangerously decreasing and "lags" behind the recent mild economic boom in the service industries.

The Labor Department is correct. Mr. Jacob is correct. Our economy is not creating enough jobs for all those who want to work; the number of people in poverty will increase; largely female and disproportionately black. A change in our labor policies is not only desirable but necessary. Let's put America back to work.

I submit the following article for inclusion in the CONGRESSIONAL RECORD.

UNEMPLOYMENT STILL TOP ISSUE

It is dangerous for the nation to think that the current economic prosperity means there's no unemployment problem anymore. In fact, unemployment is a serious problem that could grow to more than that at the first sign of a cyclical downturn.

And for the Black Americans, whose unemployment rate is stuck at the 16 percent level, doing something about Depression-level unemployment rates is the top priority.

Unfortunately, most Americans wouldn't agree.

They know that overall unemployment is down to the seven percent range, and they are told that seven percent represents "normal" unemployment. There's a dim recognition that minority joblessness is a bit higher, and that some manufacturing regions have high unemployment. But that's about the extent of the general public's perception.

But seven percent isn't "normal." Just a decade or so ago it would have been seen as recession-level unemployment and "normal" was more properly defined at about four percent of the workforce.

Seven percent unemployment translates into about eight million people officially unemployed—and almost as many "unofficially" jobless, since they are willing and able to work but can't find full-time jobs. Blacks are disproportionately among those who are jobless, with rates well over double the white jobless rate.

In considering the unemployment issue, it is important to understand that while the economy is creating an astounding 300,000 jobs every month it is not creating enough jobs to employ all who want to work.

And many of those jobs aren't full-time—they're part-time jobs. The government counts all part-time work, even an hour a week, as a job. So the statistics mask what would otherwise be seen as a serious problem.

Some twenty percent of all U.S. jobs are part-time, and that share of all jobs is rising. Most part-time workers want to work part-time, but some six million do not—they want to work full-time and accept part-time

work because they have no other alternative.

Wages for part-time work are generally lower, and most such positions offer no fringe benefits. In Europe, where part-time work is also very extensive, the lack of fringes isn't as important since there is a fully-developed government social welfare net that includes family allowances, medical care insurance and housing subsidies.

But in the U.S. where social benefits are limited, there is no such compensation for part-time workers. So increasingly, workers are forced into the bottom tier of a two-tier job market. The more fortunate and skilled enjoy full-time jobs and benefits, and an increasing number are consigned to part-time, low-skill, no benefit jobs.

That bottom tier of the job market is also home to the bulk of black workers, who are disportionately found among low-wage occupations, in involuntary part-time positions, and in troubled industries being hit by import competition.

And despite the booming economy, factory employment still lags and Americans are losing traditional opportunities for low and moderate-skill jobs in industry.

Rather than simply assuming there's no unemployment problem, then, it makes more sense to confront the facts and design an approach to creating true full employment—with full-time opportunities for people who traditionally suffer high unemployment, and for those displaced by the permanent downturn in manufacturing.●

HELD HOSTAGE TO HANDGUNS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. MARKEY. Mr. Speaker, I would like to call to the attention of my colleagues an extremely insightful and important article by Dorothea Morefield with regard to gun control legislation.

In the following editorial, Mrs. Morefield elaborates on the horror and the hurt felt by herself and shared by many others who have similarly suffered in the loss of a loved one due to weaknesses in gun control legislation. Last Tuesday the U.S. Senate rejected the pleas of Mrs. Morefield and others like her to strengthen our gun laws. Stronger gun control would serve to save the lives of many innocent victims by placing more stringent requirements on those who seek to own handguns. I urge my colleagues to take the time to read this article before we consider any legislation that would weaken our gun control laws.

HELD HOSTAGE TO HANDGUNS—MY HUSBAND SURVIVED IRAN, BUT MY SON WAS SHOT IN ANNANDALE

(By Dorothea Morefield)

Thirty-nine hostages were released from Beirut. Seven more Americans remain captive. One American is dead. Terrorist attacks continue around the world. Every day, new victims of world violence make the headlines of our papers and lead the evening newscasts.

My husband, Richard, was one of the 53 American hostages held in Iran for 444 days, so our family more than most American families, can feel the anguish of today's American hostages. But it might surprise you to know that I identify most with the family of Robert Stethem, whose son did not return from Beirut. Because I, too, lost a son in a senseless act of violence.

My son's murder did not make national headlines. Nor do the deaths of some 20,000 other handgun victims each year. But Rich Morefield's story is just as chilling—and just as worthy of national attention.

My 19-year-old son was working part-time in a Roy Rogers restaurant in Annandale. One Friday night he didn't come home from work. That was unlike Rick. He was a happy and responsible young man. He loved his family, told us wherever he was going and never gave us reason to worry.

The next morning, I went to the restaurant and was told by police that my eldest son, my firstborn, had been murdered, shot in the back of the head, executed.

The robber had hidden in the restroom past closing time. He was given all the available cash without resistance but then he herded all four remaining employes (and one of their relatives) into the back freezer and made them all lie face down on the floor. They offered no resistance. But he emptied his handgun into the back of their heads. In case that wasn't enough, he reloaded and did it again. And then a third time.

You may feel anger or pain or grief or horror as you read this. I feel them all as I write it. But if you are to share in my ongoing nightmare, you must feel more.

Close your eyes and put yourself in that freezer with blood and brains and human tissue everywhere and your loving, innocent, caring child lying slaughtered on the floor. Feel the terror he must have felt. And try to understand a death so senseless that it defies understanding.

As uncomfortable as the thoughts may make you, remember how lucky you are. You can put this newspaper down and put Rick Morefield out of your mind.

My husband says of all the drama, excitement, and horror of his 444 days as a hostage held at gunpoint by Iranian terrorists, one moment will be burned forever into his mind long after all else fades. Richard must forever live with the moment that his captors in Tehran, knowing nothing of our son's murder in Virginia, took him to a basement room, blindfolded him, tied his hands, put the cold steel of a handgun against the back of his head and pulled the trigger. The gun was not loaded, It was a scare tactic.

While he was being led to the basement, Richard thought of Rick. Feeling the gun, Richard prayed for Rick, and for us, believing that we would once again suffer the pain of mourning a senseless violent death.

Our hostage story, the story of the Morefields, received a lot of attention. But it is no more tragic than the 50 handgun deaths that occur every day in this country. Fifty Americans killed with handguns every single day of every month of every year.

It's as if the 39 American hostages in Beirut, rather than being freed, were executed en masse. It's as if the same thing happened tomorrow and the next day and the next day and the next. Every day for the rest of our lives.

The irony is striking. Richard Morefield Sr. survived 444 days as a hostage of terrorists loyal to a madman in a land of incredible violence. Richard Morefield Jr. did not survive the handgun of a single robber in a family restaurant here at home in this land of peace and liberty.

Despite public pleadings, Congress has refused to do anything about America's handgun terrorism. While we focus our national attention on world terrorism, we ignore our domestic plight: 20,000 Americans killed every year with handguns.

In the horror surrounding the Beirut hostage crisis, our politicans are missing a valuable lesson. We must stop violence wherever it occurs. And yet last Tuesday, the United States Senate voted, not to strengthen America's handgun laws, but to weaken what few federal laws exist to keep handguns out of the wrong hands.

The National Rifle Association-backed McClure Gun Decontrol Bill (S. 49) seeks to repeal much of the 1968 Gun Control Act, passed after the assassinations of Martin Luther King Jr. and Robert F. Kennedy. Representatives of every major law-enforcement organization in America came to Washington to ask the Senate to stand up for the police—to vote to strengthen our gun laws. Instead, the Senate rejected the pleas of the law-enforcement community to satisfy the demands of the NRA's Washington lobbyists.

When the U.S. Senate began voting on this bill, I prayed they would remember Rick Morefield and the hundreds of thousands of other Americans who have been killed with handguns. Instead, the Senate mocked my family's tragedy, ignored our police and knuckled under to NRA pressure.

The battle over this bill is far from over. House acton has yet to begin. And our efforts as a nation may yet convince our lawmakers that we must work to keep handguns out of the wrong hands. The hostages in Iran and Beirut reminded us of how hard our nation will work to save precious American lives overseas. It is now left to the U.S. House of Representatives to show that the lives of our citizens here at home are just as important.●

NANCY KORMAN CONTRIBUTES MUCH TO COMMUNITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. FRANK. Mr. Speaker, being an elected official in America today has its good points and its bad points. For the great majority of us, the good points greatly outweigh the bad ones, which is why we not only keep our jobs, but fight hard to do so.

One of the best of the good points is the support we get from some extraordinary individuals who, because of their dedication to a particular view of the public good expend a great deal of their own time, energy, and money on our behalf. I have been especially fortunate during my career to have been the recipient of a great deal of advice and help from a woman whom I admire greatly, Nancy Korman. Her intelligence, her dedication to various good causes, her organization skills, her sense of humor, and her political insight make her an invaluable citizen. An excellent example of her insight recently appeared in a column she wrote for the Boston Herald on the in-

excusable sexism that still operates to keep women off corporate boards.

And I was very pleased to read recently in the Jewish Advocate of Boston an article which gives some sense of the quality of this remarkable person and I ask that both articles be printed here.

OLD BOY NETWORK LIVES

(By Nancy Korman)

I have a mission. It is my personal crusade. Before I die I would like to see women well represented on America's corporate boards. As of now, there are occasional women board members; however, despite our presence in the general population, we are not often found in those very meeting places where serious business decisions are made.

Women shop, but they are not on the corporate boards of large retail operations.

Women are regularly involved with food products, yet they do not participate in any of the decisions that food companies make. Women do have something relevant to contribute. Women are sensitive and aware of marketing strategies, corporate images and public relations. They can make decisions that will lead to improved products and increased sales.

Corporate America is run by men who firmly believe that only members of the old boy network have anything of value to offer. Chief executive officers will tell you exactly what they want in a corporate board member. Most men don't want anyone who resembles a female.

Those in charge of selection or nomination never say anything like, "I don't want a woman!" Rather, they coolly declare that they will only consider a chief executive officer with 25 years of line experience and an advanced degree in financial planning.

When women do qualify on paper, other barricades are quickly put in their way. It is a vicious cycle that is rarely broken.

Wouldn't some corporation appreciate a woman who, despite family pressure and very little financing, successfully created a consulting firm that is alive and prosperous after 15 years? Isn't there something valuable about the unique experience of women who have worked against the tide and against the odds? Women, who have been the cutting edge of the women's movement, have leadership and extraordinary courage. They have prospered despite the absence of role models or on-going encouragement.

Aren't the qualities of courage, tenacity and spunk as American as apple pie? What about the women who work at serious jobs all day long and then come home and function as charming wives, negotiators and mothers? How many men are gracious hosts, nurturing partners and caring parents after a long day of heavy competition? Doesn't such flexibility say something about the unique qualities of professional women?

I have approached corporate presidents at dinners where the subject of the evening was prejudice or, perhaps, civil rights. Despite the kindly atmosphere, corporate giants still run away, at least mentally, when I mention the composition of their corporate boards.

I have been to dinners to recall the Holocaust, to remember Cambodia and to promote nuclear disarmament. Yet even in such a tender and humane environment, no one wants to hear about the rights of women right here at home.

A WOMAN'S PLACE IS IN THE COMMUNITY

(By Gladys Damon)

Nancy Korman, 43, has been making influential friends since she first arrived in Boston in 1968. One of the 'new breed' of local Jewish women activists, the ex-New Yorker is highly visible, and audible, at many of the Hub's political and social events, most notably those which coincide with the Jewish agenda.

In an interview with the *The Advocate*, at her Newton home, where she and a partner have operated their public-relations and fund-raising organization, 760 Associates, since 1970, Korman described her passionate devotion to her "outside activities."

"I am absolutely self-directed and have always been active in Jewish organizations," states Korman who counts as one of her special triumphs a trip to Israel which she organized in 1976, when Cong. Barney Frank and State Sen. Jack Backman both visited that country for the first time.

"There is," she asserts, "a natural connection between Judaism, politics and the woman's movement . . . . Each nurtures the other." The days of the 'old boys network' in Jewish organizations, according to Korman, are over.

"I think women's issues clearly have had an impact on the major Jewish organizations. We are taking leadership roles within the organizations and bringing women's issues along with us. It's a package deal!"

Illustrative of this new trend is the recently-organized Career Women's Division of the Combined Jewish Philanthropies, whose leaders include Devra Lasen of the Beacon Companies, attorney Ann-Louise Levine, development specialist Myrna Schultz and Provident Institution for Savings senior vice-president Linda Lerner.

Other local Jewish women who have seized leadership positions in Greater Boston communal life include Rae Ginsburg, president of the Jewish Community Relations Council; Alexandra Moses, past president of American Jewish Congress and Naomi Banks, chairwoman of the Greater Boston Chapter of the American Jewish Committee.

"We are recapturing women who would have been lost to the Jewish organizations because we are programming our meetings with an eye on the schedules and interests of professional women," Korman states. "We are giving them substance and challenge, within a framework that is suitable to the working woman."

Frequently, Korman has donated her organizational energies to political candidates. "All the candidates I support have had a good position on Israel. My litmus test for candidates includes three criteria: support for Israel, women's issues and social issues," she says.

After arriving here in 1968, she was a volunteer for Sen. Eugene McCarthy, then-candidate for the presidency. She also worked with Jerome Grossman, through Americans for Democratic Action, where she was a board member, on behalf of Robert F. Drinan's congressional campaign. Others she supported include Congressman Barney Frank and Senators Ted Kennedy and John F. Kerry.

Transferring her talent for public speaking to the Jewish community, Korman is now a frequent guest at temple sisterhoods, speaking on her favorite topic, Jewish women's perspective on politics.

"Since 1962, I have been a fierce Zionist," she says, attributing her dedication to Israel to a year-long stay at Kibbutz Hazorea.

Korman currently serves on the steering committee of the CJP Career Women's Division; as board member of the Israel Oceanic Institute for the past 10 years; and pro-bono consultant to the American Jewish Committee. She has been a member of Temple Shalom, Newton, since 1970, where her two sons, William, 15 and Ben, 12, attend religious school.

Korman is also recently remarried. Her husband, Richard Glovsky, is chairman of Newton's Human Rights Commission and also active in Jewish communal affairs.

It was no surprise, she says, that she married an "activist Jewish lawyer."

"I think one's social conscience can only be activated through politics," Korman concludes, "and my social conscience is closely bonded to Judaism." ●

AVOID OVERRELIANCE ON ICBM'S

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. JONES of Oklahoma. Mr. Speaker, before we brought the fiscal year 1986 Defense authorization bill to the floor, I questioned the wisdom of committing ourselves to the Stealth bomber, sight unseen. I am pleased the gentleman from Oklahoma [Mr. SYNAR] successfully amended that bill to require the Secretary of Defense to tell us just how much the Stealth bomber will cost. Commonsense is not as rare as sometimes it may seem.

I was also encouraged by the action taken by the Armed Services Committee to initiate a new DOD review of our bomber requirements. As I understand the committee report, the Department is to take a new look at the original 1981 study which called for 100 B-1 bombers and about 132 Stealth bombers. I supported the comments of the gentleman from New York [Mr. STRATTON] when he said in floor debate that if the new study calls for a higher number of B-1 bombers, then the study group should feel free to make that recommendation, provided it is supported with a solid justification.

In this vein, I want to bring to my colleagues' attention the comments of a noted authority on the issue of our strategic bomber force. Mr. Jeffrey Record, formerly a defense aide to Senator SAM NUNN of Georgia and now a professor at Georgetown University, warns in the Wall Street Journal that we must look again at the manned bomber. In his article "Avoid Overreliance on ICBM's," Mr. Record points out that we shall probably see a resurgence of the manned bomber, and that ICBM's will fade in importance as a nuclear deterrent.

I commend Mr. Record's provocative article to your attention.

[From the Wall Street Journal, July 10, 1985]

AVOID OVERRELIANCE ON ICBM'S

(By Jeffrey Record)

Beneath the controversy over the MX Missile and President Reagan's "Star Wars" plan to defend the U.S. against ballistic missile attack lies a profound but little-recognized change now under way in the nuclear arms race. Both technology and politics seem to be combining to shift much of the burden of deterring nuclear war away from the ballistic missile and back toward the manned bomber. Once believed a weapon that would make the bomber obsolete, the intercontinental ballistic missile (ICBM) today faces several challenges that call into serious question the wisdom of continued reliance upon it as the mainstay of nuclear deterrence.

Technological challenges include the emergence of ground- and space-based defenses capable of shooting down ICBMs in flight, a task once thought to be impossible. To be sure, such defenses offer no real prospect of protecting entire populations against saturation attacks directed against cities. Even critics of Star Wars, however, concede that present and obtainable anti-ballistic missile (ABM) defenses, if deployed around U.S. ICBM bases and other critical military installations, could defeat a Soviet first strike designed to knock out U.S. retaliatory forces.

SOLUTIONS ARE OBVIOUS

It is of course much easier to destroy ICBMs before they are launched than after they are in flight, and it is the issue of so-called pre-launch survivability that for years has cast the most doubt on the durability of ICBMs' deterrent value. Missiles based in stationary silos, as are all U.S. and most Soviet land-based ICBMs, can be quickly destroyed by other missiles. The accuracy of modern, multiple-warhead ICBMs makes them their own worst enemy as long as their location is known and they remain motionless.

Solutions to this problem are obvious. ICBMs could be placed on vehicles of one kind or another and kept in constant motion, thereby making it impossible for an attacker to determine their precise location at any given moment. Alternatively, ABM defenses could be erected around present ICBM fields. Or, the numbers of U.S. and Soviet ICBMs and their warheads could be negotiated down to levels that would deny either side the capacity to launch a disarming first strike.

But it is here that politics have intervened. Try as it has for over 15 years, the U.S. has failed to obtain an arms-control agreement effectively limiting the size of a potential Soviet nuclear strike; indeed, notwithstanding the SALT I and SALT II treaties, the Soviets have added thousands of new and increasingly accurate warheads to their ICBM force and are now beginning to deploy mobile land-based ICBMs. Moreover, in agreeing to the 1972 ABM treaty, the U.S. denied itself the option of deploying a comprehensive anti-ballistic missile system; and while some Reagan administration officials favor abandoning or renegotiating that treaty, an attempt to do so would elicit strong protest from Congress and among North Atlantic Treaty Organization allies.

Worse still has been the failure of the U.S., exemplified by the history of the MX, to muster the political courage to deploy its land-based ICBMs in a mobile mode. The original MX program called for placing 200 of the missiles in a "race track" system that would keep them continuously shuttling among 4,000 launch sites, many of them fake. But the Reagan administration, caving in to strong opposition from those Western states where the MX was to be deployed, stripped the program of much of its deterrent value by cutting the number of missiles to 100 and deciding to stick them in vulnerable existing silos. A disillusioned Congress is now in the process of slashing the program to 50 missiles.

Nor is there reason to believe that the Midgetman, a small, single-warhead mobile missile intended for deployment in large numbers in the 1990s, will escape the fate of the MX. Hailed by many as the ultimate fix for the problem of land-based vulnerability, the Midgetman by no means enjoys a secure future. The political, environmental and budgetary hurdles that have blocked all but a token depoyment of MXs are likely to prove more than sufficient to gut a program calling for deployment of 500 to 1,000 Midgetmans; many legistators who now favor the Midgetman as an argument against the MX will undoubtedly find reasons to vote down the Midgetman too.

All this suggests a dim future for at least one "leg" of the U.S. strategic triad of land-based missiles, submarine-launched ballistic missiles (SLBMs) and manned bombers. But the submarine missile "leg" also faces a number of problems. Leaving aside whatever damage the Walker family of spies may have wreaked upon submarine operational procedures, SLBMs (including the much heralded Trident II missile) lack the precision and reliability of the most accurate land-based missiles; and the difficulty of communicating with submarines under water could impede their command and control in time of crisis or war. Also, it is not unreasonable to presume that the Soviet Union will eventually develop a means of detecting U.S. submarines, thereby compromising their deterrent value.

This leaves the manned bomber. Bombers possess several innate advantages over ballistic missiles. Bombers are recallable, reusable and impervious to "Star Wars" defenses. They can also be employed for tasks other than simply "nuking" the Soviet Union; bombers can and have been used in naval and anti-shipping roles, for surveillance and of course to deliver non-nuclear bombing attacks on adversaries other than the Soviet Union. In this regard they are far more pertinent than nuclear missiles to the more likely military threats confronting the U.S.

Even as instruments of nuclear deterrence and objects of arms control, bombers are unique. Their comparatively slow speed precludes their use as first-strike weapons, and it is for this reason that bombers are regarded by supporters and opponents of arms control alike as a stabilizing element in an otherwise increasingly less stable nuclear balance. Conversely, the ability of modern bombers to "scramble" quickly from their bases and then to stay aloft for hours (and even days with in-flight refueling) makes them difficult to destroy in a first strike.

New technologies have moreover endowed bombers with an expanded ability to penetrate even the toughest air defenses. Complementing new air-launched suppressive weapons are the so-called "stealth" technologies, which promise to make bombers virtually invisible to radar. Consisting in part of radical innovations in aircraft design and of novel materials that absorb rather than reflect radar beams, these technologies already have been substantially incorporated in the B-1B bomber (not to be confused with the B-1A canceled by President Carter) and are slated for comprehensive application in the follow-on stealth bomber.

Thus, at a time when technology and politics are conspiring against the ICBM, they appear to be giving the manned bomber a new lease on life.

EGGS IN ONE BASKET

This judgment should not be overdrawn. It would be dangerous to place all of one's nuclear eggs in a single basket, and ballistic missiles are for the rest of the century likely to remain the paramount means of delivering intercontinental nuclear warheads. This is especially true for the Soviet Union, which has invested far more heavily in ICBMs than the U.S. has, and which brooks no domestic or allied political opposition to its military decisions.

For the U.S., however, a reassessment of its current strategic nuclear force modernization program may be in order. That program currently includes the needed development and production of 232 new bombers (100 B-1Bs and 132 stealths) as replacements for the aging B-52s, many of which are now older than the pilots who fly them. But current policy focuses primarily on the acquisition of up to 1,530 new ballistic missiles (50 MXs, 500 to 1,000 Midgetmans and 480 Trident II SLBMs). Given the problems facing the U.S. ballistic missile force and the manned bomber's greater operational flexibility and political attractiveness, a combination of more bombers—the original B-1 program called for 244 aircraft, not 100—and fewer missiles might better promote deterrence of nuclear war.●

DIVESTMENT IN SOUTH AFRICA: THE MORALITY OF BUSINESS AS USUAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. RANGEL. Mr. Speaker, the question of divestment has been debated extensively in academic, business, and political circles. This debate has essentially taken two paths: The moral argument and the economic argument.

Underlying each argument is the question of what the practical consequences would be in South Africa if American companies were to divest. Those who use the economic argument cite the possibility of black unemployment as a rationale against divestment. They posit that an American presence will influence Pretoria to end apartheid by example.

I do not agree with this position, Mr. Speaker, because it ignores the moral stigma that attaches simply by doing business with apartheid. It seems to assume that business is business, and that no linkage exists between the immortality of racial repression and laissez faire investment. This is a dangerous proposition, one that will only encourage Pretoria.

I would like to submit the following article for inclusion in the CONGRES-

SIONAL RECORD. I do so in the hope that American companies will inject an element of morality into their boardroom discussions.

[From the Wall Street Journal, July 8, 1985]

SOUTH AFRICA AND A SYMBOL'S STRENGTH

(By Donald W. Shriver Jr.)

"Business people like to say that the 'bottom line' determines their decisions," remarked an Atlanta businessman to me some years ago. "But in the end they decide a lot of things by asking, 'Is it right or wrong?' Only they don't want to admit that they think that way."

I know one man who is willing to admit it privately, the chief executive officer of a major U.S. company. Not long ago his company was a leading candidate for a contract to build a new South African manufacturing plant that would provide for governmental needs. The officers of the company decided not to submit a bid on the contract. Why? "Because," said the chief executive, "it would have contradicted the character of our company—what we have long tried to teach our employees to stand for. We would have been directly supporting apartheid."

The plant is now being built by a West German firm. Does this make the U.S. company's action a powerful symbol or a useless gesture?

To phrase the question this way is to suggest an age-old conflict over how humans should define the "moral" element in their behavior. The issue is: Are we most moral when we do good, get results, achieve our purposes? Or when we act rightly, perform an obligation, observe a principle?

The issue is profoundly relevant to the debate now going on over divestment of stock in companies doing business in South Africa. Virtually all American parties to the debate agree that apartheid is a moral abomination. The bottom-line theory moves from this agreement to ask, "What is the most effective means to the abolition of apartheid?"

For 15 years some of us have issued stockholder resolutions and more recently have supported the Sullivan Principles in the hope that various forms of workplace desegregation would help undermine politically enforced racial injustice in South Africa. But apartheid remains, an insult to pragmatic activists who see 15 years as a long time. Some are now wondering if more law-breaking by corporations—allowing the families of workers to live with them in restricted zones or hiring blacks for whites-only jobs—in South Africa might pull the linchpin on the system, an argument for continuing a certain kind of corporate presence there. Meantime, the revolutionary radicals scorn this attempt to overthrow colossal political evil by pygmy economic nibbling. Violence, they say, is the only means to real change in South Africa.

What all these shades of strategic opinion have in common is their means-ends way of reasoning, their utilitarianism. The longer they wrestle with the intransigence of South Africa, the more likely they will stumble at the limits of utility as a guide to human behavior in complex circumstances. How do we act when the desired results are indefinitely delayed? When they remain unpredictable? Or when unanticipated consequences of present action contradict and actually hinder achievement of a goal?

At this point the defenders of "right against wrong" step up with apparent deliverance from the murk of utilitarian moral relativism. Little in human life, they say, yields to precise calculation of results. Supremely is it so in politics. Moreover, it demeans the dignity of humans to press their moral consciences into the vise of calculation. If we always have to wait for the jury of results to come in, we may wait for a long time; and we shall not meantime credit ourselves with the ability to do anything right-in-itself.

When they hear such reasoning, the pragmatic opponents of the "moralizers" fall easily into verbal abuse: "Don't you care what actually happens for good and ill in the lives of people? Are you willing to settle for mere symbols?" The counterreply to this is certain: "What is so 'mere' about symbols? Let us raise a standard to which the wise and just may repair! Let us raise an unambiguous cry against the wrong of this thing!"

Argument dissolves as exclamations multiply. My own view is that each side of this argument needs the other. Neither would be well-advised to treat the other as not "really" moral. Neither, in fact, despises principles or results—each assigns a different priority to the two. My guess is that human societies change with the help of both parties to the argument. Politics needs the pragmatists; without them, we might lose some of our energy for the actual elimination of certain evils. Politics needs its "high ground" principles and symbols, too. If not, why would we be spending millions of dollars to repair the Statue of Liberty, and why our recent furious national controversy over the Bitburg cemetery?

I am a person who has shifted camps in a recent debate over divestment on my own campus. I know that neither the presence of American corporations in South Africa nor divestment by their stockholders is likely to shatter apartheid. But the times may be ripe for actions-from-principle in this matter.

Ironically, people who defer to principle over consequences have sometimes done as much as the strategic calculators to change human history. From the Boston Tea Party to Rosa Parks, the symbolraisers have sometimes done more than they anticipated.

Bishop Desmond Tutu says that he first considered becoming a priest the day in his childhood when a white minister doffed his hat to Tutu's mother. Tutu's Nobel Peace Prize was itself a short of world-class hatdoffing to his struggle for change in South Africa. Such symbols, like principles, have power.●

WILLIS CONOVER'S VOA SHOWS: MAKING AMERICA FRIENDS ABROAD

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. COURTER. Mr. Speaker, for the Voice of America, "Telling America's Story Abroad" involves much more than news about politics. One special program, on jazz, attracts an audience of some 100 million, the largest for any regular international broadcast in history.

Willis C. Conover, Jr., is the broadcaster. For three decades he has been so impressing listeners with his selections and commentaries that he is better known abroad then most American statesmen.

Reader's Digest has published an excellent portrait of Mr. Conover, musicologist and unaccredited diplomat. I think my colleagues will enjoy it but, more to the point, they will be quick to see what a fine thing Conover's Voice of America shows are for making friends for America abroad.

THE WORLD'S FAVORITE AMERICAN

(By Lawrence Elliott)

When Willis Conover speaks, 100 million people listen. He touts nothing but music—jazz and popular standards—yet a Latin American diplomat once said he was America's best emissary of good will. He is not a musician, but he has presided over music festivals from Rio de Janeiro to Bombay. He has been credited with inspiring the revival of jazz in the post-Stalin U.S.S.R. Yet when some Soviet youths mentioned his name recently to a visitor from the United States, the response was, "Willis *who?*"

Only an American would need ask; to much of the world he *is* America. For some 30 years, Willis Clark Conover, Jr., an encyclopedia of 20th-century music, has been the incarnation of "Music USA," an eight-times-weekly Voice of America radio program with the largest audience of any continuing international broadcast in history. When his theme, a Duke Ellington recording of Billy Strayhorn's "Take the 'A' Train," comes over the airwaves, shops empty and streets fall silent as jazz buffs congregate around shortwave sets.

Because law forbids the Voice's broadcasting to the United States, only a tight circle of American jazz fans has heard of Conover. Yet two weeks after he invited listeners to form "Friends of Music USA" clubs, 1300 chapters had been organized around the world.

Nowhere does his star burn brighter—especially among young people—than in the nations of the Soviet bloc. For millions in the Communist world, "Music USA" is an integral part of daily life, and their letters to Conover are both touching and revealing. "You are a source of strength when I am overwhelmed by pessimism, my dear idol," wrote one young Russian.

When Conover began working for the Voice he was the *only* link to jazz for most listeners and professional musicians across Eastern Europe. Many secretly recorded his program and mastered techniques from it. One exuberant Russian musician on whom Conover had never laid eyes charged up to him at an Eastern European jazz festival and cried, "Villis! You are my father!"

It is spring 1959, and Conover has just arrived in Poland for his first visit. Through the plane window he sees a cluster of dignitaries at the foot of the ramp, and beyond the police barriers and the airport fence, an immense crowd, obviously waiting for some VIP—maybe Khrushchev, he thinks. But when Conover steps through the open door of the plane, the crowd breaks into a sustained cheer, and it dawns on him: though there has been no official notice of his visit, nothing but some remarks he had made on the air about his itinerary, the crowd is waiting for him!

Last fall, on the 25th anniversary of that first trip, Conover returns to Warsaw. As is the case whenever he visits Poland, he is mobbed by fans, honored by ceremonies. An

American diplomat cables Washington that Conover's reception can be described only as "incredible."

The stature of this 64-year-old urbane professional stems from the fact that he "knows the music," to use the jazz players' ultimate accolade. His formula for the program is to play the best and to confine his commentary to the subject at hand—without the happy-talk patter associated with disc jockeys. He has never considered it his job to sell the world on America or even on jazz. "The music speaks for itself," he says.

Conover sees jazz as a reflection of the American way. Jazz musicians accept the fundamentals of tempo and key, but beyond that they are at liberty to express themselves, improvising as they go. What they play is a musical version of free speech. It mocks authoritarian impluses. For politically repressed listeners, jazz is a heady whiff of freedom, and Willis Conover is its herald.

"I am not trying to overthrow governments," he says. "I am just sending out something wonderfully creative and human. If its makes people living under repressive regimes stand up a little straighter, so be it."

The son of an army officer, Conover attended a dozen different schools before he was 14. In one of them, he acted the part of a radio announcer in a class play, and his life's course was set. In 1939 Conover, then 18, went to work for a small-town radio station, doing news bulletins, man-in-the-street interviews and disc-jockey shows. When he grew bored with the available records, he borrowed from a nearby music store. Before he even knew what jazz was, he selected records of Louis Armstrong, Duke Ellington and Jimmie Lunceford—men whose music touched him in a special way. Moving on to stations in Washington, D.C., he continued to play that music.

After Army service in World War II, Conover began promoting jazz concerts in the Washington area. The city was segregated then, and most musicians were black. But color-blind enthusiasts came to the little clubs where Conover featured jazz giants, black and white—Charlie Parker, Thelonious Monk, Coleman Hawkins, Buddy Rich, Stan Getz. Conover was out to prove that jazz was American's greatest contribution to 20th-century music, and in the process he helped desegregate the nation's capital.

In 1954, Conover heard that the Voice of America was looking for someone to conduct a jazz program, and he applied. After the first broadcast of "Music USA" on January 6, 1955, there were critics. Some members of Congress cited constituents' complaints that exporting jazz was flaunting a deformation of American culture and was a waste of tax dollars. But Conover, who produces his programs under contract and has never become a government employee, had won a promise that no one was ever going to tell him not to play that kind of record. "If you don't like what I've done," he simply told his bosses, "don't renew my contract." Thirty renewals later, "Music USA" is the Voice's headline attraction, and Conover has received glowing tributes from U.S. Congressmen and Presidents.

It is April 29, 1969, Duke Ellington's 70th birthday, and Conover has arranged a glittering black-tie dinner for 140 at the White House. After Ellington is presented with the Presidential Medal of Freedom, America's highest civilian award, President Nixon asks emcee Conover, "What do we do now?" With so many of the world's most eminent jazzmen assembled, Conover says a jam session might be appropriate. "Mr. Conover says we're going to have a jam session," Nixon announces, then goes off to bed. But the wail of horns and the pounding of drums go on until 2:30 a.m.

The man who is better known abroad than the American Secretary of State likes his anonymity at home. He just shows up at VOA every working day, often carrying a stack of tapes and records. Everything he plays on the air comes from his own collection—which numbers some 60,000 items.

To Conover, each jazz program is an entity that relates to the one before and the one following. And each has a central idea, mood and structure. "It's the same process a composer follows in developing a symphony," he says. "There has to be a theme, variations movement toward a climax." He laughs at the apparent presumption. "Maybe it's more like a recipe—if the cook knows what he's doing, what comes out of the stove should taste better than any single ingredient."

His contribution is the difference between a disc jockey, a designation he despises, and a scholar of contemporary music, which is what he is. His remarks on the music and its performers are offered with the authority of a man who has spent a lifetime studying music and being friends with the ranking jazz musicians of our time.

It is the summer of 1982, and Conover is in Moscow, accompanying touring jazz musicians. They bring the first live American music to the U.S.S.R. since the onset of the East-West freeze more than three years before, and though their arrival goes unreported in the Soviet press, 500 people elbow their way into a 400-seat auditorium to hear them play.

Conover steps to the microphone to introduce the musicians. He gets as far as "Good evening" before the crowd erupts into cheers. One Muscovite reaches up to kiss his hand and says, "If there is a god of jazz, it is you."

Conover is a complex personality with strong convictions. The more he travels abroad the more intensely American he feels. He believes, with Winston Churchill, that democracy is the worst possible form of government—except for all the others. Of communism he says succinctly, "I have seen it not work."

Asked if there will ever be rock music on "Music USA," he replies, "Right now rock is an adolescent fertility rite, a panting attempt to be honest. Music should express some feelings that go beyond lust and saving the whales." (Rock is featured on other VOA programs.)

Why, with his love of music, hasn't he learned to play an instrument? "I've heard too much good music," he says with a grin. "I couldn't stand to practice for years and years knowing I'd never be better than mediocre."

So for three decades now, the good music he has heard has been passed on, along with his mellifluous commentaries, penetrating the night around the world.

"The world changes," a listener once wrote. "Leaders die, governments fall, but every night you turn on the radio and there's Willis. Thank God!"●

A TRIBUTE TO DISNEYLAND

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. DORNAN of California. Mr. Speaker, I rise to pay tribute to Disneyland on the occasion of its 30th anniversary which will be on Wednesday, July 17.

America has seen many changes since Disneyland first opened its doors back in 1955. Cultural phenomenons have come and gone; progress in the sciences has dulled our imaginations; and we have suffered a divisive war in a far off land that made many question the very value system upon which our great Nation was founded. Through it all, however, Disneyland never lost its lustre nor its relevance.

It has been, and remains, a place where one can leave the problems of everyday modern life behind and escape into a world inhabited by delightful characters, such as Mickey Mouse and Donald Duck, who have never entertained a mean or an unworthy thought. It is a special place that is uniquely American.

When Walt Disney first decided to build Disneyland, little did he know that his creation would become an integral part of the American experience. Each year millions of people from all over the world stream through the gates at Disneyland. When they leave, they feel a little better about themselves and about their fellow man. If we have had a better goodwill ambassador than Disneyland the past 30 years, I would like to know who it is.

Disneyland has also led the way in promoting family values and has taught youngsters countless important civic and moral lessons that they are apt to remember throughout their life. After all, when Mickey talks, youngsters listen.

I am proud to represent Disneyland in Congress and am proud to be able to say that I am attending the 30th anniversary of this great American institution.

Thirty years ago at the grand opening, there was a gentleman who participated in the Disneyland ceremonies who later became somewhat famous in his own right. I am speaking, of course, about our President, Ronald Reagan.

I am sure I speak for countless Americans when I wish Disneyland continued success and continued growth. It is a shining example of the values that made our country great and I urge my colleagues, indeed all Americans, to visit the park this year for an experience they will never forget.●

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1985

The House in Committee of the Whole House on the State of Union had under consideration the bill (H.R. 1555) to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes.

● Mr. ARMEY. Mr. Speaker, I rise in strong support of Congressman LOWERY's effort to condemn the ruthless and uncaring manner in which Chairman Mengistu has dealt with the famine crisis in Ethiopia.

The death and suffering taking place in Africa is shocking, and the United States must act immediately to counter the brutal effects of the famine. While I strongly support the appropriation of immediate United States assistance to drought stricken countries throughout Africa, I believe we must do all we can to prevent the use of U.S. funds to help Chairman Mengistu consolidate his totalitarian regime in Ethiopia. Mengistu has been systematically using the famine to destroy his political opposition by depopulating areas in which they operate.

Presently, the main problem in Africa is not a shortage of food, but difficulties in transporting food and supplies to those who need it. This is due to the lack of cooperation evidenced by the Ethiopian Government, and their unwillingness to allow Americans to take charge and distribute the aid. I'm afraid this problem is out of my hands. Let us hope that the Ethiopian people will see the ruthless and uncaring nature of the Mengistu regime and replace it with a more representative government.

However, until they are able to do so, we must voice our protest against Chairman Mengistu and his ruling party called the Dergue. Currently in Ethiopia, 3 million people are in danger of immediate starvation, 7.8 million suffer malnutrition, and an additional 10 to 20 million are in serious danger of starvation. I find it amazing that all of this suffering is occurring in a country with a total population of 43 million.

While the famine rages, Mengistu and his Dergue continue to spend millions of dollars on luxurious perks for the ruling clique. Recently, the Government of Ethiopia spent $100 million on a one-week celebration of its Marxist revolution. Included in the tab was over $1 million for imported scotch and wines, and $5 million for a new statue of Lenin. Such wanton spending in the face of the famine crisis is criminal.

But, the Ethiopian Government has done more than simply ignore the crisis by spending millions on alcohol, parties, and statues. There is proof that on at least two occasions, Ethiopian authorities have stopped and confiscated food and medical supplies destined for Eritrea, an area of strong political opposition. There are also several independent reports from private voluntary organizations and at least one State Department report which confirms the bombing of lines of refugees, crops, and farm animals by forces supported by the Ethiopian Government.

Mengistu has also ordered several measures, such as $12 per ton service charge, which further delay the distribution of the much needed aid. All of these actions either directly or indirectly negatively affect the chances of aid getting to those who need it. Mengistu and his government are not guilty of bringing on the drought, but they are criminally guilty of exacerbating its disastrous effects.

Therefore, I rise in strong support of Congressman LOWERY's amendment to condemn Chairman Mengistu and his corrupt government for failure to deal with the present famine crisis. I believe that Communist agricultural policies are inherently inefficient and provide no incentive for production. These agricultural policies condemn developing nations to chronic food shortages and perpetual dependence on other nations for food. But the actions of Chairman Mengistu are more than mistaken; they are malicious. His actions, and inactions, in dealing with the famine crisis in Ethiopia have been nothing short of criminal.

I urge the adoption of the amendment. ●

KANSAS CITY FESTIVAL HONORS FIVE

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. WHEAT. Mr. Speaker, Kansas City staged its annual Spirit Festival during the Independence Day holiday weekend. The Spirit Festival has become Kansas City's celebration of itself, a 3-day carnival of music, food, and fun for all of the city to enjoy. Staged on the spacious grounds of the Liberty Memorial, thousands of people are able to experience the pleasures that are America—jazz and country music, hot dogs and barbecue, games and fireworks. This year, more than 750,000 people came out to celebrate Kansas City Spirit.

During the festivities, time was taken to honor some citizens who have made significant contributions to Kansas City. Five residents of Kansas City received Spirit Awards for helping to improve life in the city. All of them, Mr. William H. Dunn, Mrs. Marie Evans, Mr. Paul Henson, Dr. Patricia McIlrath, and Mr. Willie Arthur Smith, in their own special and unique ways, have improved the quality of life for the residents of Kansas City and have truly defined the meaning of community spirit.

Mr. William H. Dunn is president and chairman of the board of J.E. Dunn Construction Co. In his 10 years in that capacity, Mr. Dunn has epitomized the stable, yet innovative, leadership needed to nurture growth in Kansas City. Recognized by the community as an outstanding individual, Mr. Dunn was selected Mr. Kansas City of 1982 by the Greater Kansas City Chamber of Commerce for his civic contributions.

The rich cultural traditions of a city often can be found in the area's artistic displays. Marie Evans has been a guiding force behind the city's arts events as founder and producer of the Kansas City Renaissance Festival. She has also volunteered her time and energy on behalf of the Symphony Orchestra, the Nelson-Atkins Museum, Lyric Opera, the Kansas City Art Institute, and the Minute Circle Friendly House. Her efforts in promoting and preserving the artistic traditions of Kansas City deserve recognition.

Chairman of United Telecommunications, Inc., Mr. Paul Henson is constantly devoting his energies to charitable organizations. He has been chairman of the Heart of America United Way Campaign and president of the Heart of America United Way. He serves as a member of President's Reagan's National Security Telecommunications Advisory Committee and just recently resigned as Honorary Consul of Sweden in the Kansas City region. Combining his business talents with an acute sense of community spirit, Mr. Henson is a true leader in our community.

The Missouri Repertory Theater has won both national and international acclaim since its inception in 1964. The creative talents of Dr. Patricia A. McIlrath are largely responsible for the prominence of the Repertory Theater. A native of Kansas City, Ms. McIlrath returned home in 1954 to become head of the UMKC Theater, Speech and Radio Department. She has attracted major philanthropic attention to the Repertory and has had the creative foresight and energy to produce such extravagant successes as "The Life and Adventures of Nicholas Nickleby," "A Christmas Carol" and, most recently, "Peter Pan."

The most vibrant aspect of a city is its young people. Willie Arthur Smith has exemplified a commitment to

Kansas City's youth for the last 15 years that serves as a standard for all of us. As founder and director of "The Marching Cobras," Mr. Smith has helped hundreds of our youths mature into responsible adults. His creative talents and drive have molded "The Marching Cobras" into an award-winning ensemble recognized nationwide, including in Washington, DC, since their performance on the steps of the U.S. Capitol in 1983. More than a social studies teacher or director of "The Marching Cobras," Mr. Smith has been a friend and father figure to many of our city's youth.

Mr. Speaker, our country was forged on the sense of community involvement and spirit, a sense of neighbors helping neighbors, Americans helping Americans. Today, in Kansas City, these five people are continuing that tradition. They deserve our heartfelt gratitude and praise, and in turn, we should try to follow their example.●

SANDINISTA OPPRESSION OF CHURCH IN NICARAGUA CONTINUES UNABATED

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. HYDE. Mr. Speaker, Commandante Ortega and the Sandinista Communist regime he heads continue their oppression of the Nicaraguan Catholic Church. The people of Nicaragua rejoiced recently when Pope John Paul II elevated Archbishop Miguel Obando y Bravo of Managua to the College of Cardinals. The Communist government of Nicaragua, of course, did not share the joy of the Nicaraguan people. The Sandinistas' Marxist ideology does not tolerate the religious beliefs of free minds.

The Sandinista Ministry of Communications has commanded Nicaraguan Catholic Radio to cease broadcasting the cardinal's masses or the Sandinistas will seize the radio station.

In the United States, we enjoy the freedom to worship and the freedom of speech. We must stand with the people of Nicaragua who struggle to gain these freedoms against the dictates of a totalitarian Sandinista government imposed on them by force of arms.

An article in the Washington Times of July 3, 1985, details the Sandinista suppression of broadcasts by Cardinal Obando's masses:

[From the Washington Times, July 3, 1985]

NICARAGUA GAGS CLERIC'S BROADCASTS

MANAGUA, Nicaragua (UPI).—The government renewed a ban yesterday on live radio broadcasts of homilies given by Nicaragua's Catholic cardinal, a long-time critic of the Marxist government.

Six weeks ago, the Interior Ministry lifted its 3-year-old prohibition of Catholic Radio's live broadcasts of Cardinal Miquel Obando y Bravo's homilies.

Nicaragua began press censorship in March 1982, when resistance forces stepped up attacks aimed at overthrowing the Sandinista government.

But Capt. Nelba Cecilia Blandon, director of the ministry's communications office, sent a letter to the radio saying it must stop the broadcasts.

"Because of the state of emergency, live and direct transmissions [of Cardinal Obando y Bravo's homilies] are not permitted."

Radio director the Rev. Bismarck Carballo said Capt. Blandon also warned the radio separately that if it publicized the cardinal's Masses, "I would not only order the closing of Radio Catolica, but that we confiscate it."

Father Carballo said he sent a protest letter to Capt. Blandon over "the abuse of authority and the impudent violation of the fundamental rights of freedom of expression and worship."

In its Monday edition, the official daily Barricada accused Cardinal Obando y Bravo of meeting with "ultra-rightist politicians" last Saturday and of having compared the Sandinista leaders with communists.

The newspaper said he recently called on Catholics "to not let their heads be cut off by Russian communism that with the sickle cuts the head and with the hammer crushes it. Where can the country go with men without heads?"●

ADMINISTRATION RECOMMENDATIONS FOR REFORMING ERISA TITLE VI SINGLE EMPLOYER TERMINATION INSURANCE PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mrs. ROUKEMA. Mr. Speaker, today, Secretary of Labor William Brock, as Chairman of the Pension Benefit Guaranty Corporation, has forwarded to the Congress the legislative recommendations supported by the administration which are designed to close certain loopholes existing under ERISA title IV and to increase the financing of the single-employer termination insurance program.

I am today introducing the legislation containing those recommendations, entitled the Single Employer Pension Plan Amendments Act of 1985, together with my colleague, Mr. JIM JEFFORDS, the ranking member on the Committee on Education and Labor.

The nearly one-half billion-dollar PBGC deficit, which is rapidly rising, makes it clear that the single-employer program needs both additional permium revenue and structural reform. The administration bill would increase to $7.50 per annum the insurance premium paid to the PBGC by single-employer plans and would make substantive changes in the program itself. The premium increase and the reforms are urgently needed for the PBGC to continue to guarantee the financial security of the single-employer insurance program. This bill would also close the door to unwarranted termination claims by allowing only employers that meet a distress test to terminate their underfunded plans and transfer the costs to other corporate premium payers.

Generally, this legislation addresses the shortcomings of the Title IV Single-Employer Termination Insurance Program in a fashion similar to the three-bill package which Mr. CLAY, chairman of the Subcommittee on Labor-Management Relations, and I introduced on June 20 (H.R. 2811, 2812, and 2813). The dissimilarities in the two approaches are not so great so as to prevent a common ground from being reached among those interested in securing the benefits of employees and retirees under terminated plans.

The Subcommittee on Labor-Management Relations will hold hearings on these single-employer reform bills next Tuesday, July 16, in room 2257, Rayburn, beginning at 10 a.m. It is expected that the expedited basis on which these hearings are being held will result in their early markup before the August recess.●

THE SOVIET FAILURE TO SUPPORT THE HELSINKI ACCORDS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. VENTO. Mr. Speaker, in considering human rights violations in the Soviet Union, the focus of the public and we in Congress has been on the Soviet refusal to allow refuseniks to emigrate and the continued disregard of the human rights of Soviet dissidents.

Placing our focus on these Soviet violations of the Helsinki accords is important. Oftentimes these Soviet citizens are in severe straits. They have lost their jobs, have been exiled and continually harassed and, in some instances, have developed serious health problems. While our efforts to secure the release of these prisoners of conscience are not always successful, we must continue to bring public pressure and world opinion to bear on the current Soviet policies.

Of equal concern is the Soviet failure to live up to the Helsinki accords provisions on the contacts and regular meetings on the basis of family ties.

Mr. Speaker, this provision of the Helsinki accords states:

In order to promote further development of contacts on the basis of family ties the participating States will favorably consider applications for travel with the purpose of allowing persons to enter or leave their ter-

ritory temporarily, and on a regular basis if desired, in order to visit members of their families.

Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements of travel documents and visas will be applied in this spirit. The preparation and issue of such documents and visas will be effected within reasonable time limits; cases of urgent necessity—such as serious illness or death—will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

They confirm that the presentation of an application concerning contacts on the basis of family ties will not modify the rights and obligations of the applicant or of members of his family.

Despite this clear language, the Soviet Union is denying visas to those seeking to visit with their families in the Soviet Union. I, as well as many of my colleagues, have constituents who legally emigrated from the Soviet Union. Today when they seek to return to the U.S.S.R. to visit family and friends, their visa applications are denied without any justification.

It is important that we in Congress speak out against this Soviet violation of the Helsinki accords. Earlier this year, I wrote to our Secretary of State to urge that the United States press for a change in policy to allow for family visits. I hope that my colleagues will join me in pressing for this important change in Soviet policy.●

SHORTER WORK WEEK

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. CONYERS. Mr. Speaker, at no previous time during a cyclical economic recovery has the unemployment rate been so staggeringly high. While the Department of Labor puts the figure of unemployed persons at 8.3 million, 7.3 percent, the real figure is closer to 14.5 million, 13 percent. Historically, this would have been considered a sign of crisis but under the current administration it is largely ignored.

This week I introduced H.R. 2933, the Shorter Work Week Act of 1985. If enacted, the bill would shorten the standard statutory work week to a 4-day week, 8-hour day, with double time for overtime. This legislation is in the spirit of the historical movements to spread available work among all the labor force—men, women and youth and, not least, minorities. It would create a full employment economy and help eliminate the terrible conditions of unemployment as experienced, for instance, among our black youth, whose unemployment rate still exceeds 40 percent.

The costs to both human beings and the economy of the persistently high unemployment rates must be seen as unacceptable. For every 1 percentage increase in unemployment, it costs the Federal Government approximately $24 billion in terms of increased domestic program expenditures and the simultaneous loss of revenue, according to the Congressional Budget Office. This does not include the human and economic costs, now well documented, of impaired physical and mental health, increases in crime, alcoholism, suicide, drug abuse, child abuse and the other social ills that afflict societies with high unemployment.

Indeed, the historical trend toward a shorter work week has become widespread in Europe as a method of providing both more jobs and more leisure time. In this country, it would create, at the very least, 7 million additional jobs—jobs which, according to virtually all of the historical and international analyses, would simultaneously spur industrial productivity. In addition, this proposal may represent the most promising way to deal with the seemingly intractable budget deficit. With full employment, the welfare rolls would drop, Federal expenditures would be dramatically lowered, and the tax base would be considerably broadened.

It is fallacious to believe that the current policies will deal adequately with the unemployment problem and its attendant social and fiscal ills. Approximately 5 million fewer jobs were created in the past 4 years than in the previous 4. Also, other traditional indicators are at historical lows for a cyclical economic recovery.

Today, the Nation faces a long term unemployment problem which transcends cyclical changes in the economy. The gap between economic recovery and employment recovery continues to widen with each subsequent recession, with the most recent downturn witnessing nearly an 11-percent unemployment rate. This trend is exacerbated by the shift from the manufacturing sectors to the service sectors.

The current fiscal and monetary policies, coupled with the long developing structural changes, are creating an actual deindustrialization of America and forcing large and disparate displacement in major regions of the country. There are few other proposals that I know of that could deal with our chronic unemployment problem in such a comprehensive and justicious manner, without appropriating any Federal funds. It is an idea whose time has come.●

EXPAND THE SWING BED PROGRAM IN RURAL HOSPITALS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, under current Federal law, rural hospitals with fewer than 50 beds are permitted to use empty beds for elderly patients needing skilled nursing care. The swing bed program has proven beneficial to both patients and hospitals alike. Many nursing homes in rural areas are operating at or near capacity thus creating a shortage of skilled nursing care beds. In these areas, the swing bed program provides the opportunity for elderly patients to receive quality care close to their homes and families. At the same time, participating rural hospitals—which are often underutilized—can operate more efficiently, thereby helping to ensure their survival is important to the entire community.

Despite all the valuable contributions the swing bed program has made to rural health care, the 50-bed ceiling prohibits many facilities from participating. While there is an obvious need to expand the program, existing skilled nursing facilities should not be jeopardized. In an effort to balance the needs of these two important components of rural health care, I am introducing legislation to expand the swing bed program to allow rural hospitals with up to 150 beds to participate and to require that a swing bed patient be transferred to a skilled nursing facility when an appropriate bed becomes available.

Changing the swing bed program will enhance the financial well-being of rural hospitals so that they remain in operation to serve the entire community while ensuring that quality convenient health care is available to all elderly patients.●

GIVE PEACE A CHANCE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Ms. OAKAR. Mr. Speaker, it is encouraging to hear that there continues to be progress toward peace negotiations in the Middle East. According to press accounts, Secretary of State Shultz is currently evaluating a list of Palestinians, who are not members of the PLO, for proposed inclusion in a joint Jordanian-Palestinian delegation that would meet with U.S. officials as an initial step toward peace talks between that delegation and Israel.

All the peoples of the Middle East suffer from intense anxiety that stems from generations of hostilities. The yearning for peace is intense. That common yearning is surely the basis for a settlement that respects the basic rights of all the peoples of the region, including the Israelis, Jordanians, and Palestinians. Consideration of Palestinian representatives for a Middle East peace delegation is an important acknowledgment that there can be no meaningful peace negotiations without inclusion of the Palestinian people and no peace settlement without a resolution of the Palestinian problem.

I hope my colleagues will support these peace efforts by helping to eliminate roadblocks that frustrate peace efforts and by supporting and encouraging a meaningful peace process.●

A WELCOME TO MAUREEN AND PADRAIG BOLAND

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. BOLAND. Mr. Speaker, one of our more pleasant duties as Members of Congress is to welcome visitors to our Nation's Capital, and particularly to the Chamber of the House of Representatives.

On July 12, I had the pleasure of extending a warm welcome to three special visitors. Father Dan Boyle, a fine young priest from my hometown of Springfield, MA; and his traveling companions, Mrs. Maureen Dunleavy Boland and her son, Padraig, from Dublin, Ireland. This was Mrs. Boland's first visit to Washington, and as a teacher I know she found much of interest in our beautiful Capital City. I hope she and Padraig enjoyed their stay in Washington as much as I have enjoyed my visits to Dublin.

Mr. Speaker, those of us privileged to be of Irish descent take special pleasure in showing off our country to travelers from the land of our ancestors. When those visitors are relatives—albeit distant ones—like Maureen and Padraig Boland that pleasure is even more deeply felt. I am delighted to have had them on Capitol Hill, and I hope their sojourn was so pleasant as to entice them back to these shores on many occasions in the future.●

TRIBUTE TO DALE WALTER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1985

● Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual who has been named Man of the Year by the City of Hope, a hospital specializing in the research and treatment of cancer.

Mr. Dale Walter, president and chief executive officer of the Bank of Industry, came to the 34th Congressional District in 1980, establishing the Bank of Industry in the city of Industry. Since that time, Mr. Walter has assisted hundreds of businesses, focusing on ambitious growth-oriented companies and entrepreneurial businesses.

In 4 years, Mr. Walter lead the Bank of Industry to the position it now enjoys, with total assets of over $100 million and deposits of over $92 million. Of the 407 independent banks in California, the Bank of Industry ranks No. 76. This is a phenomenal achievement to be sure.

Mr. Walter's contribution to his community carries the same commitment of time and energy as does his commitment to making the Bank of Industry the success that it is today.

For years, Mr. Walter has been an active fundraiser for civic organizations including the American Heart Association, Boy Scouts and the United Way.

Because of his record as a community volunteer, Mr. Walter has been selected as the City of Hope's "500 Club" Man of the Year. He will be honored on July 20, 1985 at the Beverly Hilton Hotel, in Beverly Hills. Proceeds from this gala are expected to be over $150,000. This money will go to the City of Hope's Leukemia Research Center.

Mr. Speaker, I ask that my colleagues join me in congratulating Mr. Walter on being selected Man of the Year by the City of Hope and wishing him well on this very special occasion.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 16, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

9:00 a.m.

*Labor and Human Resources

Business meeting, to consider the nomination of Chester E. Finn, Jr., of Tennessee, to be Assistant Secretary of Education for Educational Research and Improvement, S. 1105, to reform the Walsh-Healey Act to allow private sector employers performing work for the Federal government to work flextime hours, S. 801, to authorize funds for fiscal year 1986 for the National Science Foundation, and other pending calendar business.

SD-430

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. Res. 178, to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standards, and S. 1097, to provide for the appropriate treatment of methanol powered automobiles.

SR-253

Energy and Natural Resources

To hold hearings on the nominations of Charles A. Trabandt, of Virginia, to be a Member of the Federal Energy Regulatory Commission, and Russell F. Miller, of Maryland, to be Deputy Inspector General of the U.S. Synthetic Fuels Corporation.

SD-366

Finance

To continue hearings on the President's tax reform proposal.

SD-215

Select on Intelligence

To resume closed hearings on the development of a national intelligence strategy.

SH-219

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.

SR-328A

Environment and Public Works

Environmental Pollution Subcommittee

To resume oversight hearings to review Environmental Protection Agency regulations concerning ocean incineration of hazardous waste.

SD-406

Foreign Relations

To continue hearings in closed session on embassy security.

S-116, Capitol

Labor and Human Resources

To hold hearings on civil rights issues.

SD-430

Select on Indian Affairs

To hold hearings on S. 1398, to revise certain provisions of Title XI of the Education Amendments of 1978, relating to Indian education programs, and

S. 1349, to provide for the use and distribution of certain judgment funds awarded to the Mdewakanton and Wahpekute Eastern or Mississippi Sioux Tribes.
SR-485

Conferees
Closed, on S. 1160, authorizing funds for fiscal year 1986 for the Department of Defense.
S-407, Capitol

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

1:30 p.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on the status of Bureau of the Census planning for the implementation of the 1990 Decennial Census.
SD-342

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Rebecca G. Range. of the District of Columbia, and Jennifer A. Hillings, of California, each to be an Assistant Secretary of Transportation.
SR-253

Environment and Public Works
To hold hearings to evaluate alternatives for developing land adjacent to Union Station in Washington, D.C. for use of the Administrative Offices of the U.S. Courts.
SD-406

Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Foreign Relations
To hold hearings on the nomination of Thomas M.T. Niles, of the District of Columbia, to be Ambassador to Canada.
SD-419

JULY 18

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the Federal Reserve's second report on the conduct of monetary policy for 1985.
SD-538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To continue hearings on the President's tax reform proposal.
SD-215

*Labor and Human Resources
To hold hearings to review childhood vaccination programs.
SD-430

Rules and Administration
To hold hearings on the equities of "pooling" public events of news interest in the Senate, including cost allocation of the pool for the 1985 Presidential Inaugural Ceremonies in the U.S. Capitol.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold oversight hearings on present activities and future of the National Park Service.
SD-366

Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on U.S.-Japan service industry trade.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

11:00 a.m.
Conferees
Closed, on S. 1160, authorizing funds for fiscal year 1986 for the Department of Defense.
S-407, Capitol

2:00 p.m.
Environment and Public Works
Business meeting, to mark up S. 366, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 1312, to require the Federal Communications Commission to examine the implications of a proposed change in ownership of a major national television network.
SR-253

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, and related measures.
SR-328A

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
To hold closed hearings on counterintelligence matters.
SH-219

JULY 19

9:00 a.m.
Conferees
Closed, on S. 1160, authorizing funds for fiscal year 1986 for the Department of Defense.
S-407, Capitol

9:30 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Atlantic Striped Bass Conservation Act (P.L. 98-613).
SD-406

Finance
To continue hearings on the President's tax reform proposal.
SD-215

JULY 22

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 522, to prohibit the use of Federal financial assistance to perform abortions except where the life of the mother would be endangered.
SD-226

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1418, the Tobacco Improvement Act of 1985.
SR-328A

10:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on water supply issues of the Mid-Atlantic Region encompassing those States contiguous with the Delaware River Basin.
SD-366

JULY 23

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine problems facing the Nation's electric utility industry, focusing on the prospect of serious shortages of electric power by the early 1990's.
SD-366

*Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy contractors.
SD-406

Labor and Human Resources
Business meeting, on pending calendar business.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1245 and S. 747, bills authorizing funds for programs of the Magnuson Fishery and Conservation Management Act, and S. 1386, to promote the Americanization of domestic marine fishery resources.
SR-253

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on the continuation of most-favored-nation (MFN) treatment for Hungary, Romania, China, and Afghanistan, and S. 925, to deny MFN status to Afghanistan.
SD-215

JULY 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1310, to improve the effectiveness of the political broadcasting laws.
SR-253
Finance
To resume hearings on the President's tax reform proposal.
SD-215
Rules and Administration
To hold hearings on S. 581, S. 582, S. 583, and S. 1311, bills authorizing funds for certain activities of the Smithsonian Institution.
SR-301

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."
SD-342
Select on Indian Affairs
Business meeting, to mark up S. 1398, to revise certain provisions of Title XI of the Education Amendments of 1978, relating to Indian education programs, S. 1349, to provide for the use and distribution of certain judgment funds awarded to the Mdewakanton and Wahpekute Eastern or Mississippi Sioux Tribes, and S. 1106, to provide for the use and distribution of judgment funds awarded to the Saginaw Chippewa Tribe of Michigan.
SR-485

JULY 25

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings to examine problems facing the Nation's electric utility industry, focusing on the prospect of serious shortages of electric power by the early 1990's.
SD-366
*Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 445, to revise certain provisions regarding liability for nuclear incidents, and S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by Nuclear Regulatory Commission licensees or Department of Energy Contractors.
SD-406
Finance
To continue hearings on the President's tax reform proposal.
SD-215
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on money laundering activities in Puerto Rico.
SD-342
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the impact of the Supreme Court's ruling in Garcia vs. San Antonio Metropolitan Transit Authority on the coverage of state and local government employees under the Fair Labor Standards Act.
SD-430

10:00 a.m.
Foreign Relations
International Economic Policy, Oceans, and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for activities of the Overseas Private Investment Corporation.
SD-419
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To continue hearings to review a report of the General Accounting Office on "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems."
SD-138
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the manufacture of designer drugs.
SD-562

2:00 p.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 177, American Defense Education Act.
SD-562

JULY 29

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on competitiveness in the long-distance telephone markets.
SD-106

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine certain problems encountered by employers in the funding of retiree health benefits.
SD-215

1:30 p.m.
Finance
Health Subcommittee
To hold hearings to examine the causes of higher costs experienced by hospitals treating low-income patients.
SD-215

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 824, authorizing funds for programs of title I of the Marine Protection, Research, and Sanctuaries Act of 1972, and related measures.
SD-406

JULY 30

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on competitiveness in the long-distance telephone markets.
SR-253

10:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings to review the programs and policies of the Tennessee Valley Authority.
SD-406
Foreign Relations
To hold hearings on pending treaties.
SD-419

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

JULY 31

9:30 a.m.
Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Federal Aid Highway Program.
SD-406
Foreign Relations
To hold hearings to review current U.S. financing of foreign military exports.
SD-419

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
Business meeting, to mark up S. 992, to discontinue or modify certain requirements for agency reports to Congress, and S. 1134, to permit Federal agencies to impose monetary penalties on individuals or companies which submit certain false claims to the government.
SD-342

AUGUST 1

10:00 a.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor to examine the scope of illiteracy.
SD-430

SEPTEMBER 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 17

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

SEPTEMBER 19

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106